

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~Square brackets and strikethrough~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 392. PURCHASE OF GOODS AND SERVICES FOR SPECIFIC HEALTH AND HUMAN SERVICES COMMISSION PROGRAMS SUBCHAPTER C. AUTISM PROGRAM

1 TAC §§392.201, 392.203, 392.205, 392.207

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of §392.201, concerning Definitions; §392.203, concerning Staff Qualifications; §392.205, concerning Criminal Background Checks; and §392.207, concerning Safety.

BACKGROUND AND PURPOSE

Currently, the rules for the Children's Autism Program are located in two separate chapters in the Texas Administrative Code (TAC). The purpose of the proposal is to repeal the program rules in 1 TAC Chapter 392, Subchapter C, Autism Program. The proposed repeals remove outdated references to the Department of Assistive and Rehabilitative Services (DARS) and allows the Texas Health and Human Services Commission (HHSC) to locate all of the Children's Autism Program rules in 26 TAC, Chapter 358.

HHSC is proposing new, amended, and repealed rules in 26 TAC, Chapter 358, Children's Autism Program, to replace the repealed rules and to update and organize the repealed rules with other rules in Chapter 358. The proposed new, amended, and repealed rules in Chapter 358 are published elsewhere in this issue of the *Texas Register*.

SECTION-BY-SECTION SUMMARY

The proposed repeal of §392.201, §392.203, §392.205, and §392.207 removes the rules so that all of the Children's Autism Program rules can be located in one chapter of the TAC where the rules can be updated.

FISCAL NOTE

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforcing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will not create a new regulation;
- (6) the proposed rules will repeal existing regulations;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities related to the repeals as there are no requirements to alter business practices.

LOCAL EMPLOYMENT IMPACT

The proposed repeals will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the repeals do not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Haley Turner, Deputy Executive Commissioner for Community Services, has determined that for each year of the first five years the repeals are in effect, the public will benefit from having all of the Children's Autism Program rules in one chapter in the Texas Administrative Code.

Trey Wood has also determined that for the first five years the repeals are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed repeals because the repeals do not impose any requirements.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as

well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 25R044" in the subject line.

STATUTORY AUTHORITY

The repeals are authorized by 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; Texas Human Resources Code §117.082, which requires HHSC to adopt rules for the children's autism program; and Texas Human Resources Code, Chapter 114, which directs HHSC to perform the duties and functions of the Texas Council on Autism and Pervasive Developmental Disorders.

The repeals implement Texas Government Code §524.0151 and Texas Human Resources Code §117.082, and Texas Human Resources Code Chapter 114.

§392.201. *Definitions.*

§392.203. *Staff Qualifications.*

§392.205. *Criminal Background Checks.*

§392.207. *Safety.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 20, 2026.

TRD-202601675

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 815-6272



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 22. PROCEDURAL RULES SUBCHAPTER M. PROCEDURES AND FILING REQUIREMENTS IN PARTICULAR COMMISSION PROCEEDINGS

16 TAC §22.242

The Public Utility Commission of Texas (commission) proposes amendments to 16 TAC §22.242 relating to complaints. These proposed amendments will implement Texas Water Code Chapter §13.5051 as enacted by Senate Bill (SB) 790 during the Texas 89th Regular Legislative Session and Texas Water Code §13.153 as enacted by SB 1778 during the Texas 88th Regular Legislative Session. The amended rules will streamline the commissions complaints process for all utilities under the commission's jurisdiction. The amended rules will additionally allow, upon customer request, a retail public utility to initiate, transfer, or terminate a customer's retail water or sewer service.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed amendments are in effect, the following statements will apply:

- (1) the proposed amendments will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed amendments will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed amendments will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed amendments will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed amendments will not create a new regulation;
- (6) the proposed amendments will not expand, limit, or repeal an existing regulation;
- (7) the proposed amendments will not change the number of individuals subject to the rule's applicability; and
- (8) the proposed amendments will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed amendments. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed amendments will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Iliana De La Fuente, Attorney, Rules & Projects, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. De La Fuente has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined complaints process and simplified methods of initiating, transferring or terminating service as customers prefer. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by June 19, 2026. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by June 19, 2026. Comments should be organized in a manner consistent with the organization of the proposed amendments. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed amendments. The commission will consider the costs and benefits in deciding whether to modify the proposed amendments on adoption. All comments should refer to Project Number 59557.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

Statutory Authority

The amendments are proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction. §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction. Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction Texas Water Code §13.153, which provides a retail public utility to initiate, transfer, or terminate a customer's service upon receipt of a request from

the customer, which can be made via various means such as mail, telephone, or electronic transmission.

§22.242. *Complaints.*

(a) Records of complaints. Any affected person may complain to the commission, either in writing or by telephone, setting forth any act or thing done or omitted to be done by any person under the jurisdiction of the commission in violation or claimed violation of any law which the commission has jurisdiction to administer or of any order, ordinance, rule, or regulation of the commission. The commission staff may request a complaint made by telephone be put in writing if necessary to complete investigation of the complaint. The commission will ~~[shall]~~ keep information about each complaint filed with the commission. The commission will ~~[shall]~~ retain the information in conformance with the agency's records retention schedule as approved by the Texas State Library and Archives Commission. The information must ~~[shall]~~ include:

- (1) the date the complaint is received;
- (2) the name of the complainant;
- (3) the subject matter of the complaint;
- (4) a record of all persons contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and
- (6) for complaints for which the commission took no action, an explanation of the reason the complaint was closed without action.

(b) Access to complaint records. The commission will ~~[shall]~~ keep a file about each ~~[written]~~ complaint filed with the commission that the commission has the authority to resolve. The commission will ~~[shall]~~ provide to the person filing the complaint and to the persons or entities complained about the commission's policies and procedures pertaining to complaint investigation and resolution. The commission, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person or entity complained of about the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) Informal resolution required in certain cases. An affected [A] person seeking to make a complaint against a utility through the commission must present a complaint to the consumer protection division [commission] for informal resolution [before presenting the complaint to the commission].

(1) Exceptions. A complainant may present a ~~[formal]~~ complaint to the enforcement division of the commission, without first presenting [referring] the complaint for informal resolution, if:

(A) the complainant is commission staff, the Office of Public Utility Counsel, or any city;

~~[(B) the complaint is filed by a qualifying facility and concerns rates paid by an electric utility for power provided by the qualifying facility, the terms and conditions for the purchase of such power, or any other matter that affects the relations between an electric utility and a qualifying facility;]~~

(B) ~~[(C)]~~ the complaint is filed by a person alleging that an electric utility or a telecommunications utility has engaged in anti-competitive practices;

(C) ~~[(D)]~~ the complaint has been the subject of a complaint proceeding conducted by a city;

~~(D)~~ ~~[(E)]~~ the complaint is filed by a person alleging that a water or sewer utility has abandoned the service of the utility; or

~~(E)~~ ~~[(F)]~~ the complaint is filed by a person alleging that a wholesale water or sewer provider has discontinued, reduced, or impaired its wholesale water or sewer service to its customers for reasons other than those specified in §24.88 of this title (relating to Discontinuance of Service).

~~(2)~~ To present a complaint to the Enforcement division directly, a complainant that qualifies under the criteria listed in paragraph ~~(1)~~ must present their complaint in writing to the following: email ~~(TBD)~~ or mail their complaint to ~~(Public Utility Commission of Texas, Enforcement Division, P.O. Box 13326, Austin, Texas 78711-3326).~~

~~[(2)]~~ For any complaint that is not listed in paragraph ~~(1)~~ of this subsection, the complainant may submit to the commission a written request for waiver of the requirement for attempted informal resolution. The complainant shall clearly state the reasons informal resolution is not appropriate. The commission staff may grant the request for good cause.]

~~(d)~~ Termination of informal resolution. The commission staff ~~will [shall]~~ attempt to informally resolve all complaints within 35 days of the date of receipt of the complaint. The commission staff ~~will [shall]~~ notify, in writing, the complainant and the person against whom the complainant is seeking relief of the status of the dispute at the end of the 35-day period. If the Consumer Protection Division finds or suspects a violation at the conclusion of the investigation, or finds a complaint qualifies under section (c)(1) of this section, the informal complaint and record will be transferred to the Enforcement section of the commission for review. [If the dispute has not been resolved to the complainant's satisfaction within 35 days, the complainant may present the complaint to the commission. The commission staff shall notify the complainant of the procedures for formally presenting a complaint to the commission.]

~~[(e)]~~ Formal Complaint. If an attempt at informal resolution fails, or is not required under subsection ~~(e)~~ of this section, the complainant may present a formal complaint to the commission.]

~~[(1)]~~ Requirement to present complaint concerning electric, water, or sewer utility to a city. If a person receives electric, water, or sewer utility service or has applied to receive electric, water, or sewer utility service within the limits of a city that has original jurisdiction over the electric, water, or sewer utility providing service or requested to provide service, the person must present any complaint concerning the electric, water, or sewer utility to the city before presenting the complaint to the commission.]

~~[(A)]~~ The person may present the complaint to the commission after:]

~~[(i)]~~ the city issues a decision on the complaint; or]

~~[(ii)]~~ the city issues a statement that it will not consider the complaint or a class of complaints that includes the person's complaint.]

~~[(B)]~~ If the city does not act on the complaint within 30 days, the commission may send the city a letter requesting that the city act on the complaint. If the city does not respond or act within 30 days from the date of the letter, the complaint shall be deemed denied by the city and the commission shall consider the complaint.]

~~[(2)]~~ The commission staff may permit a complainant to cure any deficiencies under this subsection and may waive any of the requirements of this subsection for good cause, if the waiver will not materially affect the rights of any other party. A formal complaint shall include the following information:]

~~[(A)]~~ the name of the complainant or complainants;]

~~[(B)]~~ the name of the complainant's representative, if any;]

~~[(C)]~~ the address, telephone number, and facsimile transmission number, if available, and, unless the person has filed a statement under §22.106 of this title (relating to Statement of No Access), the email address of the complainant or the complainant's representative;]

~~[(D)]~~ the name of the person against whom the complainant is seeking relief;]

~~[(E)]~~ if the complainant is seeking relief against an electric, water, or sewer utility, a statement of whether the complaint relates to service that the complainant is receiving within the limits of a city;]

~~[(F)]~~ if the complainant is seeking relief against an electric, water, or sewer utility within the limits of a city, a description of any complaint proceedings conducted by the city, including the outcome of those proceedings;]

~~[(G)]~~ a statement of whether the complainant has attempted informal resolution through the commission staff and the date on which the informal resolution was completed or the time for attempting the informal resolution elapsed;]

~~[(H)]~~ a description of the facts that gave rise to the complaint; and]

~~[(I)]~~ a statement of the relief that the complainant is seeking.]

~~[(f)]~~ Copies to be provided. A complainant shall file the required number of copies of the formal complaint as required by §22.71 of this title (relating to Filing of Pleadings, Documents, and Other Materials). A complainant shall provide a copy of the formal complaint to the person from whom relief is sought.]

~~[(g)]~~ Docketing of complaints. Any complaint that substantially complies with the requirements of this section shall be docketed.]

~~[(h)]~~ Continuation of service during processing of complaint. In any case in which a formal complaint has been filed and an allegation is made that a person is threatening to discontinue a customer's service, the presiding officer may, after notice and opportunity for hearing, issue an order requiring the person to continue to provide service during the processing of the complaint. The presiding officer may issue such an order for good cause, on such terms as may be reasonable to preserve the rights of the parties during the processing of the complaint.]

~~(c)~~ ~~[(+)]~~ List of cities without regulatory authority. The commission ~~will [shall]~~ maintain and make available to the public a list of the municipalities that do not have exclusive original jurisdiction over all electric rates, operations, and services provided by an electric utility within its city or town limits and a list of the municipalities that have surrendered to the commission original jurisdiction over the rates charged by a utility for retail water or sewer service within the corporate boundaries of the municipality.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.
TRD-202601660



CHAPTER 24. SUBSTANTIVE RULES
APPLICABLE TO WATER AND SEWER
SERVICE PROVIDERS
SUBCHAPTER F. CUSTOMER SERVICE AND
PROTECTION

16 TAC §24.153

The Public Utility Commission of Texas (commission) proposes amendments to §24.153, relating to Customer Relations. These proposed amendments will implement Texas Water Code Chapter §13.5051 as enacted by Senate Bill (SB) 790 during the Texas 89th Regular Legislative Session and Texas Water Code §13.153 as enacted by SB 1778 during the Texas 88th Regular Legislative Session. The amended rule will streamline the commissions complaints process for all utilities under the commission's jurisdiction. The amended rule will additionally allow, upon customer request, a retail public utility to initiate, transfer, or terminate a customer's retail water or sewer service.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed amendments, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed amendments are in effect, the following statements will apply:

- (1) the proposed amendments will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed amendments will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed amendments will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed amendments will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed amendments will not create a new regulation;
- (6) the proposed amendments will not expand, limit, or repeal an existing regulation;
- (7) the proposed amendments will not change the number of individuals subject to the rule's applicability; and
- (8) the proposed amendments will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed amendments. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed amendments will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Iliana De La Fuente, Attorney, Rules & Projects, has determined that for the first five-year period the proposed amendments are in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. De La Fuente has determined that for each year of the first five years the proposed amendments are in effect the public benefit anticipated as a result of enforcing the section will be a streamlined complaints process and simplified methods of initiating, transferring or terminating service as customers prefer. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed amendments are in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by June 19, 2026. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by June 19, 2026. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed amendments. The commission will consider the costs and benefits in deciding whether to modify the proposed amendments on adoption. All comments should refer to Project Number 59557.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

Statutory Authority

The amendments are proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically des-

igned or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction. §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction. Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction Texas Water Code §13.153, which provides a retail public utility to initiate, transfer, or terminate a customer's service upon receipt of a request from the customer, which can be made via various means such as mail, telephone, or electronic transmission.

§24.153. *Customer Relations.*

(a) Information to customers.

(1) Upon receipt of a request for service or service transfer, the utility must [shah] fully inform the service applicant or customer of the cost of initiating or transferring service. The utility must [shah] clearly inform the service applicant which service initiation costs will be borne by the utility and which costs are to be paid by the service applicant. The utility must [shah] inform the service applicant if any cost information is estimated. Also see §24.161 of this title (relating to Response to Requests for Service by a Retail Public Utility Within Its Certificated Area).

(2) The utility must [shah] notify each service applicant or customer who is required to have a customer service inspection performed. This notification must be in writing and include the applicant's or customer's right to get a second customer service inspection performed by a qualified inspector at their expense and their right to use the least expensive backflow prevention assembly acceptable under 30 TAC §290.44(h) (relating to Water Distribution) if such is required. The utility must [shah] ensure that the customer or service applicant receives a copy of the completed and signed customer service inspection form and information related to thermal expansion problems that may be created if a backflow prevention assembly or device is installed.

(3) Upon request, the utility must [shah] provide the customer or service applicant with a free copy of the applicable rate schedule from its approved tariff. A complete copy of the utility's approved tariff must be available at its local office for review by a customer or service applicant upon request.

(4) Each utility must [shah] maintain a current set of maps showing the physical locations of its facilities. All facilities (production, transmission, distribution or collection lines, treatment plants, etc.) must be labeled to indicate the size, design capacity, and any pertinent information that will accurately describe the utility's facilities. These maps, and such other maps as may be required by the commission, must [shah] be kept by the utility in a central location and must be available for commission inspection during normal working hours.

(5) Each utility must [shah] maintain a current copy of the commission's substantive rules of this chapter at each office location and make them available for customer inspection during normal working hours.

(6) Each water utility must [shah] maintain a current copy of 30 TAC Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems), at each office location and make them available for customer inspection during normal working hours.

(b) Customer complaints. Customer complaints are also addressed in §24.155 of this title (relating to Resolution of Disputes).

(1) Upon receipt of a complaint from a customer or service applicant, either in person, by letter or by telephone, the utility must [shah] promptly conduct an investigation and report its finding(s) to the complainant.

(2) In the event the complainant is dissatisfied with the utility's report, the utility must [shah] advise the complainant of recourse through the Public Utility Commission of Texas complaint process. The commission encourages all complaints to be made in writing to assist the commission in maintaining records on the quality of service of each utility.

(3) Each utility must [shah] make an initial response to the commission within 15 days of receipt of a complaint from the commission on behalf of a customer or service applicant. The commission may require a utility to provide a written response to the complainant, to the commission, or both. Pending resolution of a complaint, the commission may require continuation or restoration of service.

(4) The utility must [shah] keep a record of all complaints for a period of two years following the final settlement of each complaint. The record of complaint must include the name and address of the complainant, the date the complaint was received by the utility, a description of the nature of the complaint, and the adjustment or disposition of the complaint.

(c) Telephone number. For each of the systems it operates, the utility must [shah] maintain and note on the customer's monthly bill either a local or toll free telephone number (or numbers) to which a customer can direct questions about their utility service.

(d) Local office.

(1) Unless otherwise authorized by the commission in response to a written request, each utility must [shah] have an office in the county or immediate area (within 20 miles) of a portion of its utility service area in which it keeps all books, records, tariffs, and memoranda required by the commission.

(2) Unless otherwise authorized by the commission in response to a written request, each utility must [shah] make available and notify customers of a business location where applications for service can be submitted and payments can be made to prevent disconnection of service or to restore service after disconnection for nonpayment, nonuse, or other reasons specified in §24.167 of this title (relating to Discontinuance of Service). The business location must be located:

(A) in each county where utility service is provided; or

(B) not more than 20 miles from any residential customer if there is no location to receive payments in that county.

(3) Upon request by the utility, the requirement for a local office may be waived by the commission if the utility can demonstrate that these requirements would cause a rate increase or otherwise harm or inconvenience customers. Unless otherwise authorized by the commission in response to a written request, such utility must [shah] make available and notify customers of a location within 20 miles of each of its utility service facilities where applications for service can be submitted and payments can be made to prevent disconnection of service or restore service after disconnection for nonpayment, nonuse, or other reasons specified in §24.167 of this title.

