

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 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 80. MANUFACTURED HOUSING SUBCHAPTER C. LICENSEES' RESPONSIBILITIES AND REQUIREMENTS

10 TAC §80.31, §80.32

The Manufactured Housing Division of the Texas Department of Housing and Community Affairs (the "Department") adopts amendments with a non-substantive change 10 Texas Administrative Code, Chapter 80, §80.31 and §80.32 relating to the regulation of the manufactured housing program. The rules are adopted for clarification purposes. The text to the adopted rules with a non-substantive change will be republished in the *Texas Register*. The proposed amendments were published in the October 3, 2025, issue of the *Texas Register* (50 TexReg 6393).

The adoption of the rules is effective thirty (30) days following the date of publication in the *Texas Register*.

SUMMARY OF COMMENTS AND DEPARTMENT RESPONSES:

Comment: The Department received a comment from the Office of the Governor suggesting removing the semicolon in the proposed new sentence in §80.32(n) between "or ownership change; or the date."

Department Response: The Department agrees with the suggestion and removed the semicolon.

The Department did not receive a request for a public hearing to take comments on the rules.

The following is a restatement of the rules' factual basis:

10 Texas Administrative Code §80.31(c) is adopted without changes to remove an inaccurate reference to having the data plate on the reverse side of the Manufacturer's Certificate of Origin (MCO).

10 Texas Administrative Code §80.32(n) is adopted with a non-substantive change to provide clarification regarding not accepting any document that is executed in blank or allow any alteration to a completed document without the consumer initialing.

The amendments are adopted under §1201.052 of the Texas Occupations Code, which provides the Director with authority to amend, add, and repeal rules governing the Manufactured Housing Division of the Department and §1201.053 of the Texas Occupations Code, which authorizes the board to adopt rules as necessary and the director to administer and enforce the man-

ufactured housing program through the Manufactured Housing Division.

No other statutes, codes, or articles are affected by adoption of the amended rules.

§80.31. *Manufacturers' Responsibilities and Requirements.*

(a) A manufacturer shall submit a monthly shipment report to the Department of all manufactured homes produced during the preceding month for shipment to any point in Texas. The report shall contain the following information:

- (1) the complete HUD label number(s);
- (2) the complete serial number(s);
- (3) the license number of the retailer to whom the home is sold and the location to which it is initially shipped; and
- (4) a designation as to single or multiple sections.

(b) The manufacturer's monthly shipment report shall be filed with the Department by the 20th day of the month following the earlier of manufacture of the home and/or shipment. If a manufacturer has no sales or shipments to any person in the State of Texas during any month, the report must be filed stating such fact.

(c) A manufacturer shall use the Manufacturer's Certificate of Origin (MCO) prescribed by the Department set forth on the Department's website for homes sold to retailers in Texas.

(d) A manufacturer shall supply to the Department current and revised copies of approved installation manuals as required by §80.20 of this chapter (relating to Requirements for Manufacturer's Designs and Installation Instructions).

(e) The term of a required warranty does not begin to run until a warranty that complies with the Standards Act is actually delivered.

§80.32. *Retailers' Responsibilities and Requirements.*

(a) A retailer shall retain as a record of each sale a file for that sale containing a completed Retail Monitoring Checklist on the prescribed form, together with copies of all completed, executed, and signed applicable documents specified therein.

(b) At the time of signing a contract for the sale of a manufactured home, the retailer must disclose to the purchaser, a notice of the existence of a Dispute Resolution Program through HUD, either on a separate document from the sales contract or it may be incorporated clearly at the top of the sales contract. Disclosure of this requirement should be acknowledged by the consumer.

(c) A retailer shall timely provide each consumer who acquires a manufactured home by sale or exchange with the applicable warranty or warranties specified in the Standards Act and any warranty regarding the home itself shall specify whether the warranty includes cosmetic items or not and, if it does include them, whether there are any limitations or special requirements, such as a walk-through punch lists, excluded items, or the like.

(d) For each manufactured home taken into a retailer's inventory, a retailer shall maintain a copy of either a completed and timely submitted application for a statement of ownership to reflect the home as inventory or, once such a statement of ownership has been issued and received, a copy of that statement of ownership.

(e) For each home altered or rebuilt from salvage a retailer shall retain the documentation required for rebuilding a manufactured home that is declared salvaged.

(f) A retailer must provide their company name, license number, contact information on any sales agreement, and proof of purchase or confirmation of sale.

(g) If a retailer relies on a third party, such as a title company or closing attorney, to file with the Department the required forms necessary to enable the Department to issue a Statement of Ownership to a consumer, the retailer must provide an instruction letter to that third party, advising them of their responsibilities to make such filings and the required timeframes therefore. This does not relieve the retailer from responsibility. The retailer must retain with their sale records a copy of that instruction letter and all documentation provided to such third party to enable them to make such filings. This optional form is available on the Department's website.

(h) On a new manufactured home and on any used manufactured home where the sale or exchange includes installation, the retailer must specify in the applicable contract or an accompanying written disclosure the intended date by which installation will be complete and a designated person to contact for the current status as to the intended date for completion of installation. For new manufactured homes, the retailer is responsible for ensuring that a licensed installer warrants the proper installation of the home and performs the required site preparation.

(i) If any goods or services being provided by a retailer in connection with the sale and/or installation of a manufactured home, the retailer must disclose, in writing, the goods and/or services to be provided and a good faith estimate as to when they will be provided.

(j) If any goods with a retail value of more than \$250 are to be provided in connection with the sale of a manufactured home and they are not specified on the data plate for the home, the retailer must describe them in the retail installment contract, purchase memorandum, or other sale document in sufficient detail to enable a third party to provide them under the responsibility of the retailer's surety bond should the retailer fail to provide them as agreed.

(k) A retailer accepting a deposit must give the consumer a written statement setting forth:

- (1) the amount of such deposit;
- (2) a statement of any requirements to obtain or limitations on any such refund; and
- (3) the name and business address of the person receiving such deposit.

(l) A retailer may not represent to a consumer that is purchasing a manufactured home with interim financing that the consumer will qualify for permanent financing if the retailer has any reason to believe that the consumer will not qualify for such permanent financing.

(m) A retailer may not increase the advertised price at which a manufactured home is to be sold based on the consumer's decision to make the purchase with or without financing provided by or arranged through the retailer.

(n) Notwithstanding the date of sale, transfer, or ownership change or the date of installation on the application for a Statement

of Ownership, a retailer may not request or accept any document that is executed in blank or allow any alteration to a completed document without the consumer's initialing and dating such changes to indicate agreement to them. Where information is not available, a statement of that fact (e.g., TBD - to be determined, not available, N/A, not applicable, or the like) may be entered in the blank. A consumer must be provided with copies of all documents they execute.

(o) A retailer may not knowingly accept or issue any check or other form of payment appearing on its face to be a *bona fide* payment but known not to represent good funds.

(p) In order to comply with the provisions of §1201.107(d) of the Standards Act, a retailer or broker must:

(1) have a current, in effect surety bond issued in the most recent form promulgated by the Department; and

(2) the applicable sales agreement must identify the surety bond that applies to the transaction and contain the following statement: "The above-described surety bond applies to this transaction in the following manner: The bond is issued to the Texas Manufactured Homeowner Consumer Claims Program (the "Claims Program"), the Claims Program described in the Texas Manufactured Housing Standards Act (Tex. Occ. Code, Chapter 1201) and administered by the Department. If the Claims Program makes a payment to a consumer, the Claims Program will seek to recover under the surety bond. The obligation of the Claims Program to compensate a consumer for damages subject to reimbursement by the Claims Program is independent of the Claims Program's right or ability to recover from the above-described surety bond, but recoveries on surety bonds are an important part of the Claims Program's ability to maintain sufficient assets to compensate consumers. There can be no assurance that the Claims Program will have sufficient assets to compensate a consumer for a covered claim. Assuming it has sufficient assets to compensate a consumer for a covered claim, the liability of the Claims Program is limited to actual damages, not to exceed \$35,000."

(q) A retailer shall maintain on a current basis a separate file for each salesperson sponsored by that retailer reflecting:

- (1) that they are licensed in accordance with the Standards Act;
- (2) the date of the initial licensing class that they attended and a copy of their certificate of completion;
- (3) evidence of the successful completion of any required continuing education classes that they attended; and
- (4) a copy of any written notice to the Department that sponsorship was terminated and the effective date thereof.

(r) At each licensed location a retailer shall display their current license for that location and the current license of each salesperson who works from that location.

(s) At each licensed location a retailer shall conspicuously display the Consumer Protection Information sign as set forth on the Department's website.

(t) Auction of Manufactured Housing to Texas Consumers.

(1) A person selling more than one home to one or more consumers through an auction in a twelve (12) month period must be licensed as a retailer, each individual acting as their agent must be licensed as a salesperson, and each specific location at which an auction is held must be licensed and bonded in accordance with the Standards Act.

(2) Acting as an auctioneer may be subject to the Texas Auctioneer Act, Occupations Code, Chapter 1802.

(3) The retailer must notify this Department in writing at least thirty (30) calendar days prior to the auction with such notice to contain the date, time, and physical address and location of a proposed auction or, if they recur on a scheduled basis, of the schedule.

(u) A person may exercise their right of rescission of contract for sale or exchange of home pursuant to §1201.1521 of the Standards Act within three (3) business days without penalty or charge.

(v) The written warranty that the used manufactured home is habitable as per §1201.455 of the Standards Act, shall have been timely delivered if given to the homeowner at or prior to possession or at the time the applicable sales agreement is signed.

(w) The written manufacturer's new home construction warranty per §1201.351 of the Standards Act, shall be timely delivered if given to the homeowner at or prior to the time of initial installation at the consumer's home site.

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 10, 2025.

TRD-202504095

Jim R. Hicks

Executive Director

Texas Department of Housing and Community Affairs

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For further information, please call: (512) 475-2206



TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

SUBCHAPTER S. WHOLESALE MARKETS

16 TAC §25.504

The Public Utility Commission of Texas (commission) adopts an amendment to §25.504, relating to Wholesale Market Power in the Electric Reliability Council of Texas Power Region with no changes to the proposed text as published in the September 5, 2025 issue of the *Texas Register* (50 TexReg 5858). The amendment will not be republished. The amendment removes the exemption that currently prevents a generation entity controlling less than 5% of ERCOT's total installed capacity from being considered to have market power. This exemption is commonly referred to as the "small fish rule" and generation entities that qualify for the exemption as "small fish." The removal of this exemption will go into effect on June 1, 2026. This amendment is adopted under Project Number 58379.

The commission received comments on the proposed amendment from Advanced Power Alliance (APA) and American Clean Power Association (ACP) (APA + ACP), Electric Reliability Council of Texas, Inc. (ERCOT), Gridmatic Equisetum LLC (Gridmatic), Hunt Energy Network, L.L.C. (HEN), Jupiter Power LLC (Jupiter Power), Lone Star Energy Storage Alliance (LESA), Lower Colorado River Authority (LCRA), Potomac Economics (Independent Market Monitor, or IMM), Solar Energy Industries Association (SEIA), Tesla, Inc. (Tesla), Texas Electric Cooperatives, Inc (TEC), Texas Industrial Energy Consumers (TIEC), Texas Public Power Association (TPPA), and Texas Solar + Storage Association (TSSA).

The commission received a hearing request from TPPA. Specifically, TPPA recommended that the commission request the IMM produce an analysis of any inefficient pricing caused by the small fish rule, including actual dollar impacts. Additionally, unless the IMM provides analysis as part of their comments in this project, TPPA requested a public hearing "so that the IMM is able to produce that analysis to all interested stakeholders." Accordingly, in its filed comments, the IMM did provide an analysis that, among other things, identified output gaps and price spreads that exceeded competitive levels. The IMM concluded that this data demonstrated that "suppliers frequently withheld capacity at uncompetitive prices" and "underscores the potential market impact of exempting small fish from mitigation." On 10/31/2025, TPPA withdrew its rehearing request. In withdrawing its request, TPPA noted that it still supported the continuation of the small fish rule, "both for specific market segments (including batteries that need to maintain a state of charge requirement and dispatchable generation resources that need to comply with emissions permitting requirements) as well as new market entrants." TPPA also indicated that it believed "the market structure itself provides adequate offer discipline for small market participants."

APA + ACP, Gridmatic, HEN, Jupiter Power, LESA, SEIA, TEC, Tesla, TPPA, and TSSA opposed the elimination of the small rule as proposed and, accordingly, opposed the adoption of the proposed rule amendments. IMM, LCRA, and TIEC supported the elimination of the small fish rule. ERCOT did not have a position on the elimination of the small fish rule. The specific reasons for each commenters support or opposition for the proposed amendments are detailed below.

Comments on the proposed amendments

Higher offers from energy storage resources (ESRs) may appear as market power abuse.

Jupiter Power, APA + ACP, Gridmatic, Tesla, TSSA, LESA, and SEIA opposed the elimination of the small fish rule because higher offers from ESRs are commercially necessary and should not be mischaracterized at market power abuse. Opportunity cost is reflected in an ESR's offer and is highly variable, constantly changing, and difficult to predict because it depends on future scarcity pricing. It also includes the cost of managing state of charge. This may appear as an attempt to withhold supply or manipulate prices (i.e., market power abuse), however it is the only way ESRs can remain financially viable in ERCOT's energy-only market. It is imperative to differentiate between pricing behavior driven by scarcity and market manipulation. LESA and SEIA included redlines on this issue.

TEC noted that the IMM indicated small operators could, under specific market conditions, effectively exercise market power. However, TEC emphasized that under the vast majority of market conditions, small operators remain unable to effectively

exercise market power and should continue to be protected from charges of market power abuse. Accordingly, TEC recommended the commission consider a more targeted repeal of the small fish rule—limited to the particular conditions under which a small operator could exert market power—rather than eliminating the rule entirely.

Commission Response

The commission agrees with Jupiter Power, APA + ACP, Gridmatic, Tesla, TSSA, LESA, and SEIA that, on its face, higher offers from ESRs and other resources could be viewed as a signal of potential market power abuse. However, the commission declines to modify the proposed rule to preserve the exemption for ESRs as recommended by SEIA and LESA or otherwise preserve a limited scope exemption. Removing the small fish rule does not automatically assume ESRs are attempting to withhold supply or manipulate prices (i.e., engaging in market power abuse). Suppliers, regardless of size or technology, should be prohibited from engaging in market power abuse.

The commission acknowledges that different resource technologies may require different offering profiles for legitimate reasons, such as state of charge management. Offers from ESRs may be appear high relative to other offers due to their perceived opportunity cost and state of charge management. Additionally, the IMM acknowledged that ERCOT's primary mechanism to mitigate against market power in real time does not account for all market conditions. These factors are taken into consideration in how the IMM and the commission monitor for and evaluate potential instances of market power abuse. Hence, the removal of this rule does not inherently suggest that entities that control less than 5% of the installed generation capacity in ERCOT, including ESRs, and that submit high offers are engaging in market power abuse.

Delay rulemaking or implementation after Real-Time Co-optimization plus Batteries (RTC+B).

Jupiter Power, SEIA, APA + ACP, LESA, and Tesla recommended that the commission delay rulemaking until after implementation of RTC+B and after the commission has sufficient operational data to evaluate whether there is a need for the repeal or revision of the small fish rule.

LCRA recommended to delay implementation of the rule amendment until "the stabilization of RTC can support improved market monitoring and mitigation." Jupiter Power suggested the evaluation of the effectiveness of the ancillary service demand curves (ASDCs) in reflecting shortage pricing and after decisions on treatment of opportunity cost for storage in the context of offer mitigation to inform rulemaking. Additionally, ERCOT stakeholders are currently in the process of considering Nodal Protocol Revision Request (NPRR) 1255, Introduction of Mitigation of ESRs, which would introduce a "just - in- time" mitigation framework to apply to ESRs, which address concerns related to the exercise of local market power by ESRs.

Commission Response

The commission disagrees with Jupiter Power, SEIA, APA + ACP, LESA, and Tesla that this rulemaking should be delayed until impacts of RTC+B are analyzed. There is no direct relationship between the removal of the small fish rule and the implementation of RTC+B as the two are conceptually different market design tools. RTC+B is intended to provide more flexibility in real time to efficiently procure energy and ancillary services and improve reliability, whereas the removal

of the small fish rule is intended to ensure competitive market behavior amongst all suppliers, regardless of size or technology. Therefore, delaying the elimination of the small fish rule is not necessary. However, the commission agrees with LCRA and sets the effective date to June 1, 2026, to allow stakeholders sufficient time to adjust to RTC+B.

Interpretation and intent of small fish rule.

SEIA, LESA, APA + ACP, and Tesla opposed the removal of the small fish rule due to the interpretation and original intent of the rule.

SEIA and LESA argued that the basis for the rule remains valid. SEIA and LESA cited the preamble to the commission's adoption order in Project No. 31972 and clarified that the small fish rule "is not a free pass for entities to abuse the market in whatever way they wish" and that "that an entity with less than 5% of the installed generation capacity in ERCOT will be unable to control prices on an ERCOT-wide basis."

APA + ACP and Tesla argued that the rule was originally established to encourage participation by smaller generation resource owners who lacked the scale to influence ERCOT-wide market power. They emphasized that this exemption has played a key role in fostering market diversity, innovation, and resilience by enabling smaller entities to compete without excessive regulatory burden. APA + ACP and Tesla cautioned that eliminating this rule could disproportionately impact resources that enhance grid flexibility and reliability, potentially deterring new market entrants and imposing compliance costs that outweigh any anticipated market benefits.

On the other hand, TIEC asserted that this rule is no longer necessary, citing major market design changes, such as the implementation of the Operating Reserve Demand Curve (ORDC). The IMM noted that market power is situational rather than structural, and emphasized that generation entities controlling less than 5% of ERCOT's installed generation capacity "can have market power, exercise it through uncompetitive offers, and impact prices." Similarly, LCRA argued that "competitive offers, particularly from pivotal suppliers during tight system conditions, are essential for the long-term health and performance of wholesale electricity markets." The IMM also included in its filed comments an analysis of output gaps and price spreads, indicating that these suppliers frequently withheld capacity at uncompetitive prices in 2023 and 2024.

