

REVIEW OF AGENCY RULES

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

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

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

Adopted Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) has completed the rule review of Texas Administrative Code, Title 7, Part 5, Chapter 83, Subchapter B, concerning Rules for Credit Access Businesses. The rule review was conducted under Texas Government Code, §2001.039.

Before publishing notice of the review in the *Texas Register*, the Office of Consumer Credit Commissioner (OCCC) issued an informal advance notice of the rule review to stakeholders. The OCCC received one informal precomment in response to the advance notice. This precomment expressed general support for the rules in 7 TAC Chapter 83, Subchapter B but suggested changes to: (1) adopt rules to implement Texas Finance Code, §393.303 (prohibiting a credit service organization from charging a fee for referring a consumer to a retail seller who will extend consumer credit that is substantially the same as that available to the public), and (2) revise quarterly report instructions to change the manner in which refinances are counted. The OCCC appreciates the thoughtful input provided by stakeholders but believes that these issues are outside the intended scope of the rule review for this subchapter. First, the prohibited conduct is described in the text of Texas Finance Code, §393.303, so it is unclear whether a rule implementing this section is necessary. Second, the required elements for credit access business quarterly reports are listed in Texas Finance Code, §393.627 and in the OCCC's written reporting instructions, and the OCCC believes at this time that the instructions appropriately implement the statutory reporting requirement.

Notice of the review of 7 TAC Chapter 83, Subchapter B was published in the August 4, 2023, issue of the *Texas Register* (48 TexReg 4283). The commission received no official comments in response to that notice. The commission believes that the reasons for initially adopting the rules contained in this subchapter continue to exist.

As a result of internal review by the Office of Consumer Credit Commissioner, the commission has determined that certain revisions are appropriate and necessary. Those proposed changes are published elsewhere in this issue of the *Texas Register*.

As a result of the rule review, the commission finds that the reasons for initially adopting the rules in 7 TAC Chapter 83, Subchapter B continue to exist, and readopts this subchapter in accordance with the requirements of Texas Government Code, §2001.039.

TRD-202303950

Matthew Nance
General Counsel
Office of Consumer Credit Commissioner
Filed: October 27, 2023



Texas Department of Licensing and Regulation

Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) filed a Notice of Intent to Review to consider for re-adoption, revision, or repeal the rule chapter listed below, in its entirety, under Title 16, Part 4, of the Texas Administrative Code (TAC). This review was conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

The Department reviewed the following rule chapter:

Chapter 83, Barbers and Cosmetologists

Public Comments

A Notice of Intent to Review for the chapter listed above was published in the March 31, 2023, issue of the *Texas Register* (48 TexReg 1737). The public comment period closed on May 1, 2023. The Department received written public comments from 12 interested parties in response to the Notice of Intent to Review. The public comments received for the chapter are explained below.

The Department received comments from 12 interested parties in response to the Notice of Intent to Review for Chapter 83, Barbers and Cosmetologists, including comments from the following organizations: Blade Craft Barber Academy; FACT Education Inc.; Texas Cosmetology Educators; and Massage Envy Texas. Of the comments that were received, the Department received one comment in support of re-adoption of the rules. The Department has taken this comment into consideration as part of this review. The Department received ten comments requesting amendments to the rules. The comments suggested rule changes regarding the licensing and regulation of barbering and cosmetology practitioners, establishments, and schools. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process. The Department received one public comment that is unrelated to the rules under review. The Department will not take any further rulemaking action as a result of this unrelated comment.

Department Review and Recommendation

The Department has reviewed the rule chapter listed above and has determined that the reasons for adopting or re-adopting the rules in this

chapter continue to exist. The rules are still essential in implementing the statutory provisions for the affected program. The rules provide details that are not found in the program statutes but are necessary for implementation and operation of the program. The Department recommends that the Commission readopt the rule chapter listed above, in its entirety and current form.

The Department may propose amendments in the future to update, clarify, or supplement the existing rules. Any proposed changes to the rules will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, and in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

Commission Action

At its meeting on October 10, 2023, the Texas Commission of Licensing and Regulation, the Department's governing body, readopted the following rule chapter, in its entirety and in its current form: 16 TAC, Chapter 83, Barbers and Cosmetologists. This concludes the review of this rule chapter in accordance with Texas Government Code §2001.039.

TRD-202304046
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Filed: November 1, 2023



Department of State Health Services

Title 25, Part 1

The Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), adopts the review of the chapter below in Title 25, Part 1, of the Texas Administrative Code:

Chapter 289, Radiation Control
Subchapter C, Texas Regulations for Control of Radiation
Subchapter D, General
Subchapter E, Registration Regulations
Subchapter F, License Regulations
Subchapter G, Registration Regulations

Notice of the review of this chapter was published in the September 8, 2023, issue of the *Texas Register* (48 TexReg 5073). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 289 in accordance with §2001.039 of the Government Code, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist. The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 289. Any amend-

ments or repeals to Chapter 289 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 25 TAC Chapter 289 as required by the Government Code, §2001.039.

TRD-202304009
Jessica Miller
Director, Rules Coordination Office
Department of State Health Services
Filed: October 30, 2023



Texas Department of Insurance, Division of Workers' Compensation

Title 28, Part 2

The Texas Department of Insurance, Division of Workers' Compensation (DWC) completed its review of 28 Texas Administrative Code Chapters 102, 104, 109, 110, 112, 114, and 116. DWC conducted the review under Texas Government Code §2001.039.

Notice of the review was published in the August 25, 2023, issue of the *Texas Register* (48 TexReg 4675). There were no requests for a public hearing.

DWC received no comments by the October 3, 2023, deadline. No comments suggested repealing a rule in its entirety.

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

- Chapter 102 (Practices and Procedures--General Provisions);
- Chapter 104 (General Provisions--Rule-Making);
- Chapter 109 (Workers' Compensation Coverage for State Employees);
- Chapter 110 (Required Notices of Coverage);
- Chapter 112 (Scope of Liability for Compensation);
- Chapter 114 (Self-Insurance); and
- Chapter 116 (General Provisions--Subsequent Injury Fund).

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

This concludes the review of 28 Texas Administrative Code Chapters 102, 104, 109, 110, 112, 114, and 116.

TRD-202303944
Kara Mace
General Counsel
Texas Department of Insurance, Division of Workers' Compensation
Filed: October 26, 2023