(e) A retail public utility may initiate, transfer, or terminate a customer's retail water or sewer service on receipt of a customer's request by mail, by telephone, through an Internet website, or through another electronic transmission.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601661

Katelyn Lewis

Projects Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-7044



CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

SUBCHAPTER R. CUSTOMER PROTECTION RULES FOR RETAIL ELECTRIC SERVICE PROVIDERS

16 TAC §25.485

The Public Utility Commission of Texas (commission) proposes amendments to §25.485, relating to Customer Access and Complaint Handling. The Public Utility Commission is proposing amendments to additional sections, and those proposals will appear in the "Proposed Rules" section of this issue of the *Texas Register*. These proposed rules will implement Texas Water Code Chapter §13.5051 as enacted by Senate Bill (SB) 790 during the Texas 89th Regular Legislative Session and Texas Water Code §13.153 as enacted by SB 1778 during the Texas 88th Regular Legislative Session. The amended rules will streamline the commissions complaints process for all utilities under the commission's jurisdiction. The amended rules will additionally allow, upon customer request, a retail public utility to initiate, transfer, or terminate a customer's retail water or sewer service.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

- (1) the proposed rule will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal an existing regulation;

(7) the proposed rule will not change the number of individuals subject to the rule's applicability; and

(8) the proposed rule will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed rule will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Iliana De La Fuente, Attorney, Rules & Projects, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. De La Fuente has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined complaints process and simplified methods of initiating, transferring or terminating service as customers prefer. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore, no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by June 19, 2026. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by June 19, 2026. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission will consider the costs and benefits in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 59557.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

Statutory Authority

The amendment is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction. §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction. Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction Texas Water Code §13.153, which provides a retail public utility to initiate, transfer, or terminate a customer's service upon receipt of a request from the customer, which can be made via various means such as mail, telephone, or electronic transmission.

Cross Reference to Statute: Public Utility Regulatory Act §14.001 and §14.002 and §14.052 and Texas Water Code §13.041(a); §13.041(b); and §13.153

§25.485. Customer Access and Complaint Handling.

(a) Applicability. This section contains a customer's entitlement to reasonable access to a retail electric provider's (REP) or aggregator's representatives and identifies a customer's ability make a complaint against a REP or aggregator. REPs and aggregators are subject to processes of this section to ensure that retail electric customers have the opportunity for impartial and prompt resolution of disputes with REPs or aggregators.

(b) Customer access.

(1) A retail electric provider (REP) or aggregator must ensure that customers have reasonable access to its service representatives to make inquiries and complaints, discuss charges on customer's bills, terminate competitive service, and transact any other pertinent business.

(2) Telephone access must be toll-free and must afford customers a prompt answer during normal business hours.

(3) A REP must provide a 24-hour automated telephone message instructing the caller how to report any service interruptions or electrical emergencies.

(4) A REP or aggregator must employ 24-hour capability for accepting a customer's rescission of the terms of service by telephone, under rights of cancellation in §25.474(j) of this title (relating to Selection of Retail Electric Provider).

(c) Complaint handling. A residential or small commercial customer has the right to make a [formal or informal] complaint to the commission, and a terms of service agreement cannot impair this right. A REP or aggregator must not require a residential or small commercial customer as part of the terms of service to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties. A customer other than a resi-

dential or small commercial customer may agree as part of the terms of service to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties. However, nothing in this subsection is intended to prevent a customer other than a residential or small commercial customer from filing [an informal or formal] complaint with the commission if dissatisfied with the results of the alternative dispute resolution.

(d) Complaints to REPs or aggregators. A customer or applicant for service may submit a complaint in person, or by letter, facsimile transmission, e-mail, or by telephone to a REP or aggregator. The REP or aggregator must promptly investigate and advise the complainant of the results within 21 days. A customer who is dissatisfied with the REP's or aggregator's review must be informed of the right to file a complaint with the REP's or aggregator's supervisory review process, if available, and, if not available, with the commission and the Office of Attorney General, Consumer Protection Division. Any supervisory review conducted by the REP or aggregator must result in a decision communicated to the complainant within ten business days of the request. If the REP or aggregator does not respond to the customer's complaint in writing, the REP or aggregator must orally inform the customer of the ability to obtain the REP's or aggregator's response in writing upon request.

(e) Complaints to the commission.

[(+) [Informal complaints.] If a complainant is dissatisfied with the results of a REP's or aggregator's complaint investigation or supervisory review, the REP or aggregator must advise the complainant of the commission's [informal] complaint resolution process and the following contact information for the commission: Public Utility Commission of Texas, Customer Protection Division, P.O. Box 13326, Austin, Texas 78711-3326; (512) 936-7120 or in Texas (toll-free) 1-888-782-8477, fax (512) 936-7003, e-mail address: customer@puc.texas.gov, Internet website address: www.puc.texas.gov, and Relay Texas (toll-free) 1-800-735-2989.

(1) [(A)] Requirements applicable to [informal] complaints.

(A) [(+)] A complaint must include sufficient information to identify the complainant and the company for which the complaint is made and describe the issue specifically. The following information must be included in the complaint:

(i) [(+)] The account holder's name, billing and service addresses, and telephone number;

(ii) [(+)] The name of the REP or aggregator;

(iii) [(+)] The customer account number or electric service identifier (ESI-ID);

(iv) [(+)] An explanation of the facts relevant to the complaint;

(v) [(+)] The complainant's requested resolution; and

(vi) [(+)] Any documentation that supports the complaint, including copies of bills or terms of service documents.

(B) [(+)] All REPs and aggregators must provide the commission an email address to receive notification of customer complaints from the commission.

(C) [(+)] The REP or aggregator must investigate all [informal] complaints and advise the commission in writing of the results of the investigation within 15 days after the complaint is forwarded to the REP or aggregator. [For complaints filed with the com-

mission before September 1, 2023, the deadline is 21 days after the complaint is forwarded.]

(D) [(iv)] The commission must review the complaint information and the REP or aggregator's response and notify the complainant of the results of the commission's investigation.

(2) [(B)] Prohibited activities during pendency of [informal] complaint. While an informal complaint process is pending:

(A) [(i)] The REP or aggregator must not initiate collection activities, including disconnection of service or report the customer's delinquency to a credit reporting agency with respect to the disputed portion of the bill.

(B) [(ii)] A customer must pay any undisputed portion of the bill and the REP may pursue disconnection of service for non-payment of the undisputed portion after appropriate notice.

(3) [(C)] **Complaint** [Informal complaint] record retention. The REP or aggregator must keep a record for two years after closure by the commission of all informal complaints forwarded to it by the commission. This record must show the name and address of the complainant, the date, nature and adjustment or disposition of the complaint. Protests regarding commission-approved rates or rates and charges that are not regulated by the commission, but which are disclosed to the customer in the terms of service disclosures, need not be recorded.

[(2) **Formal complaints.** If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the commission within two years of the date on which the commission closes the informal complaint. This process may include the formal docketing of the complaint as provided in §22.242 of this title (related to Complaints).]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601663

Katelyn Lewis

Projects Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-7044



CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS

SUBCHAPTER B. CUSTOMER SERVICE AND PROTECTION

16 TAC §26.30

The Public Utility Commission of Texas (commission) proposes the amendments to §26.30 relating to Complaints. This proposed rule will implement Texas Water Code Chapter §13.5051 as enacted by Senate Bill (SB) 790 during the Texas 89th Regular Legislative Session and Texas Water Code §13.153 as enacted by SB 1778 during the Texas 88th Regular Legislative Session. The amended rule will streamline the commissions complaints process for all utilities under the commission's jurisdiction.

The amended rule will additionally allow, upon customer request, a retail public utility to initiate, transfer, or terminate a customer's retail water or sewer service.

Growth Impact Statement

The agency provides the following governmental growth impact statement for the proposed rule, as required by Texas Government Code §2001.0221. The agency has determined that for each year of the first five years that the proposed rule is in effect, the following statements will apply:

- (1) the proposed rule will not create a government program and will not eliminate a government program;
- (2) implementation of the proposed rule will not require the creation of new employee positions and will not require the elimination of existing employee positions;
- (3) implementation of the proposed rule will not require an increase and will not require a decrease in future legislative appropriations to the agency;
- (4) the proposed rule will not require an increase and will not require a decrease in fees paid to the agency;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal an existing regulation;
- (7) the proposed rule will not change the number of individuals subject to the rule's applicability; and
- (8) the proposed rule will not affect this state's economy.

Fiscal Impact on Small and Micro-Businesses and Rural Communities

There is no adverse economic effect anticipated for small businesses, micro-businesses, or rural communities as a result of implementing the proposed rule. Accordingly, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002(c).

Takings Impact Analysis

The commission has determined that the proposed rule will not be a taking of private property as defined in chapter 2007 of the Texas Government Code.

Fiscal Impact on State and Local Government

Iliana De La Fuente, Attorney, Rules & Projects, has determined that for the first five-year period the proposed rule is in effect, there will be no fiscal implications for the state or for units of local government under Texas Government Code §2001.024(a)(4) as a result of enforcing or administering the sections.

Public Benefits

Ms. De La Fuente has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be a streamlined complaints process and simplified methods of initiating, transferring or terminating service as customers prefer. There will be no probable economic cost to persons required to comply with the rule under Texas Government Code §2001.024(a)(5).

Local Employment Impact Statement

For each year of the first five years the proposed section is in effect, there should be no effect on a local economy; therefore,

no local employment impact statement is required under Texas Government Code §2001.022.

Costs to Regulated Persons

Texas Government Code §2001.0045(b) does not apply to this rulemaking because the commission is expressly excluded under subsection §2001.0045(c)(7).

Public Hearing

The commission staff will conduct a public hearing on this rulemaking if requested in accordance with Texas Government Code §2001.029. The request for a public hearing must be received by June 19, 2026. If a request for public hearing is received, commission staff will file in this project a notice of hearing.

Public Comments

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by June 19, 2026. Comments should be organized in a manner consistent with the organization of the proposed rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed rule. The commission will consider the costs and benefits in deciding whether to modify the proposed rules on adoption. All comments should refer to Project Number 59557.

Each set of comments should include a standalone executive summary as the last page of the filing. This executive summary must be clearly labeled with the submitting entity's name and should include a bulleted list covering each substantive recommendation made in the comments.

Statutory Authority

The amendment is proposed under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction. §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction. Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction Texas Water Code §13.153, which provides a retail public utility to initiate, transfer, or terminate a customer's service upon receipt of a request from the customer, which can be made via various means such as mail, telephone, or electronic transmission.

§26.30. Complaints.

(a) Complaints to a certificated telecommunications utility (CTU). A customer or applicant for a service may submit a complaint to a CTU either in person, by letter, telephone, or by any other means determined by the CTU. For purposes of this section, a complainant is a customer or applicant for a service that has submitted a complaint to a CTU or to the commission.

(1) Initial investigation. The CTU must investigate the complaint and advise the complainant of the results of the investiga-

tion within 21 days of receipt of the complaint. A CTU must inform customers of the right to receive these results in writing.

(2) Supervisory review by the CTU. If a complainant is not satisfied with the initial response to the complaint, the complainant may request a supervisory review by the CTU.

(A) A CTU supervisor must conduct the supervisory review and inform the complainant of the results of the review within ten days of receipt of the complainant's request for a review. A CTU must inform customers of the right to receive these results in writing.

(B) A complainant who is dissatisfied with a CTU's supervisory review must be informed of:

(i) the right to file a complaint with the commission;

(ii) the commission's ~~informal~~ complaint resolution process;

(iii) the following contact information for the commission:

(I) Mailing Address: PUCT, Consumer Protection Division, P.O. Box 13326, Austin, Texas 78711-3326;

(II) Phone Number: (512) 936-7120 or in Texas (toll-free) 1-888-782-8477;

(III) FAX: (512) 936-7003;

(IV) E-mail address: consumer@puc.texas.gov;

(V) Internet address: <http://www.puc.texas.gov>;

(VI) Relay Texas (toll-free): 1-800-735-2989.

(b) Complaints to the commission. The commission may only review a complaint of a retail or wholesale customer against a deregulated company or exempt carrier that is within the scope of the commission's authority provided in Public Utility Regulatory Act (PURA) §65.102.

~~[(1) Informal complaints.]~~

~~(1) [(A)] The complaint to the commission should include:~~

~~(A) [(i)] The complainant's name, address, and telephone number.~~

~~(B) [(ii)] The name of the CTU or subsidiary company against which the complaint is being made.~~

~~(C) [(iii)] The customer's account or phone number.~~

~~(D) [(iv)] An explanation of the facts relevant to the complaint.~~

~~(E) [(v)] Any other information or documentation which supports the complaint.~~

~~(2) [(B)] Upon receipt of a complaint from the commission, a CTU must investigate and advise the commission in writing of the results of its investigation within 15 days of the date the complaint was forwarded by the commission.~~

~~[(2) Formal complaints. If the complainant is not satisfied with the results of the informal complaint process, the complainant may file a formal complaint with the commission. This process may include the formal docketing of the complaint as provided by §22.242 of this title (relating to Complaints).]~~

~~(3) [(C)] The commission will:~~

~~(A) [(i)] review the CTU's investigative results;~~

~~(B) [(ii)] determine a resolution for the complaint; and~~

(C) [(iii)] notify the complainant and the CTU in writing of the resolution.

(4) [(D)] While any complaint process is ongoing at the commission:

(A) [(+)] basic local telecommunications service must not be suspended or disconnected for the nonpayment of disputed charges; and

(B) [(ii)] a customer is obligated to pay any undisputed portion of the bill.

(5) [(E)] The CTU must keep a record of any complaint forwarded to it by the commission for two years after the determination of that complaint.

(A) [(+)] This record must show the name and address of the complainant, and the date, nature, and adjustment or disposition of the complaint.

(B) [(ii)] A CTU is not required to keep records of protests regarding commission-approved rates or charges that require no further action by the CTU.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601667

Katelyn Lewis

Projects Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-7044



PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 130. PODIATRIC PROGRAM

The Texas Department of Licensing and Regulation (Department) proposes the repeal of the existing rules at 16 Texas Administrative Code (TAC), Chapter 130, Subchapter B, §130.28 and at Subchapter D, §130.43, and amendments to the existing rules at Subchapter C, §§130.30 - 130.33, and Subchapter F, §130.60, regarding the Podiatric Medicine Program. These proposed changes are referred to as "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 130, implement Texas Occupations Code, Chapter 202, Podiatrists.

The proposed rules are necessary to implement changes resulting from Senate Bill (SB) 968, 89th Legislature, Regular Session (2025), which went into effect on September 1, 2025. This bill amended Occupations Code §202.259 to replace references to "temporary residency licenses" with "residency licenses" to more accurately describe current licensing practices. The proposed rules make corresponding changes to the terminology used in the program rules.

Additionally, SB 968 repealed Occupations Code §202.260, which provided for provisional licenses. The provision was

obsolete because provisional licenses were no longer being issued in the podiatry program.

SB 968 also repealed Occupations Code §202.061, which required members of the Podiatric Medical Examiners Advisory Board to meet certain training requirements unique to the podiatry program. The repeal makes advisory board training requirements more uniform across the Department programs. As a result, members of this advisory board must receive only the same training that members of other boards are required to receive.

Advisory Board Recommendations

The proposed rules were presented to and discussed by the Podiatric Medical Examiners Advisory Board at its meeting on April 6, 2026. The Advisory Board did not make any changes to the proposed rules. The Advisory Board voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY

The proposed rules repeal §130.28, Training. The section is repealed due to having become obsolete due to the repeal of Occupations Code §202.061.

The proposed rules amend §130.30 by changing the title from "Temporary Residency License--General Requirements and Application" to "Residency License--General Requirements and Application." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsection (a), (c), (d), (e), and (f).

The proposed rules amend §130.31 by changing the title from "Temporary Residency License--License Term; Residency Requirements; Program Responsibilities" to "Residency License--License Term; Residency Requirements; Program Responsibilities." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsection (a), (b), and (c), and in paragraph (b)(1), paragraph (b)(2), (d)(1) and (d)(2).

The proposed rules amend §130.32 by changing the title from "Temporary Residency License--Final Year of Residency" to "Residency License--Final Year of Residency." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsections (a) and (b) and in paragraph (b)(3).

The proposed rules amend §130.33 by changing the title from "Temporary Residence License--Extensions" to "Residency License--Extensions." The phrase "temporary residency license" is changed to "residency license" in the rule text of subsections (a), (b), (c), and (d).

The proposed rules repeal §130.43, Doctor of Podiatric Medicine License--Provisional License. The section is repealed due to having become obsolete due to the repeal of Occupations Code §202.260.

The proposed rules amend §130.60, Fees. In paragraph (b)(1), the word "temporary" is removed from the phrase "Temporary Residency License." In paragraph (b)(2), the word "Residency" is inserted, and "Extended Temporary" is removed. Paragraph (b)(3), concerning the fee for provisional licenses, is removed, and the paragraphs that follow are renumbered.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Senior Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed

rules are in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Couvillon has determined that for each year of the first five years the proposed rules are in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Because Mr. Couvillon has determined that the proposed rules will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon also has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be making it easier for podiatric program licensees, applicants, and the general public to understand and comply with the updated rules as required by the passage of SB 968, 89th Legislature, Regular Session (2025). The proposed rules change the name of the "temporary residency license" by removing the word "temporary" so that it is now "residency license." This benefits Department staff and student licensee applicants who were confused by the term "temporary," which resulted in telephone calls to the agency and required Department staff time to clear up the confusion. The second change in the proposed rules removes the provisional license. This license type has not been issued since the podiatry program came to the Department in 2017. A passing jurisprudence exam score is required for the podiatrist license, and applicants are now able to schedule and take a virtual exam from the Department's exam vendor throughout the state at their convenience, making the provisional license obsolete. Finally, the proposed rules remove language relating to advisory board training requirements specific to the podiatry program. This removal reduces confusion and benefits consumers and the Department by having similar processes in place across all of the programs for ease of operations.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Because the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rules. For each year of the first five years the proposed rules will be in effect, the agency has determined the following:

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rules require an increase or decrease in fees paid to the agency. The proposed rules require a decrease in fees paid to the agency because the proposed rules repeal the provisional license and its accompanying fee. However, this will not have an impact on fees paid to the agency as no one has obtained this license type during the preceding five (5) years.
5. The proposed rules do not create a new regulation.
6. The proposed rules expand, limit, or repeal an existing regulation. The proposed rules repeal existing regulations. Specifically, the proposed rules repeal the training requirement for Podiatric Medical Examiners Advisory Board members. Additionally, the proposed rules repeal the provisional license.
7. The proposed rules do not increase or decrease the number of individuals subject to the rules' applicability.
8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Department has determined that no private real property interests are affected by the proposed rules, and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department is requesting public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rules and responses to the request for information may be submitted electronically on the Department's website at https://ga.tdlr.texas.gov:1443/form/POD_Rule_Making; by facsimile to (512) 475-3032; or by mail to Shamica Mason, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication in the *Texas Register*.

