

# REVIEW OF AGENCY RULES

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

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

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

## Proposed Rule Reviews

Texas Department of Insurance, Division of Workers' Compensation

### Title 28, Part 2

The Texas Department of Insurance, Division of Workers' Compensation (DWC) will review all sections in 28 Texas Administrative Code (TAC):

- Chapter 126 (General Provisions Applicable to All Benefits);
- Chapter 127 (Designated Doctor Procedures and Requirements); and
- Chapter 128 (Benefits--Calculation of Average Weekly Wage).

This review complies with the requirements for periodic rule review under Texas Government Code §2001.039.

DWC will consider whether these rules still have reason to exist or should be repealed, readopted, or readopted with amendments.

### Comments

To comment on this rule review project, submit your written comments by 5:00 p.m., Central time, on June 8, 2020.

Each comment should:

- clearly specify the rule it applies to; and
- include proposed alternative language as appropriate.

Indicate if your comment is a general comment.

Email your written comments or hearing request to [RuleComments@tdi.texas.gov](mailto:RuleComments@tdi.texas.gov), or mail or deliver them to:

Cynthia Guillen

Legal Services, MS-4D

Texas Department of Insurance,

Division of Workers' Compensation

7551 Metro Center Drive, Suite 100

Austin, Texas 78744-1645

In future rulemaking, we may consider any suggested repeals or amendments identified during this rule review under the Administrative Procedures Act, Texas Government Code Chapter 2001.

TRD-202001717

Kara Mace

Deputy Commissioner of Legal Services

Texas Department of Insurance, Division of Workers' Compensation

Filed: April 30, 2020

## Adopted Rule Reviews

Texas Board of Occupational Therapy Examiners

### Title 40, Part 12

The Texas Board of Occupational Therapy Examiners adopts the review of the rules in the following chapters of Title 40 Texas Administrative Code in accordance with Texas Government Code §2001.039: Chapter 361, Statutory Authority; Chapter 362, Definitions; Chapter 363, Consumer/Licensee Information; Chapter 364, Requirements for Licensure; §367.1, Continuing Education; §367.2, Categories of Education; §367.3, Continuing Education Audit; Chapter 368, Open Records; Chapter 369, Display of Licenses; Chapter 370, License Renewal; Chapter 371, Inactive and Retired Status; Chapter 372, Provision of Services; Chapter 373, Supervision; Chapter 374, Disciplinary Actions/Detrimental Practice/Complaint Process/Code of Ethics/Licensure of Persons with Criminal Convictions; and Chapter 375, Fees. The notice of intent to review these rules was published in the March 20, 2020, issue of the *Texas Register* (45 TexReg 2055).

No comments were received on the proposed rule review. However, Board rule §367.4, Process for Selecting a Peer Organization to Evaluate and Approve Continuing Education Courses, has been identified by the Regulatory Compliance Division of the Office of the Governor as possibly having an anticompetitive market effect and may not be readopted until the Board obtains the approval of the Regulatory Compliance Division after the completion of the division's review of the section. If the Board obtains this approval to readopt the rule, notice of the proposed readoption of the review of §367.4 will be submitted to the *Texas Register* for publication in a future issue. For this reason, §367.4 has not been included in this notice of adoption.

The Board has assessed whether the reasons for adopting the rules continue to exist. As a result of the review, the Board finds the reasons for adopting the rules continue to exist and readopts the rules in accordance with the requirements of Texas Government Code §2001.039.

TRD-202001787

Ralph A. Harper

Executive Director

Texas Board of Occupational Therapy Examiners

Filed: May 5, 2020