

# REVIEW OF AGENCY RULES

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.

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## Proposed Rule Reviews

Texas Feed and Fertilizer Control Service/Office of the Texas State Chemist

### Title 4, Part 3

The Texas Feed and Fertilizer Control Service/Office of the Texas State Chemist files this notice of its intent to review the Commercial Feed Rules (Chapter 61), Pet Food Rules (Chapter 63), and Commercial Fertilizer Rules (Chapter 65) in accordance with Texas Government Code, §2001.039.

Each rule will be reviewed to determine whether it is obsolete, whether the rules reflect current legal and policy considerations, and whether the rules reflect current procedures of the Office.

Comments on the review may be submitted by mail to Dr. Tim Herrman, State Chemist and Director, Office of the Texas State Chemist, P.O. Box 3160, College Station, Texas 77841-3160; by fax at (979) 845-1389; or by e-mail at [tjh@otsc.tamu.edu](mailto:tjh@otsc.tamu.edu). The commission must receive comments postmarked no later than 30 days from the date this notice is published in the *Texas Register*.

TRD-201603148

Dr. Timothy Herrman

State Chemist and Director

Texas Feed and Fertilizer Control Service/Office of the Texas State Chemist

Filed: June 21, 2016



## Adopted Rule Reviews

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 239, Student Services Certificates, pursuant to the Texas Government Code, §2001.039. The rules reviewed by the SBEC in 19 TAC Chapter 239 are organized under the following subchapters: Subchapter A, School Counselor Certificate; Subchapter B, School Librarian Certificate; Subchapter C, Educational Diagnostician Certificate; Subchapter D, Reading Specialist Certificate; and Subchapter E, Master Teacher Certificate. The SBEC proposed the review of 19 TAC Chapter 239 in the May 6, 2016 issue of the *Texas Register* (41 TexReg 3317).

Relating to the review of 19 TAC Chapter 239 the SBEC finds that the reasons for the adoption of Subchapters A-E continue to exist and readopts the rules. The SBEC received comments related to the review of

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.

Chapter 239. Following is a summary of the public comments received and the corresponding responses.

**Comment:** The executive director of the Texas Counseling Association (TCA) commented that since the last review of 19 TAC Chapter 239, Subchapter A, the scope of services that certified school counselors deliver to students, schools, and communities has increased. The commenter also stated that school counselor certification programs must deliver a level of rigor that truly prepares their graduates to arrive on a campus equipped to deliver effective comprehensive and developmental school counseling programs. The commenter provided six recommendations on behalf of TCA that would reflect best practices and ensure consistent and high professional standards across Texas. TCA suggested amendments to §239.1, General Provisions; §239.10, Preparation Program Requirements; §239.15, Standards Required for the School Counselor Certificate; §239.20, Requirements for the Issuance of the Standard School Counselor Certificate; §239.25, Requirements to Renew the Standard School Counselor Certificate; and §239.30, Transition and Implementation Dates.

**Board Response:** The SBEC recognizes the important role of the school counselor and adopted the review of 19 TAC Chapter 239. The Texas Education Agency (TEA) staff will review TCA's recommendations as part of the stakeholder activities that will occur at a later time to develop proposed rule changes for review by the SBEC.

**Comment:** A policy specialist and a summer law clerk with Disability Rights Texas commented that the reasons for adopting 19 TAC Chapter 239, Subchapter C, continue to exist. The commenters also noted that Texas students with disabilities would benefit if the SBEC were to readopt the standards required for the educational diagnostician with certain amendments recommended by Disability Rights Texas.

**Board Response:** The SBEC recognizes the important role of the educational diagnostician and adopted the review of 19 TAC Chapter 239. The TEA staff will review the recommendations of Disability Rights Texas as part of the stakeholder activities that will occur at a later time to develop proposed rule changes for review by the SBEC.