SUBCHAPTER B. ADVISORY BOARD

16 TAC §130.28

STATUTORY AUTHORITY

The proposed repeals are proposed under Texas Occupations Code, Chapters 51 and 202, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed repeals are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the proposed repeals.

The legislation that enacted the statutory authority under which the proposed repeals are proposed to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

§130.28. *Training.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 20, 2026.

TRD-202601690

Deanne Rienstra

Interim General Counsel

Texas Department of Licensing and Regulation

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 463-7750



SUBCHAPTER C. [TEMPORARY] RESIDENCY AND OTHER LICENSE TYPES

16 TAC §§130.30 - 130.33

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 202, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

§130.30. [Temporary] Residency License--General Requirements and Application.

(a) A person who is enrolled in an accredited graduate podiatric medical education (GPME) program in Texas must hold a [temporary] residency license.

(b) The GPME program must be accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(c) An applicant granted a [temporary] residency license for the purpose of pursuing a GPME program in the State of Texas must not engage in the practice of podiatric medicine, whether for compensation or free of charge, outside the scope and limits of the GPME program in which the applicant is enrolled.

(d) A [temporary] residency license granted by the department for the purpose of pursuing a GPME program in the State of Texas is valid until the licensee leaves or is terminated from said GPME program.

(e) All [temporary] residency licensees shall be subject to the same fees and penalties as all other licensees as set forth in the Act and this chapter, except that [temporary] residency licensees are not subject to continuing medical education requirements.

(f) To be eligible for a [temporary] residency license an applicant must:

(1) be at least 21 years of age;

(2) pass at least 90 semester hours of undergraduate college courses acceptable at the time of completion for credit toward a bachelor's degree at an institution of higher education determined by the department to have acceptable standards;

(3) graduate from a reputable college of podiatry approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, and the college must have been so approved during the entire period of the applicant's course of instruction;

(4) pass all required sections of the American Podiatric Medical Licensing Examination;

(5) pay all applicable fees;

(6) submit a completed application in a form and manner prescribed by the department;

(7) submit all transcripts of relevant college coursework, acceptable to the department;

(8) pass a criminal history background check performed by the department;

(9) provide proof of successful completion of a course in cardiopulmonary resuscitation (CPR);

(10) complete the "Memorandum of Understanding for Approved Residency Program";

(11) complete the "Certificate of Acceptance for Postgraduate Training Program"; and

(12) pass a National Practitioner Data Bank query check performed by the department.

(g) The department approves and adopts by reference the Standards and Requirements for Approval of Residencies in Podiatric Medicine and Surgery and Procedures for Approval of Residencies in Podiatric Medicine and Surgery adopted by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(h) The department approves and adopts by reference the Standards and Requirements for Accrediting Colleges of Podiatric Medicine and Procedures for Accrediting Colleges of Podiatric Medicine adopted by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

(i) The applicant must submit evidence sufficient for the department to determine that the applicant has met all the requirements and any other information reasonably required by the department. Any application, diploma or certification, or other document required to be

submitted to the department that is not in the English language must be accompanied by a certified translation into English.

§130.31. [Temporary] Residency License--License Term; Residency Requirements; Program Responsibilities.

(a) License term. A [temporary] residency license is valid for one year. The license holder must renew by submitting a completed renewal application in a form and manner prescribed by the department and paying the required fee under §130.60. The annual renewal application notification will be deemed to be written notice of the impending license expiration forwarded to the person at the person's last known address. A [temporary] residency license to practice podiatric medicine expires on June 30 of each year.

(b) Residency [Temporary residency] license responsibilities. A [temporary] residency license holder is not considered to be a fully licensed podiatrist who independently practices podiatric medicine without supervision. A [temporary] residency license holder is a person in training and is limited by the Graduate Podiatric Medical Education (GPME) program for residency based supervised patient encounters, supervision of which is designed to protect patients and the citizens of Texas.

(1) A person enrolled in a GPME program must hold a [temporary] residency license at all times and is not considered to be qualified for a Doctor of Podiatric Medicine license until all residency program requirements have been completed and fulfilled as certified by the GPME program residency director, and all other requirements for licensure have been attained.

(2) Residents enrolled in an accredited GPME residency program who hold a [temporary] residency license (i.e. denoted with the letter "T" followed by numerals) may register with the U.S. Drug Enforcement Administration (DEA) to prescribe controlled substances subject to the supervision of the program and residency director. Under no circumstances are residents allowed to prescribe controlled substances for purposes outside of the approved residency program.

(c) Residency Requirements. All residency programs requesting [temporary] residency licenses for their enrollees must meet all American Podiatric Medical Association/Council on Podiatric Medical Education (APMA/CPME) requirements for accreditation.

(d) Residency director requirements. Within 30 days after the start date of the program each year, the residency director must report to the department a list of all residents enrolled in the program. The residency director will be held responsible for the entire program, including, but not limited to:

- (1) ensuring that the [temporary] residency licensee is practicing within the scope of the residency program requirements;
- (2) ensuring that the [temporary] residency licensee has read and understood the Act and rules governing the practice of podiatric medicine; and
- (3) ensuring that all residency program attendees are properly licensed with the department prior to participation in the program.

§130.32. [Temporary] Residency License--Final Year of Residency.

(a) A holder of a [temporary] residency license who has entered the final year of an accredited GPME program, is in good standing with the GPME program, and is on course to complete the course in a timely manner, is permitted to apply for the Doctor of Podiatric Medicine license in the spring, if the resident has entered and signed the "Memorandum of Understanding for Conditional Issuance of Texas Doctor of Podiatric Medicine License" (MOU).

(b) A holder of a [temporary] residency license who passes the jurisprudence examination, is in compliance with the resident's

MOU(s), and meets all other requirements of the law regarding licensure may be issued a Doctor of Podiatric Medicine license prior to completion of the last year of the residency. The Doctor of Podiatric Medicine license issued under this subsection will be subject to the resident's MOU and to the following conditions and restrictions:

(1) the resident must pass and graduate from the resident's accredited GPME program by the date noted in the resident's MOU;

(2) the resident must submit proof of passage and graduation to the department within 30 days after the end date of the residency as noted on the MOU. Failure to timely provide the required proof to the department subjects the Doctor of Podiatric Medicine license to automatic revocation;

(3) the resident must practice podiatry only under the [temporary] residency license, and subject to the scope and limits of the GPME program, and must not practice podiatry under the Doctor of Podiatric Medicine license until after passage and graduation from the GPME program and after providing to the department proof of such completion and graduation; and

(4) the resident must comply with any other provisions in statute and rule applicable to a license to practice podiatry.

§130.33. [Temporary] Residency License--Extensions.

(a) The executive director may grant the holder of a current [temporary] residency license an extension for good cause. Good cause may include but is not limited to:

(1) illness of the holder or a family member for whom the holder is directly or indirectly responsible;

(2) a verifiable family emergency; or

(3) an additional residency training issue.

(b) A [temporary] residency license extension is valid for up to an additional three months and subject to the same responsibilities, restrictions, and conditions found in §130.30.

(c) The fee for an extended [temporary] residency license is established in §130.60.

(d) A [temporary] residency license extension may be granted a maximum of two times.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Deanne Rienstra

Interim General Counsel

Texas Department of Licensing and Regulation

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 463-7750



SUBCHAPTER D. DOCTOR OF PODIATRIC MEDICINE

16 TAC §130.43

STATUTORY AUTHORITY

The proposed repeals are proposed under Texas Occupations Code, Chapters 51 and 202, which authorize the Texas Commission of Licensing and Regulation, the Department's govern-

ing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed repeals are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the proposed repeals.

The legislation that enacted the statutory authority under which the proposed repeals are proposed to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

§130.43. *Doctor of Podiatric Medicine License--Provisional License.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER F. FEES

16 TAC §130.60

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 202, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 202. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 968, 89th Legislature, Regular Session (2025).

§130.60. *Fees.*

(a) Fees paid to the department are non-refundable.

(b) Fees are as follows:

(1) [~~Temporary~~] Residency License (Initial and Renewal)--\$125

(2) Residency [~~Extended Temporary~~] License extension--\$50

{(3) ~~Provisional License--\$125}~~

(3) [(4)] Doctor of Podiatric Medicine Initial License--\$750

(4) [(5)] Doctor of Podiatric Medicine Renewal License--\$700

(5) [(6)] Limited Faculty Initial License--\$125

(6) [(7)] Limited Faculty Renewal License--\$60

(7) [(8)] Voluntary Charity Care Status License (Initial and Renewal)--\$0

(8) [(9)] Inactive Status License (Initial and Renewal)--\$0

(9) [(10)] Active Duty Military Members--\$0

(10) [(11)] Hyperbaric Oxygen Certificate (Initial and Renewal)--\$25 if issued or renewed before January 1, 2025; \$50 if issued or renewed on or after January 1, 2025

(11) [(12)] Nitrous Oxide Registration (Initial and Renewal)--\$25 if issued or renewed before January 1, 2025; \$50 if issued or renewed on or after January 1, 2025

(12) [(13)] Podiatric Medical Radiological Technician Registration (Initial and Renewal)--\$25 if issued or renewed before January 1, 2025; \$50 if issued or renewed on or after January 1, 2025

(13) [(14)] Duplicate License/replacement license--\$25

(14) [(15)] The fee for a criminal history evaluation letter is the fee prescribed under §60.42.

(15) [(16)] A dishonored payment fee is the fee prescribed under §60.82.

(16) [(17)] Late renewal fees for licenses issued under this chapter are provided under §60.83.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 358. CHILDREN'S AUTISM PROGRAM

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes amendments to §§358.101, 358.105, 358.307, 358.311, 358.313, 358.315, 358.605, 358.607 - 358.609; the repeal of §§358.309, 358.507, and 358.515; and new §§358.107, 358.109, 358.201, and 358.309.

BACKGROUND AND PURPOSE

The purpose of the proposal is to update the Children's Autism Program rules in Title 26 Texas Administrative Code (TAC) Chapter 358, including definitions and contractor qualifications. The proposal would also replace references to the former Texas Department of Assistive and Rehabilitative Services with HHSC.

The proposal changes the program eligibility requirement based on age. This change aligns with the other program within the Children's Autism and Blindness Services section, the Blind Children's Program.

Additionally, the Children's Autism Program rules are in two different TAC chapters. HHSC is proposing to repeal the rules in 1 TAC Chapter 392, Subchapter C, Autism Program, to consolidate the program rules into one chapter in 26 TAC Chapter 358. The proposed repeal of the 1 TAC Chapter 392 rules are published elsewhere in this issue of the *Texas Register*.

SECTION-BY-SECTION SUMMARY

Subchapter A General Rules

The proposed amendment to §358.101, Purpose, changes the title of the rule to "Purpose and Program Administration" and formats the rule into new subsections (a) - (c). New subsection (a) states the chapter implements the HHSC Children's Autism Program to provide services to children and young adults diagnosed with an autism spectrum disorder who are younger than 22 years of age; new subsection (b) states local community agencies and organizations provide Focused Applied Behavior Analysis or other treatments through grant contracts with HHSC; and new subsection (c) states HHSC may operate the program only if the Texas Legislature appropriates funding for the program.

The proposed amendment to §358.105, Definitions, revises the definitions of "adjusted gross income," "allowable deductions," "child or children," "contractor," "cost share," "dependent," "direct services," "family," "interest list," "parent," "Texas resident," "third party payer," and "treatment plan" for clarity. The proposed amendment revises the definition of "applied behavior analysis" to add the acronym "ABA" so that the acronym can be used in the rules. The proposed amendment revises the definition of autism spectrum disorders to add the acronym "ASD" so that the acronym can be used in the rules; and to add a reference to the eligibility criteria for a documented diagnosis in proposed amended §358.307(a). The proposed amendment revises the definitions for "BCaBA," "BCBA" and "BCBA-D," to add the formal title for each acronym and a reference to the requirements in the Texas Occupations Code for each person who uses these titles. The proposed amendment revises the definition for "parent training" to clarify the meaning and remove requirements that have been added in proposed §358.11. The proposed amendment revises the definition for "qualified professional" to clarify who is trained to provide a neurodevelopmental disorder diagnosis. The proposed amendment revises the definition for "transition plan" to clarify the meaning of this term.

The proposed amendment also removes the definitions for "HHSC Comprehensive ABA services" and "HHSC Focused ABA services" and replaces them with a new definition for "Focused ABA services" to clarify the type of services provided by Children's Autism Program contractors. The proposed amendment adds definitions for "physician" and "psychologist" to include their licensure requirements and because these terms are used in the proposed amended definition of "qualified professional" in renumbered §358.105(25).

The proposed amendment also adds a definition of "RBT--Registered Behavior Technician" because this term, which includes a Board Certified Autism Technician, are the titles used by a paraprofessional who provides direct support, under the supervision of a BCBA or BCaBA, to individuals enrolled in the Children's Autism Program. The proposed amendment adds a definition of

"staff member" to clarify what this term means when used in the chapter. The proposed amendment renumbers the paragraphs in this rule accordingly.

Proposed new §358.107, Criminal Background Checks, describes the requirements for a contractor to conduct criminal background checks on an employee, staff member, volunteer, or other person who will have direct contact with children and families who receive services. The proposed new rule replaces the requirements in 1 TAC §392.205 Criminal Background Checks, which HHSC is proposing to repeal.

Proposed new §358.109, Safety, requires a contractor to maintain an emergency evacuation plan and describes requirements for the plan. The proposed new rule requires a contractor to notify a family if any emergency happens with a child. The proposed new rule replaces the requirements in 1 TAC §392.207 Safety, which HHSC is proposing to repeal.

New Subchapter B Staff Requirements

Proposed new §358.201, Staff Requirements, provides qualifications for the BCBA or BCBA-D, who acts as program manager. The proposed new rule provides some additional requirements for staff who are providing direct services. The proposed new rule replaces the requirements in 1 TAC §392.203 Staff Qualifications, which HHSC is proposing to repeal.

Subchapter C Focused ABA Services

The proposed amendment changes the title of Subchapter C from "DARS" to "Focused ABA Services" because the Department of Aging and Rehabilitative Services no longer exists and because the subchapter addresses services provided by the Children's Autism Program.

The proposed amendment to §358.307, Eligibility, changes eligibility based on age from three through 15 years old to younger than 22 years old. This change fills a significant gap in the availability of autism services for children and young adults.

The proposed repeal of §358.309, Enrollment, removes the rule to include its contents in proposed new §358.309, Enrollment and Interest List. This change is made for organizational purposes.

Proposed new §358.309, Enrollment and Interest List, contains the requirements for a contractor to enroll an eligible child and to maintain an interest list. The proposed new rule provides the basis for a child who leaves the program with unused service hours to receive priority over children on the interest list who have never received services.

The proposed amendment to §358.311, Services Provided, updates and clarifies the requirements for a contractor to develop a written treatment plan in new subsection (a). The proposed amendment organizes the requirements for a contractor to provide and document parent training in new subsections (b) - (d). The proposed amendment organizes the requirements for a contractor to evaluate progress; collect data; document coordination of services; develop and maintain a transition plan; and document all services provided to the child in new subsection (e). These changes make the rules easier to locate and follow. The proposed amendment renumbers the rules because of the changes in its organization.

The proposed amendment to §358.313, Amount of Services, replaces "length" with "amount" in the title and rule to clarify it is the amount of Focused ABA services, not the length of services that a contractor may provide to a child, that determines when

the child reaches the limit of 720 total hours of services. The proposed amendment adjusts the requirements for usage of service hours. The proposed amendment updates when a child reaches a service limit by removing "has received 180 hours of services in a year" and updating the age of eligibility to 22 years of age. The proposed amendment removes subsection (f) because the content of the rule has been added to the proposed amendment to §358.309. The proposed amendment renumbers subsection (g) as subsection (f). The proposed amendment to renumbered subsection (f) makes changes to make it easier to read and understand.

The proposed amendment to §358.315, Participation Requirements, in subsection (a) clarifies the attendance requirement for a child during the year, the benefits of attendance, and states absences for any reason do not change the attendance requirement. The proposed amendment in subsection (b) expands the requirement for a parent to attend parent training sessions from a minimum of once every two weeks to at least two times each month. This change provides the opportunity to arrange the parent training schedule to meet the needs of the child and the child's services. The proposed amendment removes subsection (c) because it is no longer required for a parent and the child to participate in pre-test and post-test protocols. The proposed amendment renumbers subsection (d) as subsection (c) and makes it easier to read and understand that a child may be removed from the program if the parent or child does not meet the participation requirements and that a contractor may allow an exception to these requirements if HHSC provides written approval.

Subchapter E Autism Program Rights

The proposed repeal of §358.507, Rights of Children and Parents, removes content that is unnecessary because discrimination and retaliation are prohibited across HHS agencies.

The proposed repeal of §358.515, Staff Requirements, is needed because the content of the rule is in proposed new §358.201, Staff Requirements.

Subchapter F Cost Share

The proposed amendment to §358.605, Cost Share, makes minor rule edits and updates a rule reference.

The proposed amendment to §358.607, HHSC Fee Schedule Amount, clarifies the requirement for the contractor to calculate the monthly fee that a family must pay for services of each eligible child. The proposed amendment changes "services" to "Focused ABA services" to be more specific. The proposed amendment removes obsolete references to §105.105.

The proposed amendment to §358.608, Insurance Payments, clarifies the requirement for a contractor to accept insurance payment as full payment. The proposed amendment also clarifies that the family's cost share must be the lower amount between the HHSC fee schedule amount or the insurance deductible, co-payment, or coinsurance.

The proposed amendment to §358.609, Payer of Last Resort, makes minor rule language edits to clarify the program standards for not using HHSC funds to provide payment for services until all other payment options have been used first.

FISCAL NOTE

Trey Wood, Chief Financial Officer, has determined that for each year of the first five years that the rules will be in effect, enforc-

ing or administering the rules does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rules will be in effect:

- (1) the proposed rules will not create or eliminate a government program;
- (2) implementation of the proposed rules will not affect the number of HHSC employee positions;
- (3) implementation of the proposed rules will result in no assumed change in future legislative appropriations;
- (4) the proposed rules will not affect fees paid to HHSC;
- (5) the proposed rules will create new regulations;
- (6) the proposed rules will expand and repeal existing regulations;
- (7) the proposed rules will not change the number of individuals subject to the rules; and
- (8) the proposed rules will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Trey Wood has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rules will not cause an increased cost of services to any contractor.

LOCAL EMPLOYMENT IMPACT

The proposed rules will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to these rules because the rules do not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Haley Turner, Deputy Executive Commissioner for Community Services, has determined that for each year of the first five years the rules are in effect, the public benefit will be increased clarity on terms and Children's Autism Program services. Another anticipated public benefit is increased access to services by expanding the age of eligibility.

