

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 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 373. MEDICAID ESTATE RECOVERY PROGRAM

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Office of Inspector General (OIG), adopts in the Texas Administrative Code Title 1, Part 15, Chapter 373, Subchapter A, amendments to §§373.101, 373.103, 373.105, 373.201, 373.203, 373.205, 373.207, 373.209, 373.211, 373.213, 373.215, 373.217, and 373.219; and Subchapter C, amendments to §§373.301, 373.303, 373.305, and 373.307.

Sections 373.101, 373.103, 373.105, 373.201, 373.203, 373.205, 373.207, 373.209, 373.211, 373.213, 373.215, 373.217, 373.219, 373.301, 373.303, 373.305, and 373.307 are adopted without changes to the proposed text as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1777). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments are necessary to clarify provisions in the Medicaid Estate Recovery Program (MERP) rules, consistent with applicable federal law at 42 U.S.C. §1396p(b)(1). HHSC, as the State Medicaid Agency, is required to operate a MERP and recover the costs of Medicaid long-term care benefits received by certain Medicaid recipients. HHSC submitted a proposed State Plan Amendment (SPA) to the Centers for Medicare & Medicaid Services seeking approval to send MERP notices to the last known address of the Medicaid recipient upon their death to ensure the decedent's heirs are aware of a possible MERP claim. The SPA was approved on July 31, 2026, with an effective date of July 2, 2026. The amendments also implement House Bill 4611, 88th Legislature, Regular Session, 2023, which makes non-substantive amendments to the Texas Government Code that make the statute more accessible, understandable, and usable.

COMMENTS

The 31-day comment period ended April 20, 2026.

During this period, HHSC did not receive any comments regarding the proposed rules.

SUBCHAPTER A. GENERAL

1 TAC §§373.101, 373.103, 373.105

STATUTORY AUTHORITY

The amendments are adopted under 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 Government Code §546.0403, which requires the executive commissioner to ensure Medicaid implements 42 United States Code §1396p(b)(1), Adjustments or recovery of medical assistance correctly paid under a State Plan, which has been done with the Medicaid Estate Recovery Program.

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 August 7, 2026.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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Proposal publication date: March 20, 2026

For further information, please call: (512) 221-7320



SUBCHAPTER B. RECOVERY CLAIMS

1 TAC §§373.201, 373.203, 373.205, 373.207, 373.209, 373.211, 373.213, 373.215, 373.217, 373.219

STATUTORY AUTHORITY

The amendments are adopted under 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 Government Code §546.0403, which requires the executive commissioner to ensure Medicaid implements 42 United States Code §1396p(b)(1), Adjustments or recovery of medical assistance correctly paid under a State Plan, which has been done with the Medicaid Estate Recovery Program.

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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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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For further information, please call: (512) 221-7320

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SUBCHAPTER C. NOTICE

1 TAC §§373.301, 373.303, 373.305, 373.307

STATUTORY AUTHORITY

The amendments are adopted under 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 Government Code §546.0403, which requires the executive commissioner to ensure Medicaid implements 42 United States Code §1396p(b)(1), Adjustments or recovery of medical assistance correctly paid under a State Plan, which has been done with the Medicaid Estate Recovery Program.

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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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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**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) adopts the repeal of §392.201, concerning Definitions; §392.203, concerning Staff Qualifications; §392.205, concerning Criminal Background Checks; and §392.207, concerning Safety.

Sections 392.201, 392.203, 392.205, and 392.207 are adopted without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2855). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The Children's Autism Program rules were located in two Titles in the Texas Administrative Code (TAC). The adopted repeals remove duplicative rules from 1 TAC Chapter 392, Subchapter C, Autism Program. The Children's Autism program rules were consolidated in 26 TAC Chapter 358, published elsewhere in this issue of the *Texas Register*.

COMMENTS

The 31-day comment period ended June 1, 2026.

HHSC did not receive any comments regarding the proposed rules.

STATUTORY AUTHORITY

The repeals are adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program, and Texas Human Resources Code Chapter 114 directs HHSC to perform the duties and functions of the Texas Council on Autism and Pervasive Developmental Disorders.

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 August 5, 2026.

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Karen Ray

Chief Counsel

Texas Health and Human Services Commission

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

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TITLE 7. BANKING AND SECURITIES

**PART 6. CREDIT UNION
DEPARTMENT**

**CHAPTER 91. CHARTERING, OPERATIONS,
MERGERS, LIQUIDATIONS**
SUBCHAPTER G. LENDING POWERS

7 TAC §91.709, §91.714

The Credit Union Commission adopts amendments to §91.709, Member Business and Commercial Loans, and §91.714, Leasing, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2283) and as corrected in the April 24, 2026, issue (51 TexReg 2800), and the rules will not be republished.

The amendments, identified as a part of the Credit Union Department's quadrennial rule review process, delete a reference in subsection (b) of §91.714 to acquisition of property for the purpose of leasing it, already prohibited by §91.401, and make non-substantive changes to both rules, including clarifications to §91.709 regarding the concept of controlling interests in commercial loans and to §91.714 by adding a reference to §91.401 to ensure consistency between these sections that both address ownership and leasing of real property by a credit union.

The reasoned justification for the amendments is increased clarity, consistency, and readability of the rules.

No comments were received in response to the proposed amendments.

The amendments are adopted pursuant to Texas Finance Code, §15.402, which authorizes the Commission to adopt reasonable rules for administering Texas Finance Code, Title 2, Chapter 15 and Title 3, Subtitle D. Authority to adopt these amendments is found also in Texas Finance Code §123.103.

The statutory provisions affected by the amendments are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D, particularly Finance Code §123.103.

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 August 7, 2026.

TRD-202603341

Robert Etheridge

Commissioner

Credit Union Department

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Proposal publication date: April 10, 2026

For further information, please call: (512) 837-9236



SUBCHAPTER J. CHANGES IN CORPORATE STATUS

7 TAC §91.1003

The Credit Union Commission adopts amendments to 7 TAC §91.1003, Mergers and Consolidations, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2284). The rule will not be republished. The amendments prohibit merger inducements and require merger-related financial arrangements (both as defined in the rule) to be disclosed to members before they vote on a merger. The amendments also revise certain requirements for approval by the Department, increase consistency between the Texas and federal requirements for mergers, and make non-substantive changes for clarity and readability.

The reasoned justification for these amendments is to ensure that the member vote on a merger takes place without undue influence and to increase transparency by ensuring that any merger-related financial arrangements are disclosed to the members before voting.

Two comments were received in response to the proposed amendments. Both comments, from the Cornerstone Credit Union League and First Service Credit Union, support adoption of the amendments as proposed.

The amendments are adopted pursuant to Texas Finance Code, §15.402, which authorizes the Commission to adopt reasonable rules for administering Texas Finance Code, Chapter 15 and Title 3, Subtitle D. Authority to adopt these amendments is found also in Texas Finance Code §122.1531 and 122.156.

The statutory provisions affected by the amendments are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D, particularly Finance Code §§122.005, and 122.151-.156.

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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Robert Etheridge

Commissioner

Credit Union Department

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For further information, please call: (512) 837-9236



CHAPTER 95. SHARE AND DEPOSITOR INSURANCE PROTECTION

SUBCHAPTER A. INSURANCE REQUIREMENTS

7 TAC §§95.105, 95.108, 95.110

The Credit Union Commission adopts amendments to §§95.105, Reporting; 95.108, Examinations; and 95.110, Enforcement; Penalty; and Appeal, without changes to the text as proposed in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2288), and the rules will not be republished.

The amendments, identified as a part of the Credit Union Department's quadrennial rule review process, make non-substantive changes to the Department's rules. The amendments to §§95.105, Reporting, and 95.110, Enforcement; Penalty; and Appeal, consist of updates to the titles of other sections referenced in the rules as well as minor edits for readability. The amendments to §95.108, Examinations, incorporate provisions from §95.109, Fees and Charges, relating to fees for examinations of insuring organizations, which is being repealed elsewhere in this issue.

The reasoned justification for the rules is increased clarity and readability of the rules.

No comments were received in response to the proposed amendments.

The amendments are adopted pursuant to Texas Finance Code, §15.402, which authorizes the Commission to adopt reasonable rules for administering Texas Finance Code, Title 2, Chapter 15 and Title 3, Subtitle D.

The statutory provisions affected by the amendments are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D, specifically §15.402.

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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Robert Etheridge

Commissioner

Credit Union Department

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For further information, please call: (512) 837-9236



7 TAC §95.109

The Credit Union Commission adopts the repeal of 7 TAC §95.109, Fees and Charges, as proposed in the April 10, 2026,

issue of the *Texas Register* (51 TexReg 2289). The repeal will not be republished.

