

# REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

## Adopted Rule Reviews

State Board for Educator Certification

### Title 19, Part 7

The State Board for Educator Certification (SBEC) adopts the review of 19 Texas Administrative Code (TAC) Chapter 227, Provisions for Educator Preparation Candidates, Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility, pursuant to Texas Government Code (TGC), §2001.039. The SBEC proposed the review of 19 TAC Chapter 227 in the March 14, 2025 issue of the *Texas Register* (50 TexReg 1937).

Relating to the review of 19 TAC Chapter 227, the SBEC finds that the reasons for the adoption continue to exist and readopts the rules. No public comments were received on the proposal.

This concludes the review of 19 TAC Chapter 227.

TRD-202501616

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Director, Rulemaking

State Board for Educator Certification

Filed: May 12, 2025



Texas Department of Insurance

### Title 28, Part 1

The Texas Department of Insurance (TDI) has completed its review of 28 Texas Administrative Code Chapters 5, 6, 7, 9, 13, 19, 21, 22, 25, 26, 28, 33, and 34 under Texas Government Code §2001.039, which directs state agencies to review and consider for readoption each of their rules. The proposed rule review was published in the November 22, 2024, issue of the *Texas Register* (49 TexReg 9571).

#### SUMMARY OF COMMENTS ON CHAPTERS UNDER REVIEW

Commenters: TDI received written comments from the National Risk Retention Association. The commenter did not address support or opposition to the readoption of any reviewed chapter, but did suggest amendments to one chapter's sections.

Comments on §13.310 and §13.312

*Comment:* A commenter requests that TDI revise §13.310 to exclude applicability to risk retention groups chartered outside of Texas. The commenter says the section contradicts 15 USC §3901 et seq., i.e., the Liability Risk Retention Act or LRRRA, which is the federal law that enables risk retention groups. The commenter says the section also contradicts case law, guidance from the National Association of Insurance Commissioners (NAIC), and the Texas Insurance Code. The

commenter says §13.310 gives TDI authority to exercise powers that the LRRRA explicitly preempts. The commenter also notes that Insurance Code §2201.158(b) requires the state to apply to a court of competent jurisdiction for injunctive relief.

In addition, the commenter requests that TDI revise §13.312 by deleting paragraphs (2) and (3) to remove filing fees for risk retention groups chartered outside of Texas and amending paragraph (5) to provide that service of process fees are not applicable to risk retention groups chartered outside of Texas. The commenter says §13.312 imposes fees that violate the LRRRA. The commenter discusses federal regulations, case law, and NAIC guidance that the commenter says preempts a state from imposing fees on non-domiciliary risk retention groups.

*Agency response:* The substantive changes to §13.310 and §13.312 the commenter requests are beyond the scope of this rule review project. This project's scope is to determine whether the reasons for adopting the sections in Chapter 13 continue to exist. TDI will, however, take the comments into consideration when determining whether any amendments to the sections are warranted in future rulemaking projects.

#### READoption OF CHAPTERS

TDI finds that the reasons for adopting these chapters continue to exist. TDI readopts the following chapters:

- Chapter 5, Property and Casualty Insurance;
- Chapter 6, Captive Insurance;
- Chapter 7, Corporate and Financial Regulation;
- Chapter 9, Title Insurance;
- Chapter 13, Miscellaneous Insurers and Other Regulated Entities;
- Chapter 19, Licensing and Regulation of Insurance Professionals;
- Chapter 21, Trade Practices;
- Chapter 22, Privacy;
- Chapter 25, Insurance Premium Finance;
- Chapter 26, Employer-Related Health Benefit Plan Regulations;
- Chapter 28, Supervision and Conservation;
- Chapter 33, Continuing Care Providers; and
- Chapter 34, State Fire Marshal.

As part of the review, TDI determined that it will further review for repeals or amendments certain rule sections in the chapters subject to this rule review. TDI will formally propose all repeals and amendments under the Texas Administrative Procedures Act, Texas Government Code Chapter 2001.

This concludes the review of 28 Texas Administrative Code Chapters 5, 6, 7, 9, 13, 19, 21, 22, 25, 26, 28, 33, and 34.

TRD-202501560  
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Texas Department of Insurance, Division of Workers' Compensation

**Title 28, Part 2**

The Texas Department of Insurance, Division of Workers' Compensation (DWC) completed its review of 28 Texas Administrative Code Chapters 140 - 144, 147 - 148, 150, 152, and 156. DWC conducted the review under Texas Government Code §2001.039.

Notice of the review was published in the February 28, 2025, issue of the *Texas Register* at (50 TexReg 1705). There were no requests for a public hearing.

DWC received one comment by the March 28, 2025, deadline. No comments suggested repealing a rule in its entirety. Commenters for readoption and for readoption with changes were: the Office of Injured Employee Counsel. There were no commenters against readoption.

As a result of the review, and in accordance with Texas Government Code §2001.039, DWC finds that the reasons for initially adopting the rules continue to exist and readopts all sections in 28 Texas Administrative Code:

Chapter 140 (Dispute Resolution--General Provisions);

Chapter 141 (Dispute Resolution--Benefit Review Conference);  
Chapter 142 (Dispute Resolution--Benefit Contested Case Hearing);  
Chapter 143 (Dispute Resolution Review by the Appeals Panel);  
Chapter 144 (Dispute Resolution);  
Chapter 147 (Dispute Resolution--Agreements, Settlements, Commutations);  
Chapter 148 (Hearings Conducted by the State Office of Administrative Hearings);  
Chapter 150 (Representation of Parties Before the Agency--Qualifications for Representatives);  
Chapter 152 (Attorney Fees); and  
Chapter 156 (Representation of Parties Before the Agency--Carrier's Austin Representative).

DWC may consider any suggested repeals or amendments identified during this rule review in future rulemaking under Texas Government Code Chapter 2001 (Administrative Procedure).

This concludes the review of 28 Texas Administrative Code Chapters 140 - 144, 147 - 148, 150, 152, and 156.

TRD-202501613  
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