Comments on the proposed amendments may be submitted to Karen Gordon, PT Coordinator, Texas Board of Physical Therapy Examiners, 333 Guadalupe, Suite 2-510, Austin, Texas 78701; email: karen@ptot.texas.gov. Comments must be received no later than 30 days from the date this proposed amendment is published in the Texas Register.

The amendments are proposed under the Physical Therapy Practice Act, Title 3, Subtitle H, Chapter 453, Texas Occupations Code, which provides the Texas Board of Physical Therapy Examiners with the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Cross-reference to Statute: The proposed amendment implements Government Code Chapter 453 as amended during the 85th Legislative Session.

§347.1. Definitions.
§347.2. Requirement for Practice Setting of Licensees.
§347.4. Requirements for Registration Application.
§347.5. Requirements for Registered Facilities.
§347.6. Exemptions to Registration.
§347.8. Change in Facility Ownership.
§347.9. Renewal of Registration.
§347.11. Failure to Register.
§347.12. Restoration of Registration.
§347.13. Cancellation of Registration.
§347.15. Disciplinary Action.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency’s legal authority to adopt.

Filed with the Office of the Secretary of State on May 31, 2019.

TRD-201901627

John P. Malone
Executive Director
Texas Board of Physical Therapy Examiners

Earliest possible date of adoption: July 14, 2019
For further information, please call: (512) 305-6900

PART 28. EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 651. FEES

22 TAC §§651.1 - 651.3

The Executive Council of Physical Therapy and Occupational Therapy Examiners proposes amending Chapter 651, concerning Fees, pursuant to the amendment of the Executive Council of Physical Therapy and Occupational Therapy Examiners Act, Title 3, Subtitle H, Chapter 452 of the Occupations Code, pertaining to the repeal of physical therapy and occupational therapy facility registration and annual renewal in SB 317, 85th Legislative Session.

The amendments in Chapter 651 are proposed to discontinue the fees associated with the application, renewal, and associated fees for physical and occupational therapy facilities.

Fiscal Note

John Malone, Executive Director, has determined that for each year of the first five years the amendments are in effect there will be a probable $1,063,000 loss of revenue per year to state government beginning with FY2020. No fiscal implication to units of local government is anticipated. Mr. Malone anticipates a positive economic impact, though negligible, to owners of physical therapy and occupational therapy facilities, as there will no longer be a cost associated with registering and renewing annually the registration of therapy facilities.

Public Benefit and Costs

Mr. Malone has determined that for the first five-year period these amendments are in effect there will be no negative impact, as the facility registration process no longer serves a public safety purpose, and will be at no economic cost to the public.

Local Employment Economic Impact Statement

Mr. Malone has determined that the amendments are not anticipated to impact a local economy, so a local employment economic impact statement is not required.

Small and Micro-Businesses and Rural Communities Impact

Mr. Malone has determined that there will be no costs or adverse economic effects to small or micro-businesses or rural communities, therefore an economic impact statement or regulatory flexibility analysis is not required.

Takings Impact Assessment


Government Growth Impact Statement

The impact of the proposed amendments on government growth during the first five years the amendments would in effect is as follows: will eliminate the requirement of physical therapy and occupational therapy facility registration and annual renewal; will not require the creation for new employee positions or the elimination of existing employee positions; will not increase or decrease future legislative appropriations to the agency; will decrease the fees paid to the agency by a probable $1,063,000 annually from physical therapy and occupational therapy facility registration and annual renewal; will eliminate the number of individuals subject to the rule's applicability in that owners of physical therapy and occupational therapy facilities will no longer be subject to a registration and annual renewal requirement; and will affect the state's economy by a probable $1,063,000 that are not paid in fees to the state government. The proposed rule amendments do not expand existing regulations.

Requirement for Rule Increasing Costs to Regulated Persons

Tex. Gov't Code §2001.0045, Requirement for Rule Increasing Costs to Regulated Persons, does not apply to the proposed amendments because they do not impose a cost, do not increase costs to regulated persons, and is necessary to implement SB 317, 85th Regular Legislative Session.

Public Comment

Comments on the proposed amendments may be submitted electronically to John@ptot.texas.gov or in writing to Mr. John Malone, Executive Director, Executive Council of Physical Therapy and Occupational Therapy Examiners, Suite 2-510, 333 Guadalupe, Austin, Texas 78701. Comments must be
received no later than 30 days from the date that the proposed amendments is published in the Texas Register.

