

# 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 28. INSURANCE

### PART 1. TEXAS DEPARTMENT OF INSURANCE

#### CHAPTER 3. LIFE, ACCIDENT, AND HEALTH INSURANCE AND ANNUITIES

##### SUBCHAPTER S. MINIMUM STANDARDS AND BENEFITS AND READABILITY FOR INDIVIDUAL ACCIDENT AND HEALTH INSURANCE POLICIES

###### 28 TAC §3.3052

The commissioner of insurance adopts amendments to 28 TAC §3.3052, concerning standards for termination of insurance provision. The amendments are adopted without changes to the proposed text published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5422). The rule will not be republished.

**REASONED JUSTIFICATION.** The amendments to §3.3052 are necessary to implement Insurance Code §1201.059 as amended by House Bill 446, 88th Legislature, 2023, which updated references to "mental retardation" in the Insurance Code. Insurance Code §1201.059 addresses termination of coverage based on a child's age in an accident and health insurance policy. The amendments to §3.3052 replace the term "mental retardation" in subsection (h)(1) with "intellectual disability."

In a separate rulemaking, as part of the implementation of HB 446, TDI proposed amendments to 28 TAC §19.1703 and §19.2003, concerning utilization reviews for health care, to similarly update references to "mental retardation." The Chapter 19 proposed amendments were also published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5423). The adopted Chapter 19 amendments are also published in this issue of the *Texas Register*.

In addition, the amendments include nonsubstantive rule drafting and formatting changes to conform §3.3052 to the agency's current style and to improve the rule's clarity. These changes include adding a comma in subsection (b)(1) after "Medical" in the reference to the heading for §3.3038 to conform the reference to the current heading, correcting capitalization of "coverage" in subsections (b)(2)(A) and (B), inserting the titles of cited Insurance Code provisions in subsections (b)(2)(B) and (d) and punctuation revisions related to the change in subsection (b)(2)(B), and adding a comma in subsections (b)(2)(A) and (f).

**SUMMARY OF COMMENTS.** TDI provided an opportunity for public comment on the rule proposal for a period that ended on

September 22, 2025. TDI did not receive any comments on the proposed amendments.

**STATUTORY AUTHORITY.** The commissioner adopts amended §3.3052 under Insurance Code §1201.006 and §36.001.

Insurance Code §1201.006 authorizes the commissioner to adopt reasonable rules as necessary to implement the purposes and provisions of Insurance Code Chapter 1201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

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 19. LICENSING AND REGULATION OF INSURANCE PROFESSIONALS

The commissioner of insurance adopts amendments to 28 TAC §19.1703 and §19.2003, concerning utilization reviews for health care. The §19.1703 amendments are adopted without changes, and the §19.2003 amendments are adopted with nonsubstantive changes to the proposed text published in the August 22, 2025, issue of the *Texas Register* (50 TexReg 5423). Section 19.2003 will be republished.

**REASONED JUSTIFICATION.** The amendments are necessary to update the definition of "person" in §19.1703(b)(22) and replace the term "mental retardation" with "intellectual disability" in §19.2003(b)(25), in alignment with House Bill 446, 88th Legislature, 2023, which updated the definition of "person" in Insurance Code §1305.004.

In a separate rulemaking, as part of the implementation of HB 446, TDI proposed amendments to 28 TAC §3.3052, concerning standards for termination of insurance provision, to similarly update references to the term "mental retardation." The proposed amendments to Chapter 3 were also published in the August 22,

2025, issue of the *Texas Register* (50 TexReg 5422), and the adopted Chapter 3 amendments are also published in this issue of the *Texas Register*.

In addition, the amendments to §19.1703 and §19.2003 include nonsubstantive rule drafting and formatting changes to conform the sections to the agency's current style and to improve the rules' clarity.

In §19.1703, these changes include inserting the titles of cited Insurance Code provisions in subsections (a), (b)(5), (b)(6)(A), (b)(14), (b)(22), and (b)(24)(A) and related punctuation updates in subsection (b)(22); removing a comma from subsection (b)(11); inserting the title of a cited Government Code provision in subsection (b)(17)(A); italicizing *Diagnostic and Statistical Manual of Mental Disorders* in subsection (b)(21); changing "prior to" to "before" in subsection (b)(26)(A) - (C) for plain language purposes; and changing "re-certification" to "recertification" in subsection (b)(35).

In §19.2003, these changes include inserting the titles of cited Insurance Code provisions in subsections (a), (b)(5), (b)(7)(A), (b)(25), (b)(39), and (b)(43); inserting the titles of cited Labor Code provisions in subsections (b)(2), (b)(6), and (b)(40); adding a comma in subsection (b)(2); inserting the title of a cited Government Code provision in subsection (b)(16)(A); italicizing *Diagnostic and Statistical Manual of Mental Disorders* in subsection (b)(22); inserting necessary punctuation updates related to the change in subsection (b)(25); changing "prior to" to "before" in subsection (b)(28)(A) - (C) for plain language purposes; and removing an incorrect comma in subsection (b)(30). The text of subsection (b)(25) as proposed has been changed to correct punctuation by replacing commas with semicolons.

SUMMARY OF COMMENTS. TDI provided an opportunity for public comment on the rule proposal for a period that ended on September 22, 2025. TDI did not receive any comments on the proposed amendments.

## SUBCHAPTER R. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER A HEALTH BENEFIT PLAN OR HEALTH INSURANCE POLICY

### DIVISION 1. UTILIZATION REVIEWS

#### 28 TAC §19.1703

STATUTORY AUTHORITY. The commissioner adopts amended §19.1703 under Insurance Code §4201.003 and §36.001.

Insurance Code §4201.003 provides that the commissioner may adopt rules to implement Insurance Code Chapter 4201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

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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## SUBCHAPTER U. UTILIZATION REVIEWS FOR HEALTH CARE PROVIDED UNDER WORKERS' COMPENSATION INSURANCE COVERAGE

### 28 TAC §19.2003

STATUTORY AUTHORITY. The commissioner adopts amended §19.2003 under Insurance Code §§1305.007, 4201.003, and 36.001.

Insurance Code §1305.007 provides that the commissioner may adopt rules as necessary to implement Insurance Code Chapter 1305.

