

TRANSFERRED RULES

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of Aging and Disability Services

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. Certain former DADS rules in Texas Administrative Code, Title 40, Part 1, Chapter 2, Local Authority Responsibilities, Subchapter F, Continuity of Services--State Facilities are being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 904, Continuity of Services--State Facilities.

The rules will be transferred in the Texas Administrative Code effective September 1, 2023.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 2, Subchapter F

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Texas Health and Human Services Commission

Rule Transfer

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The following table outlines the rule transfer:

Figure: 40 TAC Chapter 2, Subchapter F

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Figure: 40 TAC Chapter 2, Subchapter F

Current Rules Title 40. Social Services and Assistance Part 1. Department of Aging and Disability Services Chapter 2. Local Authority Responsibilities Subchapter F. Continuity of Services--State Facilities	Move to Title 26. Health and Human Services Part 1. Health and Human Services Commission Chapter 904. Continuity of Services--State Facilities
Division 1. General Provisions	Subchapter A. General Provisions
§2.251. Purpose.	§904.1. Purpose.
§2.252. Application.	§904.3. Application.
§2.253. Definitions.	§904.5. Definitions.
§2.254. Department's Philosophy Concerning Continuum of Care.	§904.7. Department's Philosophy Concerning Continuum of Care.
Division 2. Admission and Commitment	Subchapter B. Admission and Commitment
§2.255. Criteria for Commitment and Regular Voluntary Admission of an Adult to a State MR Facility Under the PMRA.	§904.25. Criteria for Commitment and Regular Voluntary Admission of an Adult to a State MR Facility Under the PMRA.
§2.256. Criteria for Commitment of an Adult under the Texas Code of Criminal Procedure.	§904.27. Criteria for Commitment of an Adult under the Texas Code of Criminal Procedure.
§2.257. Criteria for Commitment of a Minor to a State MR Facility Under the PMRA.	§904.29. Criteria for Commitment of a Minor to a State MR Facility Under the PMRA.
§2.258. Criteria for Placement of a Minor in a State MR Facility for Assessment Under the Texas Family Code.	§904.31. Criteria for Placement of a Minor in a State MR Facility for Assessment Under the Texas Family Code.
§2.259. Criteria for Commitment of a Minor to a State MR Facility Under the Texas Family Code.	§904.33. Criteria for Commitment of a Minor to a State MR Facility Under the Texas Family Code.
§2.260. Criteria for Regular Voluntary Admission of a Minor to a State MR Facility under the PMRA.	§904.35. Criteria for Regular Voluntary Admission of a Minor to a State MR Facility under the PMRA.
§2.261. Criteria for Emergency Admission of an Adult or a Minor to a State MR Facility Under the PMRA.	§904.37. Criteria for Emergency Admission of an Adult or a Minor to a State MR Facility Under the PMRA.
§2.262. Criteria for Admission of an Adult or a Minor to a State MR Facility for Respite Care Under the PMRA.	§904.39. Criteria for Admission of an Adult or a Minor to a State MR Facility for Respite Care Under the PMRA.
§2.263. Criteria for an Order of Protective Custody.	§904.41. Criteria for an Order of Protective Custody.
§2.264. MRA IDT Recommendation Concerning the Commitment of an Adult or a Minor or the Regular Voluntary Admission of an Adult to a State MR Facility Under the PMRA.	§904.43. MRA IDT Recommendation Concerning the Commitment of an Adult or a Minor or the Regular Voluntary Admission of an Adult to a State MR Facility Under the PMRA.
§2.265. MRA Referral of an Applicant to a State MR Facility.	§904.45. MRA Referral of an Applicant to a State MR Facility.
§2.266. Process for Admission of an Adult or a Minor Who Has Been Committed to a State MR Facility Under the PMRA.	§904.47. Process for Admission of an Adult or a Minor Who Has Been Committed to a State MR Facility Under the PMRA.
§2.267. Process for the Regular Voluntary Admission of an Adult to a State MR Facility Under the PMRA.	§904.49. Process for the Regular Voluntary Admission of an Adult to a State MR Facility Under the PMRA.
§2.268. Process for Placement of a Minor under the Texas Family Code in a State MR Facility.	§904.51. Process for Placement of a Minor under the Texas Family Code in a State MR Facility.

