

# EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

## TITLE 1. ADMINISTRATION

### PART 10. DEPARTMENT OF INFORMATION RESOURCES

#### CHAPTER 215. STATEWIDE TECHNOLOGY CENTERS FOR DATA AND DISASTER RECOVERY SERVICES SUBCHAPTER B. DATA CENTER SERVICES FOR STATE AGENCIES AND LOCAL GOVERNMENT

##### 1 TAC §215.13

The Texas Department of Information Resources is renewing the effectiveness of emergency amended §215.13 for a 60-day period. The text of the emergency rule was originally published in the February 12, 2021, issue of the *Texas Register* (46 TexReg 989).

Filed with the Office of the Secretary of State on May 6, 2021.

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Expiration date: July 31, 2021

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## TITLE 22. EXAMINING BOARDS

### PART 9. TEXAS MEDICAL BOARD

#### CHAPTER 187. PROCEDURAL RULES SUBCHAPTER A. GENERAL PROVISIONS AND DEFINITIONS

##### 22 TAC §187.2, §187.6

The Texas Medical Board is renewing the effectiveness of emergency amended §187.2 and §187.6 for a 60-day period. The text of the emergency rule was originally published in the January 29, 2021, issue of the *Texas Register* (46 TexReg 671).

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Texas Medical Board

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### SUBCHAPTER B. INFORMAL BOARD PROCEEDINGS

##### 22 TAC §187.16

The Texas Medical Board is renewing the effectiveness of emergency amended §187.16 for a 60-day period. The text of the emergency rule was originally published in the January 29, 2021, issue of the *Texas Register* (46 TexReg 673).

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## TITLE 25. HEALTH SERVICES

### PART 1. DEPARTMENT OF STATE HEALTH SERVICES

#### CHAPTER 295. OCCUPATIONAL HEALTH SUBCHAPTER C. TEXAS ASBESTOS HEALTH PROTECTION

##### 25 TAC §295.65

The Department of State Health Services is renewing the effectiveness of emergency amended §295.65 for a 60-day period. The text of the emergency rule was originally published in the January 22, 2021, issue of the *Texas Register* (46 TexReg 511).

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TRD-202101782

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Original effective date: January 9, 2021  
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**CHAPTER 448. STANDARD OF CARE**  
**SUBCHAPTER I. TREATMENT PROGRAM**  
**SERVICES**

**25 TAC §448.911**

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC) adopts on an emergency basis in Title 25 Texas Administrative Code, Chapter 448, Standard of Care, an amendment to §448.911, concerning an emergency rule in response to COVID-19 to expand a licensed chemical dependency treatment facility's ability to provide treatment services through electronic means to adults and adolescents to reduce the risk of COVID-19 transmission. As authorized by Texas Government Code §2001.034, HHSC may adopt an emergency rule without prior notice or hearing upon finding that an imminent peril to the public health, safety, or welfare requires adoption on fewer than 30 days' notice. Emergency rules adopted under Texas Government Code §2001.034 may be effective for not longer than 120 days and may be renewed for not longer than 60 days.

**BACKGROUND AND PURPOSE**

The purpose of the emergency rulemaking is to support the Governor's March 13, 2020, proclamation certifying that the COVID-19 virus poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas. In this proclamation, the Governor authorized the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster and directed that government entities and businesses would continue providing essential services. HHSC accordingly finds that an imminent peril to the public health, safety, and welfare of the state requires immediate adoption of this emergency rule amendment to Treatment Services Provided by Electronic Means.

To protect patients and the public health, safety, and welfare of the state during the COVID-19 pandemic, HHSC is adopting an emergency rule amendment to §448.911(a)(1) to temporarily permit a currently licensed chemical dependency treatment facility (CDTF) to provide treatment services through electronic means to both adult and adolescent clients. This emergency rule amendment will reduce the risk of COVID-19 transmission and expand access to treatment for clients.

**STATUTORY AUTHORITY**

The emergency rulemaking is adopted under Texas Government Code §2001.034 and §531.0055 and Texas Health and Safety Code §464.009. Texas Government Code §2001.034 authorizes the adoption of emergency rules without prior notice and hearing if an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule on fewer than 30 days' notice. Texas Government Code §531.0055 authorizes the Executive Commissioner of HHSC to adopt rules and policies necessary for the operation and provision of health and human

services by the health and human services system. Texas Health and Safety Code §464.009 authorizes the Executive Commissioner of HHSC to adopt rules governing organization and structure, policies and procedures, staffing requirements, services, client rights, records, physical plant requirements, and standards for licensed CDTFs.

The emergency rule amendment implements Texas Government Code §531.0055 and Texas Health and Safety Code Chapter 464.

§448.911. *Treatment Services Provided by Electronic Means.*

(a) A licensed treatment program may provide outpatient chemical dependency treatment program services by electronic means provided the criteria outlined in this section are addressed.

(1) Services ~~[shall]~~ may be provided to adult and adolescent clients [only]; and

(2) (No change.)

(b) - (x) (No change.)

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

Filed with the Office of the Secretary of State on May 6, 2021.

TRD-202101783

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Effective date: May 7, 2021

Expiration date: September 3, 2021

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**TITLE 26. HEALTH AND HUMAN SERVICES**  
**PART 1. HEALTH AND HUMAN**  
**SERVICES COMMISSION**

**CHAPTER 553. LICENSING STANDARDS**  
**FOR ASSISTED LIVING FACILITIES**  
**SUBCHAPTER K. COVID-19 RESPONSE**

**26 TAC §553.2004**

The Health and Human Services Commission is renewing the effectiveness of emergency amended §553.2004 for a 60-day period. The text of the emergency rule was originally published in the January 22, 2021, issue of the *Texas Register* (46 TexReg 513).

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**PART 1. DEPARTMENT OF AGING AND DISABILITY SERVICES**

**CHAPTER 19. NURSING FACILITY REQUIREMENTS FOR LICENSURE AND MEDICAID CERTIFICATION**

**SUBCHAPTER CC. COVID-19 EMERGENCY RULE**

**40 TAC §19.2804**

The Texas Department of Licensing and Regulation is renewing the effectiveness of emergency amended §19.2804 for a 60-day

period. The text of the emergency rule was originally published in the January 22, 2021, issue of the *Texas Register* (46 TexReg 514).

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