Insurance Code §4201.003 provides that the commissioner may adopt rules to implement Insurance Code Chapter 4201.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

§19.2003. *Definitions.*

(a) The words and terms defined in Insurance Code Chapter 4201, concerning Utilization Review Agents, have the same meaning when used in this subchapter, except as otherwise provided by this subchapter, unless the context clearly indicates otherwise.

(b) The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Adverse determination--A determination by a URA made on behalf of a payor that the health care services provided or proposed to be provided to an injured employee are not medically necessary or appropriate. The term does not include a denial of health care services due to the failure to request prospective or concurrent utilization review. For the purposes of this subchapter, an adverse determination does not include a determination that health care services are experimental or investigational.

(2) Appeal--The URA's formal process by which an injured employee, an injured employee's representative, or an injured employee's provider of record may request reconsideration of an adverse determination. For the purposes of this subchapter, the term also applies to reconsideration processes prescribed by Labor Code Title 5, concerning Workers' Compensation, and applicable rules for workers' compensation.

(3) Biographical affidavit--National Association of Insurance Commissioners biographical affidavit to be used as an attachment to the URA application.

(4) Certificate--A certificate issued by the commissioner to an entity authorizing the entity to operate as a URA in the State of Texas. A certificate is not issued to an insurance carrier that is registered as a URA under §19.2004 of this title (relating to Certification or Registration of URAs).

(5) Commissioner--As defined in Insurance Code §31.001, concerning Definitions.

(6) Compensable injury--As defined in Labor Code §401.011, concerning General Definitions.

(7) Complaint--An oral or written expression of dissatisfaction with a URA concerning the URA's process in conducting a utilization review. The term "complaint" does not include:

(A) an expression of dissatisfaction constituting an appeal under Insurance Code §4201.351, concerning Complaint as Appeal; or

(B) a misunderstanding or misinformation that is resolved promptly by supplying the appropriate information or by clearing up the misunderstanding to the satisfaction of the complaining party.

(8) Concurrent utilization review--A form of utilization review for ongoing health care or for an extension of treatment beyond previously approved health care.

(9) Disqualifying association--Any association that may reasonably be perceived as having potential to influence the conduct or decision of a reviewing physician, doctor, or other health care provider, which may include:

(A) shared investment or ownership interest;

(B) contracts or agreements that provide incentives, for example, referral fees, payments based on volume or value, or waiver of beneficiary coinsurance and deductible amounts;

(C) contracts or agreements for space or equipment rentals, personnel services, management contracts, referral services, or warranties, or any other services related to the management of a physician's, doctor's, or other health care provider's practice;

(D) personal or family relationships; or

(E) any other financial arrangement that would require disclosure under Labor Code or applicable TDI-DWC rules, Insurance Code or applicable TDI rules, or any other association with the injured employee, employer, or insurance carrier that may give the appearance of preventing the reviewing physician, doctor, or other health care provider from rendering an unbiased opinion.

(10) Doctor--As defined in Labor Code §401.011.

(11) Experimental or investigational--A health care treatment, service, or device for which there is early, developing scientific or clinical evidence demonstrating the potential efficacy of the treatment, service, or device but that is not yet broadly accepted as the prevailing standard of care.

(12) Health care--As defined in Labor Code §401.011.

(13) Health care facility--As defined in Labor Code §401.011.

(14) Insurance carrier or insurer--As defined in Labor Code §401.011.

(15) Independent review organization or IRO--As defined in §12.5 of this title (relating to Definitions).

(16) Legal holiday--

(A) a holiday as provided in Government Code §662.003(a), concerning Dates and Descriptions of Holidays;

(B) the Friday after Thanksgiving Day;

(C) December 24; and

(D) December 26.

(17) Medical benefit--As defined in Labor Code §401.011.

(18) Medical emergency--The sudden onset of a medical condition manifested by acute symptoms of sufficient severity, including severe pain that the absence of immediate medical attention could reasonably be expected to result in:

(A) placing the injured employee's health or bodily functions in serious jeopardy; or

(B) serious dysfunction of any body organ or part.

(19) Medical records--The history of diagnosis of and treatment for an injury, including medical, mental health records as allowed by law, dental, and other health care records from all disciplines providing care to an injured employee.

(20) Mental health medical record summary--A summary of process or progress notes relevant to understanding the injured employee's need for treatment of a mental or emotional condition or disorder including:

(A) identifying information; and

(B) a treatment plan that includes a:

(i) diagnosis;

(ii) treatment intervention;

(iii) general characterization of injured employee behaviors or thought processes that affect level of care needs; and

(iv) discharge plan.

(21) Mental health therapist--Any of the following individuals who, in the ordinary course of business or professional practice, as appropriate, diagnose, evaluate, or treat any mental or emotional condition or disorder:

(A) an individual licensed by the Texas Medical Board to practice medicine in this state;

(B) an individual licensed as a psychologist, psychological associate, or a specialist in school psychology by the Texas State Board of Examiners of Psychologists;

(C) an individual licensed as a marriage and family therapist by the Texas State Board of Examiners of Marriage and Family Therapists;

(D) an individual licensed as a professional counselor by the Texas State Board of Examiners of Professional Counselors;

(E) an individual licensed as a social worker by the Texas State Board of Social Worker Examiners;

(F) an individual licensed as a physician assistant by the Texas Medical Board;

(G) an individual licensed as a registered professional nurse by the Texas Board of Nursing; or

(H) any other individual who is licensed or certified by a state licensing board in the State of Texas, as appropriate, to diagnose, evaluate, or treat any mental or emotional condition or disorder.

(22) Mental or emotional condition or disorder--A mental or emotional illness as detailed in the most current *Diagnostic and Statistical Manual of Mental Disorders*.

(23) Payor--Any person or entity that provides, offers to provide, or administers hospital, outpatient, medical, or other health benefits, including workers' compensation benefits, to an individual

treated by a health care provider under a policy, plan, statute, or contract.

(24) Peer review--An administrative review by a health care provider performed at the insurance carrier's request without a physical examination of the injured employee.