Commission Response

The commission agrees with the IMM, LCRA, and TIEC that recent market design changes, combined with evidence of economic withholding, have eliminated the need for this rule.

The commission disagrees with SEIA, LESA, APA + ACP, and Tesla that the original basis for the small fish rule still provides adequate justification for retaining it. The small fish rule was adopted before ERCOT had a shortage pricing mechanism under the ORDC and intended generation resource owners with less than 5% of the capacity installed in ERCOT market to submit offers significantly above the marginal cost of production to produce high prices in shortage conditions. The commission agrees with TIEC that the ORDC and ASDCs under RTC have made this rule unnecessary given shortage pricing now raises prices automatically based on reserve scarcity. Additionally, the IMM has observed economic withholding by small participants (as noted in the 2024 State of the Market Report and in its filed comments), providing an evidentiary basis for monitoring for potential market

power abuse. Finally, the commission agrees with LCRA that competitive offers from pivotal suppliers, including small fish, are necessary for the health of the competitive market. The removal of the small fish rule is intended to promote competitive market behavior amongst all suppliers, regardless of size or technology.

Relevance of Voluntary Mitigation Plans (VMPs).

SEIA and LESA noted that existing subsection (c) is not a prohibition for potential enforcement actions against a generator that controls less than 5% market share in the ERCOT region and cited, as an example, the commission approving a VMP for IPR-GDF Suez even though it fell below the 5% threshold.

TPPA noted that entities with more than 5% of installed capacity (not covered by the small fish rule) have frequently sought protection against allegations of market power, using VMPs negotiated with commission staff and the IMM. The small fish rule has helped reduce the administrative burden on the commission, which otherwise would face as the commission would face dozens, if not hundreds, of requests for VMPs without the Small Fish rule.

Commission Response

The commission disagrees with SEIA, LESA, and TPPA in their opposition to the removal of the small fish rule based on concerns about VMPs. The VMP for IPR-GDF Suez sought protection against charges of abuse of local market power, not system-wide market power. Hence, the historical examples of small fish seeking, and the commission approving, VMPs to protect against accusations of local market power abuse has no bearing on whether the commission should re-evaluate whether small fish are also capable of exercising system-wide market power in certain circumstances.

Further, the commission does not share TPPA's concerns over a proliferation of VMP requests if the small fish rule is eliminated. Previously, the small fish rule provided the same level of protection for a supplier as a VMP, making a VMP unnecessary. However, after the legislature adopted changes to PURA § 15.023(f) in 2023, actions taken under a VMP no longer offer absolute protection. As a result, transitioning from the small fish rule to a VMP does not restore the same level of defense for small entities, making it less likely that this will be considered as an essential protection. Further, as noted by commenters, small fish have already had the ability to seek out VMPs to address concerns over local market power abuse investigations, and few have elected to do so. Finally, the commission does not view the volume of VMP submissions as a justification for retaining the small fish rule. An entity can seek to enter into a VMP as long as it complies with the requirements outlined in proposed subsection (d).

Lack of evidence of market power abuse.

APA + ACP, Tesla, TSSA, and TPPA opposed the removal of small fish rule due to the lack of sufficient evidence of market power abuse.

APA + ACP noted that ERCOT's Real-Time market often operates with physical reserve margins exceeding 10-20% of systemwide demand. ERCOT's consistently high reserve margins exceed the 5% installed capacity threshold used to define a "small fish", demonstrating that small generators have even less ability to exercise market power than when the rule was originally adopted. TPPA also argued that small generators lack the ability to meaningfully influence market-wide prices, which the commission had previously acknowledged.

Tesla claimed that the risks posed by entities controlling less than 5% of ERCOT's installed capacity have not been quantified in a way that enables meaningful comparison to the substantial impact a repeal would have on energy storage resource participation. Tesla also stated that there is no evidence indicating that small entities are causing harm to the market. In addition, TSSA claimed that the current risk of market power abuse outweighs potential burdens from policy changes.

TPPA further noted that the IMM has not provided an assessment of inefficiencies that the small fish rule introduced by the small fish rule. TPPA requested the commission to hold a public hearing on the rule to ensure the IMM presents its findings to all interested stakeholders if analysis is not included in the IMM's comments on this Proposal for Publication.

By contrast, IMM, LCRA, and TIEC supported the elimination of the small fish rule for reasons previously outlined above.

Commission Response

The commission agrees with the IMM, LCRA, and TIEC that recent market design changes, combined with evidence of economic withholding, provide adequate justification to support the elimination of the small fish rule. The commission disagrees with APA + ACP, Tesla, TSSA, and TPPA that the lack of evidence of significant market power abuse by small fish supports retaining the exemption. In its comments, the IMM presented data demonstrating evidence of economic withholding by small fish and explained that market power is situational rather than purely structural. Therefore, any supplier—including small fish—may possess market power, potentially exercise it through non-competitive pricing, and influence market prices during tight conditions or when the market ramp is constrained. It is prudent for the commission to revise this rule to better protect against these outcomes before system-wide market manipulation by small fish occurs, especially since this revision merely subjects small fish to the same scrutiny as other market participants.

Recognition of IMM mitigation approach if the small fish rule is removed.

Jupiter Power and HEN recommended the commission to memorialize in writing IMM's three-step approach for real-time mitigation or other factors that drive the determination of market power if the small fish rule is removed. Jupiter Power specifically requested that the "circumstances of ESRs managing their state of charge (especially those exacerbated by ERCOT's state of charge requirements) are acknowledged in the determination of market power process."

Commission Response

The commission declines to modify the rule to specify the methods that the IMM will use to investigate and measure market power abuse with regards to specific technologies, or otherwise, at this time. The IMM serves a role specifically contemplated by PURA § 39.1515, which also recognizes the distinction between the policymaking and enforcement roles of the commission and the "monitoring, analysis, and reporting" responsibilities of the monitor. Subject to commission oversight, the IMM is the appropriate entity to identify suitable methods of evaluating potential market power abuse. In this instance, the IMM has already acknowledged the difficulties surrounding evaluating uncompetitive behavior with regards to certain technologies at the August 21, 2025 open meeting. If there are additional issues not yet considered, the commission expects the IMM to take these into consideration- as it deems appropriate - when investigating po-

tential market power abuse. And, if it does not, commission enforcement discretion serves as a necessary backstop to alleviate commenter concerns.

Additionally, the commission declines to codify the three-step approach. This is a recent recommendation from the IMM's 2024 State of the Market Report that has not been fully evaluated by the commission, and it is also beyond the noticed scope of this rulemaking.

Amending existing §25.504(d) to account for marginal cost of an energy storage resource. Existing §25.504(d) outlines what does and does not constitute withholding of production by a generation entity with market power.

HEN expressed concern with the proposed elimination of the small fish rule and recommended the commission to consider amending the proposed subsection (c) (existing subsection (d)) to reflect that a duration limited resource must offer significantly above its "marginal" cost (which is difficult to define for a duration limited resource such as energy storage) to manage its state of charge. HEN included redlines on this issue.

TSSA also noted that proposed subsection (c) (existing subsection (d)) introduces significant uncertainty and regulatory risk as there is no clearly established way to determine the marginal cost of an energy storage resource, and as a result, these resources could be exposed to unwarranted allegations and subject to inappropriate penalties.

Commission Response

The commission declines to revise proposed subsection (c), as no entity—including ESRs or other duration-limited resources—is exempt from engaging in market power abuse, including engaging in economic or physical withholding. Additionally, the IMM has publicly recognized the distinct operational characteristics of ESRs, such as their use of perceived opportunity cost rather than marginal cost in offer strategies. These considerations are factored into the IMM's investigative framework when assessing potentially uncompetitive market behavior. Further, commission staff may consider this when evaluating whether to pursue an enforcement action, and the commission may also take it into account when determining whether an entity engaged in uncompetitive market behavior and whether to assess a penalty.

Implementing multi-interval real-time market

TSSA recommended the commission retain the small fish rule and direct ERCOT to implement a multi-interval commitment process, as recommended by the IMM in its 2022 State of the Market report.

Commission Response

The commission declines the recommendation of directing ERCOT to implement a multi-interval commitment process at this time because it is beyond the noticed scope of this rulemaking.

Deprioritizing administrative changes following elimination of Small Fish rule.

LCRA recommended that "low-urgency administrative changes to ERCOT systems be deprioritized in the absence of serious market power abuses by small suppliers." LCRA argued that removing the small fish rule may necessitate updates to ERCOT's systems, specifically in how decision-making entity level evaluations are handled within the Competitive Constraint Test. Similar modifications may also be required for the automated systems used by market participants currently benefiting from exemptions

under the small fish rule. LCRA claimed that it is highly likely that ERCOT staff and external vendors needed to implement these changes are also engaged in other major initiatives--such as real-time co-optimization (RTC), Dispatchable Reliability Reserve Service (DRRS), firm fuel supply service (FFSS) enhancements, the firming program mandated by PURA § 39.1592, and the rollout of legislation from the 89th legislative session.

Commission Response

The commission agrees with LCRA's recommendation that removing the small fish rule may require ERCOT staff and external vendors to implement ERCOT system changes in addition to implementing other major initiatives such as RTC, DRRS, and FFSS enhancements. However, repealing the rule neither requires the immediate upgrade of systems used to evaluate economic withholding by small fish nor mandates immediate enforcement. The commission and commission staff retain discretion to determine the appropriate timing for initiating enforcement actions and pursuing administrative penalties related to allegations of market power abuse by small fish.

Additionally, to provide more time for stakeholders to adapt to the new rule, the commission delays the effective date of the repeal to June 1, 2026.

Market power considerations for hydroelectric facilities.

LCRA noted unique operational requirements for its hydroelectric facilities and that "hydroelectric generation resources may need to offer energy at the system wide offer cap to avoid or delay security constrained economic dispatch in order to remain compliant with an approved water management plan and to maintain readiness to respond in the event of an ERCOT emergency."

LCRA recommended the commission to "continue to support and recognize these unique operational constraints in the development of any new market power frameworks seeking to mitigate non-competitive offers."

Commission Response

The commission acknowledges the need for certain generation resource technologies to employ unique offer strategies reflective of other unique circumstances. The commission also acknowledges that when hydroelectric facilities are not passing water downstream according to an output schedule or are not providing Ancillary Services, they are typically placed in the "ONEMR" status. This status allows them to avoid security constrained economic dispatch and comply with their water management plan. "ONEMR" units are only eligible for dispatch during ERCOT-declared emergency conditions, at which point they may be dispatched and typically submit offers at the cap to remain in compliance with their water management obligations. Hydroelectric facilities will be able to continue this practice as the removal of the small fish rule would have no impact on their operations.

All comments, including any not specifically referenced herein, were fully considered by the commission.

This amendment is adopted under the Public Utility Regulatory Act (PURA), Texas Utilities Code Annotated §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which provides the commission with the authority to make and enforce rules reasonably required in the

exercise of its powers and jurisdiction; and §39.157, which authorizes the commission to monitor and address market power associated with the generation, transmission, distribution, and sale of electricity in this state.

Cross Reference to Statutes: Public Utility Regulatory Acts §§ 14.001; 14.002; and 39.157

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

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For further information, please call: (512) 936-7244



PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 60. PROCEDURAL RULES OF THE COMMISSION AND THE DEPARTMENT SUBCHAPTER K. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 60, Subchapter K, §§60.501, 60.502, 60.504, 60.510, 60.514, and 60.516; adopts the repeal of existing rules at Subchapter K, §§60.503, 60.512, 60.518, and 60.519; and adopts new rules at Subchapter K, §§60.512, 60.517, 60.518, and 60.520, regarding the Procedural Rules of the Commission and the Department, without changes to the proposed text as published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6273). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 60, Subchapter K, implement Texas Occupations Code, Chapter 51, General Provisions Related to Licensing; Chapter 55, Licensing of Military Service Members, Military Veterans, and Military Spouses; and the license portability provisions of the federal Servicemembers' Civil Relief Act found at 50 U.S.C. §4025a.

The adopted rules are necessary to implement House Bill (HB) 5629 and Senate Bill (SB) 1818 (89th Legislature, Regular Session (2025)), which amend state law regarding occupational licensing and recognition of out-of-state occupational licenses for military service members, military veterans, and military spouses. The adopted rules primarily: (1) align the Department's procedures with the standards and requirements set out in HB 5629 for the issuance of occupational licenses and

recognition of out-of-state occupational licenses; (2) pursuant to SB 1818, authorize the issuance of provisional licenses to applicants for licensure or license recognition; and (3) reorganize, clarify, and correct existing rule language to be more reader-friendly.

SECTION-BY-SECTION SUMMARY

The adopted rules amend §60.501, Military Definitions, to remove redundant or unnecessary language to clarify definitions. Most notably, the changes to this section simplify the definition of "active duty."

The adopted rules amend §60.502, Determining the Amount of Military Experience, Service, Training, or Education, to remove an errant comma.

The adopted rules amend §60.504, Extension of Certain Deadlines, to comply with current state law. The changes make it clear that all military service members are allowed two additional years to complete continuing education or other requirements.

The adopted rules amend §60.510, License Requirements for Applicants with Military Experience, Service, Training, or Education by: (1) clarifying application requirements for prospective applicants; (2) removing rule language repealed by HB 5629 and subsequently moved to new §60.520; and (3) rewording certain provisions to be more reader-friendly.

The adopted rules add new §60.512, Expedited Alternative Licensing Requirements--Similar Scope of Practice, which, consistent with HB 5629, allows military service members, military veterans, and military spouses to obtain a Texas occupational license if they currently possess a license, issued by another state, that has a similar scope of practice to a license issued by the Department. These changes remove the standard of "substantial equivalence" enshrined in the current rules. The adopted changes to this section also clarify the process by which out-of-state licensed military affiliated applicants will apply for a Texas license and clarify the Department's authority to deny licensure to applicants with a disqualifying criminal history. The adopted rules also repeal the previous version of this section.

The adopted rules amend §60.514, Expedited Alternative Licensing Requirements--Previously Held Texas License, by: (1) rewording and reorganizing the section to make it more reader-friendly; (2) restating the documentation requirements for an application; (3) adding a requirement for a military spouse applicant to provide documentation of the spouse's active duty status; (4) clarifying the department's authority to deny licensure to applicants with a disqualifying criminal history; and (5) repealing subsection (f) (fees), which is no longer supported by law.

The adopted rules amend §60.516, Expedited Alternative Licensing Requirements--Demonstration of Competency by Alternative Methods, by: (1) rewording and reorganizing the section to make it more reader-friendly; (2) restating the documentation requirements for an application; (3) adding a requirement for a military spouse applicant to provide documentation of the spouse's active duty status; (4) clarifying the Department's authority to deny licensure to applicants with a disqualifying criminal history; (5) repealing subsection (f) (fees), which is no longer supported by law; and (6) repealing the unnecessary subsection (i).

The adopted rules add new §60.517, Provisional Licenses. This section implements SB 1818 and authorizes the Department to issue a provisional (temporary) license to an applicant upon filing until the Department completes the processing of an application

for a Texas license or recognition of the applicant's out-of-state license.

The adopted rules add new §60.518, Recognition of Out-of-State License of Military Service Members and Military Spouses, which describes the out-of-state license recognition process related to a regulated business or occupation for eligible military service members and their spouses. The adopted rule: (1) pursuant to HB 5629, states the criteria for the Department to recognize an out-of-state occupational license held by a military service member or military spouse; (2) describes the specific prerequisites and procedure by which the Department will grant recognition of out-of-state occupational licenses; (3) requires applicants to pass a criminal background check; (4) states the Department's authority to deny recognition to an applicant with a disqualifying criminal history; and (5) states that the Department must notify an applicant of the disposition of their application within 10 business days. The adopted rules repeal the previous version of this section.

The adopted rules add new §60.520, Fees, which was derived, in part, from previously repealed §60.503, Exemption from Late Renewal Fees. This new rule: (1) waives the initial application and examination fees owed by a military affiliated applicant except those examination fees owed to a third-party vendor; and (2) exempts a military affiliated applicant from payment of late renewal fees during active-duty periods.

The adopted rules repeal §60.503, Exemption from Late Renewal Fees.

The adopted rules repeal §60.512, Expedited Alternative Licensing Requirements--Substantially Equivalent License.

The adopted rules repeal §60.518, Recognition of Out-of-State License of Military Service Members and Military Spouses.

The adopted rules repeal §60.519, License Eligibility--Establishing License Residency Requirement for Out-of-State Military Service Members and Military Spouses.

PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the September 26, 2025, issue of the *Texas Register* (50 TexReg 6273). The public comment period closed on October 27, 2025. The Department received comments from 12 interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on September 15, 2025, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department did not receive any comments from interested parties on the published proposed rules during the official public comment period. The public comments are summarized below.

Comments in Response to the Posted Summary

Comment: The Department received six comments in support of the proposed rules in this rulemaking.

Department Response: The Department appreciates the comments made in support of the proposed rules in this rulemaking. The Department made no changes to the proposed rules as a result of these comments.

Comment: One commenter opposed the proposed rules and contended that preferential treatment for military affiliated ap-

plicants perpetuate existing problems in regulated industries by allowing ill-prepared licensees into the marketplace. Such practices, the commenter noted, hurt Texas consumers.

Department Response: The Department disagrees with this comment and notes that HB 5629 and SB 1818 simply reduce barriers to entry for military affiliated applicants who face unique obstacles due to the complications and rigors associated with military service. Most applicants do not face the same situations faced by military applicants and their families. Moreover, there is no empirical evidence to support the commenter's view that military applicants are not sufficiently trained or capable to engage in the regulated businesses or occupations to which they have applied. The Department rigorously examines each application received from an applicant prior to granting a license or registration. The Department made no changes to the proposed rules as a result of this comment.

Comment: One commenter inquired about the effective date of the proposed changes.