The repeal is adopted in order to combine the provisions of this section with §95.108, Examinations, being amended elsewhere in this issue so that provisions regarding examinations of insuring organizations and the fees associated with those examinations will be in a single rule.

The reasoned justification for the repeal is clarity through the consolidation of provisions related to examinations of insuring organizations.

No comments were received in response to the proposed repeal.

The repeal is adopted pursuant to Texas Finance Code §15.402, which authorizes the Commission to adopt reasonable rules for administering Texas Finance Code, Title 2, Chapter 15 and Title 3, Subtitle D.

The statutory provisions affected by the repeal are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D.

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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Robert Etheridge

Commissioner

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For further information, please call: (512) 837-9236



SUBCHAPTER C. GUARANTY CREDIT UNION

7 TAC §§95.302, 95.305, 95.310

The Credit Union Commission adopts amendments to §§95.302, Powers; 95.305, Audited Financial Statements; Accounting Procedures; Reports; and 95.310, Fees and Charges, without changes to the text as proposed in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2290), and the rules will not be republished.

The amendments, identified as a part of the Credit Union Department's quadrennial rule review process, make non-substantive corrections to the titles of other rule sections referenced in the rules.

The reasoned justification for the amendments is accuracy of the rules.

No comments were received in response to the proposed amendments.

The amendments are adopted pursuant to Texas Finance Code §15.402, which authorizes the Commission to adopt reasonable rules for administering Texas Finance Code, Title 2, Chapter 15 and Title 3, Subtitle D.

The statutory provisions affected by the amendments are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D.

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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Robert Etheridge

Commissioner

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TITLE 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 13. TEXAS HISTORIC PRESERVATION TAX CREDIT PROGRAM

13 TAC §§13.1 - 13.6, 13.8, 13.9

The Texas Historical Commission (Commission) adopts amendments to §§13.1 - 13.6, 13.8, and 13.9 of Chapter 13 of the Texas Administrative Code, Title 13, Part 2, related to the Texas Historic Preservation Tax Credit Program. Sections 13.2 - 13.6, 13.8, and 13.9 are adopted without changes to the text as published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3013). These rules will not be republished. Section 13.1 is adopted with changes and will be republished.

The adopted amendments clarify administrative procedures and further explain the relationship between this state program and the Federal Rehabilitation Tax Credit Program. Specifically, the amendments refine definitions and remove redundant language in §13.1; explain the circumstances under which disparate scopes of work may be treated as part of a single application or separate applications in §13.2; add evaluation criteria for designation as a Recorded Texas Historic Landmark, and provide clarification and remove typographical errors regarding nonhistoric surface materials in §13.3; clarify procedures for the evaluation of Part B of the application and amendments in §13.4; consolidate duplicative information in §13.5; clarify application review procedures, including for buildings that are not yet certified historic structures in §13.6; disambiguate processing procedures between projects seeking both federal and state tax credits and projects seeking state tax credits only during the federal recapture period in §13.8; and establish that Part A of the application cannot be appealed in §13.9.

No public comments pertaining to these rule revisions were received during the thirty-day period following publication in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3013).

These amendments are adopted under the authority of Texas Government Code §172.110, of the Texas Tax Code, which authorizes the Commission to adopt rules necessary to implement the Tax Credit for Certified Rehabilitation of Certified Historic Structures, and Texas Government Code §442.005(q), which authorizes the Commission to adopt rules necessary to reasonably effect the purposes of the Commission.

§13.1. *Definitions.*

The following words and terms when used in these rules shall have the following meanings unless the context clearly indicates otherwise:

(1) Applicant--The entity that has submitted an application for a building or structure of which it is the owner, or for which it has a contract to purchase.

(2) Application--A fully completed Texas Historic Preservation Tax Credit Application form submitted to the Commission, which includes three parts:

(A) Part A - Evaluation of Significance, to be used by the Commission to make a determination whether the building is a certified historic structure;

(B) Part B - Description of Rehabilitation, to be used by the Commission to review proposed projects for compliance with the Standards for Rehabilitation; and

(C) Part C - Request for Certification of Completed Work, to be used by the Commission to review completed projects for compliance with the work approved under Part B.

(3) Application fee--The fee charged by the Commission and paid by the applicant for the review of Part B and Part C of the application as follows:

Figure: 13 TAC §13.1(3) (No change.)

(4) Audited cost report--Such documentation as defined by the Comptroller in 34 TAC Chapter 3, Tax Administration.

(5) Building--Any edifice enclosing a space within its walls, and usually covered by a roof, the purpose of which is principally to shelter any form of human activity, such as shelter or housing, or to provide working, office, parking, display, or sales space. The term includes, among other examples, banks, office buildings, factories, warehouses, barns, railway or bus stations, and stores. Functional constructions made usually for purposes other than creating human shelter or activity such as bridges, windmills, and towers are not considered buildings under this definition and are not eligible to be certified historic structures.

(6) Certificate of Eligibility--A document issued by the Commission to the owner, following review and approval of a Part C application, that confirms the property to which the eligible costs and expenses relate is a certified historic structure and the rehabilitation qualifies as a certified rehabilitation; and specifies the date the certified historic structure was first placed in service after the rehabilitation.

(7) Certified historic structure--A building or buildings located on a property in Texas that is certified by the Commission as:

(A) listed individually in the National Register of Historic Places;

(B) designated as a Recorded Texas Historic Landmark under §442.006, Texas Government Code; §21.6 of this title (relating to Recorded Texas Historic Landmark Designation);

(C) designated as a State Antiquities Landmark under Chapter 191, Texas Natural Resources Code; §26.3(66) and (67) of this title (relating to Definitions); or

(D) certified by the Commission as contributing to the historic significance of:

(i) a historic district listed in the National Register of Historic Places; or

(ii) a certified local district as per 36 CFR §67.9.

(8) Certified local district--A local historic district certified by the United States Department of the Interior in accordance with 36 CFR §67.9.

(9) Certified rehabilitation--The rehabilitation of a certified historic structure that the Commission has certified as meeting the Standards for Rehabilitation. If the project is submitted for the federal rehabilitation tax credit, it must be reviewed by the National Park Service prior to a determination that it meets the requirements for a certified rehabilitation under this rule. In the absence of a determination for the federal rehabilitation tax credit, the Commission shall have the sole responsibility for certifying the project.

(10) Commission--The Texas Historical Commission.

(11) Comptroller--The Texas Comptroller of Public Accounts.

(12) Contributing--A property in a historic district considered to be historically, culturally, or architecturally significant according to the criteria established by state or federal government, including those formally promulgated by the National Park Service and the United States Department of the Interior at 36 CFR Part 60 and applicable National Register bulletins.

(13) Credit--The tax credit for the certified rehabilitation of certified historic structures available pursuant to Chapter 172 of the Texas Tax Code.

(14) District--A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(15) Eligible costs and expenses--The qualified rehabilitation expenditures as defined by §47(c)(2), Internal Revenue Code, including rehabilitation expenses as set out in 26 CFR §1.48-12(c), incurred during the project, except as otherwise specified in Chapter 172 of the Texas Tax Code, or, for a time period beginning January 1, 2026, until the statute reverts on January 1, 2035, by authorized investment of funds by an institution of higher education or university system as defined by Section 61.003, Education Code, if the other provisions of Section 47(c)(2) are met.

(16) Federal rehabilitation tax credit--A federal tax credit for 20% of qualified rehabilitation expenditures with respect to a certified historic structure, as defined in §47, Internal Revenue Code; 26 CFR §1.48-12; and 36 CFR Part 67.

(17) Functionally related buildings--A collection of buildings that were constructed or used to serve and support an overall single purpose during their period of significance. Examples include but are not limited to: a residence and carriage house; a multi-building apartment complex; a multi-building industrial or commercial complex; or buildings constructed as a campus. Buildings within a typical neighborhood or downtown commercial historic district, among other property types, do not count as functionally related buildings with other buildings in the district, unless there is a certain historical attachment other than community development. Functionally related buildings owned by one entity are viewed as a single property while those owned by separate entities are viewed as separate properties.

(18) National Park Service--The agency of the U.S. Department of the Interior that is responsible for certifying projects to receive the federal rehabilitation tax credit.

(19) Owner--A person, partnership, company, corporation, whether for profit or not, governmental body, an institution of higher

education or university system or any other entity holding a legal or equitable interest in a Property or Structure, which can include a full or partial ownership interest. Not all of these owner entities can qualify as an applicant for the credit, based on the requirements listed in Chapter 172 of the Texas Tax Code. A long-term lessee of a property may be considered an owner if their current lease term is at a minimum 27.5 years for residential rental property or 39 years for nonresidential real property, as referenced by §47(c)(2), Internal Revenue Code.