§2.269. Process for the Emergency Admission of an Adult or a Minor to a State MR Facility Under the PMRA.	§904.53. Process for the Emergency Admission of an Adult or a Minor to a State MR Facility Under the PMRA.
§2.270. Process for Admission of an Adult or a Minor to a State MR Facility for Respite Care Under the PMRA.	§904.55. Process for Admission of an Adult or a Minor to a State MR Facility for Respite Care Under the PMRA.
Division 3. Transfers	Subchapter C. Transfers
§2.271. Transfer of an Individual Between State MR Facilities.	§904.75. Transfer of an Individual Between State MR Facilities.
§2.272. Transfer of an Individual from a State MR Facility to a State MH Facility.	§904.77. Transfer of an Individual from a State MR Facility to a State MH Facility.
§2.273. Transfer of an Individual from a State MH Facility to a State MR Facility.	§904.79. Transfer of an Individual from a State MH Facility to a State MR Facility.
Division 4. Moving from a State Facility to an Alternative Living Arrangement	Subchapter D. Moving from a State Facility to an Alternative Living Arrangement
§2.274. Consideration of Living Options for Individuals Residing in State MR Facilities.	§904.99. Consideration of Living Options for Individuals Residing in State MR Facilities.
§2.275. Accessing Alternative Living Arrangements for an Individual Residing in a State MR Facility Who Has the Ability to Provide Legally Adequate Consent or Has a Legally Authorized Representative (LAR).	§904.101. Accessing Alternative Living Arrangements for an Individual Residing in a State MR Facility Who Has the Ability to Provide Legally Adequate Consent or Has a Legally Authorized Representative (LAR).
§2.276. Accessing Alternative Living Arrangements for an Individual Residing in a State MR Facility Who Does Not Have the Ability to Give Legally Adequate Consent and Who Does Not Have a Legally Authorized Representative (LAR).	§904.103. Accessing Alternative Living Arrangements for an Individual Residing in a State MR Facility Who Does Not Have the Ability to Give Legally Adequate Consent and Who Does Not Have a Legally Authorized Representative (LAR).
§2.277. Arrangements for the Move to an Alternative Living Arrangement of an Individual Residing in a State MR Facility.	§904.105. Arrangements for the Move to an Alternative Living Arrangement of an Individual Residing in a State MR Facility.
§2.278. Community Living/Discharge Plan for Alternative Living Arrangements.	§904.107. Community Living/Discharge Plan for Alternative Living Arrangements.
Division 5. Discharge.	Subchapter E. Discharge.
§2.279. Discharge from a State MR Facility of an Individual Who Moves to an Alternative Living Arrangement.	§904.125. Discharge from a State MR Facility of an Individual Who Moves to an Alternative Living Arrangement.
§2.280. Administrative Discharges Initiated by a State MR Facility.	§904.127. Administrative Discharges Initiated by a State MR Facility.
§2.281. Administrative Discharges from a Voluntary Admission Initiated by an Individual or LAR.	§904.129. Administrative Discharges from a Voluntary Admission Initiated by an Individual or LAR.
Division 6. Special Considerations for Individuals Who Moved from a State Facility to an Alternative Living Arrangement Prior to September 1, 1997	Subchapter F. Special Considerations for Individuals Who Moved from a State Facility to an Alternative Living Arrangement Prior to September 1, 1997
§2.282. Review by Local MRA of Individual in a Community Living Arrangement.	§904.151. Review by Local MRA of Individual in a Community Living Arrangement.
Division 7. Permanency Planning and LAR Notification Requirements for an Individual Under 22 Years of Age	Subchapter G. Permanency Planning and LAR Notification Requirements for an Individual Under 22 Years of Age
§2.283. MRA and State MR Facility Responsibilities.	§904.171. MRA and State MR Facility Responsibilities.