Trey Wood has also determined that for the first five years the rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because there is no requirement to alter current business practices and there are no new fees or costs imposed on those required to comply.

TAKINGS IMPACT ASSESSMENT

HHSC has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail

Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 25R044" in the subject line.

SUBCHAPTER A. GENERAL RULES

26 TAC §§358.101, 358.105, 358.107, 358.109

STATUTORY AUTHORITY

The amendments and new sections are authorized by 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 §117.082, which requires HHSC to adopt rules for the children's autism program.

The amendments and new sections implement Texas Government Code §524.0151 and Texas Human Resources Code §117.082.

§358.101. *Purpose and Program Administration.*

(a) ~~This chapter implements [The purpose of] the Texas Health and Human Services Commission (HHSC) [Commission (HHSC)] Children's Autism Program. This program provides [is to provide] autism services to children and young adults diagnosed [3 through 15 years of age] with an autism spectrum disorder (ASD) who are younger than 22 years of age.~~

(b) ~~Local [Services are provided through grant contracts with local] community agencies and organizations, through grant contracts with HHSC, provide services using Focused [utilizing] Applied Behavior Analysis (ABA) or other treatments [treatment approaches].~~

(c) ~~HHSC may operate [is authorized to implement] the program only if [to the extent that funds are appropriated by] the Texas Legislature funds the program.~~

§358.105. *Definitions.*

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) ~~Adjusted gross income--The total [gross] income of the family after subtracting[, as defined in this section, minus] allowable deductions. Adjusted gross income is used to calculate a family's monthly cost share for a child to participate in the Children's Autism Program [determine the amount of the monthly financial contribution required by a family].~~

(2) ~~Allowable deductions--Expenses that may be subtracted from total income [are not reimbursed by other sources]. Allowable deductions are limited to:~~

(A) ~~the actual medical or dental expenses of the family [parent or dependent] that are mainly for helping [primarily related to alleviating] or preventing a physical or mental condition [defect or illness], paid within the last [were paid over the previous] 12 months, and [are] expected to continue during the eligibility period. Expenses must be[, and are] limited to the cost of:~~

(i) ~~diagnosis, cure, alleviation, treatment, or prevention of disease;~~

(ii) ~~treatment of any affected body part or function;~~

(iii) ~~legal medical services delivered by physicians, surgeons, dentists, and other medical practitioners;~~

(iv) ~~medication, medical supplies, and diagnostic devices;~~

(v) ~~premiums paid for insurance that covers the expenses of medical or dental care;~~

(vi) ~~transportation to receive medical or dental care; and~~

(vii) ~~medical or dental debt that is being paid on an established payment plan;~~

(B) ~~child-care and respite expenses for a family member;~~

(C) ~~costs and fees associated with the adoption of a [dependent] child who will be counted as a family member; and~~

(D) ~~court-ordered child support payments paid for a child who is not counted as a family member [or dependent].~~

(3) ~~ABA--Applied behavior analysis. [(ABA)--] The design, implementation, and evaluation of systematic environmental changes to produce socially significant change in human behavior through skill acquisition and the reduction of problematic behavior. Applied behavior analysis includes direct observation and measurement of behavior and the identification of functional relations between behavior and the environment. Contextual factors, establishing operations, antecedent stimuli, positive reinforcers, and other consequences are used to produce the desired behavior change.~~

(4) ~~ASD--Autism spectrum disorder, a disorder [disorders--The disorders] found in the fifth [current] edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) related to autism or a[- An autism spectrum disorder (ASD)] diagnosis of autistic disorder, Asperger's disorder, or pervasive developmental disorder not otherwise specified, made under a previous DSM, used to meet the eligibility criteria for a documented diagnosis in §358.307(a) of this chapter (relating to Eligibility) [is acceptable].~~

(5) ~~BCaBA--Board Certified Assistant Behavior Analyst. A person who meets the requirements in and holds the appropriate license under Texas Occupations Code Chapter 506, the Behavior Analyst Licensing Act [A board certified assistant behavior analyst].~~

(6) ~~BCBA--Board Certified Behavior Analyst. A person who meets the requirements in and holds the appropriate license under Texas Occupations Code Chapter 506 [A board certified behavior analyst].~~

(7) ~~BCBA-D--Board Certified Behavior Analyst-Doctoral. A person who meets the requirements in and holds the appropriate license under Texas Occupations Code Chapter 506. [A board certified behavior analyst-doctoral.]~~

(8) ~~Child--An individual diagnosed with ASD who is younger than 22 years of age. [A son, daughter, foster child, or stepchild who is under age 19 living in the home.]~~

(9) ~~Contractor--A local community agency or organization [service provider] under contract with HHSC to provide [autism] services under this chapter.~~

(10) ~~Cost share--The amount of money a family must pay each month [monthly financial contribution required of a family] for a~~

child to participate in the [HHSC] Children's Autism Program, as described in Subchapter F of this chapter (relating to Cost Share). [The cost share is determined using the HHSC Fee Schedule and any applicable insurance deductible, coinsurance, and co-pay amounts. The cost share is the lesser of the fee determined using the HHSC fee schedule, or applicable insurance deductible, coinsurance, and co-pay amounts.]

(11) ~~HHSC Comprehensive ABA services--ABA services that are provided to children 3 through 5 years of age by a HHSC contractor to treat all areas of developmental and behavioral needs.~~

(12) ~~HHSC Focused ABA services--ABA services that are provided to children 3 through 15 years of age by a HHSC contractor to treat one or more deficits or behaviors of excess rather than the full range of developmental domains.~~

(11) [(13)] Dependent--A person in the household of a child who receives services who is [age] 19 years of age or older, a parent, a guardian, a stepparent, a grandparent, a brother, a sister, a stepbrother, a stepsister, or an in-law. Dependents may not have [; whose] gross income more [is less] than the income requirement set by the Internal Revenue Service (IRS) for the relevant [\$3,900 a] year. More[; and for whom more] than half of the person's support must be [is] provided [for] by the parent [parent(s) or guardian(s)] during the calendar year.

(12) [(14)] Direct services [contact]--Direct services happen when a staff member provides services to a child or the family. Direct services include parent or family training, in person and virtual ABA sessions, and meetings related to the service plan. [A term that applies to any person who has physical contact with, physical access to the home of, communication with, or access to confidential information regarding a child enrolled in the HHSC Children's Autism Program or the child's family.] Direct services do [contact does] not include casual or accidental [inadvertent] physical contact with, talking to [communication with], or meeting [contact] at an educational presentation or seminar with a child who is [enrolled] in the [HHSC] Children's Autism Program or with the child's family.

(13) [(15)] Family--If living in the same home, means:

(A) the parent; [The child's parent(s) or guardian(s),]

(B) the child;[;]

(C) other children younger than [under] 19 years old; [of age] and

(D) other dependents [of the parent or guardian].

(14) [(16)] Fiscal year--The state fiscal year. Begins on September 1 and ends on August 31 of the following year.

(15) Focused ABA services--ABA services provided to a child by an HHSC contractor to treat one or more skill deficits or behaviors.

(16) [(17)] Gross income--All income received by the family for determination of the family's cost share, from whatever source, that is considered income by the Internal Revenue Service before federal allowable deductions are applied.

(17) [(18)] HHSC--The Texas Health and Human Services Commission.

(18) [(19)] Individualized Education Program (IEP)--A written document that is developed for each public school child who is eligible for special education.

(19) [(20)] Interest list--A list, maintained by a [the] contractor, of families who have indicated an interest in receiving services, and who meet the eligibility criteria.

(21) LEA--Local educational agency.

(20) [(22)] Parent--Means:

(A) a [The] child's natural or adoptive parent; or

(B) a [the] child's guardian.

(21) [(23)] Parent training--A Focused ABA service that a contractor provides [Training that is provided] to a parent [or guardian as part of the ABA service,] in the native language of a parent with limited English proficiency, [used by the parents of the child] when possible [feasible]. [It is delivered either individually or in a group in a home, school, or clinic setting. It includes providing parent education on ABA in general; working collaboratively with parents to identify ways they can help their child at home to generalize learning to other environments, including school settings; and data review, program adjustment, and planning.]

(22) Physician--A person licensed to practice medicine under Texas Occupations Code Chapter 155.

(23) Psychologist--A person licensed to practice psychology under Texas Occupations Code Chapter 501.

(24) Qualified professional--A [An actively licensed] physician or psychologist who has [with] training and experience in diagnosing [background related to the diagnosis] and treating [treatment of] neurodevelopmental disorders.

(25) RBT--Registered Behavior Technician. A paraprofessional who provides direct support to individuals, under the supervision of a BCBA or BCaBA. A RBT implements behavior intervention plans, collects data, and assists individuals to develop or improve skills and manage challenging behaviors. This term also includes a Board Certified Autism Technician.

(26) Staff member--Means a person working for a contractor as:

(A) an RBT;

(B) a BCaBA;

(C) a BCBA; or

(D) a BCBA-D.

(27) [(25)] Texas resident--A person who lives [resides] in Texas. [and intends to remain in the state, either permanently or for an indefinite period.]

(28) [(26)] Third-party payer--A company, organization, insurer, or government agency, except for [other than] HHSC, that pays [makes payment] for health care services a child receives in the Children's Autism Program [received by an enrolled child].

(29) [(27)] Transition plan--A written document that lists the [A plan that identifies and documents appropriate] steps and [transition] services needed to help [support] the child and family move [to smoothly and effectively transition] from the [HHSC] Children's Autism Program to local education agency [LEA] special education services or other community activities, places, or programs chosen by the family [would like the child to participate in] after leaving [exiting] the [HHSC] Children's Autism Program.

(30) [(28)] Treatment plan--A written plan of care that describes how services will be provided to a child and the child's family to enhance the child's development, that includes [; including] treatment goals, [; for providing HHSC autism treatment services to an eligible child and the child's family to enhance the child's development. The intensity and length of Children's Autism Program services is deter-

mined by the treatment goals included in the treatment plan. However, the length of autism services shall not exceed 24 months.]

§358.107. Criminal Background Checks.

(a) A contractor must complete a fingerprint-based review of national criminal history records on any employee, staff member, volunteer, or other person who will have direct contact with children and families served by the Children's Autism Program.

(b) Contracts between HHSC and a contractor explain which offenses will prevent an employee, staff member, volunteer, or other person from having direct contact with children and families who receive services.

(c) With written approval from HHSC, a contractor may review and assess the risk of a minor criminal history finding for any employee, staff member, volunteer, or other person who will engage in direct services.

§358.109. Safety.

(a) A contractor must:

(1) maintain an emergency evacuation plan at the contractor's service site; and

(2) review the plan at least annually, and after every use of the evacuation plan, to evaluate the effectiveness of the plan and to update the plan as needed.

(b) A contractor's emergency evacuation plan must be approved and signed annually by the program supervisor.

(c) A contractor's emergency evacuation plan must follow all local, state, and federal laws, rules, and regulations that apply to services under this chapter.

(d) A contractor must notify a family if any emergency happens with a child, including any situation that poses an immediate threat to life, health, property, or the environment and requires urgent action.

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SUBCHAPTER B. STAFF REQUIREMENTS

26 TAC §358.201

STATUTORY AUTHORITY

The new section is authorized by 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 §117.082, which requires HHSC to adopt rules for the children's autism program.

The new section implements Texas Government Code §524.0151 and Texas Human Resources Code §117.082.

§358.201. Staff Requirements.

(a) A contractor must have a manager to supervise all staff members and oversee assessments and treatments for children. The program manager must be a BCBA or BCBA-D and have:

(1) at least one year of experience in providing services to children diagnosed with ASD who are younger than 22 years old;

(2) a master's or doctoral degree from an accredited institution of higher education in psychology, behavior analysis, or a related field;

(3) documented graduate-level coursework in:

(A) behavioral assessment and intervention;

(B) selecting outcomes and strategies;

(C) behavior change procedures;

(D) experimental methods; and

(E) measuring and interpreting behavioral data; and

(4) knowledge of typical human development for individuals from the age of 1 to 22 years old.

(b) A contractor must make sure all staff, including an RBT, involved in direct services:

(1) has earned a high school diploma or certificate that a state recognizes as equivalent to a high school diploma; and

(2) is at least 18 years old.

(c) A BCBA or BCBA-D must supervise all staff members with direct contact. Supervision must include:

(1) direct observation of autism services at least once every two calendar weeks to check if a staff member uses procedures correctly and to help the supervisor decide if teaching methods should be changed; and

(2) ongoing review of data from Focused ABA programs and client data related to problem behavior at least two times each week.

(d) Each staff member involved in direct services, except for BCBA and BCBA-D, must complete training before working independently and meet all minimum training requirements for credentials and licensing, in addition to completing training annually. Each staff member must complete at least 40 hours of training that meets the following requirements.

(1) Formal training must be developed and overseen by a BCBA or BCBA-D supervisor. Training must cover methods for collecting data, steps for carrying out discrete trial teaching, ways to use prompting procedures, behavior management strategies for addressing problem behavior, and other Focused ABA techniques and program specific methods.

(2) Training must be provided or overseen by a BCBA or BCBA-D supervisor through classroom instruction, workshops, reading assignments, observation of modeling of techniques by supervisors, role-play with supervisors, and training in the natural environment in which supervisors provide specific feedback and additional training as needed.

(3) Training effectiveness is checked through written tests administered by the contractor with clear standards for mastery, or by direct observation from a BCBA or BCBA-D supervisor using fidelity checklists to confirm correct use of procedures and mastery of required skills. Training must make sure staff gain the skills necessary to provide Focused ABA services or other treatments correctly.

(4) Training must include all the tasks in the Behavior Analyst Certification Board's Registered Behavior Technician Task List and Guidelines for Responsible Conduct for Behavior Analysts that have been designated as relevant for behavior technicians.

(5) Training must include instruction in the following areas:

(A) ethics and professional conduct;

(B) child development from birth to less than 18 years of age; and

(C) human development from 18 years of age to less than 22 years of age.

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SUBCHAPTER C. [DARS] FOCUSED ABA SERVICES

26 TAC §§358.307, 358.309, 358.311, 358.313, 358.315

STATUTORY AUTHORITY

The amendments and new section are authorized by 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 §117.082, which requires HHSC to adopt rules for the children's autism program.

The amendments and new section implement Texas Government Code §524.0151 and Texas Human Resources Code §117.082.

§358.307. Eligibility.

(a) To be eligible for the Children's Autism Program [HHSC Focused ABA services], a child must:

(1) be a Texas resident [as defined in §105.105 of this chapter (relating to Definitions)];

(2) have a documented diagnosis on the autism spectrum made by a qualified professional; and

(3) be younger than 22 [3 through 15] years old [of age].

[(b) Children become eligible on their third birthday and become ineligible on their 16th birthday.]

[(c) The parent must participate in parent training, defined in §105.105 of this chapter in order for their child to receive services.]

(b) [(d)] An offer to enroll in the Children's Autism Program depends on whether funding is available and whether the contractor can serve more children. When a contractor considers a [Eligibility for HHSC Focused ABA services does not guarantee enrollment into the HHSC Children's Autism Program. A] child [considered] eligible

for services and there is no opening or funding available to enroll the child, the contractor must add the child [by the contractor based on the criteria in this section is added] to the contractor's interest list as described in §358.309 of this subchapter (relating to Enrollment and Interest List) [when there is no opening or funding available for HHSC Focused ABA services in the local HHSC Children's Autism Program].

§358.309. Enrollment and Interest List.

(a) A contractor must:

(1) enroll an eligible child in the Children's Autism Program, except as provided in §358.307(b) of this subchapter (relating to Eligibility);

(2) provide the family written information about the estimated highest possible monthly cost of Focused ABA services and the estimated amount of cost share the family must pay;

(3) confirm the benefits if the contractor discovers a child may have third-party payer coverage via pre-authorization for billing of services provided in the Children's Autism Program, and keep related documentation on file; and

(4) provide written notice to the child and parent that explains:

(A) the responsibilities of the child and parent that must be met to prevent the child from being dismissed from the program, as described in §358.315 of this subchapter (relating to Participation Requirements); and

(B) the rights of the child and parent under Subchapter E of this chapter (relating to Autism Program Rights).

(b) A contractor must maintain an interest list. If a contractor cannot immediately enroll an eligible child into the Children's Autism Program and the family is interested in enrolling, the contractor adds the child's information to the interest list. The interest list must include the child's name, date of birth, parent name, phone number and email address.

(c) Every six months, a contractor must check the interest list to confirm that each child still meets the eligibility criteria in §358.307(a) of this subchapter (relating to Eligibility) and that the family is still interested in enrolling the child in the Children's Autism Program.

(d) A contractor removes a child's information from the interest list when:

(1) an opening becomes available and the contractor enrolls the child in the Children's Autism Program;

(2) the child is no longer eligible for the Children's Autism Program based on the criteria in §358.307(a) of this subchapter; or

(3) the family tells the contractor that the family is no longer interested in enrolling the child in the program.

(e) A child who leaves the Children's Autism Program with unused service hours receives priority over children on the interest list who have never received services:

(1) when the child or family reapply for additional autism services;

(2) if the child continues to meet the eligibility criteria in §358.307(a) of this subchapter; and

(3) based on:

(A) the child's needs; and

(B) available funding.

§358.311. *Services Provided.*

(a) A [The] contractor must:

(1) develop a written treatment plan with the family for each child served, which must include; [; including plans for generalization of learned skills and behaviors to other environments;]

(A) goals that are clear, specific, and can be measured and will direct the treatment process and show progress; and

(B) plans that help the child use skilled and behaviors learned during services in other places, such as home or school; and

[(2) provide and document parent training as a component of the services. Documentation must include:]

[(A) the date of the training;]

[(B) the names of those who participated in the training; and]

[(C) any information that was discussed and shared by the contractor;]

(2) [(3)] provide and keep records of parent training as a part of the Focused ABA services. [ongoing analysis and evaluation of each child's progress;]

(b) A contractor must provide parent training. A contractor may provide this training in either individual or group format. If provided in a group of other parents and children, a contractor may provide parent training in a home, school, or clinic setting.

(c) Parent training must include:

(1) providing education to the parent about ABA;

(2) the contractor working with the parent to find ways to help the child practice skills at home so learned skills can carry over to other places, including school settings; and

(3) teaching the parent how to review data, make decisions about the program, and plan for new goals.