(25) Person--Any individual; partnership; association; corporation; organization; trust; hospital district; community mental health center; intellectual disability center; mental health and intellectual disability center; limited liability company; limited liability partnership; a political subdivision of this state; the statewide rural health care system under Insurance Code Chapter 845, concerning Statewide Rural Health Care System; and any similar entity.

(26) Preauthorization--A form of prospective utilization review by a payor or a payor's URA of health care services proposed to be provided to an injured employee.

(27) Provider of record--The physician, doctor, or other health care provider that has primary responsibility for the health care services rendered or requested on behalf of an injured employee, or a physician, doctor, or other health care provider that has rendered or has been requested to provide health care services to an injured employee. This definition includes any health care facility where health care services are rendered on an inpatient or outpatient basis.

(28) Reasonable opportunity--At least one documented good faith attempt to contact the provider of record that provides an opportunity for the provider of record to discuss the services under review with the URA during normal business hours before issuing a prospective, concurrent, or retrospective utilization review adverse determination:

(A) no less than one working day before issuing a prospective utilization review adverse determination;

(B) no less than five working days before issuing a retrospective utilization review adverse determination; or

(C) before issuing a concurrent or post-stabilization review adverse determination.

(29) Registration--The process for an insurance carrier to register with TDI to perform utilization review solely for injured employees covered by workers' compensation insurance coverage issued by the insurance carrier.

(30) Request for a review by an IRO--Form to request a review by an independent review organization that is completed by the requesting party and submitted to the URA or insurance carrier that made the adverse determination.

(31) Retrospective utilization review--A form of utilization review for health care services that have been provided to an injured employee. Retrospective utilization review does not include review of services for which prospective or concurrent utilization reviews were previously conducted or should have been previously conducted.

(32) Screening criteria--The written policies, decision rules, medical protocols, or treatment guidelines used by a URA as part of the utilization review process.

(33) TDI--The Texas Department of Insurance.

(34) TDI-DWC--The Texas Department of Insurance, Division of Workers' Compensation.

(35) Texas Workers' Compensation Act--Labor Code Title 5, Subtitle A.

(36) Treating doctor--As defined in Labor Code §401.011.

(37) URA--Utilization review agent.

(38) URA application--Form for application for, renewal of, and reporting a material change to a certification or registration as a URA in this state.

(39) Workers' compensation health care network--As defined in Insurance Code §1305.004, concerning Definitions.

(40) Workers' compensation health plan--Health care provided by a political subdivision contracting directly with health care providers or through a health benefits pool, under Labor Code §504.053(b)(2), concerning Election.

(41) Workers' compensation insurance coverage--As defined in Labor Code §401.011.

(42) Workers' compensation network coverage--Health care provided under a workers' compensation health care network.

(43) Workers' compensation non-network coverage--Health care delivered under Labor Code Title 5, excluding health care provided under Insurance Code Chapter 1305, concerning Workers' Compensation Health Care Networks.

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

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## **TITLE 31. NATURAL RESOURCES AND CONSERVATION**

### **PART 1. GENERAL LAND OFFICE**

#### **CHAPTER 19. OIL SPILL PREVENTION AND RESPONSE**

##### **SUBCHAPTER A. GENERAL PROVISIONS**

###### **31 TAC §19.6, §19.7**

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter A, §19.6 and new §19.7. The new and amended rules are adopted without change to the proposed text published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5311). The rules will not be republished.

The GLO identified the need for the new rule and amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendments to §19.6 amended the language to ensure it is clear that claims for confidentiality of documentation, records, and information must be done in writing when the item is filed.

The adopted new rule §19.7 was created to address enforcement. The language present in §19.7 is substantially similar to the language present in §19.14(e). Moving the language from the Spill Prevention and Preparedness subchapter of the code to the General Provisions subchapter of the code clarifies that the enforcement provisions are intended to apply to facility owners and operators and all other parties that may cause the release of oil into the coastal environment. Language reciting OSPRA penalty provisions is left out of the language as it is already addressed in the statute and language giving examples of enforcement is deleted because other provisions of these rules can be used to determine when enforcement is appropriate. Additionally, §19.7(a)(2) provides additional factors the commissioner must consider for "any GLO penalty policy."

No public comments were received on the adopted new rule and amendments.

#### STATUTORY AUTHORITY

The new rule and amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(10) & (11), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted new rule and amendment.

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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Jennifer Jones

Chief Clerk and Deputy Land Commissioner  
General Land Office

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## SUBCHAPTER B. SPILL PREVENTION AND PREPAREDNESS

### 31 TAC §§19.12 - 19.14, 19.20

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter B, §§19.12 - 19.14 and 19.20. The amended rules are adopted without changes to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5312). The amended rules will not be republished.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.12. amended throughout the entire section the language adds the term "owners" as a party

to which the facility rules will apply to ensure that it is clear that "owners or operators," which are specifically defined in §19.2, are responsible for following the rules. This also makes it consistent with other similar provisions in requiring operators to comply with these rules.

The adopted rule amendment to §19.12(a). modified current existing language to clarify terms and more closely reflect the language of OSPRA. Staff has also removed references to "waterfront or offshore facility" and relies upon the term 'facility' which is defined in §19.2(5) as any "waterfront or offshore facility." Use of a defined terms is more concise and ensures the consistent use of defined terms. The terms gathering lines and flow lines has been deleted because these types of structures are not covered by OSPRA certification requirements. The second sentence of this section has been rewritten to clarify that if any part of a site has a "waterfront or offshore facility" than the entire site must be covered by a discharge prevention and response certificate. Language describing what facilities these rules apply is deleted because it directly quotes language from OSPRA and need not be repeated in the rules.

The adopted rule amendment to §19.12(b). removed references to "waterfront or offshore facility" and relies upon the term 'facility' which is defined in §19.2(5) as any "waterfront or offshore facility." Use of a defined terms is more concise and ensures the consistent use of defined terms.

The adopted rule amendment to §19.12(d). added "owners" as a party to which the facility rules will apply to ensure that it is clear that owners and operators are responsible for following the rules. Additional changes include modifying currently existing language to reflect changes to the organizational structure of the General Land Office. Additionally, staff has removed reference to the "/" from the General Land Office website URL because it is an error and not part of the GLO website.