Department Response: The Department appreciates the comment and notes that the effective date of SB 1818 and HB 5629 is September 1, 2025. The effective date of the proposed rules is targeted for December 1, 2025. The Department made no changes to the proposed rules as a result of this comment.

Comment: One commenter requested information regarding assistance for disabled individuals in taking written examinations that are associated with some licensed professions.

Department Response: The Department appreciates the comment and states that this subject was not contemplated as part of this rulemaking and, thus, beyond the scope of this project at this time. The comment, however, will be referred to the appropriate division within the Department for consideration and possible contact with the commenter for assistance. The Department made no changes to the proposed rules as a result of this comment.

Comment: One commenter asked if, as a veteran spouse, one would be required to pay fees.

Department Response: The Department appreciates the comment and notes that the proposed rules apply to military service members, military veterans, and military spouses. Neither HB 5629, SB1818, nor the proposed rules address the spouses of military veterans. Therefore, pursuant to the proposed rules, spouses of a military veteran must continue to pay the required fee for any application. The Department made no changes to the proposed rules as a result of this comment.

Comment: One interested party commenting on the reduction of processing time for applications from military-affiliated applicants from 30 days to 10 business days submitted a multi-part comment which included a request for: (1) the average number applications received during a 10-day period; (2) the average number of applications that could be handled by staff in a given day; and (3) if the staff would be increased to handle an anticipated increased workload possibly imposed by the proposed rules.

Department Response: The Department appreciates the comment received and notes that these concerns have been contemplated and have been taken into account during this rulemaking. In order to address the specific questions raised by the commenter, this comment has been referred to the appropriate division within the Department. The commenter is free to submit a Public Information Act request on the agency's website to re-

ceive specific data regarding the questions posed about application processing capabilities. The Department made no changes to the proposed rules as a result of this comment.

Comment: One interested party submitted a multi-part comment stating: (1) agreement that out-of-state active military service members should be exempted from fees and apprenticeship hours based upon their learned experience but questioned whether they would have sufficient knowledge regarding state occupational and trade practices as well as electrical and fire codes. The commenter stated such applicants should be examined on state-specific practices associated with each trade; and (2) disagreed with the 10-business day application processing period for military affiliated applicants.

Department Response: The Department appreciates the comment. The proposed rules provide for extensive Department examination of a military affiliated applicant's verified military service, training, or education when assessing the competency of the individual's skill level and knowledge in a specific regulated profession, as required by Texas Occupations Code §§55.007 and 55.008. The Department is aware that the utmost scrutiny is paramount in determining if an individual is eligible for licensure in this state and exercises care with such determinations. Regarding the 10-day application processing period, the Texas Legislature in HB 5629 mandated the reduced processing time in Texas Occupations Code §55.005. The Department is bound to abide by state law changes, and the proposed rules reflect the same. The Department made no changes to the proposed rules as a result of this comment.

COMMISSION ACTION

At its meeting on October 28, 2025, the Commission adopted the proposed rules as published in the *Texas Register*.

16 TAC §§60.501, 60.502, 60.504, 60.510, 60.512, 60.514, 60.516 - 60.518, 60.520

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapters 51 and 55, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and the Federal Servicemembers Civil Relief Act at 50 U.S.C. §4025a, and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings); 1302 (Air Conditioning and Refrigeration Contractors); 1304

(Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Boating); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are proposed to be adopted is Senate Bill 1818 and House Bill 5629, 89th Legislature, Regular Session (2025).

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 10, 2025.

TRD-202504080

Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

Effective date: December 1, 2025

Proposal publication date: September 26, 2025

For further information, please call: (512) 475-4879



16 TAC §§60.503, 60.512, 60.518, 60.519

STATUTORY AUTHORITY

The adopted repeals are repealed under Texas Occupations Code, Chapters 51 and 55, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and the Federal Servicemembers Civil Relief Act at 50 U.S.C. §4025a, and the program statutes for all of the Department programs: Agriculture Code, Chapter 301 (Weather Modification and Control); Education Code, Chapter 1001 (Driver and Traffic Safety Education); Government Code, Chapters 171 (Court-Ordered Programs); and 469 (Elimination of Architectural Barriers); Health and Safety Code, Chapters 401, Subchapter M (Laser Hair Removal); 466 (State Lottery); 754 (Elevators, Escalators, and Related Equipment); and 755 (Boilers); Labor Code, Chapter 91 (Professional Employer Organizations); Occupations Code, Chapters 202 (Podiatrists); 203 (Midwives); 401 (Speech-Language Pathologists and Audiologists); 402 (Hearing Instrument Fitters and Dispensers); 403 (Dyslexia Practitioners and Therapists); 451 (Athletic Trainers); 455 (Massage Therapy); 506 (Behavioral Analysts); 605 (Orthotists and Prosthetists); 701 (Dietitians); 802 (Dog or Cat Breeders); 1151 (Property Tax Professionals); 1152 (Property Tax Consultants); 1202 (Industrialized Housing and Buildings);

1302 (Air Conditioning and Refrigeration Contractors); 1304 (Service Contract Providers and Administrators); 1305 (Electricians); 1603 (Barbers and Cosmetologists); 1802 (Auctioneers); 1806 (Residential Solar Retailers); 1901 (Water Well Drillers); 1902 (Water Well Pump Installers); 1952 (Code Enforcement Officers); 1953 (Sanitarians); 1958 (Mold Assessors and Remediators); 2001 (Charitable Bingo); 2052 (Combative Sports); 2303 (Vehicle Storage Facilities); 2308 (Vehicle Towing and Booting); 2309 (Used Automotive Parts Recyclers); 2310 (Motor Fuel Metering and Quality); 2311 (Electric Vehicle Charging Stations); and 2402 (Transportation Network Companies); and Transportation Code, Chapters 551A (Off-Highway Vehicle Training and Safety); and 662 (Motorcycle Operator Training and Safety). No other statutes, articles, or codes are affected by the adopted repeals.

The legislation that enacted the statutory authority under which the adopted repeals are proposed to be adopted is Senate Bill 1818 and House Bill 5629, 89th Legislature, Regular Session (2025).

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 10, 2025.

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CHAPTER 111. SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

The Texas Commission of Licensing and Regulation (Commission) adopts amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 111, Subchapter D, §111.30 and §111.35; Subchapter E, §§111.40 - 111.42, 111.45, and 111.47; Subchapter F, §§111.51, 111.52, and 111.55; Subchapter H, §111.70; Subchapter I, §§111.80 - 111.82, 111.85, and 111.87; Subchapter J, §§111.90 - 111.92, and 111.95; Subchapter L, §111.115; Subchapter P, §111.150 and §111.154; and Subchapter Q, §111.160; adopts the repeal of existing rules at Subchapter C, §111.22; Subchapter F, §111.50; and Subchapter H, §111.75; and adopts new rules at Subchapter F, §111.50; and Subchapter H, §111.75, regarding the Speech-Language Pathologists and Audiologists program, without changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3315). These rules will not be republished.

The Commission also adopts amendments to existing rules at 16 TAC Chapter 111, Subchapter A, §111.2, regarding the Speech-Language Pathologists and Audiologists program, with changes to the proposed text as published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3315). These rules will be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 111, implement Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists, and Chapter 51, the enabling statute of the Texas Commission of Licensing and Regulation (Commission) and the Department. Specific provisions within this rule chapter also implement the statutory requirements under Texas Occupations Code, Chapters 53, 108, 111, 112, 116, and 402, as applicable.

The adopted rules update requirements for all speech-language pathology and audiology license types, including changes relating to license application and eligibility, education and clinical work, internship and supervision, practice and duties, and license terms and renewals. The adopted rules are necessary to implement changes recommended by Department staff during the required four-year rule review and changes recommended by the Licensing Workgroup of the Speech Language Pathologist and Audiologist Advisory Board.

Four-Year Rule Review Changes

The adopted rules include changes as a result of the required four-year rule review conducted under Texas Government Code §2001.039. The Department conducted the required review of Chapter 111, and the Commission readopted the rule chapter in its entirety in its current form. (Proposed Rule Review, 45 TexReg 7281, October 9, 2020. Adopted Rule Review, 46 TexReg 2050, March 26, 2021).

In response to the published Notice of Intent to Review, the Department received multiple public comments from interested parties. Two of those comments related to the rules included in this rules package. (The other public comments have already been addressed in previous separate rulemakings.) One comment suggested adding a licensing exam for speech-language pathology assistants, and the other comment suggested that the requirements for speech-language pathologist assistants are excessive compared to the requirements for physical therapy assistants and certified occupational therapy assistants. The proposed rules do not include any changes made in response to these comments.

The proposed rules include recommendations made by the Department staff during the four-year rule review process to correct and update citations and cross-references, to improve accuracy, readability, and consistency of the rule text, and to implement substantive changes related to license application and eligibility, education and clinical work, internship and supervision, practice and duties, and license terms and renewals.

The proposed rules also include recommendations made by the Licensing Workgroup of the Speech Language Pathologist and Audiologist Advisory Board during the four-year rule review process that implement substantive changes related to license application and eligibility, education and clinical work, internship and supervision, practice and duties, and license terms and renewals.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions.

The adopted rules amend §111.2, Definitions. The adopted rules add definitions for "ABA Certification," "ASHA CCC," and "Assistant supervision plan"; amend the definition of "Intern in audiology" and amend the terminology for "Intern supervision plan"; repeal the definitions for "Extended absence" and "Supervisory Responsibility Statement (SRS) Form"; and renumber the terms in this section as needed. The adopted rules in this section are part of a larger effort in this rules package to replace the names

of the specific supervision forms with the general terms "intern supervision plan" and "assistant supervision plan." A technical correction was made to the proposed rules as published to add language incorrectly struck from the text of §111.2(21), an addition that is reflected in the adopted rules.

Subchapter C. Examinations

The adopted rules repeal §111.22, Waiver of Written Examination Requirement. The adopted rules repeal this separate rule regarding the waiver of the written examination requirement and the issuance of a license to an applicant who holds the American Speech-Language-Hearing Association (ASHA) Certificate of Clinical Competence (CCC) or the American Board of Audiology (ABA) Certification. The waiver of the written examination requirement is already addressed with the waiver of the clinical experience requirement in the existing rules for the Speech-Language Pathology license under §111.35 and for the Audiology license under §111.75. Those provisions have been updated in this rules package.

Subchapter D. Requirements for Speech Language Pathology License.

The adopted rules amend §111.30, Speech-Language Pathology License--Licensing Requirements. The adopted rules amend subsection (a) to comply with plain language principles. The adopted rules amend subsection (b)(1) to remove the requirement of original or certified copies of transcripts of the applicant's conferred master's degree; amend subsection (b)(4) to clarify that an applicant who possesses a master's degree in audiology may apply for a speech-language pathology license only if the degree is from a college or university which has a program accredited by a national accrediting organization that is approved by the department and recognized by the United States Secretary of Education; and amend subsections (b)(5) and (b)(6) to reduce form requirements and add clarifying language. The adopted rules amend subsection (c) to comply with plain language principles. The adopted rules amend subsection (d) by adding clarifying language and an additional option for applicants who have completed ASHA-approved clinical fellowship requirements; remove existing subsection (d)(1) and its requirement that individual applicants are licensed under §111.41 prior to the beginning of the internship; and relocate the existing subsection (d)(2) proof requirements for individuals who completed an internship in another state, to new §111.35(c). The adopted rules amend subsection (e) to comply with plain language principles.

The adopted rules amend §111.35, Speech-Language Pathology License--Application and Eligibility Requirements. The adopted rules update subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules relocate the application requirements for persons who hold the ASHA CCC under subsection (d) to new subsection (b); expand the application requirements to include persons who have held the ASHA CCC in the past; provide that the ASHA CCC demonstrates that the applicant has met the education, experience, and written examination requirements; and update and clarify the necessary documentation to be submitted by applicants who hold or have held the ASHA CCC. The adopted rules amend relabeled subsection (c) (former subsection (b)) to update and clarify the necessary documentation for applicants who have never held the ASHA CCC. The adopted rules repeal former subsection (d), regarding persons holding the ASHA CCC and the waiver

of the clinical experience and examination requirements. The requirements under former subsection (d) have been updated and relocated to new subsection (b). The adopted rules update the cross-references in subsection (e).

Subchapter E. Requirements for Intern in Speech Language Pathology License.

The adopted rules amend §111.40, Intern in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Work. The adopted rules amend subsection (b) to clarify programs in candidacy status are considered accredited; reduce the form requirements of subsection (b)(1) by repealing the requirement of original or certified copies of transcripts of the applicant's conferred master's degree; amend subsection (b)(4) to require an applicant program to be accredited by a national accrediting organization approved by the Department and recognized by the US Secretary of Education under the Higher Education Act of 1965 and remove language referencing repealed academic and clinical experience requirements; and amend subsections (b)(5) and (b)(6) by reducing form requirements and adding clarifying language. The adopted rules amend subsection (d) to specify that if coursework and clinical experience were earned more than ten years ago, then proof of current knowledge of speech-language pathology may include completing ten hours of CE in the last year, holding a current license in another state, or taking the written examination. The adopted rules amend subsection (e) to clarify that if an applicant whose degree was not officially conferred has completed all education and clinical requirements, then the applicant may be licensed as an intern if the degree was completed at a college or university accredited by the ASHA Council on Academic Accreditation. The adopted rules amend subsection (f) to clarify that a person who completes all education and clinical requirements at a foreign or unaccredited college or university must wait for the official conferment of a master's degree and to repeal automatic approval upon verification.

The adopted rules amend §111.41, Intern in Speech-Language Pathology License--Internship and Supervision Requirements. The adopted rules update subsection (c) by repealing the Intern Plan and Agreement of Supervision Form and requiring an intern to complete supervised professional experience under an intern supervision plan and submit the plan in a form and manner approved by the Department. The adopted rules update subsections (c)(1) through (c)(6) to clarify intern supervision requirements and to require all relevant information to be submitted in a form and manner approved by the Department. The adopted rules update subsection (d)(3) to clarify that professional experience of less than five hours per week must be completed under an approved supervisor but cannot be used to meet the 36-week minimum or be added to the 1,260-hour requirement. The adopted rules update subsection (d)(5) to repeal the option for Department approved alternative plans for dividing thirty-six clock hours of supervisory activities into three segments. The adopted rules amend subsection (e) to remove the internship extension request process and to provide that only hours earned under Texas-licensed supervisors count towards the 36 week, 1,260-hour minimums internship requirements. The adopted rules amend subsection (f) to increase the formal evaluation record retention requirement for both intern and supervisor from three to four years. The adopted rules update subsection (g)(1) to require supervisors to submit a report within 30 days in a prescribed format and follow Departmental guidelines that detail their supervision hours and weeks; update subsection (g)(2) to require supervisors

to determine if an intern's hours and weeks are acceptable, and if so, submit an affirmation of their acceptability in a form and manner approved by the Department; update subsection (g)(3) to provide the requirements for a written justification when a supervisor determines that the hours completed under the supervisor's supervision are not acceptable; update subsection (g)(4) to require that if no hours were earned, the intern or supervisor must submit a statement to the Department within 30 days of the end of supervision.

The adopted rules amend §111.42, Intern in Speech-Language Pathology License--Practice and Duties of Interns. The adopted rules amend subsection (a) to clarify a licensed intern must obtain supervised professional experience under a licensed speech-language pathologist approved by the Department. The adopted rules amend subsection (e) to add a requirement for an intern who passed the examination referenced in §111.21 and wishes to continue practicing after completing the internship specified in §111.41(d) to apply for a speech-language pathology license within 30 days of passing the examination. The adopted rules amend subsection (f) to authorize a licensed intern to continue practicing while awaiting the processing of their speech-language pathology license if the intern practices under their current supervisor's license and to reduce form requirements.

The adopted rules amend §111.45, Intern in Speech-Language Pathology License--Application and Eligibility Requirements. The adopted rules amend subsection (a) to clarify the form and manner in which an applicant must submit required information and documentation, with original or certified copies submitted upon request. The adopted rules amend subsection (b) by amending subsection (b)(2) to remove the requirement for a copy of a transcript to be an original or certified; replacing existing subsection (b)(4) with new subsection (b)(3) and clarifying the verification requirements when a graduate degree has not been conferred; relabeling existing subsection (b)(3) to become new subsection (b)(4) and revising its text to clarify the verification requirements for an applicant whose college or university is not accredited by ASHA; repealing the text of existing subsection (b)(4); amending subsection (b)(5) to remove the requirement that the evaluation form be an original and to add the requirement that the transcript evaluation service be approved by ASHA; and amending subsection (b)(6) to remove the form requirement.

The adopted rules amend §111.47, Intern in Speech-Language Pathology License--License Terms; Renewals. The adopted rules amend subsection (a) to clarify an intern license can be renewed annually up to three times; add new subsection (b) to provide the time period within which the internship must be completed and the examination must be passed; and relabel existing subsections (b) through (i) to become new subsections (c) through (j).

Subchapter F. Requirements for Assistant in Speech Language Pathology License.

The adopted rules repeal existing §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience. The provisions in this repealed rule have been updated and supplemented under new §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience.

The adopted rules add new §111.50, Assistant in Speech-Language Pathology License--Licensing Requirements--Education and Clinical Observation and Experience. This new rule includes provisions from existing §111.50, which is being repealed, and updates and supplements the current requirements and procedures for education and clinical observation and experience. The adopted rules add new subsection (a) to require a license to practice as an assistant in speech-language pathology; add new subsection (b) to provide the degree requirements for a license; add new subsection (c) to provide the course work requirements for a license; add new subsection (d) to provide the clinical observation and experience requirements for a license; add new subsection (e) to provide the requirements for an applicant who has not acquired the required hours under subsection (d); add new subsection (f) to provide the requirements for an applicant whose degree, course work, or clinical observation and experience were earned more than 10 years before the date of application; and add new subsection (g) to prohibit an assistant from performing any duties until the license has been issued and any missing hours are complete.

