

REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

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

Proposed Rule Reviews

Texas Board of Chiropractic Examiners

Title 22, Part 3

The Texas Board of Chiropractic Examiners (Board) will review all sections within the following chapters of Title 22, Part 3 of the Texas Administrative Code, in accordance with §2001.039 of the Texas Government Code:

Chapter 74 - Chiropractic Radiologic Technologists

The Board will consider whether the reasons for initially adopting these rules continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Any repeals or necessary amendments identified during the review of these rules will be proposed and published in the Texas Register in accordance with Chapter 2001 of the Texas Government Code.

If you wish to comment on whether these rules should be repealed, readopted, or readopted with amendments, you must do so in writing no later than April 18, 2016. Comments received after that date may not be considered.

Comments should clearly specify the particular section of the rule to which they apply and include proposed alternative language as appropriate. General comments should be designated as such.

Comments may be submitted by email at Rules@tbce.state.tx.us or by mailing or delivering your comments to Bryan D. Snoddy, General Counsel, Texas Board of Chiropractic Examiners, 333 Guadalupe, Suite 3-825, Austin, Texas 78701.

TRD-201600935

Bryan Snoddy

General Counsel

Texas Board of Chiropractic Examiners

Filed: February 25, 2016



Office of Consumer Credit Commissioner

Title 7, Part 5

The Finance Commission of Texas (commission) files this notice of intention to review and consider for readoption, revision, or repeal Texas Administrative Code, Title 7, Part 5, Chapter 82, concerning Administration. Chapter 82 consists of §82.1, concerning Custody of Criminal History Record Information; §82.2, concerning Public Information Requests; Charges; §82.3, concerning Request for Criminal History Evaluation Letter; and §82.4, concerning Consumer Complaint Process.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept comments received on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Laurie Hobbs, Assistant General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, or by e-mail to laurie.hobbs@occc.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional 31-day public comment period prior to final adoption or repeal by the commission.

TRD-201601053

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: March 1, 2016



State Board of Dental Examiners

Title 22, Part 5

The State Board of Dental Examiners (Board) files this notice of intent to review 22 TAC Chapter 110, concerning Sedation and Anesthesia, in accordance with the Texas Government Code, §2001.039.

As required by §2001.039 of the Texas Government Code, the Board will accept comments and make a final assessment regarding whether the reason for adopting these rules continues to exist.

Comments on the rule review may be submitted to Simone Salloum, Assistant General Counsel, 333 Guadalupe, Suite 3-800, Austin, Texas 78732, Fax (512) 463-7452, rulecomments@tsbde.texas.gov no later than 30 days from the date that the proposed rule is published in the *Texas Register*.

TRD-201601023

Nycia Deal

General Counsel

State Board of Dental Examiners

Filed: February 29, 2016



Finance Commission of Texas

Title 7, Part 1

The Finance Commission of Texas (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal Texas Administrative Code, Title 7, Part 1, Chapter 1, Subchapter B, concerning Interpretations and Advisory Letters. Subchapter B consists of §1.201, concerning Interpretations and Advisory Letters.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept comments received on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting this rule continue to exist.

The Office of Consumer Credit Commissioner, which administers this rule, believes that the reasons for adopting the rule contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Laurie Hobbs, Assistant General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207, or by email to laurie.hobbs@occc.texas.gov. Any proposed changes to the rule as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional 31-day public comment period prior to final adoption or repeal by the commission.

TRD-201601052
Leslie L. Pettijohn
Consumer Credit Commissioner
Finance Commission of Texas
Filed: March 1, 2016



Department of Information Resources

Title 1, Part 10

Review of 1 TAC 206, State Websites Department of Information Resources

The Texas Department of Information Resources (DIR) files this notice of intention to review and consider for re-adoption, revision, or repeal 1 TAC Chapter 206, §§206.1 - 206.75 "State Websites." The review and consideration of the rules are conducted in accordance with Texas Government Code, §2001.039. The review will include, at a minimum, an assessment by DIR of whether the reasons the rules were initially adopted continue to exist and whether the rules should be re-adopted.