The adopted rule amendment to §19.12(e) and §19.12(g) deleted references to operators and adds the term applicant in its place because this provision generally addresses applicants.

The adopted rule amendment to §19.12(i) modified current existing language to reflect changes to the organizational structure of the General Land Office.

The adopted rule amendment to §19.13 added "owners" as a party to which the facility rules will apply to ensure that it is clear that owners and operators are responsible for following the rules or add the term applicant, where appropriate.

The adopted rule amendment to §19.14 added the term "owners" as a party to which the facility rules will apply to ensure that it is clear that "owners or operators," which is specifically defined in §19.2, responsible for following these rules. This also makes it consistent with other similar provisions in requiring operators to comply with these rules.

The adopted rule amendment to §19.14(a) made non-substantive editorial changes to reflect more commonly used language when addressing electronic forms of communication, to clarify the scope of what may be updated and how, and notes that information about contacting the regional office can be obtained by calling the GLO during business hours. The phrase "or certificate" is added to make clear that the GLO's portal can be used to update application and certificate information. Language has also been added to reflect the means a party may use to acquire access to the secure online portal that certificate holders can use to access and update their information. The adopted rule

amendment also modified existing language to reflect changes to the organizational structure of the General Land Office.

The adopted rule amendment to §19.14(b) deleted language in (b)(2) that relates to audits and inspections when renewing certificates. New language in 12(j) addresses when audits and inspections will or may be performed including for purposes of renewal.

The adopted rule amendment deleted §19.14(e) which had been moved, in part, to new §19.7. The placement of the penalty provisions in §19.14(e) limits the enforcement of these provisions to the certification of facilities. However, the terms of enforcement as outlined in OSPRA also apply to spill response planning and responses to oil spills. Therefore, §19.14(e) has been deleted and replaced by new §19.7 that contains substantially similar language and will have broader application than placement within this subchapter.

The adopted rule amendment to §19.20(e) modified language relating to discharge cleanup industrial organization certifications to increase the term to 5-years, which is consistent with other certificates under OSPRA.

No public comments were received on the adopted rule amendments.

#### STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(1) - §40.117(a)(4), §40.117(a)(6) and §40.117(a)(11), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning, and certification of discharge clean up organizations.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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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Jennifer Jones

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General Land Office

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For further information, please call: (512) 475-1859



### SUBCHAPTER C. SPILL RESPONSE

#### 31 TAC §19.33, §19.34

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter C, §19.33 and §19.34. The amended rules are adopted without change to the proposed text as published in the August 15,

2025, issue of the *Texas Register* (50 TexReg 5319). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.33 is editorial in nature and does not change a substantive requirement of the rule. It changes the term "insure" to "ensure" to accurately reflect that state on-scene coordinator must make sure that response activities comply with applicable requirements.

The adopted rule amendment to §19.34 deleted §19.34(g), which describes the duties of a responsible party. The purpose of §19.34(g) addressed by the currently existing rules in §19.33(e) which describes response activities.

#### STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(1) - §40.117(a)(4) & §40.117(a)(11), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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### SUBCHAPTER D. COMPENSATION AND LIABILITY

#### 31 TAC §§19.51, 19.53, 19.55

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter D, §§19.51, 19.53 and 19.55. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5321). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.51. clarified that the GLO relies upon the appropriation of funds by the Texas Legislature to provide reimbursements of this nature. Staff feels it is necessary to provide clarity to ensure that applicants under this provision understand that funds may not be available, or reimbursement may be delayed until the legislature appropriates monies from the fund that are necessary to provide reimbursement. In addition, the adopted amendment also added a requirement for obtaining reimbursements from the coastal protection fund. Reimbursement will not be available to a state agency unless the agency has obtained prior written approval from the GLO's "State On Scene Coordinator."

The adopted rule amendment to §19.53(a). is similar to amendments to §19.51, the proposed amendment provides editorial clarification to ensure clarity about the GLO's ability to reimburse funds through claims reimbursement procedures, which depends upon a sufficient legislative appropriation from the coastal protection fund.

The adopted rule amendment to §19.55(a) - §19.55(b). implemented non-substantive editorial changes to ensure consistency with references made throughout the rules. The removal of the phrase "coastal protection" from "coastal protection fund" ensures greater consistency and throughout the rules and relies upon the definition of the term in §19.2(6).

#### STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.157(c), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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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## SUBCHAPTER E. VESSELS

### 31 TAC §19.60, §19.61

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter E,

§19.60 and §19.61. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5324). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

The GLO identified the need for the amendments during its review of this subchapter's rules, conducted pursuant to Section 2001.039 of the Texas Government Code.

The adopted rule amendment to §19.60(c)(2). modified language to reflect current organizational structures and operations and makes non-substantive edits to ensure consistency and readability throughout the rules. The proposed amendment specifically modifies the description to reflect the appropriate divisions within the GLO and removes references to faxes which are not currently employed by the GLO in the fashion outlined within this provision.

The adopted rule amendment to §19.61(a) - §19.61(b). deletes language related to providing information to the GLO and makes non-substantive editorial changes to reflect current organizational operations, ensure it is sufficiently clear what is required in a vessel response plan and which parties are required to submit information under a plan, how this information may be updated, and notes that information about contacting the regional office can be obtained by calling the GLO during business hours. The submittal of information section in subsection (b) has been deleted and replaced with language substantial similar to the modified language in §19.14(a)(1) and §19.14(a)(2) which updates the requirements for submitting information to the GLO.

#### STATUTORY AUTHORITY

The amendments are adopted under OSPRA, Texas Natural Resources Code, §40.007(a), which give the Commissioner of the GLO the authority to promulgate rules necessary and convenient to the administration of OSPRA, and §40.117(a)(1) - §40.117(a)(4), which provides the GLO with the authority to adopt requirements for discharge prevention and response capabilities, equipment, methods, and reporting, criteria for spill response planning and penalties, hearings, and orders.

Texas Natural Resources Code §§40.109 - 40.117 and 40.251 - 40.258 are affected and implemented by the adopted amendment to the rule.

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 November 3, 2025.