(20) Phased development--A rehabilitation project which may reasonably be expected to be completed in two or more distinct states of development, as defined by United States Treasury Regulation 26 CFR §1.48-12(b)(2)(v).

(21) Placed in Service--A status obtained upon completion of the rehabilitation project as described in Part B of the application, and any subsequent amendments, and documented in Part C of the application. Evidence of the date a property is placed in service must be provided as described in §13.5(b)(4) of this title (relating to Request for Certification of Completed Work).

(22) Project--A specified scope of work, as described in a rehabilitation plan submitted with Part B of the application and subsequent amendments, comprised of work items that will be fully completed and Placed in Service. Examples of a project may include, but are not limited to, a whole building rehabilitation, rehabilitation of individual floors or spaces within a building, repair of building features, or replacement of building systems (such as mechanical, electrical, and plumbing systems). Partial or incomplete scopes of work, such as project planning and design, demolition, or partial completion of spaces, features, or building systems are not included in this definition as projects. Per §13.6(f) of this title (relating to Application Review Process), the Commission's review encompasses the entire building and site, including all concurrent work regardless of whether that work is eligible to generate qualified rehabilitation.

(23) Property--A parcel of real property containing one or more buildings or structures that is the subject of an application for a credit.

(24) Rehabilitation--The process of returning a building or buildings to a state of utility, through repair or alteration, which makes possible an efficient use while retaining those portions and features of the building and its site and environment which are significant.

(25) Rehabilitation plan--Descriptions, drawings, construction plans, and specifications for the proposed rehabilitation of a certified historic structure in sufficient detail to enable the Commission to evaluate compliance with the Standards for Rehabilitation.

(26) Standards for Rehabilitation--The United States Secretary of the Interior's Standards for Rehabilitation as defined by the National Park Service in 36 CFR §67.7.

(27) Structure--A building; see also certified historic structure. "Structure" may be used in place of the word "building," but all tax credit projects must involve rehabilitation of a building as defined in §13.1(5) of this title.

(28) Tax Credit--A credit earned against either the state franchise tax or the insurance premium tax per Chapter 172 of the Texas Tax Code and any limitations provided therein.

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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Joseph Bell
Executive Director
Texas Historical Commission
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Proposal publication date: May 8, 2026
For further information, please call: (512) 463-6100



CHAPTER 15. ADMINISTRATION OF FEDERAL PROGRAMS

13 TAC §15.3

The Texas Historical Commission (Commission) adopts amendments to the Texas Administrative Code, Title 13, Part 2, Chapter 15, §15.3, related to the State Board of Review and National Register, without changes to the text published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3022). The rule will not be republished.

Amendments remove references to the *Federal Register* to avoid current and future inaccuracies. No comments were received during the 30-day comment period following publication.

These amendments are adopted under the authority of Texas Government Code §442.005(q), which gives the Commission authority to adopt rules to reasonably affect the purposes of the Commission.

No other statutes, articles, or codes are affected by these amendments.

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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Joseph Bell
Executive Director
Texas Historical Commission
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CHAPTER 21. HISTORY PROGRAMS

SUBCHAPTER B. OFFICIAL TEXAS HISTORICAL MARKER PROGRAM

13 TAC §§21.6, 21.7, 21.9, 21.11, 21.12

The Texas Historical Commission (Commission) adopts amendments to §§21.6, 21.7, 21.9, 21.11, and 21.12 of the Texas Administrative Code, Title 13, Part 2, Chapter 21, Subchapter B, related to the Official Texas Historical Marker Program, as published in the May 8, 2026, issue of the *Texas Register* (51 TexReg 3024). The rules are adopted without changes and will not be republished.

These amendments correct an inaccuracy in §21.6; remove overly specific and redundant language already given in Official Texas Historical Marker procedures and add the new Historic

Texas Freedmen's Cemetery designation to §21.7 and §21.9; and improve the accuracy and clarity of §21.11 and §21.12.

No comments were received during the 30-day public comment period following publication.

The Commission adopts the amendments under Texas Government Code §442.005(q), which authorizes the Commission to adopt rules to reasonably effect the purposes of the Commission.

No other statutes, articles, or codes are affected by these amendments.

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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Joseph Bell

Executive Director

Texas Historical Commission

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For further information, please call: (512) 463-6100



CHAPTER 22. CEMETERIES

13 TAC §§22.1 - 22.4, 22.6

The Texas Historical Commission (Commission) adopts amendments to §§22.1 - 22.4, and 22.6 in Chapter 22 of the Texas Administrative Code, Title 13, Part 2, related to Cemeteries, as published in the March 13, 2026, issue of the *Texas Register* (51 TexReg 1482). The amendments are adopted without changes and will not be republished.

These amendments update definitions, remove definitions not used in Chapter 22, and clarify language as needed in §22.1; remove unnecessary language and make corrections to §22.2; clarify and specify the Commission's role in abatement of a cemetery as a nuisance and options available in such cases in §22.3; correct cross-references to the Health and Safety Code and add more accurate and specific language in §22.4; and update procedures for Historic Texas Cemetery (HTC) designations and add procedures for the new Historic Texas Freedmen's Cemetery (HTFC) designation in §22.6 to implement Senate Bill 217 as enacted by the 89th Texas Legislature.

No comments were received on the proposed amendments during the 30-day comment period following publication.

These amendments are adopted under the authority of Texas Government Code §442.005(q), which gives the Commission authority to adopt rules necessary to reasonably effect the purposes of the Commission.

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 Historical Commission

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER CC. COMMISSIONER'S

RULES CONCERNING SAFE SCHOOLS

19 TAC §103.1219

The Texas Education Agency (TEA) adopts new §103.1219, concerning assignment of a conservator for noncompliance with school safety and security requirements. The new rule is adopted without changes to the proposed text as published in the March 27, 2026 issue of the *Texas Register* (51 TexReg 1955) and will not be republished. The adopted new rule ensures school system compliance with safety requirements, as required by Texas Education Code (TEC), §37.1085, as added by House Bill (HB) 3, 88th Texas Legislature, Regular Session, 2023.

REASONED JUSTIFICATION: Adopted new §103.1219 outlines the circumstances under which a conservator can be assigned for school systems that fail to comply with safety and security monitoring or to timely address issues raised by TEA, in accordance with TEC, §37.1085.

Adopted new §103.1219 outlines the circumstances where the commissioner of education can appoint a conservator related to school safety and security monitoring, the powers and duties an assigned conservator may exercise, and exceptions to conservator appointments, as related to school safety and security.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began March 27, 2026, and ended April 27, 2026. Following is a summary of public comments received and agency responses.

Comment: The Texas Society of Architects (TxA) recommended the addition of good cause exception language to outline how school systems may achieve compliance with school safety and security requirements, citing TEC, §37.353. TxA requested additional language be added to the rule to envision and provide for the use of good cause exceptions for school systems to become compliant with other school facilities standards related to school safety and security. TxA stated that the omission of clear rule provisions to execute the use of a good cause exception as provided for in statute undermines effective compliance monitoring and enforcement on the part of the agency.

Response: The agency disagrees and provides the following clarification. TEC, §37.1085, outlines the specific circumstances in which the commissioner may assign a conservator for noncompliance with school safety and security requirements. The reference to a good cause exception outlined in the proposed rulemaking is consistent with the singular reference outlined in TEC, §37.1085(c).

Comment: A Texas administrator expressed concern that a significant majority of school systems may lack the financial capacity to implement new requirements and that many districts could be deemed noncompliant, not due to a lack of commitment to student safety, but due to insufficient funding.

Response: This comment is beyond the scope of the proposed rulemaking.

Comment: A Texas administrator commented that there is a perceived lack of meaningful input from local educators and administrators in the decision-making process, commenting this has had a tangible impact on those working directly with students, who are striving to provide safe and supportive learning environments, often while navigating constraints that are beyond their control.

Response: This comment is beyond the scope of the proposed rulemaking.

Comment: A Texas administrator commented that school systems do not deliberately operate unsafe schools, stating that the proposed rulemaking is an overreaction, an overreach, and unnecessary.

Response: The agency disagrees and provides the following clarification. The agency recognizes efforts across the state to ensure the safety of students, staff, and visitors. TEC, §37.1085, directs commissioner rulemaking related to the assignment of a conservator for noncompliance with school safety and security requirements.

STATUTORY AUTHORITY. The new section is adopted under TEC, §37.1085, as added by HB 3, 88th Texas Legislature, Regular Session, 2023, which grants the commissioner of education the authority to assign a conservator under TEC, Chapter 39A, if a school district fails to submit to any required monitoring, assessment, or audit; to comply with applicable safety and security requirements; or to timely address issues raised by the Texas Education Agency's monitoring, assessment, or audit.