[(4) document services provided to each child;]

[(5) collect data on operationally defined target behaviors. Data on at least three data points will be collected at baseline, during treatment, and post-treatment for each behavior that is identified in the child's treatment plan. No additional pre- and post-testing is required;]

[(6) document efforts to coordinate services with the school setting the child attends to promote generalization;]

[(7) create with the family and maintain documented transition plans for each child leaving services;]

[(8) maintain in the child's record the following documentation related to the transition plan:]

[(A) timelines for each transition activity;]

[(B) the family's choice for the child to transition into a community or educational program or for the child to remain in the home; and]

[(C) appropriate steps and transition services to support the family's exit from the HHSC Children's Autism Program services to LEA special education services or other appropriate activities, places, or programs the family would like the child to participate in after exiting services; and]

(d) [(9)] Documentation of [document all services provided, including] parent training must include[; including]:

(1) [(A)] the [child's] name of the child;

(2) [(B)] the names of those who participated in the training [date of service];

(3) [(C)] any training information the contractor discussed and shared with each parent who participated in the training; and [start and end time of service;]

(4) [(D)] the location where the contractor provided the training. [of service;]

[(E) names of those present for service;]

[(F) contractor's signature;]

[(G) description of the service and goals addressed; and]

[(H) progress toward goals.]

(e) A contractor must:

(1) provide ongoing analysis and evaluation of each child's progress;

(2) collect data on operationally defined target behaviors at baseline, during treatment, and after treatment for every behavior listed in the child's treatment plan;

(3) document efforts to coordinate services with the school setting the child attends to promote the child's use of learned skills in that setting so learned skills can carry over to other places;

(4) develop a written transition plan with the child and family before each child exits the Children's Autism Program;

(5) maintain an updated transition plan in the child's record and include in the transition plan:

(A) timelines for completing each of the steps and transition services documented in the plan to support the family's exit from the Children's Autism Program; and

(B) the family's choice for the child to:

(i) transition to local education agency special education services or other community activities, places, or programs the family would like the child to participate in after exiting the Children's Autism Program; or

(ii) remain in the home; and

(6) maintain documentation in the child's record of all services provided to the child that includes:

(A) the child's name;

(B) the date of service;

(C) the start and end time of service;

(D) the location of service;

(E) the names of those present during the time of service;

(F) the contractor's signature;

(G) a description of the service and goals addressed;

and

(H) progress toward goals.

§358.313. *Amount [Length] of Services.*

(a) The amount [length] of Focused ABA services provided for a child is based on the child's specific needs. [but must not exceed a maximum of 24 months in the HHSC Children's Autism Program in any combination of Comprehensive or Focused ABA services.]

(b) A [The] contractor may provide up to 720 total hours of [HHSC] Focused ABA services to a child as long as the child meets the eligibility requirements in §358.307(a) [§105.307] of this subchapter [chapter] (relating to Eligibility). [The contractor may not exceed 180 hours within a year of the first date of service.]

(c) Any change [The time-limited services are not affected by any modifications] in [the contract between HHSC and the] contractors while a child is receiving services does not affect the number of hours of services the child accumulates. The total of 720 service hours is cumulative across various contractors and service arrangements[, or a change in the contractor].

(d) [HHSC] Focused ABA services end when a child: [treatment]

(1) meets the goals in the treatment plan; or [are met or when]

(2) reaches a service limit in subsection (e) of this section [limits have been reached].

(e) A child reaches a service limit [Service limits have been reached] when the child:

{(1) has received 180 hours of services in a year;}

(1) [(2)] receives [has received] 720 total hours of Focused ABA services before the child's 22nd [his or her 16th] birthday; or

(2) [(3)] reaches 22 years of age [his or her 16th birthday].

{(f) Children who exit HHSC Focused ABA services with remaining hours of service may reapply for additional HHSC Focused ABA services based on the eligibility criteria in §105.307 of this chapter, the child's needs, available funding, and the contractor's ability to serve more children in accordance with §105.307 of this chapter. These children are given priority over children on the interest list who have not previously received services.}

(f) [(g)] A family may [choose to] continue [receiving] services from the contractor [, at the family's expense, from the contractor] after the child reaches a service limit [limits noted] in subsection (e) [(b)] of this section if the family pays for the services [have been reached]. HHSC does not pay [is not liable] for any costs [incurred] after a service limit is [limits have been] reached, including the contractor's [any] costs for [incurred by a contractor] providing those services.

§358.315. Participation Requirements.

(a) A [The] child must attend at least 85 percent of scheduled [HHSC] Focused ABA services during [over] the year. A child needs to attend these services to get the full [This is necessary for the child to fully] benefit from Focused ABA [the] services. Absences, for any reason, do not change the attendance requirement[, regardless of the reason for the absence].

(b) A parent must attend [Participation in] parent training sessions scheduled by the contractor at least two times each month, [, a minimum of once every two weeks as defined in §105.105(23) of this chapter (relating to Definitions), is required] for the [a] child to continue to receive services.

{(e) The parent and the child must participate in pre-test protocols upon enrollment into HHSC Focused ABA services. The parent and the child must participate in post-test protocols before exiting HHSC Focused ABA services.}

(c) [(d)] If a [the] parent or [and the] child does not [fail to] meet the participation [these] requirements in this section, the child may be removed [dismissed] from the [HHSC] Children's Autism Pro-

gram. A contractor may allow an exception to these [The] requirements if HHSC provides [may be waived with] written approval [by HHSC].

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SUBCHAPTER C. DARS FOCUSED ABA SERVICES

26 TAC §358.309

STATUTORY AUTHORITY

The repeal is authorized by 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 §117.082, which requires HHSC to adopt rules for the children's autism program.

The repeal implements Texas Government Code §524.0151 and Texas Human Resources Code §117.082.

§358.309. Enrollment.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER E. AUTISM PROGRAM RIGHTS

26 TAC §358.507, §358.515

STATUTORY AUTHORITY

The repeals are authorized by 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 §117.082, which requires HHSC to adopt rules for the children's autism program.

The repeals implement Texas Government Code §524.0151 and Texas Human Resources Code §117.082.

§358.507. Rights of Children and Parents.

§358.515. Staff Requirements.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER F. COST SHARE

26 TAC §§358.605, 358.607 - 358.609

STATUTORY AUTHORITY

The amendments are authorized by 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 §117.082, which requires HHSC to adopt rules for the children's autism program.

The amendments implement Texas Government Code §524.0151 and Texas Human Resources Code §117.082.

§358.605. *Cost Share.*

(a) A [The] family's cost share amount must be the lower amount [is the lesser] of the:

(1) HHSC Fee Schedule [fee schedule] amount; or

(2) applicable deductible, copayment, and coinsurance amounts when the family has insurance that covers the Focused ABA services.

(b) If a [the] parent disagrees with the contractor's determination of the family's ability to pay the cost share, the parent may [can]:

(1) request a review by the contractor's management [manager or program director];

(2) file an informal or formal complaint with the contractor;
or

(3) contact the HHSC [HHS] Office of the Ombudsman at 1-877-787-8999, for help resolving a problem or concern with the contractor.]; and]

[(4) file a formal complaint with HHSC as noted in §105.509 of this chapter (relating to Complaint Process).]

§358.607. *HHSC Fee Schedule Amount.*

(a) To [The contractor is required to use the HHSC Fee Schedule and instructions to] calculate the cost share that a [monthly fee owed by the] family must pay for [the] services of each eligible child, the contractor must use the HHSC Fee Schedule found in the HHSC contractor database according to the instructions.

(b) Factors that affect the amount of the monthly fee are [include the]:

(1) monthly costs of the Focused ABA services provided by the contractor as determined by the number of hours of service provided to each eligible child multiplied by the contractor's negotiated hourly rate with HHSC;

(2) adjusted gross income of the family as determined by the family's federal tax return filed for the previous year.]; or if the family did not file, the family's gross income minus the allowable deductions [as defined in §105.105 of this chapter (relating to Definitions)];

(3) family size calculated by adding [summing] the number of parents [or guardians], the child, and other dependents of the parents [or guardians as defined in §105.105 of this chapter]; and

(4) number of children from a single family who are enrolled in the [HHSC] Children's Autism Program.

(c) The fee for a single family with multiple children in the Children's Autism Program [service] must be calculated by the contractor for each child monthly. The family will owe 100 percent of the fee amount for the child with the highest fee and 50 percent of each additional child's fee.

[(d) Information about HHSC procedures and the fee schedule used to administer the HHSC Children's Autism Program are available on the HHSC website.]

§358.608. *Insurance Payments.*

If [the family has] insurance [that] covers [the] ABA services and an [the in-network provider] agreement exists between the insurance company and the Children's [HHSC] Autism Program contractor, [requires that] the contractor must accept the deductible, copayment, or coinsurance plus the [and] insurance [reimbursement as] payment as [in] full payment. The [, then the] family's cost share amount must be [is the lesser of] the lower amount of the HHSC Fee Schedule [fee schedule] amount or the insurance deductible, copayment, or coinsurance.

§358.609. *Payer of Last Resort.*

(a) HHSC funds may [must] not be used to pay [for] any part [portion] of the required cost share.

(b) When insurance, [To the extent that the family or child is entitled to insurance-payment for services or receives payment for services from] other governmental programs, third-party payers, or [other] private sources provide payment for services other than the required cost share, HHSC funds may [must] not be used [to pay for the services] until all other [methods of] payment options have been used first[applied].

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

CHAPTER 163. COMMUNITY JUSTICE ASSISTANCE DIVISION STANDARDS

37 TAC §163.38

The Texas Board of Criminal Justice (board) proposes amendments to §163.38, concerning Sex Offender Supervision. The proposed amendments update statutory references, add language to include applicable grant conditions in subsection (g), and make grammatical and formatting updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice, has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely clarify existing procedures.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely clarify existing procedures. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required. The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §76.016, which requires victim notification; §492.013, which authorizes the board to adopt rules; §509.003, which authorizes the board to adopt reasonable rules establishing standards and procedures for the TDCJ Community Justice Assistance Division; and Texas Code of Criminal Procedure Chapter 42A, which establishes guidelines for community supervision and Chapter 62, which establishes the sex offender registration program.

Cross Reference to Statutes: None.

§163.38. Sex Offender Supervision.

(a) Definitions.

(1) "Jurisdictional Authority" is a sentencing court, the Board of Pardons and Paroles (BPP), or a division of the Texas Department of Criminal Justice as applicable to the offender.

(2) "Sex Crime" is a reportable offense under Texas Code of Criminal Procedure Article 62.001(5) or an offense identified as a sexual offense by the Texas Penal Code laws of the United States, another state, another country, or the Uniform Code of Military Justice.

(3) "Sex Offender" is an offender who:

(A) is convicted of committing or adjudicated to have committed a sex crime;

(B) is awarded deferred adjudication for a sex crime; or

(C) has been ordered by the jurisdictional authority to participate in sex offender supervision or treatment.

(b) A community supervision and corrections department (CSCD) supervising sex offenders shall ensure consistency in the manner in which sex offenders are supervised throughout the CSCD [department]. Policies and procedures shall be developed that, at a minimum, include the following:

(1) contact standards as per 37 Texas Administrative Code §163.35(d)(5) [§163.35(e)(5)];

(2) sex offender registration as per Texas Code of Criminal Procedure Chapter 62;

(3) DNA collection as per Texas Code of Criminal Procedure Article 42A.301(b)(20) [42A.301(b)(21)];

(4) violation procedures as per 37 Texas Administrative Code §163.35(d)(7) [§163.35(e)(7)];

(5) victim notification as per Texas Government Code §76.016;

(6) treatment referral process as per Texas Code of Criminal Procedure Article 42A.258 [42A.453(i)];

(7) treatment participation requirements;

(8) team approach to supervision;

(9) sharing of information and documentation with the appropriate agencies; and

(10) specialized caseload size, if applicable.

(c) Each CSCD shall develop policies and procedures that address the needs and safety of victims or potential victims. The policies may include collaborating with victims, victim advocates, or sexual assault task forces in the supervision and treatment of sex offenders.

(d) Community supervision officers (CSOs) shall use a record keeping system to document all significant actions, decisions, services rendered, and periodic evaluations in each offender's case file, including the offender's level of supervision, compliance with the conditions of community supervision, progress with the supervision plan, and responses to intervention.

(e) CSOs shall collaborate with collateral sources, including treatment providers, polygraph examiners, significant others, sex offender registration personnel, sex offenders' families, local law enforcement, schools, Child Protective Services, employers, chaperones, and victim service providers.

(f) CSOs shall recommend that conditions be tailored to the sex offender's identified risk.

(g) CSOs shall make face-to-face field visits and collateral contacts with each [the] offender under the supervision of the CSCD, family, community resources, or other persons consistent with a supervision plan, applicable grant conditions, and the level of supervision on which the offender is being supervised. Each CSCD director shall establish supervision contact and casework standards at a level appropriate for that jurisdiction, but in all cases, offenders at higher levels of supervision shall receive a higher level of contacts than offenders at lower levels of supervision. Supervision contacts shall be specified in the CSCD written policies and procedures.

(h) Each CSCD director shall work with the local judiciary to specify written policies and procedures wherein CSOs may make recommendations to the courts regarding violations of conditions of community supervision, as well as when violations may be handled administratively. The continuum of sanctions or alternatives to incarceration shall be considered by the CSO and recommended to the court in eligible cases as determined appropriate by the jurisdiction.

(i) CSOs shall timely transmit information regarding supervision and treatment upon transfer of supervision.

(j) In addition to the above, a CSCD may operate specialized caseloads for sex offenders. In this event, the CSCD shall have a written policy that:

(1) establishes minimum qualifications and training requirements for CSOs supervising sex offenders; and

(2) specifies the number of staff required for the increased level of supervision essential for the specialized supervision of sex offenders. The caseload size shall not exceed 60 offenders per caseload.

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Texas Department of Criminal Justice

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For further information, please call: (936) 437-6700



CHAPTER 195. PAROLE

37 TAC §195.81

The Texas Board of Criminal Justice (board) proposes amendments to §195.81, concerning Temporary Housing Assistance Program. The proposed amendments replace "offender" with "parole client" throughout, update address information in paragraph (c)(1), and make grammatical and formatting updates.

Ron Steffa, Chief Financial Officer for the Texas Department of Criminal Justice (TDCJ), has determined that for each year of the first five years the proposed amendments will be in effect, enforcing or administering the proposed amendments will not have foreseeable implications related to costs or revenues for state or local government because the proposed amendments merely clarify existing procedures.

Mr. Steffa has also determined that for each year of the first five-year period, there will not be an economic impact on persons required to comply with the rules because the proposed amendments merely clarify existing procedures. There will not be an adverse economic impact on small or micro businesses or on rural communities. Therefore, no regulatory flexibility analysis is required.

The anticipated public benefit, as a result of enforcing the proposed amendments, will be to enhance clarity and public understanding. No cost will be imposed on regulated persons.

The proposed amendments will have no impact on government growth; no impact on local employment; no creation or elimination of a government program; no creation or elimination of

employee positions; no increase or decrease in future legislative appropriations to the TDCJ; no increase or decrease in fees paid to the TDCJ; no new regulation and no effect on an existing regulation; no increase or decrease in the number of individuals subject to the rule; and no effect upon the economy. The proposed amendments will not constitute a taking.

Comments and information such as applicable data, research, or analysis related to the cost, benefit, or effect of the proposed amendments should be directed to the Office of the General Counsel, Texas Department of Criminal Justice, P.O. Box 4004, Huntsville, Texas 77342, ogccomments@tdcj.texas.gov. Written comments and informational submissions from the general public must be received within 30 days of the publication of this rule in the *Texas Register*.

The amendments are proposed under Texas Government Code §492.013, which authorizes the board to adopt rules; and §508.157, which establish guidelines for temporary housing on release.

Cross Reference to Statutes: None.

§195.81. *Temporary Housing Assistance Program.*

(a) Purpose. The temporary housing assistance program is intended primarily to provide housing assistance for members of the Texas Department of Criminal Justice (TDCJ) population [~~offenders~~] who have been approved for parole, but have no home plan, and to assist parole clients [~~offenders~~] in the transition from community residential facilities and transitional treatment centers. The TDCJ [~~Texas Department of Criminal Justice (TDCJ)~~] is authorized to pay for temporary housing for any parole client [~~offender~~] who has insufficient financial and residential resources when released on parole or mandatory supervision on or after January 1, 2010.

(b) Criteria for Temporary Housing Assistance.

(1) Temporary housing assistance may only be provided if the TDCJ does not operate or contract for the operation of a residential correctional facility in the parole client's [~~offender's~~] legal county of residence. A residential correctional facility does not include a transitional treatment center, a substance abuse felony punishment facility, or any other facility operated by or under contract with the TDCJ for the primary purpose of providing [~~to provide~~] substance abuse treatment or aftercare.

(2) The temporary housing must have existed on June 1, 2009, as either a multifamily residence or a motel unless the TDCJ or the owner of the structure provides notice and has a public meeting as required for a community corrections facility on the issue of whether the use is appropriate.

(3) A parole client's [~~An offender's~~] family, personal sponsors, or anyone on community supervision, parole, or mandatory supervision, or persons required to register as a sex offender are not eligible to provide housing for temporary housing assistance.

(c) Temporary Housing Site Approval.

(1) Any provider that wants to provide temporary housing for a parole client [~~an offender~~] shall contact the TDCJ Parole Division, Huntsville Placement and Release Unit, 1022 Veterans Memorial Parkway, Suite C [1650 7th St., West Building], Huntsville, Texas 77340 [~~77320~~].

(2) The TDCJ shall investigate and approve the sites it deems appropriate. Factors considered shall include whether:

(A) The site is located within range of public transportation routes, or transportation is provided by the provider to job interviews, employment, housing searches, and counseling appointments.

(B) The site is located within 1,000 feet of premises where children commonly gather, including a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility.

(C) The site is properly maintained and clean.

(D) The provider rules are consistent with parole rules and conditions of supervision.

(3) The TDCJ shall maintain a list of all providers and sites that have been approved for temporary housing.

(d) Parole Client [Offender] Selection and Placement.

(1) The TDCJ shall not discriminate against any parole client [offender] because of race, color, religion, sex [gender], national origin, age, disability, or genetic information.

(2) A parole client [An offender] released on parole or mandatory supervision on or after January 1, 2010, with insufficient financial and residential resources, shall be considered for temporary housing assistance.

(3) A parole client [An offender] released on parole or mandatory supervision on or after January 1, 2010, who is residing in a community residential facility or transitional treatment center and who demonstrates progress toward self-sufficiency, may also be considered for temporary housing assistance if it appears they will become capable of meeting their own financial needs. The TDCJ shall consider whether the parole client [offender] has:

(A) A savings or trust fund account balance;

(B) Current or prospective employment;

(C) An employment history;

(D) Vocational skills; and/or

(E) A level of educational achievement above the sixth grade.