TRD-202503971

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



## PART 4. SCHOOL LAND BOARD

## CHAPTER 151. OPERATIONS OF THE SCHOOL LAND BOARD

### 31 TAC §151.1

The School Land Board (Board) adopts the amendments to Texas Administrative Code, Title 31, Part 4, Chapter 151, §151.1, relating to School Land Board Meeting Administration. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5327). The amended rules will not be republished.

During the review of its Chapter 151 rules, under §2001.039 of the Texas Government Code, the Board identified the need for these proposed amendments. At its June 3, 2025 meeting, the Board unanimously approved the readoption of Chapter 151, with amendments. The adopted rule amendments to §151.1(a) and §151.1(b) updated terminology and added clarifying language.

The adopted rule amendments to §151.1(c) affirm that the Board policy of encouraging public participation at its meetings. The amendments clearly state that the public may address the Board during a meeting, on matters within Board authority, at the physical location of the meeting, during the public comment period. Members of the public will be required to identify themselves when speaking.

The adopted rule amendments to §151.1(d) - §151.1(h) and §151.1(j). have been deleted as outdated or unnecessary.

The adopted rule amendments to §151.1(i). was amended to change its designation to 151.1(d) and delete text duplicative of what is already provided by statute.

No public comments were received on the adopted rule amendments.

#### STATUTORY AUTHORITY

The amendment is adopted under Texas Natural Resources Code 32.205. This section authorizes the Board to adopt rules to carry out the provisions of Chapter 32 of the Texas Natural Resources Code, which sets out the powers and duties of the Board, among other things. The Board hereby certifies that Jeff Gordon, GLO General Counsel, has reviewed the adoption and found it to be a valid exercise of the Board's legal authority.

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 October 28, 2025.

TRD-202503906

Jennifer Jones

Chief Clerk and Deputy Land Commissioner  
School Land Board

Effective date: November 17, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



## CHAPTER 155. LAND RESOURCES SUBCHAPTER A. COASTAL PUBLIC LANDS

### 31 TAC §155.3

The School Land Board (SLB) adopts the amendments to Texas Administrative Code, Title 31, Part 4, Chapter 155, Land Resources, Subchapter A - Coastal Public Lands, §155.3, relating to Easements. The amended rules are adopted without change to the proposed text as published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5329). The amended rules will not be republished.

No public comments were received on the adopted rule amendments.

During the review of its Chapter 155 rules, under §2001.039 of the Texas Government Code, the Board identified the need for these proposed amendments. At its June 3, 2025 meeting, the Board approved publication and readoption of the proposed amendments.

#### BACKGROUND AND SECTION ANALYSIS OF THE ADOPTED AMENDMENTS TO §155.3.

Under Chapter 33.103 and 33.111 of the Natural Resources Code, the School Land Board (SLB) is authorized to issue easements for the use of coastal public lands. The purpose of 31 TAC 155 is to address how coastal public lands will be managed by the SLB. The adopted amendments corrected references that refer to incorrect citations within the rule.

Adopted amendment to TAC §155.3(f)(3) corrected an incorrect reference. The current rule requires applicants for an easement on coastal public lands to mitigate for impacts which are unavoidable. The current reference points the reader to TAC §155.3(b), which requires applicants to obtain permits required for a proposed project. Instead, it should point the reader to TAC §155.3(g), which addresses the mitigation sequences that an applicant must follow to avoid impacts.

Adopted amendment(s) to TAC §155.3(g)(3) also corrected an incorrect reference. The current rule provides that an applicant, who is unable to avoid impacts to coastal public land, must mitigate for the impacts and/or pay a resource impact fee. The current reference points the reader to TAC §155.15(b)(6), which addresses the treatment of rental adjustments. Instead, it should point the reader to TAC §155.15(b)(3), which discusses the resource impact fee.

#### STATUTORY AUTHORITY

The amendments are adopted under Texas Natural Resources Code, §33.064 that provides the SLB with the authority to adopt procedural and substantive rules concerning administration, implementation and enforcement of this chapter.

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 November 3, 2025.

TRD-202503972

Jennifer Jones

Chief Clerk and Deputy Land Commissioner  
School Land Board

Effective date: November 23, 2025

Proposal publication date: August 15, 2025

For further information, please call: (512) 475-1859



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## TITLE 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 9. PROPERTY TAX ADMINISTRATION

#### SUBCHAPTER O. TEXAS JOBS, ENERGY, TECHNOLOGY AND INNOVATION PROGRAM

##### 34 TAC §9.5001, §9.5004

The Comptroller of Public Accounts adopts amendments to §9.5001, concerning applicant eligibility requirements, and §9.5004 concerning application process. The amendments to §9.5001 are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5630). This rule will not be republished. The amendments to §9.5004 are adopted with changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5630). This rule will be republished. In a separate submission, the comptroller is withdrawing the following based on a comment: proposed amendments to §9.5002, concerning application requirements; §9.5005, concerning agreement for limitation on taxable value of eligible property; §9.5008, concerning job and wage requirements; penalty for failure to comply with job or wage requirement; and §9.5009, concerning biennial compliance report. These proposed amendments addressed the renumbering of Government Code, §§403.601-605.

The amendments to §9.5001 align with the statutory changes from House Bill 1620, 89th Legislature, R.S., 2025, which expanded the ineligibility criteria to cover Chapters 2275 and 2276, Government Code in Section 403.606.

The amendment to §9.5004 clarifies that once the comptroller issues a recommendation, an applicant may modify their application before agreement execution only if the comptroller's recommendation is positive.

The comptroller received a comment from Texas Taxpayers and Research Association (TTARA) regarding adoption of the amendments related to the renumbering of Government Code, §§403.601-605, noting that those changes have not been reflected on Texas Legislature Online. Following the comment and subsequent review, the comptroller has decided to withdraw the proposed amendments to §§9.5002, 9.5005, 9.5008, and 9.5009 pertaining to the renumbering of Government Code, §§403.601-605. The comptroller has also updated §9.5004(e) to align with the comment. No additional comments were received.

The amendments are adopted under Government Code, §403.623, which requires the comptroller to adopt rules necessary to implement the Texas Jobs, Energy, Technology and Innovation Act.

