

ADOPTED RULES

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

TITLE 22. EXAMINING BOARDS

PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

SUBCHAPTER F. PROFESSIONAL DEVELOPMENT

22 TAC §463.35

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §463.35, relating to Professional Development. Section 463.35 is amended without changes as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2044) and will not be republished.

Reasoned Justification.

The amendments will clarify the nature of professional development a licensee must receive related to maintaining competency when providing services to unique populations.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received thirteen formal comments against the proposed rule change. Most commenters argued that the proposed changes are politically motivated, rather than based on protection of the public, and that the change exhibit an incorrect value judgement that concepts of diversity and cultural awareness are negative. Several comments noted that understanding a person's background, as well as a licensee's own potential implicit bias, are necessary to provide effective psychological services. Several other commenters stated that the new language in the rule was vague and confusing, and the proposed change would leave individual licensees to choose what they considered necessary continuing education.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received two comments in favor of the rule change, with both noting they would like the agency to provide further information of groups qualifying as unique populations.

Agency Response.

The agency appreciates the public input. The changed rule language is being adopted to clarify the expectation regarding the focus of continuing education received by psychology licensees. The agency agrees with many of the commenters who stated that understanding individuals personal characteristics and background are important to provide effective psychological services, and that it is important for licensees to recognize any implicit bias or lack of knowledge that may lead to incorrect care and potential harm to the client they are serving. The comments are correct that the rule change is designed to allow greater flexibility for a licensee to target the continuing education they believe will most enhance their competency based on the clients they choose to serve. The adopted changes do not lower professional standards and do not change the fundamental requirement that psychology practitioners be competent to provide care in the places and to the people they encounter.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Psychologists

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For further information, please call: (512) 305-7706



CHAPTER 465. RULES OF PRACTICE

22 TAC §465.38

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendment to §465.38, relating to Psychological Services for Schools. Section 465.38 is amended without changes as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2046) and will not be republished.

Reasoned Justification.

The amendments will update the description of the scope of practice for Licensed Specialists in School Psychology to better reflect the full scope of practice and align with national standards, without substantively altering the scope of practice.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received two comments against the proposed rule change. One commenter believed the rule changes would limit the scope of their practice as an LSSP, while the other argues there should be a distinction between masters and doctoral level school psychologists.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received seven comments in favor of the rule change, noting appreciation for the rule change clarifying the role of school psychologists and aligning with national practice standards.

Agency Response.

The agency appreciates the public input. The proposed rule change does not increase or limit the scope of practice for LSSPs, but merely adds clarifying language to express the existing scope of practice. The suggestion to create distinct levels of licensure for masters and doctoral level school psychologists is outside the scope of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §681.72

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.72, relating to Required Application Materials. Section 681.72 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2048) and will not be republished.

Reasoned Justification.

The amendments would remove the expiration provisions related to supervision training courses required for applications for supervisor status.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received six comments against the rule change. The commenters noted the important role a supervisor plays and argue that a Ph.D. student does not have sufficient experience as a therapist when taking the supervision course. The commenters believe expiration of the supervision course is necessary to ensure the training is fresh when becoming a supervisor.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received seven comments in favor of the rule change, citing the old language as causing unnecessary duplication of training and delays in becoming a supervisor, especially for individuals already licensed and a supervisor in another jurisdiction. One commenter suggested that Ph.D. students who complete a supervision course should be able to become a supervisor without practicing for five years.

Agency Response.

The agency appreciates the public comments. While the rule change will allow someone to become a supervisor who has received training more than five years ago, the rules will continue to require five years of experience practicing counseling, as well as continuing education in supervision to maintain up-to-date practice skills.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice,

standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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22 TAC §681.140

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.140, relating to Requirements for Continuing Education. Section 681.140 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2050) and will not be republished.

Reasoned Justification.

The amendments will clarify the nature of professional development a licensee must receive related to maintaining competency when providing services to unique populations.

List of interested groups or associations against the rule.

Texas Counseling Association.

Summary of comments against the rule.