CROSS REFERENCE TO STATUTE. The new section implements TEC, §37.1085, as added by HB 3, 88th Texas Legislature, Regular Session, 2023.

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 August 10, 2026.

TRD-202603363
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: September 1, 2026
Proposal publication date: March 27, 2026
For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 117. FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS

22 TAC §117.2

The State Board of Dental Examiners (Board) adopts amendments to rule 22 TAC §117.2, pertaining to dental faculty licensure. The amendments remove repetitive language that is currently found in Chapter 267, Texas Occupations Code, and make grammatical changes. The amendments are adopted without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4334) and will not be republished.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 7, 2026.

TRD-202603347
Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 27, 2026
Proposal publication date: July 3, 2026
For further information, please call: (737) 363-2333

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22 TAC §117.3

The State Board of Dental Examiners (Board) adopts amendments to rule 22 TAC §117.3, pertaining to dental hygiene faculty licensure. The amendments remove repetitive language that is currently found in Chapter 267, Texas Occupations Code, and make grammatical changes. The amendments are adopted without changes to the proposed text as published in the July 3, 2026, issue of the *Texas Register* (51 TexReg 4335) and will not be republished.

No comments were received regarding adoption of this rule.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

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 August 7, 2026.

TRD-202603348
Lauren Studdard
General Counsel
State Board of Dental Examiners
Effective date: August 27, 2026
Proposal publication date: July 3, 2026
For further information, please call: (737) 363-2333

PART 14. TEXAS OPTOMETRY BOARD

CHAPTER 271. EXAMINATIONS

22 TAC §271.8

The Texas Optometry Board adopts the repeal of 22 TAC Part 14 Chapter 271 Examinations - §271.8 - Converting Optometric License to Therapeutic Optometric License. The Board adopts the repeal without changes to the proposed text as published in the June 5, 2026, issue of the *Texas Register* (51 TexReg 3769). The repeal will not be republished.

This rule provided a mechanism for optometrists to convert an optometrist license to a therapeutic optometrist license. There are approximately 100 licensees who are licensed as optometrists. Given the number of licensees and the ability of the Board to verify competency, the rule is unnecessary and is being repealed.

There were no public comments regarding this repeal.

The Board adopts this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

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 August 4, 2026.

TRD-202603280

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 5, 2026

For further information, please call: (512) 305-8502



22 TAC §271.12

The Texas Optometry Board adopts amendments to 22 TAC Part 14 Chapter 271 Examinations - §271.12 - License Designation with no changes to the proposed text as published in the June 5, 2026, issue of the *Texas Register* (51 TexReg 3770). The rule will not be republished.

This rule is being amended to remove sections that simply restate statute. By eliminating the sections of the rules that restate statute, the agency is reducing the regulatory burden and increasing transparency for licensees.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603279

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



CHAPTER 272. ADMINISTRATION

22 TAC §272.4

The Texas Optometry Board adopts the repeal of 22 TAC Part 14 Chapter 272 Administration - §272.4 - Public Participation in Meetings. The Board adopts the repeal without changes to the proposed text as published in the June 5, 2026, issue of the *Texas Register* (51 TexReg 3771). The repeal will not be republished.

This rule is derived from Texas Occupations Code 351.202 which requires the Board to "develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the board's jurisdiction."

In conjunction with the repeal of this rule, the Board will adopt a policy regarding public participation at meetings. The policy will be available on the Board's public facing website for public review.

There were no public comments regarding this repeal.

The Board adopts this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

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 August 4, 2026.

TRD-202603281

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



CHAPTER 273. GENERAL RULES

22 TAC §273.1

The Texas Optometry Board adopts the repeal of 22 TAC Part 14 Chapter 273 General Rules - §273.1 - Surrender of License. The Board adopts the repeal as published in the June 5, 2026, issue of the *Texas Register* (51 TexReg 3772). The repeal will not be republished.

This rule originated in 1984 - the Board's purpose was to ensure that optometrists who do not renew a license would not be in possession of a valid license and therefore could not practice optometry. By requiring the return of the license and/or an affidavit stating the optometrist would not practice, the Board was protecting the health and welfare of the general public.

However, online searches of the Board's licensees now provide a way for member of the public to verify that a person has a valid therapeutic license. As such, this rule is an unnecessary step for licensees and an unnecessary burden for staff to maintain the affidavits. The Board has other disciplinary tools for those licensees who practice without a license.

There were no public comments regarding this repeal.

The Board repeals this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603282

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 5, 2026

For further information, please call: (512) 305-8502



22 TAC §273.10

The Texas Optometry Board adopts the repeal of 22 TAC Part 14 Chapter 273 General Rules - §273.10 - Nonrenewal for Failure to Pay Child Support. The Board adopts the repeal without changes to the proposed text as published in the June 5, 2026, issue of the *Texas Register* (51 TexReg 3773). The repeal will not be republished.

This rule is derived from the Family Code §232.0135 which directs the Board to hold license renewals for non-payment of child support. This rule is unnecessary as it simply restates the statute related to child support payments. The Board has full authority to withhold a license renewal based on the statute.

There were no public comments regarding this repeal.

The Board adopt this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

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 August 4, 2026.

TRD-202603283

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



CHAPTER 277. PRACTICE AND PROCEDURE

22 TAC §277.1

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.1 - Complaint Procedures with no changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4077). The rule will not be republished.

The amendments clarify the Board's complaint process for the public and licensees by reducing the word count and simplifying the classification system. The rule repeals current (e)(3) related to options the Board has regarding the disposition of complaint as these options are found in statute and do not need to be repeated in the rule.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the complaint process is found in Subchapter E of the Occupations Code (Public Interest Information and Complaint Procedures).

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603286

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.2

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.2 - Disciplinary Proceedings with changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4080). The rule will be republished.

The change to the text adds a period to the end of the sentence at subsection (d)(4).

The amendments clarify the Board's disciplinary proceedings process for the public and licensees by reducing word count and ensuring the Board's proceedings comply with the Administrative Procedures Act (APA). By referencing compliance with the APA, the Board does not need to amend its rule if the APA is amended by the Texas Legislature at a future date. Additionally,

the rule adds a section referencing the option for Alternative Dispute Resolution as that rule is being repealed in a separate rule submission.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the disciplinary process is found in Subchapter K of the Occupations Code (Disciplinary Procedures).

No other sections are affected by the amendments.

§277.2. Disciplinary Proceedings.

(a) In a contested case before the Board, proceedings shall be governed by the Administrative Procedure Act (APA), except as specifically provided in the Optometry Act. In any contested case, opportunity shall be afforded to all parties to respond and present evidence and argument on all issues involved. Unless precluded by law, informal disposition may be made of any contested case by any method authorized under Government Code, Section 2001.056, including but not limited to stipulation, agreed settlement, consent order, or default.

(b) The Board may seek to resolve a contested matter through any Alternative Dispute Resolution (ADR) procedure. Such procedures may include, but are not limited to, those applied to resolve matters pending at the State Office of Administrative Hearing (SOAH) and in the state's district courts.

(c) Prior to the imposition of disciplinary sanctions, remedial plan, or administrative penalties against a respondent (a licensee or a person issued a cease and desist order), the respondent shall be offered an opportunity to attend an informal conference and show compliance with all requirements of law, in accordance with the APA.

(1) The Executive Director shall designate the informal conference panel in accordance with Section 351.507 of the Optometry Act. The respondent and/or the authorized representative may attend the informal conference and shall be provided an opportunity to be heard. If applicable, the complainant may attend the informal conference in order to be heard on the complaint.

(2) Informal conferences shall not be deemed to be meetings of the Board and no formal record of the proceedings at the conferences shall be made or maintained.

(3) In making a settlement offer, the panel shall consider the Penalty Schedule in §277.6 of this title to determine the recommendation for an administrative fine or penalty. The panel also may recommend the respondent refund all or part of the examination fee paid by the complainant.

(4) The panel's proposed settlement offer shall be presented to the Board for its review. At the conclusion of its review, the Board shall approve, amend, or disapprove the settlement offer. If the respondent does not concur with the settlement or the Board disapproves the offer, the case shall be forwarded to SOAH for formal action.

(d) Notice of the informal conference shall be served not less than 10 days prior to the date of the conference by certified or registered mail, return receipt requested, to the licensee's address of record as maintained by the Board or by electronic means to the licensee's designated electronic address of record, and shall include:

(1) a statement of the legal authority, jurisdiction, and alleged conduct under which the enforcement action is based, with a reference to the particular section(s) of the statutes and rules involved;

(2) an offer for the respondent to attend an informal conference at a specified time and place and show compliance with all requirements of law, in accordance with the APA;

(3) a statement that the respondent has an opportunity for a hearing before SOAH on the allegations; and

(4) a default warning in the form prescribed by Board policy.