The amendments implement Government Code, Chapter 403, Subchapter T, concerning the Texas Jobs, Energy, Technology and Innovation Act.

##### *§9.5004. Application Process.*

(a) An applicant must submit an application for a limitation on taxable value of eligible property in the form and manner prescribed

by the comptroller. The comptroller may require applications to be submitted electronically.

(b) After the eligibility of the applicant is assessed in §9.5001 of this chapter, the comptroller shall review an application to determine if it is administratively complete. An application is considered administratively complete when it includes all the information requested by the comptroller.

(c) The comptroller shall provide notice of an administratively complete application to the applicant, the governor and the applicable school district. The comptroller may provide notice electronically.

(d) If an application is not administratively complete, the comptroller may require an applicant to submit the necessary information by a deadline.

(e) To assess whether a project proposed in an application is an eligible project, the comptroller must find that:

(1) an applicant satisfies the application requirements;

(2) the proposed project meets the definition of eligible project in §9.5000 of this title and Government Code, §403.602(8); and

(3) The applicant is willing to agree and accept the terms described in Government Code, §403.604, and the agreement terms.

(f) To assess whether an agreement is a compelling factor and whether the applicant would make the proposed investment in the absence of the agreement under Government Code, §403.609(b)(3), the comptroller may consider:

(1) any public documents and statements relating to the applicant, the proposed project or the proposed eligible property that is subject to the application;

(2) official statements by the applicant, government officials or industry officials concerning the proposed project;

(3) alternative sites and prospects explored including any specific incentive information;

(4) any information concerning the proposed project's impact on the Texas economy;

(5) previous applications for and subsequent granting of economic development incentives;

(6) documents pertaining to the proposed project's financials, real estate transactions, utilities, infrastructure, transportation, regulatory environment, permits, workforce, marketing, existing facilities, nature of market conditions, and raw materials that demonstrate whether the incentive is a compelling factor in a competitive site selection process to locate the proposed project in Texas; and

(7) any other information that may aid the comptroller in its determination.

(g) Upon request, the comptroller may require that an applicant provides additional documents to demonstrate a compelling factor in a competitive site selection process to locate the proposed project in Texas. Failure to provide these documents may result in the comptroller being unable to make a recommendation under Government Code, §403.609.

(h) Within 60 days of an application being deemed complete, the comptroller shall examine and determine whether the application should be recommended or not recommended for approval based on the criteria in Government Code, §403.609(b).

(i) The comptroller shall provide written notice of action under Government Code, §403.609(a), to the applicant, the governor and the applicable school district.

(1) The notice shall indicate the comptroller's recommendation either for approval or non-approval of the application along with a copy of the application, and all documents or information relied upon to make the findings prescribed by Government Code, §403.609(b).

(2) A recommendation for approval shall specify a performance bond amount that is 10% of the estimated gross tax benefit to the applicant.

(j) An applicant may submit an amended or supplemental application to the comptroller at any time after the submission of the original application. If an applicant modifies an application that previously received a positive comptroller recommendation prior to the execution of the agreement, the applicant must submit said modifications to the comptroller to make a recommendation pursuant to Government Code, §403.609, before the agreement can be executed.

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 October 27, 2025.

TRD-202503900

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: November 16, 2025

Proposal publication date: August 29, 2025

For further information, please call: (512) 475-2220



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 5. TEXAS BOARD OF PARDONS AND PAROLES

#### CHAPTER 145. PAROLE

##### SUBCHAPTER A. PAROLE PROCESS

###### 37 TAC §§145.3, 145.13, 145.15, 145.18

The Texas Board of Pardons and Paroles (Board) adopts amendments to 37 TAC Chapter 145, Subchapter A. §§145.3, 145.13, 145.15, and 145.18 concerning parole process. Section 145.15 and §145.18 are adopted with substantive changes to the proposed text as published in the August 29, 2025 issue of the *Texas Register* (50 TexReg 5667) and will be republished. Section 145.3 and §145.13 are adopted without changes and will not be republished.

No public comments were received regarding adoption of these amendments.

The amendments are proposed pursuant to Senate Bill 1506, 89th Legislative Session (2025) regarding the reconsideration of parole after the first anniversary date of denial.

No comments were received on the proposed amendments.

The amendments are adopted under §§508.036 and 508.0441, Texas Government Code. Section 508.036 requires the Board to adopt rules relating to the decision-making processes used by the Board and parole panels; and §508.0441 provides the Board with the authority to consider and order release on parole or mandatory supervision.

###### §145.15. Action upon Review; Extraordinary Vote (SB 45).

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, an offense under Sections 20A.03, 21.02, or 21.11(a)(1), Penal Code, or who is required under Section 508.145(c), Government Code to serve 35 calendar years before becoming eligible for parole review. All members of the Board shall vote on the release of an eligible offender. At least two-thirds of the members must vote favorably for the offender to be released to parole. Members of the Board shall not vote until they receive and review a copy of a written report from the department on the probability of the offender committing an offense after being released.

(1) Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release to parole.

(2) If it is determined circumstances favor the offender's release to parole the Board has the following voting options available:

(A) FI-1--Release the offender when eligible;

(B) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four (4) months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(C) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine (9) months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9); or

(D) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than eighteen months from the specified date. Such TDCJ program may include the Sex Offender Treatment Program (SOTP-18. In no event shall the specified date be set more than three (3) years from the current panel decision date.

(3) If it is determined that circumstances do not support a favorable action upon review, the following options are available:

(A) NR (Month/Year)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(B) SA--The offender's minimum or maximum expiration date is less than 60 months away. The offender will continue to serve their sentence until that date.

(b) If the offender is sentenced to serve consecutive sentences and each sentence in the series is for an offense committed on or after September 1, 1987, the following voting options are available to the Board panel:

(1) CU/FI (Month/Year-Cause Number)--A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence;

(2) CU/NR (Month/Year-Cause Number)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(3) CU/SA (Month/Year-Cause Number)--Deny release and order serve-all if the offender is within 60 months of their maximum expiration date.