Statutory Authority

The amendments are proposed under the Executive Council of Physical Therapy and Occupational Therapy Examiners Act, Title 3, Subtitle H, Chapter 452, Occupations Code, which provides the Executive Council of Physical Therapy and Occupational Therapy Examiners the authority to adopt rules consistent with this Act to carry out its duties in administering this Act.

Title 3, Subtitle H, Chapter 452 of the Occupations Code is affected by this proposal.

§651.1. Occupational Therapy Board Fees.

(a) - (i) (No change.)

[(j) Registration Fees, All Facilities—$215.]

[(k) Renewal fees, All Facilities—$230.]

[(l) Late Fees—All Facilities.]

[(m) Late 90 days or less—a fee equal to one-half of the renewal fee, in addition to the renewal fee.]

[(n) Late more than 90 days but less than one year—a fee equal to the renewal fee, in addition to the renewal fee.]

[(m) Facility Restoration—Late one year or more—a restoration fee.]

[(o) Cancelled registration—a fee equal to the facility renewal fee.]

[(p) Expired registration—a fee that is double the facility renewal fee.]

§651.2. Physical Therapy Board Fees.

(a) - (j) (No change.)

[(k) Facility Registration; All Facilities—$215.]

[(l) Facility Renewal, All Facilities—$230.]

[(m) Late Fees—All Facilities.]

[(n) Late 90 days or less—a fee equal to one-half of the renewal fee, in addition to the renewal fee.]

[(o) Late more than 90 days but less than one year—a fee equal to the renewal fee, in addition to the renewal fee.]

[(p) Facility Restoration—Late one year or more—a restoration fee.]

[(q) Cancelled registration—a fee equal to the facility renewal fee.]

[(r) Expired registration—a fee that is double the facility renewal fee.]

(k) [(s)] Compact Privilege Fee

(1) - (2) (No change.)

§651.3. Administrative Services Fees.

(a) - (b) (No change.)

[(c) Duplicate of Facility Registration Certificate—$30.]

[(d) Reinstatement of Suspended or Revoked License—$50.]

[(e) Insufficient Funds Check Fee—$25.]

[(f) ACH Return Fee—$25.]

NOTE: Preliminary Criminal History Evaluation Letter—$50.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on May 31, 2019.

TRD-201901629

John P. Maline

Executive Director

Executive Council of Physical Therapy and Occupational Therapy Examiners

Earliest possible date of adoption: July 14, 2019

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

TITLE 34. PUBLIC FINANCE

PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 25. MEMBERSHIP CREDIT

(EDITOR'S NOTE: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figures in 34 TAC §25.302 and §25.303 are not included in the print version of the Texas Register. The figure is available in the on-line version of the June 14, 2019, issue of the Texas Register.)

The Teacher Retirement System of Texas (TRS) proposes amendments to §25.162, relating to State Personal or Sick Leave Credit in Title 34, Part 3, Chapter 25, Subchapter L, of the Texas Administrative Code and to §25.302, relating to Calculation of Actuarial Costs of Service Credit, and §25.303, relating to Calculation of Actuarial Cost for Purchase of Compensation Credit, in Title 34, Part 3, Chapter 25, Subchapter P of the Texas Administrative Code.

BACKGROUND AND PURPOSE

Each rule TRS proposes to amend currently incorporates one or more actuarial table used to calculate the cost of a service credit or compensation credit purchase. The proposed amendments incorporate new actuarial tables into each rule that have been updated based on the TRS Board of Trustees (Board) most recently approved mortality assumptions and new investment return assumption. The new actuarial tables were prepared by the TRS actuary of record, Gabriel, Roeder, Smith & Company.

Proposed amended §25.162 updates the actuarial table for the purchase of one year of service credit based on accumulated state personal or sick leave. Proposed amended §25.302 updates several actuarial tables relating to the purchase of service credit that must be purchased based on the actuarial present value of the credit, such as service credit for unreported service or out-of-state service. Lastly, proposed amended §25.303 updates several actuarial tables relating to the purchase of compensation credit that statute must be purchased based on the actuarial present value of the compensation. Minor, conforming changes have also been made to the text of proposed amended §25.302 and §25.303 to incorporate these tables. Lastly, one additional clarifying change has been made to §25.303 that provides that the cost factor for purchasing compensation credit shall be applied to the difference between a participant's final