(e) The respondent shall respond by either personal appearance at the informal conference or in writing no later than the date of the informal conference. If the respondent chooses to respond in writing, the response shall address the allegations set forth in the notice.

(f) If the respondent fails to respond the matter will be considered as a default case.

(1) The respondent will be deemed to have:

(A) admitted all the factual allegations in the notice specified in this subsection;

(B) waived the opportunity to show compliance with the law;

(C) waived notice of a hearing;

(D) waived the opportunity for a hearing on the allegations; and

(E) waived objection to the recommended sanctions made at the informal conference.

(2) The Board shall either enter a default order adopting the recommended sanctions made at the informal conference or direct that the case be set for a hearing at SOAH. Any default judgment will be entered on the basis of the factual allegations in the notice and upon proof of proper notice to the respondent's address of record.

(3) A motion for rehearing which requests that the Board vacate its default order under this section shall be granted if the motion presents convincing evidence that the failure to respond to the notice specified in this subsection was not intentional or the result of conscious indifference, but due to accident or mistake, provided that the respondent has a meritorious defense to the factual allegations contained in the notice specified in this subsection and the granting thereof will not result in delay or injury to the public or the Board.

(g) All contested cases not resolved by informal conference shall be referred to SOAH. Formal proceedings shall be conducted in accordance with the contested-case provisions of the APA and the procedural rules of SOAH.

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 August 4, 2026.

TRD-202603287

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.3

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.3 - Probation with no changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4082). The rule will not be republished.

The amendment simply updates the terminology found in the rule from "practitioner" to "licensee" to clarify that the Board may offer probation to a licensee. It further clarifies that the Board "may" act without the unnecessary language related to a majority vote as a majority vote is needed for all Board actions.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the probation process is found in §351.506 of the Occupations Code.

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603288

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



22 TAC §277.4

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.4 - Reinstatement with no changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4083). The rule will not be republished.

The amendment simply updates the terminology found in the rule from "practitioner" to "person" to clarify that the person seeking reinstatement of a license should not be practicing. Additionally, it provides that the Board may make the decision to reinstate a license without holding a hearing at the State Office of Administrative Hearings (SOAH). Implied is that if the Board makes an adverse action, the person may appeal the decision to SOAH under the provisions of the Administrative Procedures Act.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the reinstatement process is found in §351.505 of the Occupations Code.

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603289

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



22 TAC §277.5

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.5 - Convictions with no changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4084). The rule will not be republished.

The amendment removes unnecessary language which only restates statute or provides subjective commentary about the rule.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the review of convictions process is found in Chapter 53 of the Occupations Code. No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603290

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.8

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.8 - Emergency Temporary Suspension or Restriction with no changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4086). The rule will not be republished.

The amendment provides the Chair of the Board has discretion when appointing the emergency committee and the appointments would not need to be approved by the full Board. Finally, the amendment allows the committee to meet by video or telephone call if necessary.

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the emergency suspension process is found in §351.5015 of the Occupations Code.

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603291

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.9

The Texas Optometry Board adopts the repeal of 22 TAC Part 14 Chapter 277 Administration - §277.9 - Alternative Dispute Resolution. The Board adopts the repeal as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4087). The repeal will not be republished.

This rule is derived from Texas Government Code Chapter 2009 which outlines the Alternative Dispute Resolution process for government agencies. In conjunction with this repeal, the Board amended Rule 277.2 to include the following: "The Board may seek to resolve a contested matter through any Alternative Dispute Resolution (ADR) procedure. Such procedures may include, but are not limited to, those applied to resolve matters pending at the State Office of Administrative Hearing (SOAH) and in the state's district courts."

There were no public comments regarding this repeal.

The Board adopts this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

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 August 4, 2026.

TRD-202603292

Janice McCoy

Executive Director

Texas Optometry Board

Effective date: August 24, 2026

Proposal publication date: June 26, 2026

For further information, please call: (512) 305-8502



22 TAC §277.12

The Texas Optometry Board adopts amendments to 22 TAC Chapter 277, §277.12 - Denial Of License And Disciplinary Action By Board with no changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4088). The rule will not be republished.

As currently written, the rule simply restated Texas Occupations Code §351.501 which is redundant and could be confusing

for stakeholders. The amendment simplifies and clarifies the Board's authority to discipline a licensee or applicant.

Additionally, based on a recent State Office of Administrative Hearing's ruling, the Board is attempting to define "wilful" by stating "An applicant or license holder is considered to have committed a wilful violation if the person intentionally disregarded the Optometry Act. Unless the person can prove he or she did not know how to review and understand the law, the Board deems every violation as intentional as each person is required to take and pass the Board's jurisprudence exam prior to licensure and to take one hour of continuing education related to professional responsibility each year once licensed."

No comments were received regarding the amendment.

The Board adopts this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code. Additional authority related to the disciplinary process is found in Subchapter K of the Occupations Code (Disciplinary Procedures).

No other sections are affected by the amendments.

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 August 4, 2026.

TRD-202603293

Janice McCoy

Executive Director

Texas Optometry Board

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For further information, please call: (512) 305-8502



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) adopts 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.

Sections 358.105 and 358.311 are adopted with changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2869). These rules will be republished.

Sections 358.101, 358.107, 358.109, 358.201, 358.307, 358.309, 358.313, 358.315, 358.507, 358.515, 358.605, and 358.607 - 358.609 are adopted without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2869). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

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

The adopted rules change 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 were in two titles in TAC. The adopted rules consolidate program rules into 26 TAC Chapter 358. The repealed rules in 1 TAC Chapter 392, Subchapter C, Autism Program, are published elsewhere in this issue of the *Texas Register*.

COMMENTS

The 31-day comment period ended June 1, 2026.

HHSC received comments regarding the proposed rules from five commenters. HHSC received comments from Texas Nurse Practitioners, Texas Academy of Physician Assistants, Families for Effective Autism Treatment - Houston, Texas Council of Community Centers, and Texas Association for Behavior Analysis Public Policy Group. A summary of comments relating to the rules and HHSC's responses follows.

Comment: A commenter suggested the proposed definition of "qualified professional" in §358.105(24) should include advanced practice registered nurses, such as nurse practitioners (NPs). The commenter indicated the proposed rule limited qualified professionals to "a physician or psychologist" and the restriction is inconsistent with NPs' scope of practice under Texas law and authority under other HHSC programs.

Response: HHSC agrees and revises the rule as suggested. HHSC also adds a definition for "nurse practitioner" in §358.105(20) and renumbers the section accordingly.

Comment: A commenter suggested the proposed definition of "qualified professional" in §358.105(24) should include physicians assistants (PAs). The commenter indicated PAs are authorized to perform medical acts, including diagnosis, within their scope of practice. The commenter further indicated the proposed rule created an internal inconsistency within HHSC's regulatory framework.

Response: HHSC agrees and revises the rule as suggested. HHSC also adds a definition for "physician assistant" in §358.105(24) and renumbers the section accordingly.

Comment: Multiple commenters expressed support and enthusiasm for expansion of services to children and adults through age 21. The commenters further expressed continuing support for flexibility in the use of authorized service hours and limitations and appreciate tailoring the services to the child rather than arbitrary limits. The commenters also encouraged HHSC to carefully consider how requirements related to parent participation and client attendance are implemented.

Response: HHSC acknowledges support for expanded eligibility and changes to use of service hours. The Children's Autism Program's policy and process continue to include reviewing and approving exceptions to participation requirement. No changes were made in response to the comment.

A minor editorial change was made to §358.105 for consistency across HHSC rules.

A minor editorial change was made to §358.105(4) to correct formatting.

A minor editorial change was made to §358.311(a)(1)(B) to correct a typo.

SUBCHAPTER A. GENERAL RULES

26 TAC §§358.101, 358.105, 358.107, 358.109

STATUTORY AUTHORITY

The amendments and new sections are adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program.

§358.105. Definitions.

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

(1) Adjusted gross income--The total income of the family after subtracting 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.

(2) Allowable deductions--Expenses that may be subtracted from total income. Allowable deductions are limited to:

(A) the actual medical or dental expenses of the family that are mainly for helping or preventing a physical or mental condition, paid within the last 12 months, and expected to continue during the eligibility period. Expenses must be 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 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.

(3) ABA--Applied behavior analysis. 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 found in the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM) related to autism or a 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).

(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.