(c) Some offenders are eligible for consideration for release to Discretionary Mandatory Supervision if the sentence is for an offense committed on or after September 1, 1996. Prior to the offender reaching the projected release date, the voting options are the same as those listed in subsections (a) and (b) of this section. If the TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, the case shall be referred to a three-member parole panel within 30 days of the offender's projected release date for consideration for release to mandatory supervision using the following options:

(1) RMS--Release to mandatory supervision; or

(2) DMS (Month/Year)--Deny release to mandatory supervision and set for review on a future specific month and year. The next mandatory supervision review date shall be set one (1) year from the panel decision date.

(d) The MRIS panel shall review identified offender's cases that meet MRIS criteria established by statute and defined by TCOOMMI.

(1) The MRIS panel shall determine whether the identified offender constitutes a threat to public safety.

(2) The MRIS panel shall consider the following factors when making their determination:

(A) Criminal History.

(B) Disciplinary, behavioral, rehabilitative, and medical compliance.

(C) Victim/Trial Official information.

(D) Nature and onset of medical condition.

(E) Required medical treatment and care.

(F) Individual diagnosis to include likelihood of recovery.

(G) Any other relevant information.

(3) The MRIS panel shall use one of the following voting options:

(A) Approve MRIS--The MRIS panel shall provide appropriate reasons for the decision to approve MRIS. The MRIS panel shall vote FI-1 and impose special condition "O.35." This condition specifies that the offender shall comply with the terms and conditions of the MRIS program and abide by the (TCOOMMI)-approved release plan. At any time this condition is in effect, an offender shall remain under the care of a physician and in a medically suitable placement"; or

(B) Deny MRIS--The MRIS panel shall provide appropriate reasons for the decision to deny MRIS.

(4) The decision to approve release to MRIS for an identified offender remains in effect until specifically withdrawn by a MRIS panel or the identified offender's status is revoked and returned to TDCJ-CID.

(5) When the Parole Division receives information from a medical provider that the MRIS offender's medical condition has improved such that the offender is no longer MRIS eligible and the original parole eligibility date (PED) has been met, the MRIS panel may:

(A) withdraw the MRIS special condition, or

(B) continue the MRIS condition in effect; or

(C) impose any other condition the MRIS panel deems appropriate.

(6) If the MRIS offender violates their conditions of release that result in the issuance of a pre-revocation warrant, the MRIS offender shall adhere to the established pre-revocation process. However, the final determination of the MRIS offender shall be addressed by the MRIS panel.

(7) The MRIS panel shall endeavor to complete the voting of each terminally ill offender referral within 10 business days of receipt from TCOOMMI and all other referrals within 20 business days.

(e) If a request for a special review meets the criteria set forth in §145.17(f) of this title (relating to Action upon Special Review--Release Denied), the offender's case shall be sent to the special review panel.

(1) The special review panel may take action as set forth in §145.17(i) of this title.

(2) When the special review panel decides the offender's case warrants a special review, the case shall be re-voted by the full Board. The Presiding Officer shall determine the order of the voting panel. Voting options are the same as those in subsections (a) - (c) of this section.

*§145.18. Action upon Review; Extraordinary Vote (HB 1914).*

(a) This section applies to any offender convicted of or serving a sentence for a capital felony, other than a life sentence, who is eligible for parole, or convicted of or serving sentence for an offense under Section 22.021, Penal Code. All members of the Board shall vote on the release of an eligible offender. At least two-thirds of the members must vote favorably for the offender to be released to parole. Members of the Board shall not vote until they receive and review a copy of a written report from the TDCJ on the probability of the offender committing an offense after being released.

(1) Upon review, use of the full range of voting options is not conducive to determining whether two-thirds of the Board considers the offender ready for release to parole.

(2) If it is determined circumstances favor the offender's release to parole the Board has the following voting options available:

(A) FI-1--Release the offender when eligible;

(B) FI-4 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than four (4) months from specified date. Such TDCJ program shall be the Sex Offender Education Program (SOEP);

(C) FI-9 R (Month/Year)--Transfer to a TDCJ rehabilitation program. Release to parole only after program completion and not earlier than nine (9) months from specified date. Such TDCJ program shall be the Sex Offender Treatment Program (SOTP-9); or

(D) FI-18 R (Month/Year)--Transfer to a TDCJ rehabilitation treatment program. Release to parole only after program completion and no earlier than eighteen months from the specified date. Such TDCJ program may include the Sex Offender Treatment Program (SOTP-18. In no event shall the specified date be set more than three (3) years from the current panel decision date.

(3) If it is determined that circumstances do not support a favorable action upon review, the following options are available:

(A) NR (Month/Year)--Deny release and set the next review date for 36 or 60, 84 or 120 months following the panel decision date; or

(B) SA--The offender's minimum or maximum expiration date is less than 120 months away. The offender will continue to serve their sentence until that date.

(b) If the offender is sentenced to serve consecutive sentences and each sentence in the series is for an offense committed on or after September 1, 1987, the following voting options are available to the Board panel:

(1) CU/FI (Month/Year-Cause Number)--A favorable parole action that designates the date an offender would have been released if the offender had been sentenced to serve a single sentence;

(2) CU/NR (Month/Year-Cause Number)--Deny release and set the next review date for 36 or 60 months following the panel decision date; or

(3) CU/SA (Month/Year-Cause Number)--Deny release and order serve-all if the offender is within 60 months of their maximum expiration date.

(c) Some offenders are eligible for consideration for release to Discretionary Mandatory Supervision if the sentence is for an offense committed on or after September 1, 1996. Prior to the offender reaching the projected release date, the voting options are the same as those listed in subsections (a) and (b) of this section. If the TDCJ-CID determines that release of the offender will occur because the offender will reach the projected release date, the case shall be referred to a three-member parole panel within 30 days of the offender's projected release date for consideration for release to mandatory supervision using the following options:

(1) RMS--Release to mandatory supervision; or

(2) DMS (Month/Year)--Deny release to mandatory supervision and set for review on a future specific month and year. The next mandatory supervision review date shall be set one (1) year from the panel decision date.

(d) The MRIS panel shall review identified offender's cases that meet MRIS criteria established by statute and defined by TCOOMMI.

(1) The MRIS panel shall determine whether the identified offender constitutes a threat to public safety.