Any questions or written comments pertaining to this rule review may be submitted to Martin Zelinsky, General Counsel, via mail at P.O. Box 13654, Austin, Texas 78711, via facsimile transmission at (512) 475-4759 or via electronic mail to martin.zelinsky@dir.texas.gov. The deadline for comments is thirty (30) days after publication of this notice in the *Texas Register*. Any proposed changes to the rules as a result of the rule review will be published in the Proposed Rules section of the *Texas Register*. The proposed rule changes will be open for public comment prior to the final adoption or repeal of the rule by DIR in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

TRD-201600940
Martin H. Zelinsky
General Counsel
Department of Information Resources
Filed: February 25, 2016



Texas Board of Occupational Therapy Examiners

Title 40, Part 12

The Texas Board of Occupational Therapy Examiners files this notice of its intent to review the following chapters in accordance with Texas Government Code §2001.039:

Chapter 361, concerning statutory authority; Chapter 362, concerning definitions; Chapter 363, concerning consumer/licensee information; Chapter 364, concerning requirements for licensure; Chapter 367, concerning continuing education; Chapter 368, concerning open records; Chapter 369, concerning display of licenses; Chapter 370, concerning license renewal; Chapter 371, concerning inactive and retired status; Chapter 372, concerning provision of services; Chapter 373, concerning supervision; Chapter 374, concerning disciplinary actions/detrimental practice/complaint process/ code of ethics; Chapter 375, concerning fees; and Chapter 376, concerning registration of facilities.

An assessment will be made by the Texas Board of Occupational Therapy Examiners as to whether the reasons for adopting or readopting the chapters continue to exist. Each rule will be reviewed to determine whether it is obsolete, whether the rule reflects current legal and policy considerations, and whether the rule reflects current procedures of the Texas Board of Occupational Therapy Examiners.

Comments on the review may be submitted to Lea Weiss, Occupational Therapy Coordinator, Texas Board of Occupational Therapy Examiners, 333 Guadalupe Street, Suite 2-510, Austin, Texas 78701-3942 or to lea@ptot.texas.gov no later than 30 days from the date that this notice is published in the *Texas Register*.

TRD-201600970
John P. Maline
Executive Director
Texas Board of Occupational Therapy Examiners
Filed: February 29, 2016



Adopted Rule Reviews

Texas Board of Chiropractic Examiners

Title 22, Part 3

The Texas Board of Chiropractic Examiners (Board) has completed its review required by the Texas Government Code §2001.039 of the following chapters of Title 22, Part 3 of the Texas Administrative Code:

Chapter 73 - Facilities

The reviewed sections in these chapters are subsequently referred to collectively in this Notice of Adopted Review as "the sections."

The notice of proposed rule review was published in the October 2, 2015, issue of the *Texas Register* (40 TexReg 6941). As provided in this notice, the Board reviewed and considered the sections for re-adoption, revision, or repeal.

The Board considered whether the reasons for adoption of the sections continue to exist. The Board received no written comments regarding the review of the sections.

The Board has determined that the reasons for adopting the sections continue to exist and the sections are retained. Any revisions in the future will be accomplished in accordance with the Administrative Procedure Act.

This concludes and completes the Board's review of Chapter 73. The chapters will be reviewed again in the future in accordance with Government Code §2001.039.

TRD-201600934
Bryan Snoddy
General Counsel
Texas Board of Chiropractic Examiners
Filed: February 25, 2016



Texas Education Agency

Title 19, Part 2

The Texas Education Agency (TEA) adopts the review of 19 TAC Chapter 33, Statement of Investment Objectives, Policies, and Guidelines of the Texas Permanent School Fund, Subchapter AA, Commissioner's Rules, pursuant to the Texas Government Code, §2001.039. The TEA proposed the review of 19 TAC Chapter 33, Subchapter AA, in the September 25, 2015 issue of the *Texas Register* (40 TexReg 6757).

The TEA finds that the reasons for adopting Subchapter AA continue to exist and readopts the rule. The TEA received no comments related to the review. At a later date, the TEA may propose an amendment to set forth a methodology for estimating the savings to charter districts that will accrue as a result of receiving the permanent school fund bond guarantee.