The adopted rules amend §111.51, Assistant in Speech-Language Pathology License--Supervision Requirements. The adopted rules amend subsection (c) to require an assistant to practice under an assistant supervision plan and provide the requirements for the plan; amend subsection (c)(1) to provide the requirements for department approval; replace existing subsection (c)(2) with language providing when the plan must be submitted; relabel existing subsection (c)(2) to become new subsection (c)(3) and amend its language to provide the requirements when more than one speech-language pathologist agrees to supervise an assistant; relabel existing subsection (c)(3) to become new subsection (c)(4) and amend its language to prohibit an assistant from practicing without an approved supervisor and to require the supervisor to verify that the assistant appears under the supervisor's license; relabel existing subsection (c)(4) to become new subsection (c)(5) and amend its language to require an assistant to only provide services for the caseload of the assistant's current, approved supervisor; relabel existing subsection (c)(5) to become new subsection (c)(6) and amend its language to provide the requirements of the supervisor when the supervisor ceases supervision of the assistant; relabel existing subsection (c)(6) to become new subsection (c)(7) and amend its language to provide the requirements of the assistant when the supervisor ceases supervision. The adopted rules amend subsections (d) and (f) through (k) to make cleanup changes.

The adopted rules amend §111.52, Assistant in Speech-Language Pathology License--Practice and Duties of Assistants. The adopted rules add new subsection (c)(5) to including acting as a translator in the list of duties that a supervisor may assign to an assistant; relabel existing subsections (c)(5) through (c)(7) to become new subsections (c)(6) through (c)(8); add new subsection (c)(9) to include preparing and creating daily notes in the list of duties that a supervisor may assign to an assistant; and relabel existing subsections (c)(8) and (c)(9) to become new subsections (c)(10) and (c)(11). The adopted rules amend subsection (d)(12) to provide that an assistant must not practice without an approved supervisor and to remove the requirement to file a Supervisory Responsibility Statement; amend subsection (d)(16) to provide that an assistant must not demonstrate feeding strategies or precautions to clients, family, or staff; and repeal (d)(19), which consists of provisions that are relocated to subsection (g). The adopted rules amend subsection (e) to

conform with plain language principles; add new subsection (g) to provide the terms licensed assistants may and may not use to shorten their professional title; and add new subsection (h) to provide the terms licensed assistants who have earned their ASHA certification may use in their professional title.

The adopted rules amend §111.55, Assistant in Speech-Language Pathology License-- Application and Eligibility Requirements. The adopted rules update subsections (a) and (b)(2)-(3) to reduce form requirements for applicants; add new subsection (b)(4) to provide the requirements when the applicant's transcript is in a language other than English or the degree was earned at a foreign university; relabel existing subsection (b)(4) to become new subsection (b)(5) and update its language to require a university program director or designee to verify 25 hours of clinical observation and 25 hours of clinical assisting experience; relabel existing subsection (b)(5) to become new subsection (b)(6) and update its language to require an applicant to complete any missing hours under direct supervision from an approved supervisor up license issuance; and relabel existing subsections (b)(6) and (b)(7) to become new subsections (b)(7) and (b)(8).

Subchapter H. Requirements for Audiology License

The adopted rules amend §111.70, Audiology License--Licensing Requirements. The adopted rules amend subsection (a) to comply with plain language principles; amend subsection (c) to reduce form requirements and to provide that the transcript evaluation service must be approved by ASHA; amend subsection (d) to comply with plain language principles and rephrase language for clarity; and amend subsection (e) to comply with plain language principles. The adopted rules repeal existing subsection (f), which addresses persons who previously held the ASHA CCC or the ABA certification. Those requirements have been updated and are addressed in the adopted rules under new §111.75(b).

The adopted rules repeal existing §111.75, Audiology License--Application and Eligibility Requirements. The provisions in this repealed rule have been updated and supplemented under new §111.75, Audiology License--Application and Eligibility Requirements.

The adopted rules add new §111.75, Audiology License--Application and Eligibility Requirements. This new rule includes provisions from existing §111.75, which has been repealed, and updates and supplements the current application and eligibility requirements. The adopted rules add new subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules add new subsection (b) to expand the existing application requirements to include persons who have held the ASHA CCC or ABA Certification in the past; provide that the ASHA CCC or ABA Certification demonstrates that the applicant has met the education, experience, and written examination requirements; and update and specify the documents that must be submitted by an applicant for an audiology license who holds or has held the ASHA CCC or ABA Certification. The adopted rules add new subsection (c) to specify the documents that must be submitted by an applicant who has never held the ASHA CCC or ABA Certification; add new subsection (d) to require an applicant to submit fingerprints and successfully pass a criminal history background check; add new subsection (e) to provide the requirements for an applicant seeking to upgrade an intern in audiology license to an audiology license; and add new subsection (f) to provide that an applicant

must complete all licensing requirements within one year from the date the application was submitted.

Subchapter I. Requirements for Intern in Audiology License

The adopted rules amend §111.80, Intern in Audiology License--Licensing Requirements--Education. The adopted rules amend subsection (a) to comply with plain language principles; add clarifying language to subsections (b) and (c) regarding education requirements; and repeal subsection (d), which consists of language that is relocated to new §111.85(b)(2).

The adopted rules amend §111.81, Intern in Audiology License--Internship and Supervision Requirements. The adopted rules amend subsection (c) to require an intern to complete the supervised professional experience under an intern supervision plan that must be submitted to the Department; rephrase subsection (c)(1) for clarity; add new subsection (c)(2) to specify when an intern supervision must be submitted; relabel existing subsection (c)(2) to become new subsection (c)(3) and update its language to specify the requirements when more than one audiologist agrees to supervise an intern; relabel existing subsection (c)(3) to become new subsection (c)(4) and update its language to require the supervisor to verify that the intern appears under the supervisor's license before allowing the intern to practice; relabel existing subsection (c)(4) to become new subsection (c)(5) and update its language to provide that the supervisor is responsible for the practice of the intern until the intern is removed from the supervisor's license; and relabel existing subsection (c)(5) to become new subsection (c)(6) and update its language to provide that an intern whose supervisor ceases supervision may not practice until the intern has a new approved supervisor and has been added to a new supervisor's license. The adopted rules amend subsection (d) to comply with plain language principles; remove existing subsection (d)(2) and its requirement that an internship consist of 1,600 hours of supervised clinical work and replaces it with new (d)(2) which requires all internships consist of supervised professional experience conducted under the direction of a professionally recognized accredited doctoral program as approved by the department. The adopted rules repeal subsection (e), which described the procedures related to the Audiology Intern Plan and Agreement of Supervision Form, as this Form is no longer required due to the adopted rules' amendment of §111.81(c). The adopted rules also relabel existing subsection (f) to become new subsection (e).

The adopted rules amend §111.82, Intern in Audiology License--Practice and Duties of Interns. The adopted rules amend subsection (a) to clarify that a licensed audiology intern must obtain supervised professional experience under an approved audiologist. The adopted rules amend subsection (c) to reduce form requirements.

The adopted rules amend §111.85, Intern in Audiology License--Application and Eligibility Requirements. The adopted rules amend subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules amend subsection (b) to reduce form requirements and require all information and documentation to be submitted in a form and manner prescribed by the Department.

The adopted rules amend §111.87, Intern in Audiology License--License Terms; Renewals. The adopted rules amend subsection (a) to provide that an audiology intern license is valid for two

years and can be renewed biennially. The adopted rules amend subsection (c)(2) to reduce form requirements.

Subchapter J. Requirements for Assistant in Audiology License

The adopted rules amend §111.90, Assistant in Audiology License--Licensing Requirements--Education and Training. The adopted rules amend subsections (a) and (b) to comply with plain language principles. The adopted rules amend subsection (b)(3) to specify that an applicant must hold a baccalaureate degree; amend subsection (b)(4) to clarify that an assistant must work under an approved supervisor and an assistant supervision plan approved by the Department; amend subsection (b)(5) to require an assistant to agree to complete a minimum of 25 hours of job-specific competency-based training conducted by the supervisor upon the initial issuance of the license; and add new subsection (b)(6) to require an assistant to complete all training hours under the supervision of an approved supervisor. The adopted rules replace the language of subsection (c) with new language providing when an assistant may begin to practice.

The adopted rules amend §111.91, Assistant in Audiology License--Supervision Requirements. The adopted rules amend subsection (c) to remove references to the Supervisory Responsibility Statement Form and to provide that a supervisor must ensure all training hours completed by the assistant are supervised; amend subsection (c)(1) to provide that Department approval is required prior to any changes in supervision; add new subsection (c)(2) to specify when an assistant supervision plan must be submitted; relabel existing subsection (c)(2) to become new subsection (c)(3) and amend its language to provide the supervisor responsibilities for when more than one audiologist agrees to supervise the assistant; relabel existing subsection (c)(3) to become new subsection (c)(4) and amend its language to provide that the supervisor must verify that the assistant appears under the supervisor's license before allowing the assistant to practice; relabel existing subsection (c)(4) to become new subsection (c)(5) and amend its language to provide that the assistant must only provide services for the clients of the assistant's current, approved supervisors; relabel existing subsection (c)(5) to become new subsection (c)(6) and amend its language to provide that a supervisor is responsible for the practice of the assistant until the assistant is removed from the supervisor's license; relabel existing subsection (c)(6) to become new subsection (c)(7) and amend its language to provide that, if the assistant's supervisor ceases supervision, the assistant may not practice until the assistant has a new approved supervisor. The adopted rules add new subsection (d) to provide that an assistant must practice under an assistant supervision plan, which must be submitted to the Department. The adopted rules relabel existing subsections (d) through (j) to become new subsections (e) through (k) and amend their language to comply with plain language principles.

Notably, the adopted rules relabel former subsection (f) to become new subsection (g) and amend its language to reduce the minimum amount of supervision for audiology assistants from 10 hours per week to four hours per week, or alternatively, from 40 hours per month to 16 hours per month. The amended language of new subsection (g) also requires at least one hour per week or four hours per month of the total supervision to be under direct supervision.

The adopted rules amend §111.92, Assistant in Audiology License--Practice and Duties of Assistants. The adopted rules amend subsection (d) to comply with plain language principles

and amend subsection (d)(18) to remove the requirement for a Supervisory Responsibility Statement for an Audiology Assistant Form to be on file with the Department and replace it with the requirement for an approved supervisor.

The adopted rules amend §111.95, Assistant in Audiology License--Application and Eligibility Requirements. The adopted rules amend subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules amend subsection (b)(2) to reduce form requirements; amend subsection (b)(4) to allow a copy of a high school diploma; amend subsection (b)(5) to remove the requirement for an original or certified copy of the CAOHC certificate; and amend subsection (b)(6) to clarify the requirements for an applicant who holds a baccalaureate degree or higher in communicative sciences or disorders.

Subchapter L. Requirements for Dual License in Intern in Speech-Language Pathology and Audiology

The adopted rules amend §111.115, Dual License in Speech-Language Pathology and Audiology--Application and Eligibility Requirements. The adopted rules amend subsection (a) to require all information and documentation to be submitted in a form and manner prescribed by the Department, with original or certified copies submitted upon request. The adopted rules amend subsection (d) to provide the documentation requirements for an applicant who holds or has held the ASHA CCC or ABA Certification.

Subchapter P. Responsibilities of the Licensee and Code of Ethics

The adopted rules amend §111.150, Changes of Name, Address, or Other Information. The adopted rules amend subsection (a) to require a licensee to provide the Department with a contact phone number and a valid email address and to repeal the requirement that a licensee provide the Department with current employment information. The adopted rules amend subsections (a) and (c) to comply with plain language principles.

The adopted rules amend the title of §111.154 from "Requirements, Duties, and Responsibilities of Supervisors and Persons Being Supervised" to "Supervision Requirements and Responsibilities." The adopted rules add new subsection (a) to provide that a licensee who wants to supervise an intern or assistant must meet the requirements under this section and be approved by the Department. The adopted rules relabel existing subsection (a) to become new subsection (b) and restructure its language to include new subsection (b)(1) and new subsection (b)(2) to specify the experience requirements. The adopted rules relocate the language of existing subsection (b), regarding supervising family members, to new subsection (d). The adopted rules add new subsection (c) to provide that a licensee must hold the appropriate license type to supervise; relabel existing subsections (c) through (e) to become new subsections (c)(1) through (c)(3); and remove unnecessary language. The adopted rules add new subsection (d), regarding supervising family members, which has been relocated from existing subsection (b). The adopted rules add new subsection (e) to provide that a licensee may not supervise if the licensee has any current sanctions. The adopted rules amend subsections (f) through (h) to provide headings and to comply with plain language principles.

Subchapter Q. Fees

The adopted rules amend §111.160, Fees. The adopted rules amend subsection (f)(1) and extend the license term for an initial audiology intern license from one year to two years. The \$75 fee for the initial audiology intern license remains unchanged. The adopted rules amend subsection (f)(2) and extend the license term for a renewed audiology intern license from one year to two years. The \$75 fee for the renewal of an audiology intern license remains unchanged.

PUBLIC COMMENTS

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the June 6, 2025, issue of the *Texas Register* (50 TexReg 3315). The public comment period closed on July 7, 2025. The Department received comments from two interested parties in response to the required summary of the proposed rules, which was posted on the Department's website and distributed on May 27, 2025, the same day that the proposed rules were filed with the *Texas Register*, but before the official publication of the proposed rules and the official start of the public comment period. The Department received comments from two interested parties on the published proposed rules during the official public comment period. The public comments are summarized below.

Comments in Response to the Posted Summary

Comment: The first comment, submitted by an individual, requested that the Department not repeal the clinical deficiency plan option for speech-language pathology assistants. The clinical deficiency plan option is currently authorized by §111.50(e) but would be repealed by the proposed rule amendments.

Department Response: The Department disagrees with this comment. During the Speech Language Pathologists and Audiologists Advisory Board meeting (Advisory Board) on April 29, 2025, the Advisory Board agreed without discussion to repeal that clinical deficiency plan option. This comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

Comment: The second comment, submitted by an individual, requested that the Department "change supervision requirements" without specifying which requirements should be changed, or what changes should be made.

Department Response: The Department disagrees with this comment. The Department cannot implement this request, as the comment lacks sufficient specificity to allow the Department to add, repeal, or amend the supervision requirements under Chapter 111. This comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

Comments in Response to the Published Proposed Rules

Comment: The third comment, submitted by the American Speech-Language-Hearing Association (ASHA), was in support of the proposed rules, with amendments. The comment requested that the Department make a variety of amendments to the proposed rules, including: (1) add notification requirements if a supervisor ceases supervision of an intern; (2) change the degree requirements for college or university; (3) increase the number of hours of direct supervision from 50 to 100; (4)

rename "assistant speech-language pathologist;" (5) add a recommendation that speech-language pathology assistants "actively" pursue continuing education and professional development activities; (6) require that the submission and review of Assistant Supervision Plans be completed in a timely manner; (7) require a speech-language pathology assistant meet certain requirements regarding administering and scoring screenings for clinical interpretation, and require the assistant's supervising speech-language pathologist verify the competence of the assistant who performs the administration and scoring; (8) make changes to the professional titles authorized for use by a licensed speech-language pathologist assistant; (9) change the supervision limits so that speech-language pathologists supervise no more than three full-time equivalent assistants for any setting; and (10) clarify submission requirements in rules that regulate both ASHA-approved transcript evaluation services and ASHA verification.

Department Response: The Department disagrees with this comment. In general, the comments requested changes that either require statutory changes to implement or would modify rules already discussed and approved during workgroup meetings between the Department and members of the Advisory Board and approved by the Advisory Board at its April 29, 2025, meeting. This comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

Comment: The fourth comment, submitted by an individual, requested that the Department provide clarification about the supervision requirements for assistants in speech-language pathology, specifically regarding initial client contacts as delineated in §111.51(f). The comment asked a series of questions regarding initial client contacts between speech-language pathologists, assistants in speech-language pathology, and clients. The comment requested clarification on what initial client contacts are intended to look like in a variety of employment settings.

Department Response: The Department disagrees with this comment, as it is not related to the amendments proposed by this rule package. Specifically, the proposed rules do not make substantive changes to §111.51(f), and the changes suggested by the commenter would require additional research and discussion by both the Department and the Advisory Board and potentially substantive changes to the rules. Also, this comment was presented at the Advisory Board meeting on July 28, 2025, and the Advisory Board declined to take any action in response to this comment. Thus, the Department did not make any changes to the proposed rules because of this comment.

ADVISORY BOARD RECOMMENDATIONS AND COMMISSION ACTION

The Speech-Language Pathologists and Audiologists Advisory Board met on July 28, 2025, to discuss the proposed rules and the public comments received. The Advisory Board recommended that the Commission adopt the proposed rules as published in the *Texas Register* with changes to §111.2 made in response to the Department's recommendations. At its meeting on October 28, 2025, the Commission adopted the proposed rules with changes as recommended by the Advisory Board.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §111.2

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

§111.2. Definitions.

Unless the context clearly indicates otherwise, the following words and terms must have the following meanings.

- (1) ABA--The American Board of Audiology.
- (2) ABA Certification--The certification issued to a person who meets the education and professional practice requirements established by ABA.
- (3) Act--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists.
- (4) Acts--Texas Occupations Code, Chapter 401, relating to Speech-Language Pathologists and Audiologists; and Texas Occupations Code, Chapter 402, relating to Hearing Instrument Fitters and Dispensers.
- (5) Advisory board--The Speech-Language Pathologists and Audiologists Advisory Board.
- (6) ASHA--The American Speech-Language-Hearing Association.
- (7) ASHA CCC--ASHA Certificate of Clinical Competence. The certificate issued to a person who meets the education, examination, and clinical fellowship requirements established by ASHA.
- (8) Assistant in audiology--An individual licensed under Texas Occupations Code §401.312 and §111.90 of this chapter and who provides audiological support services to clinical programs under the supervision of an audiologist licensed under the Act.
- (9) Assistant in speech-language pathology--An individual licensed under Texas Occupations Code §401.312 and §111.60 of this chapter and who provides speech-language pathology support services under the supervision of a speech-language pathologist licensed under the Act.
- (10) Assistant supervision plan (for Assistants in Audiology or Speech-Language Pathology)--An agreement between a supervisor and an assistant in which the parties enter into a supervisory relationship, the supervisor agrees to assume responsibility for the assistant's activities, and the assistant agrees to perform only those activities assigned by the supervisor that are not prohibited under this chapter.
- (11) Audiologist--An individual who holds a license under Texas Occupations Code §401.302 and §401.304 to practice audiology.
- (12) Audiology--The application of nonmedical principles, methods, and procedures for measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to disorders of the auditory or vestibular systems for the purpose of providing or offering to provide services modifying communication disorders involving speech, language, or auditory or vestibular function or other aberrant behavior relating to hearing loss.