The agency received forty-three comments against the rule change. Commenters argue that cultural competence is an ethical obligation essential for providing quality, equitable, and effective care to diverse populations, including marginalized groups. Many commenters stated the proposed term "distinct populations" lacks clarity and opens the door for selective or biased interpretation. Several commenters see the rule change as politically motivated rather than professionally justified, and raise concerns that it does not align with national practice standards.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received fourteen comments in favor of the rule change, favoring keeping the foundational requirement of continuing education toward competency rather than eliminating the requirement altogether. Several commenters noted the rule change allows more flexibility and licensee choice in what continuing education is relevant to their practice, while still ensuring needed professional development focused on a client's needs.

Agency Response.

The agency appreciates the public comments. The changed rule language is being adopted to clarify the expectation regarding the focus of continuing education received by psychology licensees. The agency agrees with many of the commenters who stated that understanding individuals personal characteristics and background are important to provide effective psychological services, and that it is important for licensees to recognize any implicit bias or lack of knowledge that may lead to incorrect care and potential harm to the client they are serving. The comments are correct that the rule change is designed to allow greater flexibility for a licensee to target the continuing education they believe will most enhance their competency based on the clients they choose to serve. The adopted changes do not lower professional standards and do not change the fundamental requirement that psychology practitioners be competent to provide care in the places and to the people they encounter.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied

with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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For further information, please call: (512) 305-7706



PART 34. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

CHAPTER 781. SOCIAL WORKER LICENSURE

SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §781.501

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.501, relating to Requirements for Continuing Education. Section 781.501 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2052) and will not be republished.

Reasoned Justification.

The adopted amendments will clarify the nature of professional development a licensee must receive related to maintaining competency when providing services to unique populations.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received eight formal comments against the proposed rule change. These comments stated the proposed language devalued concepts of diversity and inclusion, and did not align with the values, principles, and national standards of social work. The commenters believe the current rule promotes providing services to vulnerable and marginalized populations. They noted that promoting social justice is a key component of social work. Many commenters believe the rule change was politically motivated and would weaken professional development.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one formal comment for the proposed rule change, without further discussion.

Agency Response.

The agency appreciates the public comment and believes the change in language surrounding CE requirements preserves the goal of many of the commenters, namely to ensure licensees are adequately trained and knowledgeable to provide services to the diverse set of populations they encounter. Training on issues of cultural competency and diversity will still be accepted under the amended language, as well as trainings focused on specific populations receiving services. The adopted language broadens, not restricts, the avenues for licensees to become competent to serve the people of Texas.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Executive Director

Texas State Board of Social Worker Examiners

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For further information, please call: (512) 305-7706



PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

SUBCHAPTER C. APPLICATIONS AND LICENSING

22 TAC §801.261

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.261, relating to Continuing Education. Section 801.261 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2054) and will not be republished.

Reasoned Justification.

The adopted amendment will clarify the nature of professional development a licensee must receive related to maintaining competency when providing services to unique populations.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received six formal comments against the proposed rule changes. The commenters stated the change would create vulnerabilities for culturally diverse clients by encouraging under-prepared therapists, devaluing the impact of culture and diversity in client lives. The comments also noted the current language aligns with best practice in the profession and does not force licensees to ascribe to a particular ideology.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one formal comment for the proposed rule changes, noting the changes will help preserve the underlying CE requirement.

Agency Response.

The agency appreciates the public comment and believes the change in language surrounding CE requirements preserves the goal of many of the commenters, namely to ensure licensees are adequately trained and knowledgeable to provide services to the diverse set of populations they encounter. Training on issues of cultural competency and diversity will still be accepted under the amended language, as well as trainings focused on specific populations receiving services. The adopted language broadens,

not restricts, the avenues for licensees to become competent to serve the people of Texas.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 882. APPLICATIONS AND LICENSING

SUBCHAPTER E. CONTINUING EDUCATION

22 TAC §882.50

The Texas Behavioral Health Executive Council adopts amendments to §882.50, relating to Continuing Education and Audits. Section 882.50 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2057) and will not be republished.

Reasoned Justification.

The amendment will require license holders to use any online system adopted by the Council for reporting continuing education hours.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received five comments against the proposed amendments. Generally the commenters objected to a requirement for licensees to use an online CE reporting system as potentially difficult to use, or costly, or negatively impacted by poor internet access in rural Texas.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received five comments for the proposed amendments. While the commenters noted the potential for efficiency and reduced paperwork, they also commented that the online system should be at no or low cost to licensees.

Agency Response.