This concludes the review of 19 TAC Chapter 33.

TRD-201601044
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Filed: March 1, 2016



State Board for Educator Certification

Title 19, Part 7

The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 230, Professional Educator Preparation and Certification, pursuant to the Texas Government Code, §2001.039. The rules reviewed by the SBEC in 19 TAC Chapter 230 are organized under the following subchapters: Subchapter A, General Provisions; Subchapter B, General Certification Requirements; Subchapter C, Assessment of Educators; Subchapter D, Types and Classes of Certificates Issued; Subchapter E, Educational Aide Certificate; Subchapter F, Permits; Subchapter G, Certificate Issuance Procedures; and Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States. The SBEC proposed the review of 19 TAC Chapter 230 in the November 6, 2015 issue of the *Texas Register* (40 TexReg 7903).

Relating to the review of 19 TAC Chapter 230 the SBEC finds that the reasons for the adoption of Subchapters A-H continue to exist and readopts the rules. The SBEC received comments related to the review of Chapter 230. Following is a summary of the public comments received and the corresponding responses.

Comment: A representative of the Texas Classroom Teachers Association (TCTA) commented that the reasons to maintain Chapter 230 continue to exist. The commenter also suggested that in Chapter 230, Subchapter C, Assessment of Educators, the SBEC should take into consideration including circumstances involving disproportionate impact on certain types of certification examinations in defining good cause for purposes of rule language.

Board Response: The SBEC agreed that the reasons for adopting 19 TAC Chapter 230 continue to exist. The SBEC respectfully disagreed that there should be a consideration of disproportionate impact on certain types of certification examinations in defining good cause for purposes of rule language. The SBEC took action to define good cause with the intent of ensuring that a candidate is better prepared to be successful on a subsequent examination by participating in relevant educational activities, as part of the proposed amendment to 19 TAC §230.21 found in the Proposed Rules section of this issue.

This concludes the review of 19 TAC Chapter 230.

TRD-201601004
Cristina De La Fuente-Valadez
Director, Rulemaking, Texas Education Agency
State Board for Educator Certification
Filed: February 29, 2016



The State Board for Educator Certification (SBEC) adopts the review of Title 19, Texas Administrative Code (TAC), Chapter 232, General Certification Provisions, pursuant to the Texas Government Code, §2001.039. The rules reviewed by the SBEC in 19 TAC Chapter 232 are organized under the following subchapters: Subchapter A, Certificate Renewal and Continuing Professional Education Requirements, and Subchapter B, National Criminal History Record Information Review of Active Certificate Holders. The SBEC proposed the review of 19 TAC Chapter 232 in the November 6, 2015 issue of the *Texas Register* (40 TexReg 7903).

Relating to the review of 19 TAC Chapter 232 the SBEC finds that the reasons for the adoption of Subchapters A and B continue to exist and readopts the rules.

The SBEC received no comments related to the review of 19 TAC Chapter 232.

This concludes the review of 19 TAC Chapter 232.

TRD-201601005
Cristina De La Fuente-Valadez
Director, Rulemaking, Texas Education Agency
State Board for Educator Certification
Filed: February 29, 2016



Department of Information Resources

Title 1, Part 10

The Texas Department of Information Resources (department) has completed its review of 1 TAC Chapter 209, relating to Minimum Standards For Meetings Held By Videoconference, pursuant to §2001.039, Texas Government Code, which requires agency rules to be reviewed at least every four years. The department determined that the reasons for initially adopting 1 Texas Administrative Code Chapter 209 continue to exist. The department, therefore is readopting Chapter 209, concerning Minimum Standards For Meetings Held By Videoconference.

Notice of the rule review was published in the June 19, 2015, issue of the *Texas Register* (40 TexReg 4011). No comments were received as a result of that notice.

The department's review of 1 TAC Chapter 209 is concluded.

TRD-201600939

Martin H. Zelinsky
General Counsel
Department of Information Resources
Filed: February 25, 2016