(6) BCBA--Board Certified Behavior Analyst. A person who meets the requirements in and holds the appropriate license under Texas Occupations Code Chapter 506.

(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.

(8) Child--An individual diagnosed with ASD who is younger than 22 years of age.

(9) Contractor--A local community agency or organization under contract with HHSC to provide services under this chapter.

(10) Cost share--The amount of money a family must pay each month for a child to participate in the Children's Autism Program, as described in Subchapter F of this chapter (relating to Cost Share).

(11) Dependent--A person in the household of a child who receives services who is 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 gross income more than the income requirement set by the Internal Revenue Service (IRS) for the relevant year. More than half of the person's support must be provided by the parent during the calendar year.

(12) Direct services--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. Direct services do not include casual or accidental physical contact with, talking to, or meeting at an educational presentation or seminar with a child who is in the Children's Autism Program or with the child's family.

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

- (A) the parent;
- (B) the child;
- (C) other children younger than 19 years old; and
- (D) other dependents.

(14) 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) 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) HHSC--The Texas Health and Human Services Commission.

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

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

(20) Nurse practitioner--A person licensed to practice nursing under Texas Occupations Code Chapter 301.

(21) Parent--Means:

- (A) a child's natural or adoptive parent; or
- (B) a child's guardian.

(22) Parent training--A Focused ABA service that a contractor provides to a parent in the native language of a parent with limited English proficiency, when possible.

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

(24) Physician assistant--A person licensed to practice medicine under Texas Occupations Code Chapter 204.

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

(26) Qualified professional--A physician, psychologist, nurse practitioner, or physician assistant who has training and experience in diagnosing and treating neurodevelopmental disorders.

(27) 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.

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

- (A) an RBT;
- (B) a BCaBA;
- (C) a BCBA; or
- (D) a BCBA-D.

(29) Texas resident--A person who lives in Texas.

(30) Third-party payer--A company, organization, insurer, or government agency, except for HHSC, that pays for health care services a child receives in the Children's Autism Program.

(31) Transition plan--A written document that lists the steps and services needed to help the child and family move from the Children's Autism Program to local education agency special education services or other community activities, places, or programs chosen by the family after leaving the Children's Autism Program.

(32) 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 treatment goals.

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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Karen Ray

Chief Counsel

Health and Human Services Commission

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SUBCHAPTER B. STAFF REQUIREMENTS

26 TAC §358.201

STATUTORY AUTHORITY

The new section is adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program.

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SUBCHAPTER C. DARS FOCUSED ABA SERVICES

26 TAC §358.309

STATUTORY AUTHORITY

The repeal is adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program.

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

STATUTORY AUTHORITY

The amendments and new section are adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program.

§358.311. *Services Provided.*

(a) A contractor must:

(1) develop a written treatment plan with the family for each child served, which must include;

(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 skills and behaviors learned during services in other places, such as home or school; and

(2) provide and keep records of parent training as a part of the Focused ABA services.

(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.

(d) Documentation of parent training must include:

(1) the name of the child;

(2) the names of those who participated in the training;

(3) any training information the contractor discussed and shared with each parent who participated in the training; and

(4) the location where the contractor provided the training.

(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.

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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Chief Counsel

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SUBCHAPTER E. AUTISM PROGRAM RIGHTS

26 TAC §§358.507, §358.515

STATUTORY AUTHORITY

The repeals are adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In

addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program.

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SUBCHAPTER F. COST SHARE

26 TAC §§358.605, 358.607 - 358.609

STATUTORY AUTHORITY

The amendments are adopted under 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 Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, Texas Human Resources Code §117.082 requires HHSC to adopt rules for the children's autism program.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.16

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.16, Establishment or Continued Operation of an Appointing Entity, with non-substantive changes to the proposed text as published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3533). The rule will be republished.

The adopted amended rule conforms with the amendments made by House Bill 33 (89R). It requires every agency to have access to a breaching tool and ballistic shield, clarifies requirements of an agency's active shooter policy, and requires certain agencies to have a Public Information Officer. The Public Information Officer has one year from assignment to obtain the certificate. It also clarifies the communications equipment requirement that if certain officers have a radio, they do not also need a cell phone.

Finally, the adopted amended rule conforms with the amendment to Texas Occupations Code §1701.163 made by Senate Bill 1445 (88R). It provides guidance to determine whether a prospective agency or existing agency provides public benefit to the community and describes the process for applying to create a new agency or deactivating an existing agency. The goal is to provide objective measures and consistent processes when evaluating applications for new agencies and issues involving existing agencies. Non-exclusive lists of factors to determine whether an agency provides public benefit to the community are included in the adopted amended rule for both prospective and existing agencies. These factors and processes were developed from prior experiences and observations when evaluating past applications for the creation of a new agency and addressing issues with struggling agencies. This adopted amended rule will allow governing bodies and agencies to better understand the process and requirements to create and maintain an agency and what may put an agency at risk.

The public comment period began on May 22, 2026, and ended on June 25, 2026, at the conclusion of the public meeting of the Commission. One public comment was received.

Public Comment No. 1 from the Bastrop-Travis Counties Emergency Services District 1: Commenter requests that the following be added as subsection (b)(6): "the agency is an Emergency Services District, and the Emergency Services District has adopted a Fire Code in accordance with Texas Health and Safety Code 775.036 (5)(b) and the Peace Officers will be performing duties outlined in Texas Health and Safety Code 775.036 (g)." Commenter states that Emergency Services Districts (ESDs) have the authority to appoint peace officers and the Legislature did not intend that ESDs have to face the extra hurdle of proving to the Commission that they provide a public benefit to the community. Commenter states that ESDs "respond to emergencies, investigate arson, environmental and other fire-related crimes, secure hazardous scenes, and enforce burn bans and other life-safety ordinances-often in rural or rapidly growing unincorporated areas where no other law-enforcement agency is readily available or are inadequately qualified to do so."

Commission Response: By law, many governmental entities may appoint peace officers. However, the entity must become a law enforcement agency to appoint peace officers. To this end, the Legislature has required that the Commission establish by rule minimum standards for the creation and continued operation of a law enforcement agency so that an authorized entity can appoint peace officers. One of these required minimum standards is a determination regarding the public benefit of creating the law enforcement agency in the community. No law requires that an ESD be a law enforcement agency or that an ESD be presumed to provide public benefit to the community. Similarly, nothing in the public comment leads to the policy conclusion that an ESD should be presumed to provide a public benefit to the community and be included in subsection (b) of

the adopted amended rule. The Commission made a policy decision that most entities that may appoint peace officers not be included in subsection (b) to give effect to the Legislature's intent that an entity show a public benefit to the community to possibly become a law enforcement agency. Generally, the excepted entities in subsection (b) are required by law, prosecute criminal offenses, or are school related.

The Texas Constitution states that ESDs may provide emergency medical services, emergency ambulance services, rural fire prevention and control services, or other emergency services authorized by the Legislature. Emergency medical services and emergency ambulance services may only be provided by a person licensed as an emergency medical services provider by the Texas Department of State Health Services. Besides ESDs, fire prevention and control services, including inspections for fire hazards, may also be provided by fire departments and fire marshals, among others. Importantly, private businesses that provide their own fire prevention and control services with the right equipment are not subject to an ESD's authority or an ESD's taxes. None of these entities, including ESDs, are required to be a law enforcement agency to provide these services. And not all ESDs are the same, as an ESD may provide limited services or use its funding to contract for the provision of authorized services. Additionally, many ESDs across Texas provide their authorized services without being a law enforcement agency, including Commenter. Therefore, public benefit to the community as a law enforcement agency should not be presumed solely because of the services an ESD is authorized to provide, including inspection for fire hazards. However, this does not preclude an ESD from showing that it provides public benefit to the community through subsection (c) of the adopted amended rule to possibly become a law enforcement agency.

The amended rule is adopted pursuant to Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, Texas Government Code §418.333, Certification and Continuing Education, Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.163, Minimum Standards for Law Enforcement Agencies. Texas Government Code §411.3735 requires certain agencies to have a public information officer who has or obtains the public information officer certificate. Texas Government Code §418.333 requires an applicant for a public information officer certification to complete minimum education and training requirements for initial certification and to complete continuing education to maintain the certificate. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.163 requires the Commission to adopt rules to establish minimum standards with respect to the creation or continued operation of a law enforcement agency.

The amended rule as adopted affects or implements Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, Texas Government Code §418.333, Certification and Continuing Education, Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.163, Minimum Standards for Law Enforcement Agencies. No other code, article, or statute is affected by this adoption.

§211.16. Establishment or Continued Operation of an Appointing Entity.