The agency appreciates the public comments. The agency has already entered into a contract for an online platform that is effectively used across the country to report CE hours, and has included a stipulation in the contract that a free online account option will be available to licensee holders.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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CHAPTER 884. COMPLAINTS AND ENFORCEMENT

SUBCHAPTER B. INVESTIGATIONS AND DISPOSITION OF COMPLAINTS

22 TAC §884.10

The Texas Behavioral Health Executive Council adopts amendments to §884.10, relating to Investigation of Complaints. Section 884.10 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2058) and will not be republished.

Reasoned Justification.

The proposed amendment will clarify when a licensee is presumed to be engaging in the scope of practice of their license, and therefore subject to the jurisdiction of the Council, versus when conduct or statements by a licensee that are within the scope of practice will, nevertheless, be considered not done under the authority of their license.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received two comments against the rule change. The first commenter expressed concern about how the rule change would apply to someone providing services in a federal facility or in a practice location that might have differing standards of practice from Council rules. The comment raised concerns that the new language would be used to target language or conduct on political grounds. The second commenter argued that the proposed rule language differs from a position the Council previously took in a disciplinary action.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received three comments in support of the rule change, with one commenter hoping the Council would continue to take action against improper unlicensed conduct.

Agency Response.

The agency appreciates the public input, but respectfully disagrees with the characterization of the commenters against the proposed rule language. The proposed language will help clarify when the Council will not exert authority over a licensee's actions and does not extend the Council's authority to regulate political or non-professional language or conduct. The proposed change also creates a narrow pathway for licensees to disclaim working

under their license that was not available in the prior disciplinary action, nor would it have applied to that case.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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CHAPTER 885. FEES

22 TAC §885.1

The Texas Behavioral Health Executive Council adopts amendments to §885.1, relating to Executive Council Fees. Section 885.1 is adopted without changes to the proposed text as published in the March 21, 2025, issue of the *Texas Register* (50 TexReg 2060) and will not be republished.

Reasoned Justification.

The proposed amendment would eliminate the fee requirement for a verification, which is available on the Council website.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

None.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 57. FISHERIES

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 27, 2025, adopted amendments to 31 TAC §§57.156, 57.252, and 57.253, concerning Fisheries, without changes to the proposed text as published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 952). The text of the rules will not be republished.

The amendment to §57.156, concerning Definitions, removes a reference to a publication that no longer is applicable to the rule. The Texas Parks and Wildlife Commission finds that removing the reference is necessary to eliminate possible confusion.

The amendment to §57.252, concerning General Provisions, adds a provision repeating the statutory prohibition (Parks and Wildlife Code, §66.015) of the act of introducing any species of fish, shellfish, or aquatic plant into the public water of the state without a permit issued by the department.

The amendment to §57.253, concerning Permit Application, eliminates subsection (c)(2)(B)(i), which is no longer necessary because the Texas Department of Agriculture no longer regulates aquaculture.

The amendments are a result of the department's review of its regulations under the provisions of Government Code, §2001.039, which requires each state agency to review each of

its regulations no less frequently than every four years and to re-adopt, adopt with changes, or repeal each rule as a result of the review.

The department received no comments opposing adoption of the rules as proposed.

The department received nine comments supporting adoption of the rules as proposed.

SUBCHAPTER B. MUSSELS AND CLAMS

31 TAC §57.156

The amendment is adopted under Parks and Wildlife Code, §78.006, which authorizes the to regulate the taking, possession, purchase, and sale of mussels and clams.

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

Filed with the Office of the Secretary of State on June 24, 2025.

TRD-202502115

James Murphy

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775



SUBCHAPTER C. INTRODUCTION OF FISH, SHELLFISH AND AQUATIC PLANTS

31 TAC §57.252, §57.253

The amendments are adopted under the authority of Parks and Wildlife Code, §66.007, which requires the department to make rules to carry out the provisions of that section.

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

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James Murphy

General Counsel

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CHAPTER 58. OYSTERS, SHRIMP, AND FINFISH

The Texas Parks and Wildlife Commission in a duly noticed meeting on March 27, 2025, adopted amendments to 31 TAC §58.21 and §58.164, concerning the Statewide Oyster Fishery Proclamation, without changes to the proposed text as published in the February 21, 2025, issue of the *Texas Register* (50 TexReg 957). The text of the rules will not be republished.