(13) Caseload--The number of clients served by the licensed speech-language pathologist or licensed speech-language pathology intern.

(14) Client--A consumer or proposed consumer of audiology or speech-language pathology services.

(15) Commission--The Texas Commission of Licensing and Regulation.

(16) Department--The Texas Department of Licensing and Regulation.

(17) Direct Supervision (Speech-Language Pathology and Audiology)--Real-time observation and guidance by the supervisor while a client contact or clinical activity or service is performed by the assistant or intern. Direct supervision may be performed in person or via tele-supervision as authorized and prescribed by this chapter.

(18) Ear specialist--A licensed physician who specializes in diseases of the ear and is medically trained to identify the symptoms of deafness in the context of the total health of the client, and is qualified by special training to diagnose and treat hearing loss. Such physicians are also known as otolaryngologists, otologists, neurotologists, otorhinolaryngologists, and ear, nose, and throat specialists.

(19) Executive director--The executive director of the department.

(20) Extended recheck--Starting at 40 dB and going down by 10 dB until no response is obtained or until 20 dB is reached and then up by 5 dB until a response is obtained. The frequencies to be evaluated are 1,000, 2,000, and 4,000 hertz (Hz).

(21) Fitting and dispensing hearing instruments--The measurement of human hearing by the use of an audiometer or other means to make selections, adaptations, or sales of hearing instruments. The term includes prescribing, ordering, or authorizing the use of hearing instruments, the making of impressions for earmolds to be used as a part of the hearing instruments, and providing any necessary postfitting counseling for the purpose of fitting and dispensing hearing instruments.

(22) Hearing aid--Any wearable device designed for, offered for the purpose of, or represented as aiding persons with or compensating for impaired hearing. The term includes hearing instruments and over-the-counter hearing aids.

(23) Hearing instrument--A prescription hearing aid as that term is defined in 21 C.F.R. Section 800.30.

(24) Hearing screening--A test administered with pass/fail results for the purpose of rapidly identifying those persons with possible hearing impairment which has the potential of interfering with communication.

(25) In-person--The licensee is physically present with the client while a client contact or clinical activity or service is performed. In the case of supervision, the supervisor is physically present with the assistant or intern while a client contact or clinical activity or service is performed.

(26) Indirect supervision (Speech-Language Pathology and Audiology)--The supervisor performs monitoring activities or provides guidance to the assistant or intern, either of which does not occur during actual client contact by the assistant or intern or while the assistant or intern is providing a clinical activity or service. Tele-supervision may be used for indirect supervision as authorized and prescribed under this chapter.

(27) Intern in audiology--An individual licensed under Texas Occupations Code §401.311 and §111.80 of this chapter and who is supervised by an individual who holds an audiology license under Texas Occupations Code §401.302 and §401.304. An intern in audiology is also referred to as a fourth-year student or an extern in the profession.

(28) Intern in speech-language pathology--An individual licensed under Texas Occupations Code §401.311 and §111.40 of this chapter and who is supervised by an individual who holds a speech-language pathology license under Texas Occupations Code §401.302 and §401.304.

(29) Intern supervision plan (for Interns in Speech-Language Pathology and Audiology)--An agreement between a supervisor and an intern in which the parties enter into a supervisory relationship and the supervisor agrees to assume responsibility for all services provided by the intern.

(30) Over-the-counter hearing aid--The term has the meaning assigned by 21 C.F.R. Section 800.30.

(31) Provisional Licensee--An individual granted a provisional license under Texas Occupations Code §401.308.

(32) Sale--The term includes a lease, rental, or any other purchase or exchange for value. The term does not include a sale at wholesale by a manufacturer to a person licensed under the Act or to a distributor for distribution and sale to a person licensed under the Act.

(33) Speech-language pathologist--An individual who holds a license under Texas Occupations Code §401.302 and §401.304, to practice speech-language pathology.

(34) Speech-language pathology--The application of non-medical principles, methods, and procedures for measurement, testing, evaluation, prediction, counseling, habilitation, rehabilitation, or instruction related to the development and disorders of communication, including speech, voice, language, oral pharyngeal function, or cognitive processes, for the purpose of evaluating, preventing, or modifying or offering to evaluate, prevent, or modify those disorders and conditions in an individual or a group.

(35) Supervisor--An individual who holds a license under Texas Occupations Code §401.302 and §401.304 and whom the department has approved to oversee the services provided by the assigned assistant and/or intern. The term "supervisor" and "department-approved supervisor" have the same meaning as used throughout this chapter.

(36) Telehealth--See definition(s) in Subchapter V, Telehealth.

(37) Tele-supervision--Supervision of interns or assistants that is provided remotely using telecommunications technology.

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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Texas Department of Licensing and Regulation

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SUBCHAPTER C. EXAMINATIONS

16 TAC §111.22

STATUTORY AUTHORITY

The adopted repeal is repealed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted repeal is also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted repeals.

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 D. REQUIREMENTS FOR SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §111.30, §111.35

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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SUBCHAPTER E. REQUIREMENTS FOR INTERN IN SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §§111.40 - 111.42, 111.45, 111.47

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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SUBCHAPTER F. REQUIREMENTS FOR ASSISTANT IN SPEECH-LANGUAGE PATHOLOGY LICENSE

16 TAC §111.50

STATUTORY AUTHORITY

The adopted repeal is repealed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted repeal is also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and

401. No other statutes, articles, or codes are affected by the adopted repeals.

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16 TAC §§111.50 - 111.52, 111.55

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
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For further information, please call: (512) 475-4879



SUBCHAPTER H. REQUIREMENTS FOR AUDIOLOGY LICENSE

16 TAC §§111.70, §111.75

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings

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For further information, please call: (512) 475-4879



16 TAC §111.75

STATUTORY AUTHORITY

The adopted repeal is repealed under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted repeal is also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted repeals are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted repeals.

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 I. REQUIREMENTS FOR INTERN IN AUDIOLOGY LICENSE

16 TAC §§111.80 - 111.82, 111.85, 111.87

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The

adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings

General Counsel

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SUBCHAPTER J. REQUIREMENTS FOR ASSISTANT IN AUDIOLOGY LICENSE

16 TAC §§111.90 - 111.92, 111.95

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings

General Counsel

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SUBCHAPTER L. REQUIREMENTS FOR DUAL LICENSE IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

16 TAC §111.115

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings

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SUBCHAPTER P. RESPONSIBILITIES OF THE LICENSEE AND CODE OF ETHICS

16 TAC §111.150, §111.154

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 475-4879

SUBCHAPTER Q. FEES

16 TAC §111.160

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Occupations Code, Chapter 51, which authorizes the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement that chapter and any other law establishing a program regulated by the Department. The adopted rules are also adopted under Texas Occupations Code, Chapter 401, Speech-Language Pathologists and Audiologists.

The statutory provisions affected by the adopted rules are those set forth in Texas Occupations Code, Chapters 51 and 401. No other statutes, articles, or codes are affected by the adopted rules.

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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Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 475-4879

CHAPTER 140. ADMINISTRATION OF TEXAS LOTTERY AND CHARITABLE BINGO

SUBCHAPTER A. LOTTERY PROCUREMENT, LOTTERY ADVISORY COMMITTEE, AND BINGO ADVISORY COMMITTEE

16 TAC §140.1, §140.2

The Texas Commission of Licensing and Regulation (Commission) adopts new rules at 16 Texas Administrative Code (TAC), Chapter 140, Subchapter A, §140.1 and §140.2, regarding the Texas Lottery and Charitable Bingo program, without changes to the proposed text as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6182). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 140, implement Texas Government Code, Chapter 466, State Lottery; Texas Occupations Code, Chapter 51, Texas Department of Licensing and Regulation; and Chapter 2001, Bingo.

The adopted rules are necessary to implement Senate Bill (SB) 3070, 89th Legislature, Regular Session (2025), which transferred administration of the state lottery and the licensing and regulation of charitable bingo to the Texas Department of Licensing and Regulation (Department) on September 1, 2025. SB 3070 requires the Commission to establish a lottery advisory

committee and a bingo advisory committee and requires both advisory committees to meet at least quarterly. SB 3070 requires the Commission, as soon as practicable after the effective date of the act, to appoint members to both advisory committees and adopt rules to govern the operations of the committees. The adopted rules establish the member composition, appointment procedures, terms, and meeting requirements for the lottery advisory committee and bingo advisory committee.

The adopted rules are identical to the emergency rules adopted by the Commission at its August 21, 2025, meeting, except that clarifying language is added to §140.1(d)(1) and §140.2(d)(1) to provide for staggered terms of advisory committee members. Those emergency rules were filed with the *Texas Register* on August 22, 2025, and took effect 20 days later on September 11, 2025.

SECTION-BY-SECTION SUMMARY

The adopted rules add §140.1, Lottery Advisory Committee.

The adopted rules add §140.1(a), which ensures that words and terms used in the section are defined in the context of the relevant statutes.

The adopted rules add §140.1(b), which provides the membership composition of the advisory committee and the procedure for appointment of its members.

The adopted rules add §140.1(c), which provides eligibility requirements for advisory committee members, including requirements that any necessary licenses be issued by Texas and remain in good standing, that public members not have interests in lottery operations, that members meet criminal history standards, and that applicants for membership provide complete and accurate information.

The adopted rules add §140.1(d), which provides the term length for advisory committee members, the process for filling a vacancy, the process of appointing a presiding officer, the prohibition against compensation or reimbursement for serving as a member, and the process for removing a member.

The adopted rules add §140.1(e), which provides meeting requirements, including quarterly meetings, the number of members required for a quorum, majority voting, open meetings, and provisions relating to meetings held by videoconference.

The adopted rules add §140.1(f), which provides the duties of the advisory committee, including advising the commission and department, providing input on proposed lottery rules, reporting on committee activities, and briefing on advancements and challenges in the lottery industry.

The adopted rules add §140.1(g), which establishes the process by which public comments may be provided to the advisory committee in writing via email or orally at a public meeting of the advisory committee.

The adopted rules add §140.1(h), which clarifies that Texas Government Code, Chapter 2110, does not apply to the advisory committee.

The adopted rules add §140.2, Bingo Advisory Committee.

The adopted rules add §140.2(a), which ensures that words and terms used in the section are defined in the context of the relevant statutes.

The adopted rules add §140.2(b), which provides the membership composition of the advisory committee and the procedure for appointment of its members.

The adopted rules add §140.2(c), which provides eligibility requirements for advisory committee members, including requirements that any necessary licenses be issued by Texas and remain in good standing, that members not be delinquent in payment of prize fees, that public members not be associated with certain licensees, that members meet criminal history standards, and that applicants for membership provide complete and accurate information.

The adopted rules add §140.2(d), which provides the term length for advisory committee members, the process for filling a vacancy, the process of appointing a presiding officer, the prohibition against compensation or reimbursement for serving as a member, and the process for removing a member.

The adopted rules add §140.2(e), which provides meeting requirements, including quarterly meetings, the number of members required for a quorum, majority voting, open meetings, and provisions relating to meetings held by videoconference.

The adopted rules add §140.2(f), which provides the duties of the advisory committee, including advising the commission and department, providing input on proposed bingo rules, reporting on committee activities, and briefing on advancements and challenges in the bingo industry.

The adopted rules add §140.2(g), which clarifies that Texas Government Code, Chapter 2110, does not apply to the advisory committee.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6182). The Department requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on October 20, 2025. The Department received comments from one interested party on the proposed rules. The public comments are summarized below.

Comment: The organization Texans for Charitable Bingo suggested including a licensed manufacturer and a licensed distributor as listed representatives in rule to serve on the Bingo Advisory Committee.

Department Response: The Department agrees that licensed manufacturers and licensed distributors should be represented on the Bingo Advisory Committee. Proposed §140.2 does not prohibit the appointment of manufacturers or distributors, and it requires appointment of members that represent a balance of interests, as is also required by Texas Occupations Code §2001.057(a). Additionally, existing rule at 16 TAC §141.102(b) requires appointment of members representing licensed manufacturers and licensed distributors, so proposed §140.2 should be read in conjunction with existing §141.102 to reach the result suggested by the comment. The Department did not make any changes to the proposed rules as a result of the comment; however, the Department intends to work with the Bingo Advisory Committee to determine what future rule changes should be made to address the issue raised in the comment.

COMMISSION ACTION

At its meeting on October 28, 2025, the Commission adopted the proposed rules as published in the *Texas Register*.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Government Code, Chapter 466, and Texas Occupations Code, Chapters 51 and 2001, which authorize the Commission, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the adopted rules are those set forth in Texas Government Code, Chapter 466, and Texas Occupations Code, Chapters 51 and 2001. No other statutes, articles, or codes are affected by the adopted rules.

The legislation that enacted the statutory authority under which the adopted rules are to be adopted is Senate Bill 3070, 89th Legislature, Regular Session (2025).

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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Doug Jennings

General Counsel

Texas Department of Licensing and Regulation

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For further information, please call: (512) 463-7750



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 76. EXTRACURRICULAR ACTIVITIES

SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §76.1001

The Texas Education Agency (TEA) adopts an amendment to §76.1001, concerning extracurricular activities. The amendment is adopted without changes to the proposed text as published in the June 6, 2025 issue of the *Texas Register* (50 TexReg 3341) and will not be republished. The adopted amendment increases the number of activities in which a student may participate from one activity to two activities per school week.

REASONED JUSTIFICATION: Texas Education Code (TEC), §7.055(b)(41), requires the commissioner of education to adopt rules relating to extracurricular activities under TEC, §33.081, which limits the participation in and practice for extracurricular activities during the school day and the school week and establishes the parameters and exemptions of student participation in an extracurricular activity or a University Interscholastic League competition.

Section 76.1001(d) establishes limitations on participation in and practice for extracurricular activities during the school day and school week.

Currently, students are limited to participating in no more than one extracurricular activity per school week, excluding holidays. There are exceptions for tournaments or post-district contests, as well as contests postponed by weather or public disaster that may determine advancement to a post-district level of competition. TEA received a request to change the rule to allow students to participate in up to two activities per school week, and the request was approved. The adopted amendment allows students to participate in up to two activities per school week with the listed exceptions.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began June 6, 2025, and ended July 7, 2025. Following is a summary of public comments received and agency responses.

Comment: Two community members, an administrator, and a representative from higher education expressed support for the proposed amendment to allow schools to play two games per school week because it would provide more flexibility in scheduling and help the current officiating shortage.

Response: The agency agrees that allowing students to participate in up to two games per school week provides districts and sports officials with additional flexibility in scheduling extracurricular activities.

Comment: One community member stated the proposed amendment would greatly help Texas Association of Sports Officials (TASO) Soccer with the ability to supply full crews to all contests.

Response: The agency agrees that allowing students to participate in up to two games per school week provides school districts and TASO with additional flexibility in scheduling extracurricular activities and ensuring events are appropriately staffed.

Comment: One community member, an administrator, and a representative from higher education stated that the proposed amendment to allow students to play up to two games per school week provides flexibility that benefits students in addition to the school districts.

Response: The agency agrees that in addition to providing flexibility for school districts in scheduling extracurricular activities, allowing students to participate in up to two games per school week has benefits for students.

Comment: One school counselor stated that students already miss a great deal of school and core classroom instruction for extracurricular events, and the proposed amendment would allow students to potentially miss four or five days during the school week.

Response: The agency disagrees that the proposed amendment to increase the number of extracurricular activities in which a student can participate during the school week from one day to two days would allow a student to miss four or five days of classroom instruction during the school week. TEC, §25.092, requires students to be in attendance for a minimum of 90% of the days a class is offered in order to receive class credit or a final grade. A student participating in any number of extracurricular activities in a school week must still meet the minimum attendance requirement.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §7.055(b)(41), which requires the commissioner of education to adopt rules relating to extracurricular activities under TEC, §33.081, which limits the participation in and practice for extracurricular activities during the school day and the school week and establishes the parameters and exemptions of student participation in an extracurricular activity or a University Interscholastic League competition as they relate to student grades.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §7.055(b)(41).

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-202504075

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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For further information, please call: (512) 475-1497



TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §103.2, pertaining to dental hygiene licensure by examination. The amendment is adopted without changes to the proposed text as published in the September 12, 2025, issue of the *Texas Register* (50 TexReg 6003) and will not be republished. The adopted amendment changes the remediation requirements by (1) allowing applicants to take a remediation course before or after passing an examination to give applicants flexibility on when to take the course, and (2) allowing Board staff to approve the remediation course.

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 November 7, 2025.

TRD-202504066

Lauren Studdard

General Counsel

State Board of Dental Examiners

Effective date: November 27, 2025

Proposal publication date: September 12, 2025

For further information, please call: (737) 363-2333



CHAPTER 108. PROFESSIONAL CONDUCT SUBCHAPTER A. PROFESSIONAL RESPONSIBILITY

22 TAC §108.16

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §108.16, pertaining to teledentistry. The amendment is adopted without changes to the proposed text as published in the September 12, 2025, issue of the *Texas Register* (50 TexReg 6004) and will not be republished. The adopted rule specifies the informed consent documentation that is required when licensees perform teledentistry dental services. The Board adopts this rule in accordance with House Bill 1700 of the 89th Texas Legislature, Regular Session (2025), and Chapter 111, Texas Occupations Code.