(a) To establish that an agency or a prospective agency meets the minimum standards for the creation or continued operation of a law enforcement agency, the agency must provide evidence that the agency:

- (1) provides public benefit to the community;
- (2) has sustainable funding sources that meet or exceed the continued operating expenses outlined in a line-item budget for the agency;
- (3) has physical resources available to officers, including:
 - (A) at least one firearm per officer on duty;
 - (B) at least one less lethal force weapon per officer on duty;
 - (C) effective communications equipment, specifically:
 - (i) at least one radio communication device per officer on duty performing patrol, courtroom security, traffic enforcement, responding to calls for service, assigned to a controlled access point, acting as a visual deterrent to crime, surveillance, warrant execution, and service of civil process; and
 - (ii) at least one radio communication device or cell phone device for any other officer on duty who may have contact with the general public;
 - (D) at least one bullet-resistant vest per officer on duty with vest panels that:
 - (i) have been certified as compliant by the National Institute of Justice (NIJ);
 - (ii) are within the ballistic performance warranty period listed by the manufacturer on the affixed tags; and
 - (iii) have never been shot or otherwise compromised;
 - (E) access to at least one breaching tool and one ballistic shield;
 - (F) for agencies with primary jurisdiction over a school district or open-enrollment charter school, one breaching tool and one ballistic shield available at each campus;
 - (G) at least one uniform per officer whose duties include any of the following:
 - (i) performing patrol;
 - (ii) courtroom security;
 - (iii) traffic enforcement;
 - (iv) responding to calls for service;
 - (v) assigned to a controlled access point;
 - (vi) acting as a visual deterrent to crime;
 - (vii) warrant execution; or
 - (viii) service of civil process;
 - (H) at least one motor vehicle owned and insured by an agency created on or after June 1, 2024; and
 - (I) patrol vehicles provided to officers whose duties include either performing patrol, traffic enforcement, or responding to calls for service that:

(i) are owned, insured, and equipped by the agency; or

(ii) may be personally owned for agencies in existence before June 1, 2024, that have not provided agency-owned patrol vehicles from June 1, 2024, to the present;

(4) has physical facilities, including:

(A) an evidence room or other acceptable secure evidence storage for officers whose duties include any of the following:

- (i) performing patrol;
- (ii) traffic enforcement;
- (iii) criminal investigations;
- (iv) responding to calls for service; or
- (v) executing search or arrest warrants;

(B) a dispatch area for any agency appointing and employing telecommunicators; and

(C) a public area including written notices posted and visible 24 hours a day explaining:

(i) how to receive the most immediate assistance in an emergency;

(ii) how to make a nonemergency report of a crime; and

(iii) how to make a compliment or complaint on a member of the agency by mail, online, or by phone;

(5) has policies, including policies on:

- (A) use of force;
- (B) vehicle pursuit;
- (C) professional conduct of officers;
- (D) domestic abuse protocols;
- (E) response to missing persons;
- (F) supervision of part-time officers;
- (G) impartial policing;
- (H) medical and psychological examination of licensees;

(I) active shooters, including a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation for the frequency at which simulated emergency drills should be conducted;

- (J) barricaded subjects;
- (K) evidence collection and handling;
- (L) eyewitness identification;
- (M) misconduct investigations;
- (N) hiring a license holder;
- (O) personnel files;
- (P) uniform and dress code;
- (Q) training required to maintain licensure; and
- (R) outside and off-duty employment;

(6) has an assigned public information officer who must hold a valid public information officer certificate or must obtain the certificate within the first year of assignment, if the agency is:

- (A) a municipal police department;
- (B) a sheriff's office;
- (C) a county constable's office;
- (D) a school district police department; or
- (E) the Texas Department of Public Safety;

(7) has an established administrative structure, including:

(A) an organizational chart for the agency that illustrates the division and assignment of licensed and unlicensed personnel;

(B) a projection for the number of full-time peace officers, part-time peace officers, and reserve law enforcement officers that the agency would employ during the year if at full staffing; and

(C) the number of School Resource Officer (SRO) positions employed by the agency and working in schools if the agency is not an independent school district (ISD) police department;

(8) has liability insurance for the agency and any vehicles used for agency purposes;

(9) has a defined process by which the agency will receive by mail, online, and by phone and document compliments and complaints on its employees; and

(10) any other information the commission requires.

(b) An entity applying to create a law enforcement agency is presumed to provide public benefit to the community if any of the following conditions are satisfied:

(1) the agency's chief administrator is an officer elected under the Texas Constitution;

(2) the agency is required by statute;

(3) the agency serves a municipality that contains a population of at least 10,000 people and the municipality is without an agency;

(4) the agency consists of investigators for a county or district attorney's office; or

(5) the agency serves a school district, open-enrollment charter school, private school, state institution of higher education, public technical institute, or private institution of higher education with an enrollment of at least 2,500 students.

(c) An entity applying to create a law enforcement agency may be found to provide public benefit to the community based upon a balance of the following factors:

(1) the unmet law enforcement needs of the subject community;

(2) a consideration of the presence of other agencies within the subject community, including but not limited to:

(A) the number and types of agencies that serve the community;

(B) the consistency of jurisdictional coverage to be provided;

(C) the unique law enforcement needs to be provided that are not already provided by another agency; and

(D) the ability of other agencies to provide the desired law enforcement services to the community through agreements or contracts;

(3) the desired law enforcement functions, roles, and responsibilities of the prospective agency within the subject community;

(4) a comparison of establishing an agency versus other options to address the desired law enforcement needs;

(5) the ability to provide continuity of law enforcement services;

(6) the provision of full-time versus part-time coverage;

(7) the staffing to be achieved by full-time, part-time, or reserve law enforcement officers;

(8) the ability to recruit and retain qualified licensees for appointment;

(9) the ability to recruit or retain a chief administrator;

(10) the ability to supervise, train, and develop licensees;

(11) the ability to fulfill administrative obligations required by law, including but not limited to:

(A) training compliance;

(B) maintaining required records in compliance with applicable laws;

(C) reporting compliance;

(D) appointment and separation processes;

(E) investigating and resolving allegations of misconduct; and

(F) policy development, implementation, and compliance;

(12) access to legal support and other supportive resources;

(13) oversight and support to be provided by the governing body;

(14) prior agency and governing body history with the commission; and

(15) any other factor the commission considers relevant.

(d) A law enforcement agency may be found to no longer provide public benefit to the community based upon a balance of the following factors:

(1) the relevant factors contained in subsection (c) of this section;

(2) the turnover rate of agency staff;

(3) the history and seriousness of the agency's audit and inspection deficiencies and violations;

(4) the history and seriousness of administrative and criminal misconduct of the agency's appointees;

(5) neglect of the agency's duties;

(6) lack of oversight or abuse by the agency's governing body;

(7) involvement in activities not related to the statutory purpose for the type of agency; and

(8) any other factor the commission considers relevant.

(e) An entity authorized by law to establish a law enforcement agency and appoint licensees must first complete training offered and required by the commission on the creation and continued operation of a new agency before applying to create a new law enforcement agency. This training consists of:

(1) an introduction to the new agency creation process that outlines the objectives, process, and timelines for creating a new agency;

(2) review and completion of the new agency workbook, including the gathering of required information and completion of required worksheets; and

(3) an in-person commission staff working group.

(f) After completing the required training, the entity may then submit the initial application for the creation of a new law enforcement agency by:

(1) submitting the current agency number application form;

(2) demonstrating that the prospective new agency would provide public benefit to the community and has sustainable funding sources; and

(3) outlining the prospective agency plan.

(g) If the executive director denies the initial application, the entity may appeal to the commissioners during a public meeting of the commission. If the commissioners approve the initial application, the entity may submit the final application demonstrating all requirements of subsection (a) of this section have been met.

(h) If the executive director approves the initial application, the entity may submit the final application demonstrating all requirements of subsection (a) of this section have been met.

(i) After submission of the final application, the commission will perform an inspection to confirm that the prospective agency meets the minimum standards for the creation of a law enforcement agency. If the minimum standards are met, a new law enforcement agency will be created.

(j) A denial of the initial or final application may include conditions which must be satisfied before an entity may reapply to create a new law enforcement agency.

(k) A law enforcement agency that no longer meets the minimum standards for the continued operation of an agency may be deactivated. Deactivation of an agency requires the separation of all licensees, including the chief administrator, and the revocation of the authority to appoint licensees.

(l) The governing body of an agency that has been deactivated must continue to maintain records required by the commission as prescribed by law and must report motor vehicle stop data for all years and partial years that elapsed prior to deactivation.