(4) A parole client [An offender] shall only receive temporary housing assistance at sites in the county in which the parole client [offender] resided at the time of committing the offense for which the parole client [offender] was sentenced to the TDCJ or in the county of conviction if not a resident of the state at the time of conviction.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 20, 2026.

TRD-202601685

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

Earliest possible date of adoption: May 31, 2026

For further information, please call: (936) 437-6700



PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 427. TRAINING FACILITY CERTIFICATION

The Texas Commission on Fire Protection (Commission) proposes amendments to 37 Texas Administrative Code, Chapter 427, Training Facility Certification, concerning §427.11, Reference Material, §427.211, Reference Material, §427.301, General Provision for Training Programs--On-Site and Distance Training Providers and §427.403, Financial Standards.

Background and Purpose

The purpose of the proposed amendments is to clarify and update the requirements for certified training facilities and training providers that conduct fire protection personnel certification programs. The amendments strengthen standards related to facilities, equipment, instructor qualifications, testing, and recordkeeping, while aligning training requirements with applicable NFPA standards and commission curriculum competencies to ensure consistent, safe, and effective firefighter training statewide.

Fiscal Note and Impact on State and Local Government

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period these amendments are in effect, there will be no fiscal impact on state or local government as a result of enforcing or administering these rules.

Public Benefit and Cost Note

Mr. Wisko has also determined that for each of the first five years these amendments are in effect, the anticipated public benefit will be clearer and more consistent rule language. There are no anticipated economic costs to individuals required to comply with the proposed rules.

Local Economy Impact Statement

There is no anticipated effect on local employment or the local economy for the first five years the amendments are in effect; therefore, no local employment impact statement is required under Texas Government Code § 2001.022.

Economic Impact on Small Businesses, Micro-Businesses, and Rural Communities

The Commission has determined that there will be no effect on small or micro-businesses or rural communities as a result of implementing these amendments; therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code § 2006.002.

Government Growth Impact Statement

Under Texas Government Code § 2001.0221, the Commission has determined that during the first five years the amendments are in effect:

The rules will not create or eliminate a government program;

The rules will not create or eliminate any existing employee positions;

The rules will not require an increase or decrease in future legislative appropriations;

The rules will not result in an increase or decrease in fees paid to the agency;

The rules will not create a new regulation;

The rules will not expand, limit, or repeal an existing regulation;

The rules will not increase the number of individuals subject to the rule; and

The rules are not anticipated to have an adverse effect on the state's economy.

Takings Impact Assessment

The Commission has determined that the proposed amendments do not restrict or burden private real-property rights and therefore do not constitute a taking under Texas Government Code § 2007.043.

Costs to Regulated Persons

The proposed amendments do not impose additional costs on regulated persons, including another state agency, a special district, or a local government, and therefore are not subject to Texas Government Code § 2001.0045.

Environmental Impact Statement

The Commission has determined that the proposed amendments do not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code § 2001.0225.

Request for Public Comment

Comments on the proposed amendments may be submitted in writing within 30 days of publication of this notice in the *Texas Register* to:

Frank King, General Counsel

Texas Commission on Fire Protection

P.O. Box 2286, Austin, Texas 78768

Email: frank.king@tcfp.texas.gov

SUBCHAPTER A. ON-SITE CERTIFIED TRAINING PROVIDER

37 TAC §427.11

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

Cross Reference to Statute: Texas Government Code, Chapter 419.

§427.11. *Reference Material.*

A reference library is required, that reference library may be physical or digital. The library must contain each of the required and recommended references, as identified in the applicable curriculum, in order [the publications required] to conduct research and develop lesson plans covering the material required in the applicable training program. The reference library material must be readily and easily accessible to students and instructors.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601662

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



SUBCHAPTER B. DISTANCE TRAINING PROVIDER

37 TAC §427.211

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

Cross Reference to Statute: Texas Government Code, Chapter 419.

§427.211. *Reference Material.*

A reference library is required, that reference library may be physical or digital. The library must contain each of the required and recommended references, as identified in the applicable curriculum, in order [the publications required] to conduct research and develop lesson plans covering the material required in the applicable training program. The reference library material must be readily and easily accessible to students and instructors.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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TRD-202601664

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

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For further information, please call: (512) 936-3812



SUBCHAPTER C. TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

37 TAC §427.301

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

Cross Reference to Statute: Texas Government Code, Chapter 419.

§427.301. *General Provisions for Training Programs--On-Site and Distance Training Providers.*

(a) Training programs that are intended to satisfy the requirements for fire protection personnel certification must meet the objectives and competencies in that discipline.

(b) A system for evaluating the comprehension of the trainee, including periodic and comprehensive written tests, is required. If performance skills are part of the applicable curriculum, performance testing shall be done in accordance with §439.11 of this title (relating to Commission-Designated Performance Skill Evaluations).

(c) Injuries

(1) All injuries that occur during training shall be reported via the TCFP injury report system.

(2) All burn injuries that occur during training shall be reported via the TCFP injury report system.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

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Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



SUBCHAPTER D. CERTIFIED TRAINING FACILITIES

37 TAC §427.403

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

Cross Reference to Statute: Texas Government Code, Chapter 419.

§427.403. *Financial Standards.*

(a) Definitions Relating to Financial Requirements.

(1) Balance Sheet--A statement of financial position or statement of condition, showing the status of assets, liabilities and owner equity for a defined period i.e., monthly, quarterly, etc.

(2) Current ratio--Ability [~~ability~~] to pay current obligations from current assets.

(3) Generally Accepted Accounting Principles (GAAP)--Conventions, rules and procedures that define accepted accounting practices to include both broad guidelines as well as detailed procedures.

(4) Generally Accepted Auditing Standards (GAAS)--Conventions, rules and procedures that define accepted audit practices.

(5) Stockholders Equity (net worth)--Amount [~~amount~~] by which assets exceed liabilities.

(6) Sworn statement--A notarized statement including the following language: "I swear or affirm that the information in these statements is true and correct to the best of my knowledge."

(7) Unearned income (tuition) affidavit--A statement of income received but not yet earned during the current or most recent fiscal

year. This is usually shown as a liability on a balance sheet, assuming it will be credited to income within the normal accounting cycle.

(b) The balance sheet required in this subchapter shall reflect the following:

(1) positive equity or net worth balance;

(2) unearned tuition as a current liability;

(3) a current ratio of at least one-to-one (current assets divided by current liabilities); and

(4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.

(c) Compilations shall be accompanied by the owner's sworn statement that all submitted documents are true and correct to the best of the owner's knowledge.

(d) All financial statements shall identify the name, license number, and licensing state of the accountant associated with the statements and be in accordance with GAAP.

(e) A school that maintains a financial responsibility composite score that meets the general standards established in federal regulations by the U.S. Department of Education for postsecondary institutions participating in student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, shall be considered to have met the financial standards of this subchapter.

(f) A school that qualifies under an alternative standard but not the general standard of these federal regulations will not be considered to have met the financial standards of this subchapter unless the school meets the other requirements stated in this subchapter.

(g) Requirements for Original Approvals.

(1) The owner shall furnish the commission with the following:

(A) a school owned by a sole proprietor must submit a reviewed personal balance sheet stating the disclosure of payments for the next five years to meet debt agreements as required by GAAP; or

(B) all other ownership structures must submit an audited balance sheet consistent with GAAP and GAAS and certified by an accountant.

(2) The facility shall submit a balance sheet, a list of the expected school-related expenses for the first three months of operation of the school; a sworn statement signed by the owner affirming the availability of sufficient cash to cover projected expenses at the date of the certification. Projected expenses may include the following:

(A) employee salaries, listed by position title, including withholding and unemployment taxes, and other related expenses;

(B) lease or rent payments for listed equipment;

(C) lease or rent payments for facilities;

(D) accounting, legal and other specifically identified professional fees;

(E) an estimate of expenses such as advertising, travel, textbooks, office and classroom supplies, printing, telephone, utilities, taxes;

(F) a projection of the gross amount of tuition and fees to be collected during each of the first two years of operation; and

(G) such other evidence as may be deemed appropriate by the commission to establish financial stability.

(h) Prior to a change in ownership of a facility, the purchaser shall furnish the commission a current balance sheet meeting the requirements outlined in this subchapter for original approvals, excluding the sufficient cash requirement for initial expenses. The purchaser shall furnish any other evidence deemed appropriate by the commission to establish financial stability.

(i) The deletion or addition of any person that would be considered an owner is considered a change in facility ownership. The facility must notify the commission of the change in ownership within 14 days of the transaction.

(j) The commission may require submission of a full application for approval of a change in ownership.

(k) Management agreements must be disclosed to the commission. Parties to a management agreement shall be of good reputation and character.

(l) The deletion, addition or moving of a facility will be reported to the commission 14 days prior to the transaction.

(m) If the commission determines that the deletion, addition or moving of a facility presents an unreasonable transportation hardship which would prevent a student from completing the training at the new location, the school shall provide a full refund of all monies paid and a release from all obligations to the student.

(n) The commission shall be notified in writing of any legal action to which the facility, any of its owners, representatives or management employees is a party.

(o) The notification shall be within 14 days after the action is known to be filed or the facility, owner, representative or management employee is served.

(p) The facility shall include, with the required notice, a file-marked copy of the petition, complaint, or other legal instrument, including copies of any judgments.

(q) If the commission determines that reasonable cause exists to question the validity of any financial information submitted, or the financial stability of the facility, the commission may require at the facility's expense:

(1) an audit of the facility that has been certified by an accountant; or

(2) The owner must furnish any other evidence deemed appropriate by the commission to establish financial stability.

(r) The entity certified under this subchapter shall maintain, in a permanent format that is acceptable and readily accessible to the commission, a record of any funds received from, or on behalf of, the student. The entity shall clearly identify the payer, the type of funding, and the reason for the charges. These records shall be posted and kept current.

(s) An entity certified under this subchapter shall issue written receipts of any charges or payments to the student and maintain such records for review upon request by the commission. Each separately charged item shall be clearly itemized on the student-signed receipt.

(t) An entity certified under this subchapter shall develop and maintain a cancellation and refund policy.

(u) The student shall be entitled to a full refund of all monies paid to the facility if classes or courses are cancelled by the facility.

(v) For classes or courses cancelled by the student, refund policies will be based on a prorated basis or percentage of the class or program completed by the student.

(w) An entity certified under this subchapter shall comply with Chapter 437 of this title (relating to Fees).

~~[(x) Upon application for renewal, an entity certified under this subchapter will provide a balance sheet with a sworn statement.]~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601666

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



CHAPTER 435. FIRE FIGHTER SAFETY

The Texas Commission on Fire Protection (Commission) proposes amendments to 37 Texas Administrative Code, Chapter 435, Fire Fighter Safety, concerning §435.23, Fire Protection Personnel Injuries, §435.25, Courage to be Safe So Everyone Goes Home Program, §435.29, Federal Highway Administration Traffic Incident Management Program, and §435.31, Firefighter Cancer Support Network Cancer Awareness Training Program, and proposes new §435.33, Occupational Cancer Screening for Firefighters.

Background and Purpose

The purpose of the proposed amendments is to clarify and strengthen firefighter safety requirements administered by the Commission. The amendments to §435.23 update the definition of investigable injuries to better reflect current injury reporting needs, including burns sustained from emergency operations or training. The amendments to §435.25, §435.29, and §435.31 convert existing one-time training requirements into recurring five-year renewal requirements for the Courage to be Safe, Federal Highway Administration Traffic Incident Management, and Firefighter Cancer Support Network Cancer Awareness programs, ensuring that fire protection personnel remain current on critical safety topics throughout their careers. Outdated date references in §435.31 that have passed are also removed. The new §435.33 implements House Bill 198 (the Wade Cannon Act) by establishing minimum standards for confidential occupational cancer screenings for firefighters, consistent with NFPA 1580 standards as required by Section 180.011(e) of the Local Government Code.

Fiscal Note and Impact on State and Local Government

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period these rules are in effect, there will be no fiscal impact on state or local government as a result of enforcing or administering these rules.

Public Benefit and Cost Note

Mr. Wisko has also determined that for each of the first five years these rules are in effect, the anticipated public benefit will be improved firefighter safety, clearer injury reporting standards, and consistent implementation of occupational cancer screening requirements statewide. There are no anticipated economic costs to individuals required to comply with the proposed rules.

Local Economy Impact Statement

There is no anticipated effect on local employment or the local economy for the first five years the rules are in effect; therefore, no local employment impact statement is required under Texas Government Code § 2001.022.

Economic Impact on Small Businesses, Micro-Businesses, and Rural Communities

The Commission has determined that there will be no effect on small or micro-businesses or rural communities as a result of implementing these rules; therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code § 2006.002.

Government Growth Impact Statement

Under Texas Government Code § 2001.0221, the Commission has determined that during the first five years the rules are in effect:

The rules will not create or eliminate a government program;

The rules will not create or eliminate any existing employee positions;

The rules will not require an increase or decrease in future legislative appropriations;

The rules will not result in an increase or decrease in fees paid to the agency;

The rules will not create a new regulation;

The rules will not expand, limit, or repeal an existing regulation;

The rules will not increase the number of individuals subject to the rule; and

The rules are not anticipated to have an adverse effect on the state's economy.

Takings Impact Assessment

The Commission has determined that the proposed rules do not restrict or burden private real-property rights and therefore do not constitute a taking under Texas Government Code § 2007.043.

Costs to Regulated Persons

The proposed rules do not impose additional costs on regulated persons, including another state agency, a special district, or a local government, and therefore are not subject to Texas Government Code § 2001.0045.

Environmental Impact Statement

The Commission has determined that the proposed rules do not require an environmental impact analysis because the rules are not major environmental rules under Texas Government Code § 2001.0225.

Request for Public Comment

Comments on the proposed rules may be submitted in writing within 30 days of publication of this notice in the *Texas Register* to:

Frank King, General Counsel

Texas Commission on Fire Protection

P.O. Box 2286, Austin, Texas 78768

Email: frank.king@tcfp.texas.gov

37 TAC §435.23

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

Cross Reference to Statute: Texas Government Code, Chapter 419.

§435.23. *Fire Protection Personnel Injuries.*

(a) A regulated entity shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-duty regulated fire protection personnel on the Commission form.

(b) Minor injuries are those injuries that do not result in the fire protection personnel missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.

(c) Major injuries are those that require the fire protection personnel to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.

(d) Investigable fire protection personnel injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire protection personnel from injury, ~~or~~ major injuries, burns sustained from emergency operations or training, the top three injuries identified from the annual injury report. ~~[sustained from failure to comply with any provision of Commission mandated department SOPs.]~~ Investigable injuries shall be reported within five business days of the injury event.

(e) The regulated entity shall secure any personal protective equipment involved in an investigable fire protection personnel injury and shall be made available to the Commission for inspection.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601668

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



37 TAC §435.25

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

§435.25. *Courage to be Safe So Everyone Goes Home Program.*

(a) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year following appointment to a regulated entity if the individual has not previously completed the program. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training every 5 years, at a minimum. Individuals will be credited with four hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

(c) [(b)] Regulated entities will report the completion of training through the commission's web-based reporting system.

(d) [(e)] Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601669

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



37 TAC §435.29

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

§435.29. Federal Highway Administration Traffic Incident Management Program.

(a) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission within one year of appointment to a regulated entity. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission every 5 years, at a minimum. Individuals will be credited with four hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply.

(c) [(b)] Departments will report the completion of training through the commission's web-based reporting system.

(d) [(e)] Failure to complete the Federal Highway Administration Traffic Incident Management program or an equivalent course that is approved by the commission before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601670

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



37 TAC §435.31

Statutory Authority

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

§435.31. Firefighter Cancer Support Network Cancer Awareness Training Program.

(a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the Firefighter Cancer Support Network Cancer Awareness Training program will be completed within one year of appointment to a regulated entity [as part of the continuing education required for certified fire protection personnel by December 1, 2024]. Individuals will be credited with two hours of continuing education credit for completing this program.

(b) All fire protection personnel will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program every 5 years, at a minimum. Individuals will be credited with two hours of continuing education credit for completing this program. All regulated entities will have three years from adoption of this standard to comply. [All regulated fire protection personnel must complete the Firefighter Cancer Support Network Cancer Awareness Training program prior to December 1, 2024.]

[(c) All fire protection personnel appointed after December 1, 2024, will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program training within one year of appointment to a fire department.]

(c) [(d)] Departments will report the completion of training through the commission's web-based reporting system.

(d) [(e)] Failure to complete the Firefighter Cancer Support Network Cancer Awareness Training program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601671

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



37 TAC §435.33

Statutory Authority

The proposed new rule is authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

§435.33. Occupational Cancer Screening for Firefighters.

A regulated entity shall assess the occupational health risks, including, but not limited to, cancer, cardiovascular, and other medical conditions, associated with firefighting duties as defined by 419.021(3). The procedure used to make this assessment shall be documented.

(1) A regulated entity shall develop and maintain a standard operating procedure (SOP) ensuring that each firefighter is offered a confidential occupational cancer screening at no cost to the firefighter with the initial screening starting no later than in the fifth year of employment with that entity and annually thereafter. The approach and implementation of these screenings may be adapted to local medical resources so long as the latest edition of NFPA 1580-based minimum standards (11.7.13-11.7.21) are met as required by Section 180.011(e), Local Government Code.

(2) The occupational cancer screening offered must be confidential, and in addition to testing for cancer, include:

- (A) A urine test;
- (B) A pulmonary function test;
- (C) An electrocardiogram (ECG);
- (D) An infectious disease screening;
- (E) A breast cancer screening;
- (F) A blood test; and
- (G) A chest x-ray, offered once every five years.

(3) Regulated entities that do not offer the screening under this section must submit an alternative occupational medical examination plan to the Commission by February 1 of each year. The plan must:

- (A) Be endorsed by a licensed physician;
- (B) Be in substantial compliance with standards developed by the National Fire Protection Association (NFPA 1580)

(4) The standard operating procedure, any alternative plan, and confirmation of compliance shall be made available to the Commission for inspection.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 17, 2026.

TRD-202601672

Mike Wisko

Agency Chief

Texas Commission on Fire Protection

Earliest possible date of adoption: May 31, 2026

For further information, please call: (512) 936-3812



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 702. GENERAL ADMINISTRATION

SUBCHAPTER F. ADVISORY COMMITTEES

The Department of Family and Protective Services (DFPS) proposes to amend, repeal, and create new rules in Title 40, Texas Administrative Code (TAC), Part 19, Chapter 702, Subchapters F, relating to the Department of Family Protective Services' Advisory Committees.