The American Association of Orthodontists (AAO) and Texas Association of Orthodontists (TAO) submitted a written comment in support of adoption of the rule as proposed. They state that the rule appropriately ensures that patients are clearly informed of the nature, risks, benefits, and limitations of remote dental care, and that such consent is documented in a manner that is consistent with the ethical and professional standards of the dental profession. No changes to this rule were made as a result of the comment.

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, and under Chapter 111, Texas Occupations Code.

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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Lauren Studdard

General Counsel

State Board of Dental Examiners

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For further information, please call: (737) 363-2333



PART 11. TEXAS BOARD OF NURSING CHAPTER 217. LICENSURE, PEER ASSISTANCE AND PRACTICE

22 TAC §217.5, §217.9

The Texas Board of Nursing (Board) adopts amendments to 22 Texas Administrative Code §217.5, relating to Temporary License and Endorsement, and §217.9, relating to Inactive and Retired Status without changes to the proposed text published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6186). The rules will not be republished.

REASONED JUSTIFICATION. In 2019, the Texas Legislature enacted S.B. 1200, creating Texas Occupations Code §55.0041, which recognizes out-of-state occupational licenses for the spouse of a military service member. This provision facilitates the portability of licenses, allowing military spouses to maintain their careers when relocating due to military assignments without the need to re-do coursework or testing for licensure in each new state.

In 2021, during the 87th Regular Legislative Session, the Legislature amended Texas Occupations Code §55.0041 through the enactment of H.B. 139. This amendment required state agencies that issue licenses with residency requirements to adopt rules specifying the documentation needed by military spouses to establish residency for licensure purposes. It also allowed the submission of a military spouse's Permanent Change of Station (PCS) orders to establish eligibility.

During the 88th Legislative Session, S.B. 422 further amended §55.0041, expanding the scope of the occupational licensing reciprocity to include military service members. This change allows service members who frequently relocate to continue providing services, such as nursing, in Texas even when they have been licensed in another state, helping address workforce shortages.

In 2025, H.B. 5629 was enacted during the 89th Regular Legislative Session, making additional revisions to §55.004 and §55.0041. This legislation specifies the criteria for licensure, requiring that military service members or their spouses hold a current, out-of-state license similar in scope to Texas licensure and remain in good standing with the original state's licensing authority. The bill also specifies required documentation for applicants, including military orders, marriage certificates for spouses, and notarized affidavits. Furthermore, H.B. 5629 mandates that state agencies process military-related licensure applications within 10 business days and maintain a record of complaints made against military service members, veterans, or spouses who hold or are applying for licensure. Complaints are to be posted on the agency's website quarterly.

As Texas is a member of the Enhanced Nurse Licensure Compact (eNLC), which facilitates multistate practice for nurses in 43 states, this compact does not require the additional documentation specified in H.B. 5629. However, for military service members and spouses who do not hold a multistate license, the amendments clarify the process for licensure under §55.0041.

The Board commends the Legislature for streamlining the licensure process for military families seeking to practice nursing in Texas. In response, the Board adopts the proposed amendments to operationalize the requirements in H.B. 5629.

Additionally, the Board adopts amendments to 22 Texas Administrative Code §217.9 related to inactive and retired licensure status. These changes are necessary to update the rules to align with current practices and to allow for online licensure status changes, improving efficiency for both the agency and license holders.

PUBLIC COMMENT. The Board received no comments on the proposed rules.

STATUTORY AUTHORITY. These amendments are adopted under the authority of the Texas Occupations Code §301.151. Texas Occupations Code § 301.151 addresses the general rulemaking authority of the Board to adopt and enforce rules consistent with Chapter 301 to perform its duties and conduct proceedings before the Board, regulate the practice of professional nursing and vocational nursing, establish standards of professional conduct for license holders under Chapter 301, and determine whether an act constitutes the act of professional nursing or vocational nursing. These amendments are necessary for compliance with statutory amendments found in Texas Occupations Code §55.004 and §55.0041.

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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John Vanderford

Deputy General Counsel

Texas Board of Nursing

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For further information, please call: (512) 305-6879



PART 22. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

CHAPTER 516. MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

22 TAC §516.1

The Texas State Board of Public Accountancy adopts an amendment to §516.1 concerning Definitions, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6444) and will not be republished.

HB 5629 established new licensing accommodations for military members, their spouses and military veterans. The amended revision in this section eliminates no longer needed language and defines that these rules apply to Certified Public Accountants.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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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TRD-202504020
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Texas State Board of Public Accountancy
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Proposal publication date: October 3, 2025
For further information, please call: (512) 305-7842



22 TAC §516.2

The Texas State Board of Public Accountancy adopts an amendment to §516.2 concerning Licensing for Military Service Members, Military Veteran and Military Spouses, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6445) and will not be republished.

The rule revision bundles the persons affected into one rule, requires the issuance of a license within 10 days of a complete application, directs the issuance of a license to a licensee of another state in good standing licensed as a CPA and defines good standing.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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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Texas State Board of Public Accountancy
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For further information, please call: (512) 305-7842



22 TAC §516.3

The Texas State Board of Public Accountancy adopts a repeal to §516.3 concerning Licensing for Military Veterans, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6447) and will not be republished.

Repeals no longer needed, duplicative language.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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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J. Randel (Jerry) Hill
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Texas State Board of Public Accountancy
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For further information, please call: (512) 305-7842



22 TAC §516.4

The Texas State Board of Public Accountancy adopts an amendment to §516.4 concerning Accounting Practice by Military Service Members and Military Spouses, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6448) and will not be republished.

The rule revision identifies the elements of an acceptable license application for military members, spouses and veterans eligible for the license.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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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For further information, please call: (512) 305-7842



22 TAC §516.5

The Texas State Board of Public Accountancy adopts a new rule to §516.5 concerning Complaints, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6449) and will not be republished.

The new legislation requires to the board to retain a copy of the licensee's complaint and make it available to the public.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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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General Counsel

Texas State Board of Public Accountancy

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For further information, please call: (512) 305-7842



CHAPTER 521. FEE SCHEDULE

22 TAC §521.14

The Texas State Board of Public Accountancy adopts an amendment to §521.14 concerning Eligibility Fee, without changes to the proposed text as published in the October 3, 2025 issue of the *Texas Register* (50 TexReg 6450) and will not be republished.

The revision deletes the four testing sections of licensing which are no longer applicable.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Public Accountancy Act (Act), Texas Occupations Code, §901.151 and §901.655 which provides the agency with the authority to amend, adopt and repeal rules deemed necessary or advisable to effectuate the Act.

No other article, statute or code is affected by the 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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For further information, please call: (512) 305-7842



PART 23. TEXAS REAL ESTATE COMMISSION

CHAPTER 531. CANONS OF PROFESSIONAL ETHICS AND CONDUCT

22 TAC §531.20

The Texas Real Estate Commission (TREC) adopts an amendment to 22 TAC §531.20, Information About Brokerage Services, with non-substantive changes to the form adopted by reference, but without changes to the rule, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5572) and will not be republished.

The changes to §531.20 and the form adopted by reference are made to reflect statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. Currently, section 1101.558 of the Texas Occupations Code specifies certain information required to be in a notice license holders provide to consumers called the Information About Brokerage Services Notice (IABS). This section further requires the Commission to prescribe by rule the specific text of the IABS. SB 1968 adds additional information that must be described in the IABS: the basic obligations a broker has to a party to a real estate transaction that the broker does not represent. As a result, the language in the IABS has been updated to reflect changes as a result of SB 1968 and the form number listed in §531.20 has been updated.

In addition to these changes, the description of the contact information has been updated to better reflect current terminology.

Twenty comments were received on the proposed changes. The Executive Committee reviewed and discussed the comments. Four commenters were generally in support of the proposed changes. Fourteen commenters found the changes confusing and were concerned that the added language appeared to be conflicting. The Executive Committee discussed and determined that it is the underlying statutory changes leading to confusion, not the form. As a result, no changes will be made to the rule or form with one exception: one commenter pointed out a typographical error in the license holder contact information (an extra "name" should be removed and "Associate's" should be updated). The form is updated to reflect this correction.

The amendment is adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted under Texas Occupations Code, §1101.558, which requires the Commission to prescribe the text of the IABS notice.

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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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057

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CHAPTER 535. GENERAL PROVISIONS

SUBCHAPTER A. DEFINITIONS

22 TAC §535.1

The Texas Real Estate Commission (TREC) adopts an amendment to 22 TAC §535.1, Definitions, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5573), and will not be republished.

The change to 22 TAC §535.1 is made to implement statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 requires that associated brokers--also defined by the bill--provide the Commission the name of the broker they associate with and allows the Commission, through rulemaking, to provide notice of a complaint to another license holder associated with the respondent. As a result, the same definition found in SB 1968 is added to the §535.1 and the subsections are renumbered accordingly.

Two comments were received and both were in support of the change. The Executive Committee reviewed and recommended no changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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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Abby Lee
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For further information, please call: (512) 936-3057

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SUBCHAPTER B. GENERAL PROVISIONS RELATING TO THE REQUIREMENTS OF LICENSURE

23 TAC §535.5

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.5, License Not Required, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5574) and will not be republished.

The amendments to §535.5 are made as a result of statutory changes enacted by the 89th Legislature in SB 1172. SB 1172 exempts additional types of transactions from license requirements under Chapter 1101, Occupations Code. The changes

modify existing exemption language related to employees of business entities and adds a reference to §1101.005 of the Texas Occupations Code (where the exemptions are located) for clarity.

One comment was received, but appeared to be submitted in error. The Executive Committee reviewed and has no recommended changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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

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For further information, please call: (512) 936-3057

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22 TAC §535.21

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.21, Mailing Address and Other Contact Information, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5575) and will not be republished.

The changes to §535.21 are made to implement statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 adds that license holders must provide the Commission with certain business contact information, like a business address and a business phone number. Furthermore, SB 1968 requires that associated brokers provide the Commission the name of the broker they associate with. The changes to §535.21 reflect these additions and add that this information will be provided through a process acceptable to the Commission.

One comment was received and was in support of the changes. The Executive Committee reviewed and has no recommended changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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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Abby Lee

General Counsel

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SUBCHAPTER E. REQUIREMENTS FOR LICENSURE

22 TAC §535.56

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.56, Education and Experience Requirements for a Broker License, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5576) and will not be republished.

The changes to §535.56(a)(1)(B)(ii) and (a)(1)(C) are made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 modifies the requirements surrounding the Commission's Broker Responsibility Course. Under the language of the bill, all brokers must take the course, regardless of whether they sponsor sales agents. Additionally, applicants for a broker license must complete the course prior to licensure. The changes to these provisions reflect the statutory changes.

The change to subsection (e) of §535.56 is made as a result of the agency's license management system project. Because of this project, users will be able to access and provide information to the agency through an online process, rather than by submitting a paper form. As a result, the rule language is clarified to reflect this change.

The remainder of the changes to the rule and the form adopted by reference (Supplement A-Qualifying Experience Report for a Broker License) are recommended by the Commission's Broker Responsibility Advisory Committee (BRAC). Currently, in order to obtain a broker's license, an applicant must satisfy certain education and experience requirements. In terms of education, an applicant must complete 270 hours of qualifying real estate courses and 630 hours of real estate related education. Currently, a bachelor's degree or higher is deemed to satisfy the 630 hours of real estate related education. In addition to the education requirements, applicants must also have at least four years of active experience during the five years preceding the filing of the application, which must total a minimum of 360 experience points.

In recognition of the importance of experience for a broker applicant, the changes increase the minimum experience points required to obtain a broker license from 360 to 720 experience points. Because there is no limitation on the subject matter of the bachelor's degree, which may not be related to real estate, the changes also cap the real estate related education credit given for a bachelor's degree at 300 hours, instead of the full 630 hours. At the same time, again recognizing the importance of experience, the changes allow for the substitution of experience for education above and beyond the minimum 720 experi-

ence points. For any such experience, an applicant may receive a credit of up to 300 hours of the required 630 hours of real estate related education.

Next, the changes modify the language surrounding the property management experience calculation to a "per property per year" from just "per property" to better reflect industry practices. Finally, recognizing the importance of supervision and management experience, the changes modify the delegated supervision calculation to a points per transaction model (at three points per transaction), which will enable an applicant to accrue more points for this type of activity than is currently available under the rule.

Twenty-two comments were received and were reviewed by the Commission's Broker Responsibility Advisory Committee (BRAC). Eleven comments were generally in support of the proposed changes, with one of these commenters desiring a specific college degree in real estate. One commenter asked a question about the effective date of the changes. The remaining ten comments expressed some opposition to the proposed changes. Of these comments, several didn't like the blanket credit for the bachelor's degree, desired that the credit be given only when the degree is in a real estate related field, or wanted only partial credit be given when the degree is not in a real estate field. Several of the comments also expressed concern about the doubling of the experience points required to obtain a license. BRAC discussed the comments and ultimately decided to recommend no changes be made to the proposal. Because the issues raised in the comments had already been thoroughly discussed by BRAC during the formation of this proposal, they concluded that the proposal struck the appropriate balance between recognizing the importance of experience in the preparation of a broker license applicant and providing an alternate path forward for those who may find the education requirements burdensome.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.356, which allows the Commission to establish what constitutes active experience and what education is required for a broker's license by 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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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



22 TAC §535.58

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.58, License for Military Service Members, Veterans, or Military Spouses, in General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5578) and will not be republished.

The changes are made as a result of statutory changes enacted by the 89th Legislature in HB 5629 and SB 1818, which both became effective September 1, 2025. Both bills modify several provisions in Chapter 55 of the Texas Occupations Code relating to occupational licensing of military service members, military veterans, and military spouses. SB 1818 requires that a state agency promptly issue either a provisional license or a license. HB 5629 modifies the language to require a state agency to issue a license to an applicant that is a military service member, veteran, or spouse and who holds a current license issued by another state that is similar in scope of practice to the license being sought and is in good standing (a defined term) with that state's licensing authority. HB 5629 also modifies the procedure for out-of-state license recognition under §55.0041, Occupations Code. Finally, HB 5629 changes the time period within which a state agency must issue the license, from 30 days to 10 business days from the filing of the application. The amendments to §535.58 are made to reflect these changes.

One comment was received on the proposed changes. The commenter requested that these individuals be required to take a Texas licensing exam. The Executive Committee discussed the comment, but recommended no changes as the proposal is based on statutory requirements.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also proposed under Texas Occupations Code, §§55.004 and 55.0041, including as amended by HB 5629 and SB 1818, which require the issuance of licenses under certain parameters to military service members, military veterans, or military spouses.

The statutes affected by this proposal are Texas Occupations Code, Chapters 1101 and 1102. No other statute, code or article is affected by the proposed 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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Abby Lee
General Counsel
Texas Real Estate Commission
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For further information, please call: (512) 936-3057



SUBCHAPTER F. REQUIREMENTS FOR EDUCATION PROVIDERS, COURSES

AND INSTRUCTORS FOR QUALIFYING EDUCATION

22 TAC §535.61, §535.66

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.61, Approval of Providers of Qualifying Courses and §535.66, Credit for Courses Offered by Accredited Colleges or Universities, in Chapter 535, General Provisions, without changes, as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6189) and will not be republished.

The amendments to §535.61 and §535.66 are made as a result of SB 1968, enacted by the 89th Legislature, which is effective January 1, 2026. SB 1968 adds that public high schools are exempted from qualifying education provider requirements, like accredited colleges and universities. As a result, the term "public high school" is added and clarifying changes are made to rule provisions related to the existing accredited college and university exemption to accommodate this addition.

Clarifying changes are also made in §535.66(c)(1) to mirror the changes to the definition of qualifying real estate courses in §1101.003, Occupations Code, made by SB 1968.

No comments were received on the amendments as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.301, which authorizes rulemaking related to qualifying education providers and courses.

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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Abby Lee
General Counsel
Texas Real Estate Commission
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For further information, please call: (512) 936-3057



SUBCHAPTER G. REQUIREMENTS FOR CONTINUING EDUCATION PROVIDERS, COURSES AND INSTRUCTORS

22 TAC §535.75

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.75, Responsibilities and Operations of Continuing Education Providers, in Chapter 535, General Provisions, without changes, as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6193) and will not be republished.

The changes add "public high school" as an exempted continuing education provider to mirror the changes made by SB 1968, enacted by the 89th Legislature, which becomes effective January 1, 2026. SB 1968 adds that public high schools are exempted from qualifying education provider requirements, like accredited colleges and universities. As a result, a public high school is also added to §535.75 for consistency in the rules, as well as agency practices.

No comments were received on the amendments as published.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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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General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



SUBCHAPTER I. LICENSE RENEWAL

22 TAC §535.92

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.92, Continuing Education Requirements, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5580) and will not be republished.

The changes are made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 modifies the requirements surrounding the Commission's Broker Responsibility Course. Under the language of the bill, all brokers must take the course, regardless of whether they sponsor sales agents. The changes to these provisions reflect the statutory changes.

Three comments were received on the proposal and they were all in support of the change. The Executive Committee reviewed and had no additional changes to the proposal.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.458, which requires the Commission to prescribe by rule the title, content, and duration of the broker responsibility course.

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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Abby Lee

General Counsel

Texas Real Estate Commission

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For further information, please call: (512) 936-3057



SUBCHAPTER N. SUSPENSION AND REVOCATION OF LICENSURE

22 TAC §535.141

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.141, Initiation of Investigation, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5582) and will not be republished.

The amendments are made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 authorizes the Commission to provide the complaint notice sent to the respondent (the person who is the subject of a complaint) to another license holder who is associated with that respondent. The bill further provides that the Commission must adopt rules to specify who may receive this notice. The changes add that a copy of a complaint notice will be sent to the broker or inspector who sponsors the respondent, as applicable, if the respondent is a sales agent or apprentice or real estate inspector, or a broker who is associated with the respondent, if the respondent is an associated broker.