(2) The MRIS panel shall consider the following factors when making their determination:

(A) Criminal History.

(B) Disciplinary, behavioral, rehabilitative, and medical compliance.

(C) Victim/Trial Official information.

(D) Nature and onset of medical condition.

(E) Required medical treatment and care.

(F) Individual diagnosis to include likelihood of recovery.

(G) Any other relevant information.

(3) The MRIS panel shall use one of the following voting options:

(A) Approve MRIS--The MRIS panel shall provide appropriate reasons for the decision to approve MRIS. The MRIS panel shall vote F1-1 and impose special condition "O.35". This condition specifies that the offender shall comply with the terms and conditions of the MRIS program and abide by the (TCOOMMI)-approved release

plan. At any time this condition is in effect, an offender shall remain under the care of a physician and in a medically suitable placement; or

(B) Deny MRIS--The MRIS panel shall provide appropriate reasons for the decision to deny MRIS.

(4) The decision to approve release to MRIS for an identified offender remains in effect until specifically withdrawn by a MRIS panel or the identified offender's status is revoked and returned to TDCJ-CID.

(5) When the Parole Division receives information from a medical provider that the MRIS offender's medical condition has improved such that the offender is no longer MRIS eligible and the original parole eligibility date (PED) has been met, the MRIS panel may:

(A) withdraw the MRIS special condition, or

(B) continue the MRIS condition in effect; or

(C) impose any other condition the MRIS panel deems appropriate.

(6) If the MRIS offender violates their conditions of release that result in the issuance of a pre-revocation warrant, the MRIS offender shall adhere to the established pre-revocation process. However, the final determination of the MRIS offender shall be addressed by the MRIS panel.

(7) The MRIS panel shall endeavor to complete the voting of each terminally ill offender referral within 10 business days of receipt from TCOOMMI and all other referrals within 20 business days.

(e) If a request for a special review meets the criteria set forth in §145.17(i) of this title (relating to Action upon Special Review--Release Denied), the offender's case shall be sent to the special review panel.

(1) The special review panel may take action as set forth in §175.17(i) of this title.

(2) When the special review panel decides the offender's case warrants a special review, the case shall be re-voted by the full Board. The Presiding Officer shall determine the order of the voting panel. Voting options are the same as those in subsection (a) - (c) of this section.

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

Filed with the Office of the Secretary of State on October 31, 2025.

TRD-202503965

Richard Gamboa

Technical Writer

Texas Board of Pardons and Paroles

Effective date: November 20, 2025

Proposal publication date: August 8, 2025

For further information, please call: (512) 406-5309



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

## CHAPTER 705. ADULT PROTECTIVE SERVICES

The Department of Family and Protective Services (DFPS) adopts amendments to 40 Texas Administrative Code (TAC) §§705.101, 705.103, 705.107, 705.303, 705.501, 705.901, 705.903, 705.1101 and 705.1303; adopts new §705.702; and adopts the repeal of §§705.701, 705.703, 705.705, and 705.1501 - 705.1533, in Chapter 705, Adult Protective Services. The proposal was published in the September 26, 2025 issue of the *Texas Register* (50 TexReg 6305). The rules are adopted without changes to the proposed text and will not be republished.

### BACKGROUND AND JUSTIFICATION

The purpose of the new, amended, and repealed rules is to reflect the current scope and authority of the APS program as a result of House Bill (H.B.) 4696, 88th Legislature, regular session, and the resulting transfer of Home and Community Support Service Agency (HCSSA) investigations, regardless of payment source (Medicaid, Medicare or private pay) to the Health and Human Services Commission (HHSC). This includes perpetrators eligible for the Employee Misconduct Registry (EMR). All references to the EMR and HHSC are being removed as they are no longer applicable to the APS program. The new, amended, and repealed rules also clean up existing rules related to emergency protective services and nomenclature related to victim/client.

### COMMENTS

The 30-day comment period ended October 26, 2025. During this period, DFPS did not receive any comments regarding the amended and repealed rules.

### SUBCHAPTER A. DEFINITIONS

#### 40 TAC §§705.101, 705.103, 705.107

##### STATUTORY AUTHORITY

The adopted amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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 October 28, 2025.

TRD-202503908

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978



### SUBCHAPTER C. APS PROGRAM OVERVIEW

#### 40 TAC §705.303

##### STATUTORY AUTHORITY

The adopted amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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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TRD-202503909

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: November 17, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 945-5978



### SUBCHAPTER E. ALLEGATION PRIORITIES

#### 40 TAC §705.501

##### STATUTORY AUTHORITY

The amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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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TRD-202503910

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

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For further information, please call: (512) 945-5978



### SUBCHAPTER G. ELIGIBILITY

#### 40 TAC §§705.701, 705.703, 705.705

##### STATUTORY AUTHORITY

The adopted repealed rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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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Department of Family and Protective Services  
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**40 TAC §705.702**  
**STATUTORY AUTHORITY**

The adopted new rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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**SUBCHAPTER I. FAMILY VIOLENCE**

**40 TAC §705.901, §705.903**  
**STATUTORY AUTHORITY**

The adopted amended rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family

and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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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**SUBCHAPTER K. INVESTIGATIONS**

**40 TAC §705.1101**  
**STATUTORY AUTHORITY**

The adopted amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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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**SUBCHAPTER M. RELEASE HEARINGS**

**40 TAC §705.1303**  
**STATUTORY AUTHORITY**

The adopted amended rule implements H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's

jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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## SUBCHAPTER O. EMPLOYEE MISCONDUCT REGISTRY

**40 TAC §§705.1501, 705.1503, 705.1505, 705.1507,  
705.1509, 705.1511, 705.1513, 705.1515, 705.1517, 705.1519,  
705.1521, 705.1523, 705.1525, 705.1527, 705.1529, 705.1531,  
705.1533**

## STATUTORY AUTHORITY

The adopted repealed rules implement H.B. 4696 from the 88th Legislature, regular session.

The modification is adopted under Human Resources Code (HRC) §40.027, which provides that the Department of Family and Protective Services commissioner shall oversee the development of rules relating to the matters within the department's jurisdiction and notwithstanding any other law, shall adopt rules for the operation and provision of services by the department.

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