

PART 12. TEXAS BOARD OF OCCUPATIONAL THERAPY EXAMINERS

CHAPTER 364. REQUIREMENTS FOR LICENSURE

40 TAC §364.5

The Texas Board of Occupational Therapy Examiners adopts amendments to 40 TAC §364.5, concerning Recognition of Out-of-State License of Military Spouse. The amendments allow a military spouse to show proof of residency by submitting a permanent change of station order. The amendments also include adding that individuals update the Board of certain changes. The amendments are adopted without changes to the proposed text as published in the August 27, 2021, issue of the *Texas Register* (46 TexReg 5377). The rule will not be republished.

House Bill 139 of the 87th Regular Legislative Session, codified as Texas Occupations Code §55.004(d), provides that: "A state agency that issues a license that has a residency requirement for license eligibility shall adopt rules regarding documentation necessary for a military spouse applicant to establish residency for purposes of this subsection, including by providing to the agency a copy of the permanent change of station order for the military service member to whom the spouse is married." The Bill took effect September 1, 2021. In accordance with HB 139, the amendment allows a permanent change of station order to serve as proof of residency for a military spouse requesting the authorization provided by the section.

An additional amendment concerns updating the Board of changes. Subsection (b)(2) of the section requires that a military spouse requesting the authorization submit proof of the military spouse's residency in this state and a copy of the military spouse's military identification card. The amendment adds the requirement that individuals who have received the authorization described by the section update the Board of any changes to information as specified under subsection (b)(2) within 30 days of such change(s). The change is adopted to enhance the Board's ability to remain apprised of changes to the information submitted for the authorization.

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 Texas Occupations Code §55.0041, Recognition of Out-of-State License of Military Spouse, which requires to Board to adopt rules to implement the section.

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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TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 9. CONTRACT AND GRANT MANAGEMENT

SUBCHAPTER A. GENERAL

43 TAC §9.8

The Texas Department of Transportation (department) adopts amendments to §9.8 concerning Enhanced Contract and Performance Monitoring. The amendments to §9.8 are adopted without changes to the proposed text as published in the August 13, 2021, issue of the *Texas Register* (46 TexReg 5001) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS

Section 9.8, Enhanced Contract and Performance Monitoring, requires the department to monitor and report to the Texas Transportation Commission (commission), on a quarterly basis, the performance and status of each contract, other than a low-bid construction and maintenance contract, that is valued at \$5 million or more or that the department determines constitutes a high-risk to the department. The department has determined that due to the high volume of department contracts that are valued at \$5 million or more, the dollar threshold that identifies contracts that must be monitored and reported to the commission should be increased to an amount that will meaningfully capture the department's highest dollar contracts. Accordingly, amended §9.8, Enhanced Contract and Performance Monitoring, is revised to increase the dollar threshold that identifies contracts that must be reported to the commission from \$5 million to \$50 million. The department will continue to monitor and report on contracts with a lesser value that it determines constitute high-risks to the department.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

The rule is adopted under Transportation Code, §201.101, which provides the commission with the authority to establish rules for the conduct of the work of the department, and more specifically, Government Code, §2261.253, which requires a state agency to adopt rules to establish a procedure to identify each contract requiring enhanced contract or performance monitoring and submit information on the contract to its governing body.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Government Code, §2261.253.