The proposal was recommended by the Enforcement Committee.

One comment in support of the changes was received. The Executive Committee reviewed the comment and has no additional recommendations.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code §1101.204, as amended by SB 1968, which requires the Commission to adopt rules to specify the persons who may receive the complaint notice.

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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General Counsel
Texas Real Estate Commission
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SUBCHAPTER Q. ADMINISTRATIVE PENALTIES

22 TAC §535.191

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.191, Schedule of Administrative Penalties, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5583) and will not be republished.

Commission rule §535.191 contains the schedule of administrative penalties, as required by §1101.702, Occupations Code. The rule contains three tiers of administrative penalty ranges: (i) \$100 - \$1,500 per violation per day; (ii) \$500 - \$3,000 per violation per day; and (iii) \$1,000 - \$5,000 per violation per day. Violations of applicable law and Commission rules are categorized within these tiers in accordance with §1101.702. Whether an administrative penalty is ultimately assessed and at what amount is determined in accordance with this statute and §535.191.

The amendment to §535.191(c)(8) is made as a result of statutory changes enacted by the 89th Legislature in SB 1968, which becomes effective January 1, 2026. SB 1968 adds a requirement for a written agreement with a prospective buyer of residential real property to Chapter 1101 of the Texas Occupations Code. The bill also adds the Commission may take disciplinary action if there is a violation of this requirement. In accordance with §1101.702, this new violation is added to subsection (c)(8) - the \$100 - \$1,500 per violation per day penalty tier.

The amendment to §535.191(c)(9) is also made as a result of SB 1968. SB 1968 requires that associated brokers provide the Commission the name of the broker they associate with. As a result, a new subsection is to be added to Commission rule §535.21, Mailing Address and Other Contact Information, to reflect this requirement. The removal of the reference to subsection (a) in §535.191(c)(9) means that any violation of §535.21 - including the new associated broker requirement - will fall into the first tier penalty range.

A clarifying change is made to subsection (e)(18) because of a corresponding change to §535.141, Initiation of Investigation; Order Requirements, which adds a new subsection related to SB 1968 and complaint notices.

Finally, existing violations associated with easement or right-of-way agents were added to subsections (c)(18)-(19), (d)(18)-(19), and (e)(21)-(22) and are categorized according to the criteria set forth in §1101.702.

The Commission's Enforcement Committee recommended the changes.

No comments were received on the proposed amendments.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and

ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendment is also adopted under Texas Occupations Code, §1101.702, which requires the Commission adopt by rule a schedule of administrative penalties.

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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Abby Lee
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SUBCHAPTER T. EASEMENT OR RIGHT-OF-WAY AGENTS

22 TAC §535.405

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §535.405, Employee of Owner or Purchaser, in Chapter 535, General Provisions, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5585) and will not be republished.

The amendments to §535.405 are made as a result of statutory changes enacted by the 89th Legislature in SB 1172. SB 1172 exempts additional types of transactions from license requirements under Chapter 1101, Occupations Code. The changes modify existing exemption language related to employees of owners or purchasers and adds a reference to §1101.005 of the Texas Occupations Code (where the exemptions are located) for clarity.

One comment was received; however, the comment appeared to be referencing a separate statutory provision related to a business entity registration that is not applicable to the proposed changes. As a result, the Executive Committee recommended no changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102.

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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Abby Lee
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CHAPTER 537. PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

22 TAC §537.26, §537.27

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §537.26 Standard Contract Form TREC No. 15-6, Seller's Temporary Residential Lease; and §537.27 Standard Contract Form TREC No. 16-6, Buyer's Temporary Residential Lease, in Chapter 537, Professional Agreements and Standard Contracts, without changes as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5586), and will not be republished.

Each of the rules correspond to contract forms adopted by reference. Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted and recommended for adoption by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor. The Texas Real Estate Broker-Lawyer Committee recommended revisions to the contract forms adopted by reference under the amendments.

The changes to the Buyer's Temporary Residential Lease and the Seller's Temporary Residential Lease are made as a result of SB 2349, enacted by the 89th Legislature, which became effective September 1, 2025. The bill clarifies that the flood notice is not required to be provided with the temporary residential leases. As a result, the paragraph referencing that requirement in the temporary residential leases is removed.

One comment was received regarding the Seller's Temporary Lease, two comments were received regarding the Buyer's Temporary Lease, all of which were in support of the changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code, §1101.155, which authorizes the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by 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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Abby Lee
General Counsel
Texas Real Estate Commission
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22 TAC §537.61

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §537.61, Standard Contract Form TREC No. 54-0, Landlord's Floodplain and Flood Notice, in Chapter 537, Professional Agreements and Standard Contracts, without changes as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5586), and will not be republished.

The rule corresponds to a contract form adopted by reference. Texas real estate license holders are generally required to use forms promulgated by TREC when negotiating contracts for the sale of real property. These forms are drafted and recommended for adoption by the Texas Real Estate Broker-Lawyer Committee, an advisory body consisting of six attorneys appointed by the President of the State Bar of Texas, six brokers appointed by TREC, and one public member appointed by the governor. The Texas Real Estate Broker-Lawyer Committee recommended revisions to the contract forms adopted by reference under the amendments.

The changes to the Landlord's Floodplain and Flood Notice are made as a result of SB 2349, enacted by the 89th Legislature, which became effective September 1, 2025. The bill clarifies that the flood notice is not required to be provided with the temporary residential leases. As a result, the notice at the top of the Landlord's Floodplain and Flood Notice is amended to state that the notice is not required with a "TREC Temporary Residential Lease".

One comment was received regarding the Landlord's Floodplain and Flood Notice which was in support of the changes.

The amendments are adopted under Texas Occupations Code, §1101.151, which authorizes the Texas Real Estate Commission to adopt and enforce rules necessary to administer Chapters 1101 and 1102; and to establish standards of conduct and ethics for its license holders to fulfill the purposes of Chapters 1101 and 1102 and ensure compliance with Chapters 1101 and 1102. The amendments are also adopted under Texas Occupations Code, §1101.155, which authorizes the Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by 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.

Filed with the Office of the Secretary of State on November 6, 2025.

TRD-202504036

Abby Lee
General Counsel
Texas Real Estate Commission
Effective date: November 26, 2025
Proposal publication date: August 29, 2025
For further information, please call: (512) 936-3057



CHAPTER 543. RULES RELATING TO THE PROVISIONS OF THE TEXAS TIMESHARE ACT

22 TAC §543.5

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §543.5, Forms, in Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act, without changes, as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5588) and will not be republished.

The amendments to §543.5 are made as a result of the agency's license management system project. Because of the license management system project, users will be able to provide more information and make payment to the agency utilizing an online process, rather than by submitting a paper form or check. As a result, the rule language is clarified to reflect this change. This includes the removal of references to most of the forms listed in §543.5 (the Consent to Service of Process form adopted by reference is updated with a new title to differentiate the form from other consent forms and contains terminology changes).

One comment was received and reviewed by the Executive Committee; however, the comment discusses unrelated Commission contract forms. As a result, the Executive Committee recommended no changes.

The changes are adopted under the Texas Property Code, §221.024, which authorizes the Texas Real Estate Commission to prescribe and publish forms and adopt rules necessary to carry out the provisions of The Texas Timeshare Act.

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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Abby Lee
General Counsel
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22 TAC §543.13

The Texas Real Estate Commission (TREC) adopts amendments to 22 TAC §543.13, Renewal of Registration in Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act, without changes, as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6194), and will not be republished.

Currently, Commission rule §543.4, Fees, requires a timeshare developer seeking to reinstate an expired registration of a timeshare plan, to pay certain fees in order to do so. The amendments to §543.13 establish a corresponding reinstatement process for consistency within the timeshare rules and with rules related to other license types.

No comments were received on the proposed amendments.

The amendments are adopted under the Texas Property Code, §221.024, which authorizes the Texas Real Estate Commission to prescribe and publish forms and adopt rules necessary to carry out the provisions of The Texas Timeshare Act.

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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Abby Lee
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TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 1. MISCELLANEOUS PROVISIONS

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), adopts the repeal of §1.81, concerning Recognition of Out-of-State License of a Military Service Member and Military Spouse, and §1.91, concerning Alternative Licensing for Military Service Members, Military Spouses, and Military Veterans; and new §1.81, concerning Recognition of Out-of-State License of a Military Service Member or Military Spouse, and §1.91, concerning Alternative Licensing for Military Service Members, Military Spouses, and Military Veterans.

Sections 1.81 and 1.91 are adopted without changes to the proposed text as published in the September 19, 2025, issue of the *Texas Register* (50 TexReg 6195). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The repeals and new sections are necessary to comply with Senate Bill (SB) 1818 and House Bill (HB) 5629, 89th Regular Session, 2025.

SB 1818 amends Texas Occupations Code (TOC) §55.004 and §55.0041 to allow a military service member, a military veteran, or a military spouse to receive a provisional license upon receipt of a complete application, if the applicant meets the existing criteria outlined in TOC §55.004 or §55.0041. To qualify, the applicant must hold a current license in good standing from another jurisdiction with licensing requirements similar in scope to those in Texas.

HB 5629 amends Texas Occupations Code §55.004 and §55.0041 to require state agencies to recognize out-of-state licenses that are in good standing and similar in scope of practice to a Texas license, and to issue a corresponding Texas license. The bill also changes the documentation required in an application, shortens the time by which the agency must process an application, and defines "good standing."

COMMENTS

The 31-day comment period ended October 20, 2025.

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

SUBCHAPTER F. LICENSURE EXEMPTIONS

25 TAC §1.81

STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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 5, 2025.

TRD-202504009

Cynthia Hernandez

General Counsel

Department of State Health Services

Effective date: December 1, 2025

Proposal publication date: September 19, 2025

For further information, please call: (512) 834-6700



25 TAC §1.81

STATUTORY AUTHORITY

The new rule is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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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Cynthia Hernandez

General Counsel

Department of State Health Services

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For further information, please call: (512) 834-6700



SUBCHAPTER G. ALTERNATIVE LICENSING FOR MILITARY

25 TAC §1.91

STATUTORY AUTHORITY

The repeal is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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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Cynthia Hernandez

General Counsel

Department of State Health Services

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For further information, please call: (512) 834-6700



25 TAC §1.91

STATUTORY AUTHORITY

The new rule is adopted under Texas Government Code §524.0151 and Texas Health and Safety Code §1001.075 which authorize the executive commissioner of HHSC to adopt rules for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001.

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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Cynthia Hernandez

General Counsel

Department of State Health Services

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 1. GENERAL LAND OFFICE

CHAPTER 15. COASTAL AREA PLANNING

SUBCHAPTER B. COASTAL EROSION PLANNING AND RESPONSE

31 TAC §15.41

The General Land Office (GLO) adopts the amendments to Texas Administrative Code, Title 31, Part 1, Subchapter B, §15.41. 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 5309). 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.

BACKGROUND AND SECTION ANALYSIS OF THE ADOPTED AMENDMENT TO §15.41

The purpose of the Coastal Erosion Planning and Response Act, Texas Natural Resources Code Sections 33.601-.613 (CEPRA), is to implement coastal erosion response projects, demonstration projects, and related studies to reduce the effects of coastal erosion and to understand the process of coastal erosion as it continues to threaten public beaches, natural resources, coastal development, public infrastructure, and public and private property. The funds are awarded to qualified project partners through a competitive application process in which all coastal resources funding applications are evaluated and scored by the GLO's CEPRA team. Selected projects are approved by the Commissioner.

The adopted amendments in 31 TAC §15.41 update citations to 31 TAC §501.26 in subsections 2(A)xvi and 2(B)(ix) to reflect changes made to that section in 2022. The citation relates to Policies for Construction in the Beach/Dune System which has been moved to 31 TAC §26.26(b). The adopted amendments do not make substantive changes to the rule. It replaces an old, repealed citation with the newest amended citation.

No public comments were received on the adopted rule amendments.

STATUTORY AUTHORITY

The amendments are adopted under Texas Natural Resources Code, §33.602(c) that provides the Commissioner of the GLO with the authority to adopt rules concerning coastal erosion as necessary to implement Texas Natural Resources Code, Chapter 33, Subchapter H.

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 4, 2025.

TRD-202503987

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Effective date: November 24, 2025

Proposal publication date: August 15, 2025

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



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 1. CENTRAL ADMINISTRATION

SUBCHAPTER C. ADMINISTRATION

34 TAC §1.201

The Comptroller of Public Accounts adopts new §1.201, concerning tuition reimbursement program, without changes to the proposed text as published in the July 25, 2025, issue of the *Texas Register* (50 TexReg 4337). The rule will not be republished.

New §1.201 establishes a process for authorizing and obtaining tuition reimbursement for comptroller employees, provides that comptroller designated funds may be used to reimburse employees for job-related training and education expenses, and provides that the comptroller may award time off for job related training and education.

Subsection (a) outlines the establishment and purpose and states that programs for the training and education of administrators and employees, including tuition reimbursement, materially aid effective state administration, and public money spent on those programs serves an important public purpose.

Subsection (b) provides the definitions of the term "training" and "tuition reimbursement."

Subsection (c) outlines employee eligibility for tuition reimbursement and/or approved time off during regular working hours.

Subsection (d) outlines the terms by which an employee would be ineligible to receive tuition reimbursement and/or approved time off during regular working hours.

Subsection (e) provides that the comptroller may establish limits to approved time off for course work.

Subsection (f) outlines the terms that may affect reimbursement and/or time off denials, caps on amounts reimbursed, allowable expenses, provides that an employee does not have a right to tuition reimbursement and/or time off, and provides that comptroller decisions regarding denials are final and not appealable. Subsection (f) also provides that before an employee of the agency may be reimbursed for tuition expenditures, the deputy comptroller must approve the tuition reimbursement payment.

The comptroller did not receive any comments regarding adoption of the amendment.

The amendments are adopted under Government Code, §656.048, which requires state agencies to adopt rules regarding training and education.

The amendments implement Government Code, §656.048.

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 4, 2025.

TRD-202503986

Don Neal

General Counsel, Operations and Support Legal Services

Comptroller of Public Accounts

Effective date: November 24, 2025

Proposal publication date: July 25, 2025

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



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 15. TEXAS FORENSIC SCIENCE COMMISSION

CHAPTER 651. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES SUBCHAPTER C. FORENSIC ANALYST LICENSING PROGRAM

37 TAC §651.222

The Texas Forensic Science Commission (Commission) adopts amendments to 37 Texas Administrative Code Chapter §651.222, Voluntary Licensure Forensic Analyst and Technician Licensing Requirements without changes to the text as published in the August 29, 2025 issue of the *Texas Register* (50 TexReg 5672). The rule will not be republished. The adoption: 1) permits latent print analysts working in unaccredited laboratories to fulfill the International Association for Identification certification requirement for licensure through successful completion of a competency exam administered by the Texas Division of the International Association for Identification or proctor approved by the Commission; and 2) qualifies crime scene reconstruction analysts with a high school diploma or equivalent degree for licensure.

Reasoned Justification for Rule. The adopted amendments qualify additional latent print analysts for a voluntary license by permitting latent print analysts working in unaccredited laboratories to take a competency exam administered by the Texas Division of the International Association for Identification or proctor approved by the Commission in lieu of a required International Association for Identification certification exam. The required certification exam is expensive and often difficult to achieve for personnel working in unaccredited crime laboratory settings, which are typically smaller law enforcement agencies without the funding necessary to sponsor candidates for supplemental trainings or certification exams. With regard to crime scene reconstruction analysts, many crime scene personnel have significant military and law enforcement experience that should qualify them for licensure in lieu of an associate's or other advanced degree. Allowing candidates for crime scene reconstruction analyst licensure who have achieved a high

school diploma or equivalent degree will permit these types of candidates to qualify for voluntary licensure by the Commission.

Summary of Comments. The public comment period on the rule proposal began on August 29, 2025, and ended October 10, 2025. The Commission did not receive any comments.

Statutory Authority. The rule amendments are adopted under the general rulemaking authority provided in Code of Criminal Procedure, Article 38.01 §3-a and its authority to license forensic analysts under §4-a(b).

Cross reference to statute. Code of Criminal Procedure, Article 38.01§ 4-a(b).

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-202503998

Leigh Tomlin

Associate General Counsel

Texas Forensic Science Commission

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Proposal publication date: August 29, 2025

For further information, please call: (512) 936-0661



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 361. STATUTORY AUTHORITY

40 TAC §361.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §361.1. Statutory Authority. The amendments cleanup the section. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5677) and will not be republished.

The amendments to the section concern cleanups, including to replace, with regard to the location of the Board's practice act, an outdated reference to the Texas Civil Statutes with one to the Texas Occupations Code, the latter which is the current location of such.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454.

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.

Filed with the Office of the Secretary of State on November 10, 2025.

TRD-202504077

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

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For further information, please call: (512) 305-6900



CHAPTER 364. REQUIREMENTS FOR LICENSURE

40 TAC §§364.1 - 364.5

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §364.1. Requirements for Licensure, §364.2. Initial License by Examination, §364.3. Temporary License, §364.4. Licensure by Endorsement, and §364.5. Recognition of Out-of-State License of Military Service Members and Military Spouses. The amendments revise the sections, including to cleanup and clarify the sections, make changes to enhance the alignment of the sections with the Board's new licensing system, revise requirements, in general, and amend the sections pursuant to House Bill 5629 and Senate Bill 1818 of the 89th Regular Legislative Session and the changes effective September 1, 2025, that were made by such to Texas Occupations Code Chapter 55. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5678). The amendments will not be republished.

The amendments to the sections include cleanups and clarifications. For example, clarifying language is added, with regard to applications, that such are prescribed by the Board and cleanups include replacing "Examination" with "Exam" in §364.3, with regard to a form received from the National Board for Certification in Occupational Therapy (NBCOT).