BACKGROUND AND PURPOSE

The new rule aims to establish a new advisory committee, Partners for Children and Families; repeal two existing advisory committees, the Committee on Advancing Residential Practices (CARP) and Public Privacy Partnership (PPP); and make minor clarifying changes to general provisions about advisory committees not being governmental bodies as defined by Chapter 551 of the Governmental Code.

SECTION-BY-SECTION SUMMARY

Amend §702.501 to clarify that while all advisory committee meetings must be announced and conducted in accordance with the open meeting provisions of Texas Government Code, Chapter 551, advisory committees are not governmental bodies as defined by Chapter 551.

The proposed repeal of §702.507 eliminates the Committee on Advancing Residential Practices (CARP) as it has been merged into the new committee, Partners for Children and Families proposed in rule §702.517.

The proposed repeal of §702.509 eliminates the Public Private Partnership (PPP) advisory committee as it has been merged into the new committee, Partners for Children and Families proposed in rule §702.517.

Proposed new §702.517 establishes the new advisory committee Partners for Children and Families (PCFC) and its purpose, tasks, and membership requirements.

FISCAL NOTE

Lea Ann Biggar, Chief Financial Officer of DFPS, has determined that for each year for the next five years of implementation there will be a \$6,249.00 cost, totaling \$31,245.00 over the first five years. This impact is to benefit the public access by creating a livestream webcasting and closed captioning services of new advisory committee meetings. There will be no fiscal implications to local governments as a result of enforcing and administering the section(s) as proposed.

GOVERNMENT GROWTH IMPACT STATEMENT

DFPS has determined that during the first five years that the proposed rules will be in effect:

- (1) the proposed rulemaking will not create or eliminate a government program;
- (2) implementation of the proposed rulemaking will not affect the number of employee positions;
- (3) implementation of the proposed rulemaking will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rulemaking will not affect fees paid to the agency;
- (5) the proposed rulemaking will not create a new regulation;
- (6) the proposed rulemaking will not limit an existing regulation;

(7) the proposed rulemaking will not change the number of individuals subject to the rule; and

(8) the proposed rulemaking will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Biggar has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as the rule does not apply to small or micro-businesses, or rural communities.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no anticipated economic costs to persons who are required to comply with the section(s) as proposed.

There is no anticipated negative impact on local employment.

COSTS TO REGULATED PERSONS

Pursuant to subsection (c)(7) of Texas Government Code §2001.0045, the statute does not apply to a rule that is adopted by the Department of Family and Protective Services.

PUBLIC BENEFIT

Ms. Biggar has determined that for each year of the first five years the sections are in effect, the public will benefit from adoption of the section(s). The anticipated public benefit will be that the public can more readily access meetings through the creation of a livestream webcasting and closed captioning service.

TAKINGS IMPACT ASSESSMENT

DFPS has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments and questions on this proposal must be submitted within 30 days of publication of the proposal in the *Texas Register*. Electronic comments and questions may be submitted to Katharine McLaughlin, Senior Policy Attorney, Katharine.McLaughlin@dfps.texas.gov or Lauren Villa, Policy Attorney, or Lauren.villa@dfps.texas.gov or RULES@dfps.texas.gov. Hard copy comments may be submitted to the DFPS Rules Coordinator, Legal Services Sanjuanita Malto, Department of Family and Protective Services E-611, P.O. Box 149030, Austin, Texas 78714-9030.

40 TAC §702.501, §702.517

STATUTORY AUTHORITY

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

CROSS REFERENCE TO STANDARDS

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

§702.501. Authority and General Provisions.

(a) Authority to establish advisory committees. The ~~Executive~~ Commissioner has the authority to appoint advisory committees and to adopt rules regarding the purpose, structure, and use of advisory committees under Texas Human Resources Code §40.030.

(b) Applicability of Texas Government Code, Chapter 2110. An advisory committee established under this subchapter is subject to Texas Government Code Chapter 2110.

(c) Applicability of Texas Government Code Chapter 551. ~~[Unless otherwise expressly provided,]~~ An ~~[an]~~ advisory committee established under this subchapter is not a "governmental body" as defined by Chapter 551, except that, unless otherwise expressly provided, all advisory committee meetings must be announced and conducted in accordance with the open meeting provisions of Chapter 551 ~~[subject to the Open Meetings Act, Texas Government Code Chapter 551, as if it were a governmental body].~~

§702.517. Partners for Children and Families.

(a) Establishment. The Partners for Children and Families Committee (PCFC) is established.

(b) Purpose. The purpose of the PCFC is to strengthen the Texas child protection system and related systems of adult protection. The PCFC shall study and make advisory recommendations to the department regarding the evolution of the child protection system to its model of Community-Based Care and the child protection system at large.

(c) Tasks. The PCFC shall seek and receive public comment on proposed rules, make recommendations, and perform other tasks consistent with the PCFC's purpose, as requested by the DFPS Commissioner.

(d) Committee. The PCFC shall consist of a core committee.

(e) Subcommittees. Subcommittees shall be established and governed by the PCFC bylaws. The PCFC Committee and DFPS staff will evaluate the need for all existing subcommittees annually. Subcommittee individuals are not members of the PCFC Committee. However, a PCFC Committee member may serve on a subcommittee and serve as Chair of any subcommittee.

(f) Reporting and DFPS Action.

(1) The PCFC shall provide periodic reports and recommendations to DFPS.

(2) Any and all the PCFC recommendations are advisory and do not obligate DFPS to take action.

(3) The PCFC recommendations may inform DFPS policy or practice.

(g) Committee Membership. The core committee of the PCFC shall consist of no more than 15 members.

(1) All members are appointed by the Commissioner via an application process. Applications will be reviewed by a DFPS Review Committee that will make initial recommendations regarding qualified members to the Commissioner who will make the final selection of all members.

(2) The DFPS Review Committee will recommend a committee of stakeholders with varying interests.

(3) Membership may include individuals from:

(A) Providers and provider associations;

(B) Youth formerly in foster care;

- (C) Members of the legal system;
- (D) Child welfare advocacy groups;
- (E) Foster parents and kinship families; and
- (F) Other child welfare stakeholders, as determined by the Commissioner.

(4) Of the 15-member core committee, the following organizations shall have a representative, as a standing PCFC member:

- (A) Texas Alliance of Child & Family Services;
- (B) Texas Network of Youth Services;
- (C) Texas Supreme Court Children's Commission; and
- (D) Texas CASA.

(h) Committee Membership Requirements.

(1) Members must have demonstrated a commitment to the children, youth, and families of Texas;

(2) Members must have knowledge and experience with the Texas child protection system; and

(3) Members must be willing to devote the time necessary to attend and participate in meetings.

(i) Committee Membership Terms.

(1) Except as may be necessary to stagger terms, and as provided in paragraph (2) of this subsection, a member serves for a four-year term and may be appointed for only one additional term at the Commissioner's discretion. These terms may be served consecutively. The initial PCFC selection will include staggered terms of 2 years.

(2) Members who represent one of the organizations with standing membership as established in subsection (g)(4) of this section, serve terms that do not expire, except that if an individual representing the organization is no longer employed by or affiliated with that organization, that individual is automatically removed from the PCFC and may be replaced by another representative of that same organization by Commissioner appointment through the application process.

(3) Members serve at the pleasure of the DFPS Commissioner.

(j) Presiding officers. The presiding officers of the PCFC are co-chairs and are elected by a majority vote of the PCFC core committee members. The co-chairs serve a two-year term and may be re-elected by the PCFC members as a co-chair for only one additional term.

(k) Meetings. The PCFC shall conduct meetings quarterly as scheduled by DFPS.

(l) Decision-making. The PCFC shall strive to make recommendations by consensus. Dissenting opinions may be noted.

(m) Bylaws. The PCFC shall adopt bylaws to further govern the PCFC practices, including but not limited to, attendance requirements, meeting notices, subcommittees, recommendations, conflicts of interest, and administration.

(n) Abolition. The PCFC is abolished, and this section expires, August 31, 2036.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 20, 2026.

TRD-202601686
 Sanjuanita Maltos
 Rules Coordinator
 Department of Family and Protective Services
 Earliest possible date of adoption: May 31, 2026
 For further information, please call: (512) 945-5978



40 TAC §702.507, §702.509

STATUTORY AUTHORITY

The modification is proposed under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

CROSS REFERENCE TO STATUTE

Texas Human Resources Code Section 40.030 allows the DFPS commissioner or the commissioner's designee to appoint advisory committees in accordance with Chapter 2110, Texas Government Code. Chapter 2110 of the Government Code requires the commissioner to adopt rules when establishing advisory committees.

§702.507. *Committee on Advancing Residential Practices.*

§702.509. *Public Private Partnership.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 20, 2026.

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 Sanjuanita Maltos
 Rules Coordinator
 Department of Family and Protective Services
 Earliest possible date of adoption: May 31, 2026
 For further information, please call: (512) 945-5978



PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 804. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 804, relating to the Jobs and Education for Texans (JET) Grant Program:

Subchapter A. Definitions, §804.1

Subchapter B. Advisory Board Composition, Meeting Guidelines, §804.12 and §804.13

Subchapter C. Grant Program, §804.21 and §804.24

Subchapter D. Grants to Educational Institutions for Career and Technical Education Programs, §804.41

TWC proposes the following new section to Chapter 804, relating to the Jobs and Education for Texans (JET) Grant Program:

Subchapter B. Advisory Board Composition, Meeting Guidelines, §804.14

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 804 rule change is to implement Senate Bill 1728 (SB 1728), enacted by the 89th Texas Legislature, Regular Session, 2025, by including the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as eligible applicants for the Jobs and Education for Texans grant program.

The proposed rule change also adds a new section to reference a concurrent proposed new rule in 40 TAC Chapter 800, Subchapter E establishing an abolishment date for the JET Advisory Council.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. DEFINITIONS

TWC proposes the following amendments to Subchapter A:

§804.1. Definitions

Section 804.1 is amended to add definitions for the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments.

SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES

TWC proposes the following amendments to Subchapter B:

The subchapter's title is changed to "Subchapter B. Advisory Board's General Provisions."

§804.12. Meetings Required

Section 804.12 is amended to add the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities from which the advisory board may receive and review applications.

§804.13. General Advisory Board Responsibilities

Section 804.13 is amended to add the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities that the advisory board shall provide advice to and recommend the manner in which they apply for JET grants.

§804.14. Duration of Advisory Board

New §804.14 is added to provide a reference to 40 TAC Chapter 800, Subchapter E, which establishes an abolishment date for the JET Advisory Board, as allowed under Texas Government Code, §2110.008.

SUBCHAPTER C. GRANT PROGRAM

TWC proposes the following amendments to Subchapter C:

§804.21. General Statement of Purpose

Section 804.21 is amended to add the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as eligible entities to apply for JET grants.

§804.24. Reporting Requirements

Section 804.24 is amended to include the Texas Juvenile Justice Department, juvenile boards, and juvenile probation depart-

ments as entities that must comply with all reporting requirements should they receive a grant under Chapter 804.

SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

TWC proposes the following amendments to Subchapter D:

§804.41. Grants for Career and Technical Education Programs

Section 804.41 is amended to include the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities under Chapter 804, Subchapter D.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

There are no anticipated economic costs to individuals required to comply with the rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking action under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to implement SB 1728 by adding the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as eligible applicants for the JET grant program.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;
- will not change the number of individuals subject to the rules; and
- will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Mary York, Director, Workforce Development Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to expand the pool of eligible applicants for the Jobs and Education for Texans grant program.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rule or any other interested person, information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than June 1, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than June 1, 2026.

SUBCHAPTER A. DEFINITIONS

40 TAC §804.1

PART VI. STATUTORY AUTHORITY

The rule is proposed under the authority of:

- Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rule relates to Texas Education Code, Chapter 134.

§804.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

(1) Act--Texas Education Code, Chapter 134, Jobs and Education for Texans Grant Program.

(2) Advisory board--The advisory board of education and workforce stakeholders created pursuant to the Act.

(3) Career and technical education--Organized educational activities that offer a sequence of courses that:

(A) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in high-demand occupations or emerging industries;

(B) includes competency-based applied learning that contributes to the academic knowledge, problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual; or

(C) provides a license, a certificate, or a postsecondary degree.

(4) Certificate or degree completion--Any grouping of workforce or technical courses in sequential order that, when satisfactorily completed by a student, will entitle the student to a Texas Higher Education Coordinating Board--approved certificate or associate degree from a public technical institute, public junior college, or public state college.

(5) Developmental education--Structured courses, tutorials, laboratories, or other proven instructional efforts that successfully prepare students for college level (and therefore work-ready) courses as measured by passing the state-required college entrance exam (or meeting the Texas Success Initiative requirements).

(6) Emerging industry--A growing, evolving, or developing industry based on new technological products or concepts.

(7) High-demand occupation--A job, profession, skill, or trade for which employers within the state of Texas generally, or within particular regions or cities of the state, have or will have a substantial need. In determining whether there is or will be a substantial need for a particular job, profession, trade, or skill, the Agency may consider occupations identified by the 28 Local Workforce Development Boards (Board-Area Target Occupations Lists) and/or the Agency's labor market projections.

(8) JET--The Jobs and Education for Texans Grant Program.

(9) Juvenile board--An entity as defined by Texas Human Resources Code, §201.001, and governed by Texas Human Resources Code, Chapter 152, that oversees juvenile probation services at the county level.

(10) Juvenile probation department--A county-level department, established and governed by a local juvenile board, that provides probation supervision and services to youth, pursuant to Texas Human Resources Code, Chapter 152.

(11) [(9)] Open-enrollment charter school--A Texas public school operated by a charter holder under an open-enrollment charter granted pursuant to Texas Education Code, §12.101.

(12) [(40)] Public junior college--Any junior college certified by the Texas Higher Education Coordinating Board in accordance with Texas Education Code, §61.003.

(13) [(41)] Public state college--Lamar State College--Orange, Lamar State College--Port Arthur, or Lamar Institute of Technology, in accordance with Texas Education Code, §61.003.

(14) [(42)] Public technical institute--The Lamar Institute of Technology or the Texas State Technical College System, in accordance with Texas Education Code, §61.003.

(15) [(43)] School district--An independent school district or the Windham School District.

(16) Texas Juvenile Justice Department--The state's juvenile corrections agency, which supervises juveniles committed to the state's care and custody and juveniles on probation, as established by Senate Bill 653, 82nd Texas Legislature, 2011, and defined in Texas Human Resources Code, Chapter 201.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2026.

TRD-202601616

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: May 31, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER B. ADVISORY BOARD'S GENERAL PROVISIONS

40 TAC §§804.12 - 804.14

The rules are proposed under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules relate to Texas Education Code, Chapter 134.

§804.12. Meetings Required.

(a) The advisory board is required to meet at least once each quarter, or as needed, to review received applications and recommend awarding grants under this chapter to public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, [and] school districts, the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments.

(b) Meetings shall be subject to the requirements of the Open Meetings Act.

§804.13. General Advisory Board Responsibilities.

The advisory board shall provide advice and recommend:

(1) the manner in which public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, [and] school districts, the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments apply for JET grants; and

(2) the JET grants to be awarded by the Agency.

§804.14. Duration of Advisory Board.

The advisory board is subject to the advisory committee abolishment provisions set forth under Texas Government Code, §2110.008. As allowed by the statute, the Commission has, by rule, under Chapter 800, Subchapter E of this title, designated a date on which the advisory board will automatically be abolished unless the Commission amends the rule to provide for a different abolishment date.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: May 31, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER C. GRANT PROGRAM

40 TAC §804.21, §804.24

The rules are proposed under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules relate to Texas Education Code, Chapter 134.

§804.21. General Statement of Purpose.

In accordance with the Act, the Agency established JET, which it administers pursuant to the Act and this chapter to award grants from the JET fund for the development of career and technical education programs at public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, [and] school districts, the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments that meet the requirements of Texas Education Code, §134.006 and §134.007.

§804.24. Reporting Requirements.

A public junior college, public technical institute, public state college, open-enrollment charter school, [or] school district, the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments receiving a grant under this chapter must comply with all reporting requirements of the contract in the frequency and format determined by the Agency in order to maintain eligibility for grant payments. Failure to comply with the reporting requirements may result in termination of the grant award and the entity being ineligible for future grants under this chapter.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2026.

TRD-202601618

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: May 31, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

40 TAC §804.41

The rule is proposed under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rule relates to Texas Education Code, Chapter 134.

§804.41. Grants for Career and Technical Education Programs.

(a) This subchapter is applicable to JET awards to public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, ~~and~~ school districts, the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments for the development of career and technical education programs that meet the requirements of Texas Education Code, §134.006 and §134.007.

(b) A grant received under this subchapter may be used only to:

(1) support courses or programs that prepare students for career employment in occupations that are identified by local businesses as being in high demand;

(2) finance the initial costs of career and technical education courses or program development, including the costs of purchasing equipment, and other expenses associated with the development of an appropriate course; and

(3) finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.

(c) In awarding a grant under this subchapter, the Agency shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The Agency may also consider whether the course or program:

(1) is part of a new, emerging industry or high-demand occupation;

(2) offers new or expanded dual-credit career and technical educational opportunities in public high schools;

(3) offers new career and technical educational opportunities not previously available to students enrolled at any campus in the Windham School District; ~~or~~

(4) offers new career and technical education opportunities not previously available as part of any existing educational programs that are offered in facilities operated wholly or partly by the Texas Juvenile Justice Department, a juvenile board, or a juvenile probation department, including a facility operated by a private vendor under a contract with the Texas Juvenile Justice Department, a juvenile board, or a juvenile probation department; or

(5) ~~[(4)]~~ is provided in cooperation with other public junior colleges, public technical institutes, or public state colleges across existing service areas.

(d) A grant recipient shall provide the matching funds as identified in its application.

(1) Matching funds may be obtained from any source available to the grant recipient, including industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.

(2) A grant recipient's matching share may consist of one or more of the following contributions:

(A) cash;

(B) equipment, equipment use, materials, or supplies;

(C) personnel or curriculum development cost; and/or

(D) administrative costs that are directly attributable to the project.

(3) The matching funds must be expended on the same project for which the grant funds are provided and valued in a manner acceptable or as determined by the Agency.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on April 14, 2026.