(m) An entity authorized by Local Government Code, §361.022 to operate a correctional facility to house inmates, in this state, convicted of offenses committed against the laws of another state of the United States, and appoint jailers requiring licensure by the commission, may make application for an agency number by submitting the current agency number application form, any associated application fee, and a certified copy of the contract under which the facility will operate.

(n) A political subdivision wanting to establish a consolidated emergency telecommunications center and appoint telecommunications, as required by Texas Occupations Code, §1701.405, may make appli-

cation for an agency number by submitting the current agency number application form, any associated application fee and a certified copy of the consolidation contract.

(o) The Texas Department of Criminal Justice - Pardon and Parole Division, a community supervision and corrections department, or a juvenile probation department may make application for an agency number if seeking firearms training certificates for parole officers, community supervision and corrections officers, or juvenile probation officers by submitting the current agency number application form and any associated application fee.

(p) All law enforcement agencies must complete and submit an annual report due between January 1st and March 1st of each year documenting their continued compliance with the requirements of this rule.

(q) The effective date of this section is September 1, 2026.

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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Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

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For further information, please call: (512) 936-7700



37 TAC §211.29

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §211.29, Responsibilities of Agency Chief Administrators, with non-substantive changes to the proposed text as published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3537). The rule will be republished.

The adopted amended rule conforms with the amendments made by House Bill 33 (89R). It requires a chief administrator to submit a preliminary report within 45 days and then a final report within 90 days that evaluates the response by the law enforcement agency to an active shooter incident at a primary or secondary school.

Also, the adopted amendment requires a chief administrator to report to the Commission successful completion of personnel orientation and field training by a licensee. This will reduce delays for licensees in achieving basic proficiency certificates and will reduce administrative burdens for the Commission in issuing basic proficiency certificates. This will also allow the Commission to better track which law enforcement agencies are providing the required training to licensees.

Finally, the adopted amendment requires a chief administrator to report to the Commission that certain individuals do not meet the minimum standards for enrollment or initial licensure. This will help the Commission to sooner identify those who are potentially ineligible for a license.

The public comment period began on May 22, 2026, and ended on June 25, 2026, at the conclusion of the public meeting of the Commission. No public comments were received.

The amended rule is adopted pursuant to Texas Government Code §418.1873, Evaluation and Report on Response to Active Shooter Incident at School Facility Required for Certain Entities, Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.402, Proficiency Certificates. Texas Government Code §418.1873 requires the Commission to adopt rules with respect to local law enforcement agencies for evaluating responses to active shooter incidents at primary or secondary schools. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.402 requires law enforcement agencies to provide training relating to employment issues that affect peace officer, telecommunicators, and county jailers and makes this training a requirement for a basic proficiency certificate.

The amended rule as adopted affects or implements Texas Government Code §418.1873, Evaluation and Report on Response to Active Shooter Incident at School Facility Required for Certain Entities, Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.402, Proficiency Certificates. No other code, article, or statute is affected by this adoption.

§211.29. Responsibilities of Agency Chief Administrators.

(a) An agency chief administrator is responsible for making any and all reports and submitting any and all documents required of that agency by the commission.

(b) An individual who is appointed or elected to the position of the chief administrator of a law enforcement agency shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of such appointment.

(c) An agency chief administrator must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701.

(d) An agency chief administrator must report to the commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.

(e) An agency chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.

(f) For purposes of this subsection, an active shooter incident is an incident involving one or more individuals actively engaged in killing or attempting to kill people in a populated area. Following a response to an active shooter incident at a primary or secondary school facility by any member of a law enforcement agency, the agency chief administrator must submit to the commission on a form prescribed by the commission:

(1) a preliminary report on an evaluation of the agency's response to the incident within 45 days of the incident, or as soon as practicable thereafter; and

(2) a final report on an evaluation of the agency's response to the incident within 90 days of the incident, or as soon as practicable thereafter.

(g) Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.

(h) An agency chief administrator must report to the commission on a form prescribed by the commission within seven days of discovery by any member of the agency that one of the following does not currently meet or did not meet the minimum standards for enrollment or initial licensure at the time of application, enrollment, or appointment:

(1) a licensee applying for enrollment or appointment with the agency;

(2) a person enrolled in the agency's academy;

(3) a person enrolled in any academy and sponsored by the agency; or

(4) a licensee appointed with the agency.

(i) An agency chief administrator has an obligation to determine that all appointees are able to safely and effectively perform the essential job functions. An agency chief administrator may require a fit for duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.

(j) An agency chief administrator shall notify the commission of any failed medical (L-2) or psychological (L-3) examination within 30 days on a form prescribed by the commission. An agency chief administrator shall notify the commission upon a final determination of a failed fit-for-duty examination (FFDE) or drug screen within 30 days on a form prescribed by the commission.

(k) An agency must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training. If successfully completed, the agency must report these trainings to the commission within 30 days.

(l) An agency must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352.

(m) Before an agency appoints any licensee to a position requiring a commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451.

(n) An agency appointing a person who does not hold a commission license must file an application for the appropriate license with the commission.

(o) An agency must notify the commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated.

(p) An agency chief administrator must comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.

(q) An agency chief administrator must:

(1) at the time the agency becomes aware of an allegation of misconduct, as defined in the model policy required by Texas Occupations Code § 1701.4522(a)(1), that may result in suspension, demotion, or termination, initiate an appropriate administrative or criminal investigation into alleged misconduct of a licensee who was appointed by the law enforcement agency at the time the alleged misconduct occurred;

(2) ensure completion of the investigation into alleged misconduct in a timely manner consistent with the law enforcement agency's policies even if the licensee has separated from the law enforcement agency;

(3) submit a report of a completed investigation into alleged criminal misconduct for which criminal charges are filed against a licensee to the commission within 30 days after the investigation is completed on a form prescribed by the commission;

(4) submit a report of a completed investigation into alleged administrative misconduct to the commission in a timely manner, but not later than 30 days after the licensee's separation from the law enforcement agency, on a form prescribed by the commission;

(5) if the investigative findings or disciplinary action taken are appealed, notify the commission that the matter is under appeal and notify the commission of the disposition of an appeal within 30 days after receipt of the decision; and

(6) include documentation of the completed investigation in the licensee's personnel or department file, as appropriate.

(r) An agency chief administrator must:

(1) maintain a personnel file and department file for each licensee appointed with the law enforcement agency;

(2) submit to the commission a complete copy of the personnel file of a licensee within 30 days after separation of the licensee from the law enforcement agency in a manner prescribed by the commission; and

(3) submit to the commission a complete copy of the personnel file and department file of a licensee upon request as part of an ongoing investigation relating to the licensee.

(s) Except in the case of a commission error, an agency that wishes to report a change to any information within commission files about a licensee shall do so in a request to the commission, containing:

(1) the licensee's name, date of birth, last four digits of the social security number, or PID;

(2) the requested change; and

(3) the reason for the change.

(t) An agency chief administrator may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(u) The effective date of this section is September 1, 2026.

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 218. CONTINUING EDUCATION

37 TAC §218.3

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §218.3, Leg-

islatively Required Continuing Education for Licensees, with no changes to the proposed text as published in the May 22, 2026 issue of the *Texas Register* (51 TexReg 3539). The rule will not be republished.

This adopted amended rule conforms with the amendments to Texas Occupations Code §1701.253 and §1701.3525 made by Senate Bill 1852 (88R). It requires individuals licensed as a reserve law enforcement officer or as a public security officer to complete Advanced Law Enforcement Rapid Response Training (ALERRT) continuing education every four-year cycle and ALERRT Level 1 not later than August 31, 2029.

Also, the adopted amended rule conforms with the addition of Texas Occupations Code §1701.3526 made by House Bill 33 (89R). It requires supervisors to complete an advanced incident response and command continuing education course each two-year training unit.

The public comment period began on May 22, 2026, and ended on June 25, 2026, at the conclusion of the public meeting of the Commission. No public comments were received.

The amended rule is adopted pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.253, School Curriculum, Texas Occupations Code §1701.3525, Active Shooter Response Training Required for Officers, and Texas Occupations Code §1701.3526, Continuing Education on Incident Response and Command. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.253 requires officers to complete ALERRT Level 1 not later than the end of the first full training period after licensure unless completed as part of a basic licensing course. Texas Occupations Code §1701.3525 requires officers to complete 16 hours of ALERRT continuing education each training period. Texas Occupations Code §1701.3526 requires peace officers whose duties involve the supervision of officers in an incident response to complete an advanced incident response and command continuing education course.

The amended rule as adopted affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.253, School Curriculum, Texas Occupations Code §1701.3525, Active Shooter Response Training Required for Officers, and Texas Occupations Code §1701.3526, Continuing Education on Incident Response and Command. No other code, article, or statute is affected by this adoption.

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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