The amendment to §58.21, concerning Taking or Attempting to Take Oysters from Public Oyster Beds; General Rules, eliminates provisions that expired on their own terms on November 1, 2024, and are therefore no longer necessary.

The amendment to §58.164, concerning Shrimping Inside Waters - Commercial Bait Shrimping, makes nonsubstantive changes to insert a missing preposition in subsection (b)(2)(A) and eliminate duplicated language in subsection (d). The Texas Parks and Wildlife Commission finds that the alterations are prudent because they eliminate possible confusion.

The amendments are a result of the department's review of its regulations under the provisions of Government Code, §2001.039, which requires each state agency to review each of its regulations no less frequently than every four years and to re-adopt, adopt with changes, or repeal each rule as a result of the review.

The department received no comments opposing adoption of the rules as proposed.

The department received nine comments supporting adoption of the rules as proposed.

SUBCHAPTER A. STATEWIDE OYSTER FISHERY PROCLAMATION

31 TAC §58.21

The amendment is adopted under Parks and Wildlife Code, §76.301, which authorizes the commission to regulate the taking, possession, purchase and sale of oysters, including prescribing the times, places, conditions, and means and manner of taking oysters.

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

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James Murphy

General Counsel

Texas Parks and Wildlife Department

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For further information, please call: (512) 389-4775



SUBCHAPTER B. STATEWIDE SHRIMP FISHERY PROCLAMATION

31 TAC §58.164

The amendment is adopted under Parks and Wildlife Code, §77.007, which authorizes the commission to regulate the catching, possession, purchase, and sale of shrimp.

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

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James Murphy

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Texas Parks and Wildlife Department

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

CHAPTER 152. CORRECTIONAL INSTITUTIONS DIVISION

SUBCHAPTER D. OTHER RULES

37 TAC §152.71

The Texas Board of Criminal Justice (board) adopts amendments to §152.71, concerning Acceptance of Gifts Related to Buildings for Religious and Secular Programs, without changes to the proposed text as published in the March 7, 2025, issue of the *Texas Register* (50 TexReg 1793). The rule will not be republished. The adopted amendments revise "offender" to "inmate" and "rule" to "section" throughout; revise the policy statement for clarity; remove language specifying a building related to the provision of religious and secular programs; add language to state the TDCJ shall meet with donor groups to evaluate a prospective donated building or enhancement; revise language to state a donor or designee will be qualified; remove language requiring the building to be used for religious and secular programs; and add language to specify building enhancements.

No comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.001, which authorizes the board to govern the department; §492.013, which authorizes the board to adopt rules; and §501.009, which requires the agency to adopt a policy requiring each warden to identify and encourage volunteer and faith-based organizations that provide programs for inmates.

Cross Reference to Statutes: None.

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

Filed with the Office of the Secretary of State on June 26, 2025.

TRD-202502140

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

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Proposal publication date: March 7, 2025

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



CHAPTER 163. COMMUNITY JUSTICE
ASSISTANCE DIVISION STANDARDS

37 TAC §163.33

The Texas Board of Criminal Justice (board) adopts amendments to §163.33, concerning Community Supervision Staff, without changes to the proposed text as published in the March 7, 2025, issue of the *Texas Register* (50 TexReg 1794). The rule will not be republished. The adopted amendments revise "rule" to "section" throughout; revise the definition of "direct supervision" and make grammatical and formatting updates.

No comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; and §509.003, which authorizes the board to adopt reasonable rules establishing standards and procedures for the TDCJ Community Justice Assistance Division.

Cross Reference to Statutes: None.

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

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Stephanie Greger

General Counsel

Texas Department of Criminal Justice

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

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37 TAC §163.42

The Texas Board of Criminal Justice (board) adopts amendments to §163.42, concerning Substantial Noncompliance, without changes to the proposed text as published in the March 7, 2025, issue of the *Texas Register* (50 TexReg 1797). The rule will not be republished. The adopted amendments reflect the Office of the Independent Auditor as independent of the TDCJ.

No comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; and §509.003, which authorizes the board to adopt reasonable rules establishing standards and procedures for the TDCJ Community Justice Assistance Division.

Cross Reference to Statutes: None.

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

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Stephanie Greger

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