Clarifications to the sections include a revision to §364.3(d) as well. The current §364.3(c)(3) already requires that to be issued a temporary license, an applicant must submit the form noted above, which must be sent directly to the Board by NBCOT and which reflects the eligibility window in which the applicant will take the examination. §364.3(d) also currently stipulates, correspondingly, that if the applicant fails the examination, fails to take the examination during the eligibility window as stated on the Confirmation of Examination Registration and Eligibility to Examine form from NBCOT, or fails to have the score reported, the temporary license is void and must be returned to the Board. The amendments will add to such the phrase "received pursuant to subsection (c)(3) of this section," with regard to the noted form. Such a clarification will add to the provision further emphasis that failure to take the examination during the eligibility window as stated on the form that was received prior to and as a condition for the issuance of the license will render the license void.

A clarification is also made to add language to §364.1(d)(1) to align such better with Texas Occupations Code §55.007, which

concerns the crediting, with regard to applicants with military experience, of verified military service, training, or education toward the licensing requirements, other than an examination requirement, for a license issued by the state agency. §55.007 includes that individuals with a restricted license or who have an unacceptable criminal history according to the law applicable to the state agency are not eligible for such a service and amendments to §364.1(d)(1) add related language.

The amendments, in addition, include revisions to better align the sections with the Board's new licensing system and facilitate a more efficient licensing process, for example, by requiring that those applying for a temporary license submit an application for such. This will assist the Board in obtaining necessary application materials and information and ensure that the section requires an application as, due to system components in the new system, the application for temporary licensure could no longer be embedded in the application for initial licensure.

A general change to the requirements in the sections pertains to removing the item in §364.1 concerning continuing an expired initial-licensing application for an additional year by submitting the application fee. The change to remove this process is made to increase the consistency in the rules and align such with the Board's other licensing applications, which expire after one year, after which time, a new, up-to-date application must be submitted. The change will ensure that applicants meet current application requirements and that the information and required items submitted for such are accurate and not outdated.

Changes are also made pursuant to the 89th Legislative Session and House Bill 5629 and Senate Bill 1818, which amend Texas Occupations Code Chapter 55. The changes, which address fee waivers, expedited services, complaint recording and publishing information, and licensure requirements for military service members, military veterans, and military spouses, and the recognition of an out-of-state license for a military service member and military spouse, will align the sections and requirements with the recent legislation.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454; §454.201, which requires that a person be licensed under Chapter 454 in order to practice occupational therapy; §454.202, which requires that the applicant for a license submit to the Board a written application on a form provided by the Board; §454.211, which authorizes the Board to provide for the issuance of a temporary license; §454.216, which authorizes the Board to issue a license by endorsement; and §454.301, which addresses Grounds for Denial of License or Discipline of License Holder.

The amendments are also adopted under the following sections of the Texas Occupations Code, as amended, as applicable, by House Bill 5629 and Senate Bill 1818 in the 89th Regular Legislative Session, which took effect September 1, 2025: §55.004, which establishes alternative licensure procedures; §55.005, which establishes expedited licensing services; §55.007, which establishes license eligibility requirements; §55.009, which establishes fee waivers for military service members, military veterans, and military spouses; and §55.0041, which establishes a recognition process for the out-of-state license of a military service member or military spouse.

The amendments are, additionally, adopted under the following sections, enacted by House Bill HB 5629, effective September 1, 2025: Texas Occupations Code §55.0042, which establishes criteria for the determination of good standing, and §55.0043, which establishes a recording and publication process regarding complaints concerning military service members, military spouses, and military veterans whose licenses are issued or out-of-state licenses are recognized under the chapter. The amendments, in addition, are adopted under Texas Occupations Code Chapter 53, which concerns consequences of a criminal conviction.

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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Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

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For further information, please call: (512) 305-6900



CHAPTER 369. DISPLAY OF LICENSES

40 TAC §369.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §369.1. Display of Licenses. The amendments cleanup and clarify the section and make changes to enhance the alignment of the section with the Board's new licensing system. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5683) and will not be republished.

The amendments to the section include cleanups and clarifications. A cleanup is made, for instance, to remove language concerning a verification resource to match a similar change made elsewhere in the board rules as part of prior rulemaking and to align related online license verification information with other extant language in the board rules. With regard to fees for a replacement license, the amendments will clarify that such are set by the Executive Council of Physical Therapy and Occupational Therapy Examiners.

Amendments to the section also include further clarifications and better align the section with the Board's new licensing system, which will facilitate a more efficient license-replacement process. Currently, the section requires a written request for a replacement license and the Board provides a related form licensees may access on its website. The amendments will remove a reference to a written request and instead add language that requires a form as prescribed by the Board. The changes will assist the Board in ensuring that the necessary materials and information are submitted in a standardized format and align the rule better with the new licensing system, which requires an application for the online submission of a request.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and under §454.214, which requires a licensee to display the license.

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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Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

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For further information, please call: (512) 305-6900



CHAPTER 370. LICENSE RENEWAL

40 TAC §§370.1 - 370.3

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §370.1. License Renewal, §370.2. Late Renewal, and §370.3. Restoration of a Texas License. The amendments revise the sections, including to cleanup and clarify the sections and amend the sections pursuant to House Bill 5629 and Senate Bill 1818 of the 89th Regular Legislative Session and the changes effective September 1, 2025, that were made by such to Texas Occupations Code Chapter 55. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5684) and will not be republished.

The amendments to the sections include cleanups and clarifications. For example, cleanups to §370.3 include removing references to specific sections of Chapter 367, Continuing Education, of the board rules and replacing such with references to the whole chapter. This will ensure that the references are up-to-date and that future changes to Chapter 367 that might relocate certain information to other areas of the chapter will not affect the continuing accuracy of §370.3.

The amendments also include clarifications, for example, by adding to the sections language such as "as prescribed by the Board," with regard to applications, and adding "Texas" in front of "Occupations Code" in §370.2.

Changes are also made pursuant to the 89th Regular Legislative Session and House Bill 5629 and Senate Bill 1818, which amend Texas Occupations Code Chapter 55. The changes, which address fee waivers, expedited services, and complaint recording and publishing information, with regard to military service members, military veterans, and military spouses, will align the sections and requirements with the recent legislation.

Pursuant to such, for example, a provision regarding fee waivers for military service members, military veterans, and military spouses is added to the section. Board rules require that individuals who were previously licensed in Texas and whose licenses

are expired one year or more restore a license, rather than apply for a new license. Such, for example, supports public protection by helping to ensure that individuals maintain the same license number, which allows for public licensure information, including any disciplinary action, to be associated with and searchable by the same license number for a certain license type. This allows the public to more easily access comprehensive licensing information concerning an individual. Correspondingly, though, as such individuals, as noted, are required to restore, fee waivers are added to the section for military service members, military veterans, and military spouses so that they may avail themselves of the waivers provided by amendments to Texas Occupations Code §55.009, which expand fee waivers for that cohort, pursuant to House Bill 5629.

A joint public comment was received from Angela Macauley, Interim President and CEO, and Barbara Williams, Vice President of External and Regulatory Affairs, on behalf of the National Board for Certification in Occupational Therapy (NBCOT). The comment expressed NBCOT's support and gratitude for the adopted changes to §370.3, which retain as one of the options for an individual whose license had been expired two years or more and who either is not currently licensed in another state or territory of the U.S. or who does not have two years of experience in occupational therapy in the U.S. military or a non-licensing state or territory of the U.S. immediately preceding the application for restoration the option of restoring the license by retaking the NBCOT certification examination.

The Board appreciates and agrees with NBCOT's comment and notes that changes regarding the restoration options for this cohort have not been amended as part of the proposal.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. Specifically, the amendments to §370.2 and §370.3 are adopted under Texas Occupations Code §454.252, which requires that a person whose license has been expired less than one year may renew the license by paying the renewal fee and late fee set by the Executive Council of Physical Therapy and Occupational Therapy Examiners and which authorizes the Board to reinstate a license expired one year or more. The amendments to §370.3 are adopted under Texas Occupations Code §454.253, which authorizes the Board to renew the expired license of an individual licensed in another state and the amendments to §370.3 are adopted under Texas Occupations Code §454.254, which authorizes the Board to require license holders to attend continuing education courses specified by the Board.

The amendments are also adopted under the following sections of the Texas Occupations Code, as amended, as applicable, by House Bill 5629 and Senate Bill 1818 in the 89th Regular Legislative Session, which took effect September 1, 2025: §55.004, which establishes alternative licensure procedures; §55.005, which establishes expedited licensing services; and §55.009, which establishes fee waivers for military service members, military veterans, and military spouses.

The amendments are, additionally, adopted under the following sections, enacted by House Bill HB 5629, effective September 1, 2025: Texas Occupations Code §55.0042, which establishes criteria for the determination of good standing, and §55.0043, which establishes a recording and publication process regarding complaints concerning military service members, military spouses, and military veterans whose licenses are issued under the 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.

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Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

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For further information, please call: (512) 305-6900



CHAPTER 371. INACTIVE AND RETIRED STATUS

40 TAC §371.1, §371.2

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §371.1, Inactive Status, and §371.2, Retired Status. The amendments cleanup and clarify the sections and make changes to enhance the alignment of the sections with the agency's new licensing system and support a more efficient licensing process. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5688) and will not be republished.

Cleanups include changes to §371.1 to combine the requirements to put a license on and renew a license on inactive status as the requirements for both are equivalent. Similar changes are made, with regard to retired status, to §371.2. Such changes will simplify the sections.

The amendments to the sections include clarifications. For example, language is added, with regard to applications, that such are prescribed by the Board. A further clarification concerns the duration a licensee may remain on inactive status. §371.1(a) already included that one may remain on inactive status for no more than six consecutive years, but corresponding text did not also appear before "three renewals"; and a renewal cycle is of a two-year duration. The amendments will replace "three renewals" with "three consecutive renewal cycles" so that the text will include "A licensee may remain on inactive status for no more than three consecutive renewal cycles or six consecutive years."

Amendments to the section also include further clarifications and better align the section with the Board's new licensing system. Currently, the sections include descriptive qualifiers such as "renewal application form" or "retired status form" with respect to certain forms required for licensing actions concerning changing or renewing certain licensing statuses. Such qualifiers are limiting and may serve as impediments to making the licensing process more efficient, for instance, by referencing certain application types that, due to changes in internal licensing software or capabilities, for example, may no longer accommodate or may not best accommodate such processes. Indeed, the agency's move to a new licensing system has created opportunities for the development of application processes that may make such functions more efficient and removing such qualifiers supports the more agile development of such.

The amendments also include the addition of a requirement that those seeking to return to active status from retired status submit a related application. The change will ensure that when such a request is submitted, the necessary information and materials are submitted for such, which will ensure a more efficient licensing process. Such will also facilitate the integration of this licensing action into the agency's new licensing system.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, Rules, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and §454.212, which allows for the Board to provide for a license holder to place the holder's license on inactive status.

The adopted amendments to §371.2 implement Texas Occupations Code §112.051, which requires each licensing entity to adopt rules providing for reduced fees and continuing education requirements for a retired health care practitioner whose only practice is voluntary charity care. 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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CHAPTER 374. DISCIPLINARY ACTIONS/DETRIMENTAL PRACTICE/COMPLAINT PROCESS/CODE OF ETHICS/LI-CENSURE OF PERSONS WITH CRIMINAL CONVICTIONS

40 TAC §374.1, §374.2

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §374.1, Disciplinary Actions, and §374.2, Detrimental Practice. The amendments will revise the sections, including to add items concerning reporting certain information to the Board and clarify and cleanup related items concerning detrimental practice. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5691) and will not be republished.

An amendment to §374.1 will add a provision requiring licensees to report disciplinary action by another licensing authority and judgments or settlements in a malpractice claim. The amendment is adopted to ensure that the Board is apprised of such and, thus, better able to identify the possible need to investigate any related violations of the OT Act and Rules.

A related amendment to the Schedule of Sanctions in the section will include the addition of a violation that corresponds to the new item. Likewise, an additional amendment is made to the Schedule of Sanctions to add an item that corresponds to a similar, extant item in the section regarding reporting felony convictions. The amendments are adopted to identify the corresponding discipline for such violations.

The amendment to §374.2 will update the definition of "practiced occupational therapy in a manner detrimental to the public health and welfare" to clarify conduct that constitutes grounds for disciplinary action against license holders for failing to give sufficient prior written notice of resignation. The amendment will remove existing text that addresses a different term of notice for those with an existing contract or who are self-employed and have a comparable written agreement with clients; the change will ensure that the item specifies that fourteen days' written notice is required. The change will clarify the provision and the required minimum days' notice that must be given by licensees to help ensure that sufficient notice is given to avoid the loss or delay of occupational therapy services. The revision will also add language to the provision identifying such as "patient abandonment." A related change to the Schedule of Sanctions in §374.1 is made to correspond to the revision. The amendments are adopted to ensure that the rules clearly identify the conduct that may be considered detrimental practice and the corresponding discipline. The changes will also facilitate the ability of individuals and the Board to identify violations and related discipline in order to ensure the health, safety, and welfare of the public.

The amendments include further cleanups to remove language such as "in this paragraph" from §374.2 and related items in the Schedule of Sanctions.

Public comment was received from Judith Joseph, Executive Director of the Texas Occupational Therapy Association (TOTA), and from Kristen Neville, Manager of State Affairs, on behalf of the American Occupational Therapy Association (AOTA), regarding the proposed amendments to §374.2(18) and, ostensibly, the related item in the Schedule of Sanctions in §374.1. The comments both addressed §374.2(18) as it pertains to occupational therapy assistants and expressed their concerns regarding scenarios in which an occupational therapy assistant may not be able to provide occupational therapy services due to an unexpected departure of the supervising occupational therapist. Both comments requested that the Board consider adding language to the rules to address such a scenario and/or providing further information to individuals about how such scenarios should be addressed.

The Board disagrees with the comments.

§454.002 of the Occupational Therapy Practice Act defines an occupational therapy assistant as a person licensed by the Board who assists in the practice of occupational therapy under the general supervision of an occupational therapist. Similarly, §372.1(g)(3) of the board rules requires that in each intervention note, the occupational therapy assistant must include the name of an occupational therapist who is readily available to answer questions about the client's intervention at the time of the provision of services and that the occupational therapist in the intervention note may be different from the occupational therapist who wrote the plan of care. The item further requires that the occupational therapy assistant may not provide services unless this requirement is met. Additionally, §372.1(f)(9) includes that except where otherwise restricted by rule, the supervising occupational therapist may only delegate

to an occupational therapy assistant tasks that they both agree are within the competency level of that occupational therapy assistant.

An occupational therapy assistant may not provide services unless under the supervision of an occupational therapist. For example, an occupational therapy assistant may not provide services if an occupational therapist is not readily available to answer questions about the client's intervention at the time of services.

An occupational therapy assistant's not providing services when a supervising occupational therapist is not available does not constitute grounds for abandonment; instead, such is what is required by Board regulations.

The Board, additionally, does not have control over whether an individual files a complaint regarding any matter pertaining to occupational therapy, regardless of whether such actually pertains to any violation of the Occupational Therapy Practice Act and board rules. However, a complaint based solely on the fact that an occupational therapy assistant did not provide services because a supervising occupational therapist was not available would not constitute grounds for disciplinary action by the Board against the occupational therapy assistant.

Questions regarding the scenario raised in the comments are not those typically posed to the Board by licensees, employers, or consumers. A frequently asked question (FAQ) entry on the Board's website, furthermore, already addresses that abandonment is a choice the licensee makes and includes information that a licensee's refusing to accept responsibility for an assignment for which the licensee feels unqualified is not considered abandonment, though adding further information regarding the related scenario may be an element considered during future revisions of the FAQ. Finally, the extant §374.2 and the related item in the Schedule of Sanctions in §370.1 already address the requirement to receive supervision: the sections, for example, include that practicing occupational therapy without receiving the supervision required by the Occupational Therapy Practice Act and board rules is, itself, detrimental practice.

The amendments are adopted under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454. The amendments are also adopted under §454.3025, which requires the Board by rule to adopt a schedule of administrative penalties and other sanctions that the Board may impose under this chapter, and under §454.3521, which authorizes the Board to impose an administrative penalty, not to exceed \$200 for each day a violation continues or occurs, under this chapter for a violation of this chapter or a rule or order adopted under this chapter. The amendments, lastly, are adopted under Texas Occupations Code §454.301, which includes that the Board may deny, suspend, or revoke a license or take other disciplinary action against a license holder if the applicant or license holder has practiced occupational therapy in a manner detrimental to the public health and welfare.

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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CHAPTER 375. FEES

40 TAC §375.1

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 Texas Administrative Code §375.1. Fees. The amendments clarify and cleanup the section and remove unnecessary provisions. The amendments are adopted without changes to the proposed text as published in the August 29, 2025, issue of the *Texas Register* (50 TexReg 5694) and will not be republished.

The amendments to the section include clarifications. For example, revisions include replacing "TAC" with Texas Administrative Code and clarifying and simplifying text concerning refunds to correspond to extant language elsewhere in the board rules that fees are non-refundable.

The amendments also remove an outdated reference to the requirement that applicants for a license pay the application fee plus the appropriate license fee. In the past, such fees were consolidated into one application fee and the amendments are made to ensure that the section reflects such changes.

Further cleanups include removing a provision concerning payments after an insufficient funds check has been processed by the Board and an item concerning the suspension of a license for failure to pay child support as such are no longer necessary; in the case of the former, an individual is not required to submit payment in a particular manner after such a check has been processed and, in the case of the latter, the Board does not suspend licensees for such as §370.1(b) of the board rules already includes that the Board will not renew a license if it receives information from a child support agency that a licensee has failed to pay child support under a support order for six months or more as provided by Texas Family Code §232.0135 and that if all other renewal requirements have been met, the license will be renewed when the child support agency notifies the Board it may renew the license. Such amendments will ensure that the section, likewise, reflects the other current extant rules and licensure processes.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §454.102, which authorizes the Board to adopt rules to carry out its duties under Chapter 454, and under §454.104, which authorizes the Board to recommend to the Executive Council necessary fees. The amendments are also adopted under Texas Occupations Code §452.154, which authorizes the Executive council to set fees.

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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