TRD-202601619

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: May 31, 2026

For further information, please call: (737) 301-9662



CHAPTER 815. UNEMPLOYMENT INSURANCE

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

40 TAC §815.20, §815.28

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 815, relating to Unemployment Insurance:

Subchapter B. Benefits, Claims, and Appeals, §815.20 and §815.28

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 815 rule change is to implement the provisions of House Bill 3698 (HB 3698), enacted by the 89th Texas Legislature, Regular Session, 2025, relating to participation in reemployment services as a condition of eligibility for unemployment benefits.

HB 3698 amended Texas Labor Code, §207.021(a), to expand participation in reemployment services under the federal Reemployment Services and Eligibility Assessment (RESEA) Program. HB 3698 revised the conditions under which such participation is required for unemployment compensation eligibility.

Additionally, the rule amendments will:

--increase the minimum number of required weekly work search contacts from three to five;

--add a requirement for claimants to verify their identity;

--add additional groups of individuals who are exempt from the work registration and work search requirements; and

--correct outdated references.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

TWC proposes the following amendments to Subchapter B:

§815.20. Claim for Benefits

Section 815.20(7) is amended to conform with Texas Labor Code, §207.021(a), as amended by HB 3698, relating to the expansion of participation in reemployment services, and to correct a Texas Labor Code reference.

Section 815.20(8) is amended to add two new categories of unemployment benefits claimants who are exempt from the requirement to register for work. This change is necessary to align §815.28 with §815.28, as amended.

Additionally, new §815.20(11) formalizes TWC's existing identity verification requirements to provide clarity and increase understanding by parties to a claim. These requirements are critical to protect the integrity of the unemployment compensation system from identity fraud. This amendment is based on TWC's existing authority under Texas Labor Code, §207.021(a)(1) and does not expand that authority or create new requirements for claimants.

§815.28. Work Search Requirements

Section 815.28 is amended to increase a claimant's TWC-required minimum number of weekly work search contacts from three to five. This adjustment reflects the efficiency of modern online job searching and the abundance of job opportunities in the thriving Texas economy. The increased requirement encourages active engagement in the labor market and facilitates quicker reemployment. This establishes a statewide minimum while preserving the Local Workforce Development Boards' authority, as approved by the Commission, to recommend higher requirements based on regional labor market conditions.

Section 815.28 is also amended to add limited exemptions to the work search requirement for certain individuals in areas affected by a disaster and certain federal employees in temporary layoff status due to a government furlough or shutdown. This amendment is made in response to a recommendation from the US Department of Labor.

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

There are no anticipated economic costs to individuals required to comply with the rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the rules.

Based on the analyses required by Texas Government Code, §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045, does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking action under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to expand participation in reemployment services under the federal RESEA program.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

--will not create or eliminate a government program;

--will not require the creation or elimination of employee positions;

--will not require an increase or decrease in future legislative appropriations to TWC;

--will not require an increase or decrease in fees paid to TWC;

--will not create a new regulation;

--will expand an existing regulation by expanding the scope of its applicability from a selective application of the requirements to a more universal application of the requirements;

--will change the number of individuals subject to the rules by expanding the requirement for individuals to participate in reemployment services to a broader population of unemployment benefits claimants; and

--will positively affect the state's economy by accelerating the reemployment of jobless Texans.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Lowell Keig, Director, Unemployment Insurance Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to expand participation in the RESEA program and further clarify which individuals are exempt from the work search requirements.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rule or any other interested person, information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than June 1, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than June 1, 2026.

PART VI. STATUTORY AUTHORITY

The amendments are proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules affect Texas Labor Code, Title 4.

§815.20. *Claim for Benefits.*

An unemployed individual who has no current benefit year and who wishes to claim benefits shall report to a representative of the Agency in a manner, including telephone, electronic, [telephonic, Internet,] or other means[;] that the Agency may approve, and file a claim for benefits. Before receiving benefits, a claimant shall register for work with the state's labor exchange system and participate in reemployment services [public employment office, including workforce centers, serving

the individual's area of residence], as provided in paragraphs (3) and (7) of this section, unless exempt from one or both of these requirements [the requirement].

(1) In case of a mass layoff by an employer, if the last employing unit involved makes an appropriate request, the Agency may accept, in lieu of an initial claim from each individual, a list furnished by the last employer of the individuals to be laid off and who wish to file initial claims for benefits. The list shall reflect, with respect to each individual, all information normally required on the initial claim by the Agency, except the reason for separation. If the Agency approves the request, the listing then may be used by the Agency as an initial claim for each individual on the list.

(2) After an individual files a valid initial claim, which establishes the claimant's benefit year, the claimant may, during the benefit year, file subsequent continued claims, weekly or biweekly, by telephone [telephonic means], facsimile (fax) transmission, mail, common carrier, electronic [Internet], or other means as the Agency may approve in writing, but at intervals of no less than seven consecutive days. A claimant shall file all claims by telephone [telephonic means], in writing, or orally, during the hours, days, and weeks directed by Agency representatives. Internet filing is available 24 hours each day. If at any time during the benefit year, more than 30 days have elapsed since the filing of the claimant's last claim, the claimant shall file an additional or reopened claim for benefits as defined in §815.1 of this chapter [~~(relating to Definitions)~~] and shall comply with all eligibility requirements for the claims. A claimant who exhausts regular benefits may file continued claims for extended benefits as referenced in §815.26 of this subchapter [~~(relating to Extended Benefit Period Announcement)~~] in the same manner in which the claimant filed claims for regular benefits, but the claimant's claims for extended benefits may be for benefit periods subsequent to the end of the claimant's benefit year.

(3) An individual who files a claim for benefits shall comply with all Agency requirements [~~of the public employment office in which the claimant files an application for work~~] that are necessary to establish a valid registration for work and for continued reporting to the Agency [~~in that public employment office~~]. The claimant shall comply with an Agency representative's requests, whether oral or written, that are reasonably designed to inform the claimant of the claimant's rights and responsibilities in filing a claim for benefits. The claimant also shall:

(A) provide evidence, upon request, to establish the claimant's correct Social Security [~~account~~] number;

(B) file all claims in the manner directed by the Agency, whether on Agency-provided forms or by telephone [telephonic], electronic [Internet], or other means approved by the Agency for claims purposes;

(C) supply all information within the claimant's knowledge, which is necessary to determine the claimant's rights to benefits under the Act;

(D) sign all provided claims forms personally for the claims that are filed in person or by mail or common carrier; and

(E) submit all claims filed by mail, common carrier, hand delivery, or by other means, including by telephone [telephonic] or electronic [Internet], as instructed by the Agency, in accordance with the terms of this section.

(4) An individual may file a claim by mail, common carrier, hand delivery, or by other means as the Agency may approve, in writing in any of the following circumstances:

(A) Conditions exist that make it impracticable for the Agency representative to take claims by telephone [telephonic], electronic [Internet], or other approved means; or

(B) The Agency finds that the claimant has good cause for failing to file a claim by telephone [telephonic], electronic [Internet], or other approved means.

(5) If a claimant's answer to a question on a claim filed with the Agency creates uncertainty about the claimant's credibility, or a lack of understanding, or the claimant's record shows that the claimant previously filed a fraudulent claim; then the claimant may be required to file written claims on an Agency-approved form in a manner prescribed by the Agency in writing. A claimant required to file a claim under this section shall continue to file the claim in the prescribed manner^[-] until the Agency determines that the reason no longer exists and directs otherwise in writing.

(6) The following provisions shall apply to the disqualification provisions of the Act, Chapter 207, Subchapter C, concerning disqualification for benefits.

(A) The term "employment" in the Act, Chapter 207, Subchapter C, shall be interpreted and applied to mean employment as defined in the Act.

(B) The disqualification to be imposed against an individual who has left work to move with a spouse, as provided in the Act, §207.045(c), shall be construed to mean both a benefits (money payments) and a benefit period (time period) disqualification; and such disqualification shall be restricted in its application to apply only to the range from six weeks to 25 weeks.

(C) Agency employees are authorized to administer oaths to claimants in an effort to verify that the requalifying requirements of the Act, Chapter 207, Subchapter C, concerning employment or earnings, have been satisfied.

(D) An employer identified as the employer by whom the claimant was employed, for purposes of satisfying the requalifying requirements of the Act, Chapter 207, Subchapter C, shall be afforded 14 days within which to respond to ~~[notice by]~~ the Agency's notice [Agency] of the filing of an additional claim by the claimant.

(E) In order to satisfy the requirement of the Act, Chapter 207, Subchapter C, concerning returning to employment and working for six weeks, a "work week" shall be defined as seven consecutive days during which the claimant has worked at least 30 hours.

(F) Disqualifying separations, new benefit year, and extended benefit period.

(i) A claimant filing an initial claim, continued claim, or additional claim shall be disqualified from receiving benefits if the separation from the claimant's last work is a disqualifying separation as defined in the Act, Chapter 207.

(ii) If a work separation in a previous benefit year is the last separation prior to a claimant's filing an initial claim that creates a new benefit year, then that work separation may result in a disqualification in the new benefit year in accordance with the provisions of the Act, Chapter 207.

(iii) A disqualification resulting from a work separation in a benefit year shall continue during the extended benefit period until:

(I) the extended benefit period is terminated;

(II) the claimant qualifies to file a new initial claim; or

(III) the claimant requalifies in accordance with the provisions of the Act, Chapter 207, under which the disqualification was imposed.

(7) A claimant shall be eligible to receive benefits with respect to any week only if the individual demonstrates the availability for work required by the Act, §207.021(a)(4), and, if required by the Act, §207.021(a)(9) [§207.021(a)(8)], by participating in reemployment services, including, but not limited to, job search assistance, if:

(A) the claimant has been determined, according to a process established by the Agency, to be likely to exhaust regular benefits and to need [needs] reemployment services to obtain new employment; or [pursuant to a profiling system established by the Agency.]

(B) the Agency has determined that participation in reemployment services is in furtherance of the following goals:

(i) reduces the duration of unemployment compensation through improved employment outcomes;

(ii) strengthens the integrity of the unemployment compensation program;

(iii) promotes alignment with the vision of the Workforce Innovation and Opportunity Act;

(iv) establishes reemployment services as an entry point to other workforce system partner programs; and

(v) demonstrates the effectiveness of reemployment services.

(8) The following categories of claimants are exempt from the requirement to register for work:

(A) individuals on temporary layoff with a definite date to return to work;

(B) members in good standing in unions that maintain a hiring hall; ~~[and]~~

(C) individuals participating in a Shared Work plan as defined in the Act, Chapter 215;^[-]

(D) individuals in areas affected by a disaster, as declared by the governor of this state and the president of the United States, if approved by the Agency executive director and approved by the US Department of Labor; and

(E) individuals employed by the federal government who are in temporary layoff status due to a federal government furlough or shutdown, and who will return to their federal government employment when the furlough or shutdown ends.

(9) Withholding from Benefits for Federal Income Tax.

(A) An individual filing a new claim for unemployment compensation shall, at the time of filing the claim, be advised that:

(i) unemployment compensation is subject to federal, state, and local income tax;

(ii) requirements exist pertaining to estimated tax payments;

(iii) the individual may elect to have federal income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the federal Internal Revenue Code; and

(iv) the individual shall be permitted to change a previously elected withholding status.

(B) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the federal taxing authority as a payment of income tax.

(C) The Agency shall follow all procedures specified by the US [United States] Department of Labor and the federal Internal Revenue Service pertaining to deducting and withholding [of] income tax.

(D) Amounts shall be deducted and withheld under this section only after amounts are deducted and withheld under any other provisions of the Act.

(10) An employer's protest to an initial, additional, or continued claim made in accordance with the Act, §208.004, may be delivered by telephone [telephonic], which includes a verification procedure approved by the Agency in writing, mail, common carrier, facsimile (fax), internet [Internet], or other means approved by the Agency in writing and as prescribed in the Agency's notice of claim form.

(11) A claimant shall verify his or her identity as required by the Agency, including electronically, by telephone, or in person. The Agency may require a claimant to complete identity verification with the Agency; a local, state, or federal partner; or a third-party vendor. A claimant may be required to verify his or her identity when the Agency believes or suspects the claimant's identity is in question. The Agency may also require all claimants to verify their identity. A claimant's failure to verify his or her identity, as required by the Agency, shall result in the claimant being held ineligible under the Act, §207.021(a)(1).

§815.28. Work Search Requirements.

(a) Purpose. The purpose of this section [rule] is to describe the work search requirements and process that [must be met for] claimants must meet to continue to receive unemployment compensation benefits. A claimant is required to register for work, to actively seek work and be available for work, as well as accept suitable work. The rule also describes the process to be used [utilized] by Local Workforce Development Boards (Boards) when formulating the numerical weekly work search contact requirements.

(1) A claimant shall be considered available for work during the time the claimant is making a reasonable search for suitable work as defined by this section.

(A) Work registration alone does not establish that the claimant is making a reasonable search for suitable work.

(B) The claimant shall make a personal and diligent search for work.

(C) Unreasonable limitations by a claimant as to salary, hours, or conditions of work indicate that a claimant is not making a reasonable search for suitable work.

(D) The Agency expects each claimant to act in the same manner as a prudent person who is out of work and seeking work.

(E) This section shall not apply to individuals who are:

(i) [individuals] participating in a Shared Work plan, §215.041(c) of the Act;

(ii) [individuals] participating in Agency-approved [Agency approved] or Trade Act training, as described in §207.022 and §207.023 of the Act;

(iii) [individuals] on temporary layoff with a definite date to return to work that is within eight weeks or less from the date of layoff;

(iv) [individuals] on temporary layoff with a definite [return to work] date to return to work that is within eight-to-12 [eight

to 12] weeks from the date of layoff, provided the exemption from work search requirements is explicitly requested in writing by the separating employer;

(v) [individuals] on temporary layoff with a definite return to work date that is more than 12 weeks from the date of layoff provided that a waiver from work search requirements is requested by the separating employer and granted by the Agency executive director [Executive Director]. The Agency executive director's [Executive Director's] decision is subject to review in any benefits appeal where ineligibility results from the decision. The requesting employer is a party of interest to any such appeal, as described in §815.15(c)(6) of this subchapter;

(vi) [individuals who are] members in good standing of a union that maintains a nondiscriminatory hiring hall, as that term is defined by the Landrum-Griffin Act, and who maintain contact with and use the placement services of the hiring hall;

(vii) performing [individuals who perform] jury service for a period of three days or longer[,] during the weeks in which the individual is actively performing jury service; [or]

(viii) in areas affected by a disaster, as declared by the governor of this state and the president of the United States, if approved by the Agency executive director and approved by the US Department of Labor;

(ix) employed by the federal government who are in temporary layoff status due to a government furlough or shutdown, and who will return to their federal government employment when the furlough or shutdown ends; or

(x) [(viii)] [individuals who are] otherwise exempted by law.

(F) This section shall apply to all claimants unless specifically exempted, including:

(i) recipients of state-extended [state extended] unemployment benefits, who are required to actively seek work under the Act, [Texas Labor Code] §209.043;

(ii) recipients of federal extended unemployment benefits, except that if the legislation establishing such benefits or administrative directives for administering such benefits include work search requirements that[, which] are in conflict with those established in this section [herein], the federal requirements or administrative directives shall apply; or

(iii) individuals who are engaged in efforts to establish themselves in a self-employment venture.

(2) The reasonableness of a search for work will, in part, depend upon the employment opportunities in the claimant's labor market area. A work search that may be appropriate in a labor market area with limited opportunities may be totally unacceptable in an area with greater opportunities.

(b) General Work Search Requirements. A claimant shall make the minimum number of weekly work search contacts, as established by the Board for the county in which they reside [as required by the Agency].

(1) The claimant will be notified of the minimum number of weekly work search contacts required.

(2) If there is a change to the minimum weekly number of work search contacts, the claimant shall be notified of the change in writing by US [U.S.] mail.

(3) Claimants are required to maintain weekly work search contact logs and may be required to submit weekly work search contact logs, using an acceptable method as determined by the Agency.

(4) The Agency shall provide to and publish guidelines for claimants describing the types of activities that may constitute a work search contact for purposes of a productive search for suitable work. Examples of such activities include, but are not limited to:

(A) using ~~utilizing~~ employment resources available at Texas Workforce Centers that directly lead to obtaining employment, such as:

(i) using local labor market information;

(ii) identifying skills the claimant possesses that are consistent with targeted or demand occupations in the local workforce development area;

(iii) attending job search seminars^[5] or other employment workshops that offer instruction in developing effective work search or interviewing techniques;

(iv) obtaining job postings and seeking employment for suitable positions needed by local employers;

(B) attending job search seminars, job clubs, or other employment workshops that offer instruction in improving individuals' skills for finding and obtaining employment;

(C) interviewing with potential employers, in-person or by telephone;

(D) registering for work with a private employment agency, placement facility of a school, or college or university if one is available to the claimant in his or her occupation or profession; and

(E) other work search activities as may be provided in Agency guidelines.

(5) Failure to comply with work search requirements, without good cause, could result in an ineligibility determination that may result in a loss of benefits.

(c) Number of Work Search Requirements. The minimum number of weekly contacts assigned shall be five ~~three~~ work search contacts for all claimants, unless otherwise provided by this section.

(d) A Board, based on specific local labor market information and conditions, may advise the Agency that a claimant residing in the workforce area is required to make more than five ~~three~~ work search contacts per week.

(e) Rural Counties. In counties designated as "rural" by the Agency, the Board may reduce the minimum number of weekly work search contacts in response to specific local labor market information and conditions. "Rural" counties are defined as those counties having a population estimated by the Texas Demographic ~~State Data~~ Center at The ~~Texas A&M~~ University of Texas at San Antonio to be not more than 10,000 as of July 1 of the most recent year for which county population estimates have been published.

(f) ~~Local~~ Boards shall have the flexibility within the guidelines provided in this section to formulate the appropriate minimum number of weekly work search contacts for their respective workforce area, using appropriate guidelines to be developed in consultation with Agency staff, and shall maintain written documentation. Boards shall review the minimum number of weekly work search contacts for each workforce area at least once per year on a date ~~to be~~ determined by the Agency.

(g) Local Policies. A ~~Local~~ Board shall develop, adopt, and modify its policies to promulgate the appropriate methodology for formulating the appropriate number of work search contacts for the workforce area in a public process consistent with the procedures required for compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551 et seq. A Board shall maintain written copies of the policies that are required by federal and state law, or as requested by the Agency, and make such policies available to the Agency and the public upon request. A Board shall also submit any modifications, amendments, or new policies to the Agency no later than two weeks after adoption of the policy by the Board.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Les Trobman

General Counsel

Texas Workforce Commission

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For further information, please call: (737) 301-9662