**Comment:** Fourteen school counselors, a professor of counseling with the University of Houston Clear Lake, an assistant professor with Lamar University, and six individuals shared support of TCA's recommendations to require a master's degree in counseling; include at least one hour of face-to-face weekly sessions provided by an experienced certified school counselor; add competencies in addressing crisis management, trauma and disasters, wellness and self-care, and technology; clarify continuing education requirements by setting a standard of 20 hours, including 4 hours in ethics over 24 months for all certified school counselors; and place limits on the amount of coursework and supervision that can be completed online.

Board Response: The SBEC acknowledges the commenters' support of TCA's recommendations and adopted the review of 19 TAC Chapter 239. The TEA staff will review TCA's recommendations as part of the stakeholder activities that will occur at a later time to develop proposed rule changes for review by the SBEC.

Comment: An assistant professor for counseling and special populations with Lamar University confirmed after reviewing 19 TAC Chapter 239 that the rules are sufficient as written and no changes are needed at this time.

Board Response: The SBEC appreciates this feedback and adopted the review of 19 TAC Chapter 239. TEA staff anticipates convening stakeholder meetings in the future to develop proposed rule changes for review by the SBEC.

Comment: A counselor in Houston Independent School District supports three of TCA's overall recommendations for changes to rules for school counselors, but does not believe a master's degree in counseling should be required for the certificate. The commenter also does not believe there are enough certified school counselors to support one hour of face-to-face weekly sessions.

Board Response: The SBEC appreciates this feedback and adopted the review of 19 TAC Chapter 239. TEA staff anticipates convening stakeholder meetings in the future to develop proposed rule changes for review by the SBEC.

This concludes the review of 19 TAC Chapter 239.

TRD-201603117

Cristina De La Fuente-Valadez  
Director, Rulemaking, Texas Education Agency  
State Board for Educator Certification  
Filed: June 20, 2016



Texas Medical Board

**Title 22, Part 9**

The Texas Medical Board (Board) adopts the review of Chapter 161, General Provisions, §§161.1 - 161.13, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2507).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 161, General Provisions.

TRD-201603055

Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
Filed: June 15, 2016



The Texas Medical Board (Board) adopts the review of Chapter 164, Physician Advertising, §§164.1 - 164.6, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2507).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 164, Physician Advertising.

TRD-201603056

Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
Filed: June 15, 2016



The Texas Medical Board (Board) adopts the review of Chapter 168, Criminal History Evaluation Letters, §168.1 and §168.2, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 15, 2016, issue of the *Texas Register* (41 TexReg 2779).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 168, Criminal History Evaluation Letters.

TRD-201603057

Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
Filed: June 15, 2016



The Texas Medical Board (Board) adopts the review of Chapter 176, Health Care Liability Lawsuits and Settlements, §§176.1 - 176.9, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2507).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 176, Health Care Liability Lawsuits and Settlements.

TRD-201603058

Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
Filed: June 15, 2016



The Texas Medical Board (Board) adopts the review of Chapter 181, Contact Lens Prescriptions, §§181.1 - 181.7, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2507).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 181, Contact Lens Prescriptions.

TRD-201603059

Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
Filed: June 15, 2016



The Texas Medical Board (Board) adopts the review of Chapter 191, District Review Committees, §§191.1 - 191.5, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2507).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 191, District Review Committees.

TRD-201603060  
Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
Filed: June 15, 2016



The Texas Medical Board (Board) adopts the review of Chapter 196, Voluntary Relinquishment or Surrender of a Medical License, §§196.1, 196.2, 196.4 and 196.5, pursuant to the Texas Government Code, §2001.039.

The proposed rule review was published in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2507).

The Board has determined that the reasons for adopting the sections continue to exist.

No comments were received regarding the rule review.

This concludes the review of Chapter 196, Voluntary Relinquishment or Surrender of a Medical License.

TRD-201603061  
Mari Robinson, J.D.  
Executive Director  
Texas Medical Board  
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