

Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to RADAcuteCare@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar Blvd, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-201902104
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: July 3, 2019



Notice of Public Hearing on Proposed Medicaid Payment Rates Physical, Occupational, and Speech Therapies

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on July 29, 2019, from 10:30 a.m. - 12:00 p.m., to receive comment on proposed Medicaid payment rates for the Physical, Occupational, and Speech Therapies. The proposed rate actions are based on direction provided by the 2020-2021 General Appropriations Act (Article II, 86th Legislature, Regular Session, 2019, Rider 47).

The public hearing will be held in the HHSC Public Hearing Room at the Winters Building, located at 701 West 51st Street, Austin, Texas. Entry is through security at the main entrance of the building, which faces 51st Street. Disabled parking only is available at the Winters Building. All other visitors should park at the garage at the Brown-Heatly Building, 4900 North Lamar Boulevard. HHSC will broadcast the public hearing; the broadcast can be accessed at <https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings>. The broadcast will be archived and can be accessed on demand at the same website. The hearing will be held in compliance with Texas Human Resources Code §32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

Proposal. The payment rates for the Physical, Occupational, and Speech Therapies are proposed to be effective September 1, 2019.

Methodology and Justification. The proposed payment rates were calculated in accordance with Title I of the Texas Administrative Code:

§355.8085, which addresses the reimbursement methodology for physicians and other practitioners;

§355.8097, which addresses the reimbursement methodology for physical, occupational, and speech therapy services; and

§355.8441, which addresses the reimbursement methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services.

Briefing Package. A briefing package describing the proposed payments rates will be available at <https://rad.hhs.texas.gov/rate-packets> on or after July 12, 2019. Interested parties may obtain a copy of the briefing package prior to the hearing by contacting Rate Analysis by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at RADAcuteCare@hhsc.state.tx.us. The briefing package will also be available at the public hearing.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Rate Analysis at (512) 730-7475; or by e-mail to RADAcuteCare@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown-Heatly Building, 4900 North Lamar Boulevard, Austin, Texas 78751.

Persons with disabilities who wish to attend the hearing and require auxiliary aids or services should contact Rate Analysis at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-201902102
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: July 3, 2019



Public Notice: Revised Texas State Plan for Medical Assistance Amendment

In the June 7, 2019, issue of the *Texas Register*, (44 TexReg 2889), the Texas Health and Human Services Commission (HHSC) published notice of its intent to submit transmittal number 19-0019 to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act.

The purpose of the amendment is to remove recent revisions to the inflation projection methodology for the Intermediate Care Facilities for Individuals with an Intellectual Disability (ICF/IID) and to the nursing wage inflation methodology, which affect ICF/IID programs. The proposed amendment reflects HHSC's decision not to use the revised methodology for the nurse inflator calculations at this time.

The proposed amendment is estimated to have no fiscal impact.

The effective date has changed from June 1, 2019, to July 1, 2019.

For questions concerning this revised notice, interested parties may contact Courtney Pool, State Plan Program Coordinator, by mail at the Texas Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 424-6889; by facsimile at (512) 730-7472; or by e-mail at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposed amendment will be available for review at the local county offices of the Texas Health and Human Services Commission.

TRD-201902011
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: June 26, 2019



Department of State Health Services

Order Permanently Placing Beta-hydroxythiofentanyl in Schedule I

The Administrator of the Drug Enforcement Administration issued a final rule permanently placing *beta*-hydroxythiofentanyl including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers in

schedule I of the Controlled Substances Act, effective May 8, 2019. This final order was published in the *Federal Register*, Volume 84, Number 89, pages 20023-20027.

This scheduling action was taken pursuant to the following:

1. *beta*-hydroxythiofentanyl has a high potential for abuse;
2. *beta*-hydroxythiofentanyl has no currently accepted medical use in treatment in the United States; and,
3. There is a lack of accepted safety for use of *beta*-hydroxythiofentanyl under medical supervision.

Pursuant to Section 481.034(g), as amended by the 75th legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, at least thirty-one days have expired since notice of the above referenced actions were published in the *Federal Register*. In the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., does hereby order that the substance *beta*-hydroxythiofentanyl be permanently placed into schedule I.

Schedule I opiates

The following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, if the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetyl alpha methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) AH-7921 (3,4-dichloro-N-[(dimethylamino)cyclohexymethyl]benzamide);
- (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);
- (4) Acryl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide] (Other names: acryloylfentanyl);
- (5) AH-7921 (3,4-dichloro-N-[(dimethylamino)cyclohexymethyl]benzamide);
- (6) Allylprodine;
- (7) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- (8) Alpha-methylfentanyl or any other derivative of fentanyl;
- (9) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenyl-propanamide);
- (10) Benzethidine;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenyl-propanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- *(13) *beta*-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);
- (14) Betaprodine;
- (15) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide);
- (16) Clonitazene;
- (17) Diampromide;
- (18) Diethylthiambutene;

- (19) Difenoxin;
- (20) Dimenoxadol;
- (21) Dimethylthiambutene;
- (22) Dioxaphetyl butyrate;
- (23) Dipipanone;
- (24) Ethylmethylthiambutene;
- (25) Etonitazene;
- (26) Etoxeridine;
- (27) 4-Fluoroisobutyryl fentanyl [N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide] (Other names: *para*-fluoroisobutyryl fentanyl);
- (28) Furanyl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide];
- (29) Furethidine;
- (30) Hydroxypethidine;
- (31) Ketobemidone;
- (31) Levophenacymorphan;
- (32) Meprodine;
- (33) Methadol;
- (34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidinyl]-N-phenylpropanamide), its optical and geometric isomers;
- (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (36) Moramide;
- (37) Morpheridine;
- (38) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- (39) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- (40) Noracetylmethadol;
- (41) Norlevorphanol;
- (42) Normethadone;
- (43) Norpipanone;
- (44) Ocfentanil [N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide];
- (45) *Para*-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]-propanamide);
- (46) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (47) Phenadoxone;
- (48) Phenampromide;
- (49) Phencyclidine;
- (50) Phenomorphan;
- (51) Phenoperidine;
- (52) Piritramide;
- (53) Proheptazine;
- (54) Properidine;
- (55) Propiram;

(56) Tetrahydrofuranyl fentanyl [N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide];

(57) Thiofentanyl N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);

(58) Tilidine;

(59) Trimeperidine; and,

(60) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide).

Changes are marked by an asterisk(*)

TRD-201902106

Barbara L. Klein

General Counsel

Department of State Health Services

Filed: July 3, 2019



Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas for Solstice Healthplans of Texas, Inc., a domestic Health Maintenance Organization (HMO). The home office is in Austin, Texas.

Application for Consumers Life Insurance Company, a foreign life, accident and/or health company, to change its name to MedMutual Life Insurance Company. The home office is in Cleveland, Ohio.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Christian Hertzberg, 333 Guadalupe Street, MC 103-CL, Austin, Texas 78701.

TRD-201902099

James Person

Interim General Counsel

Texas Department of Insurance

Filed: July 3, 2019



Texas Lottery Commission

Scratch Ticket Game Number 2124 "Winning 7s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2124 is "WINNING 7s". The play style is "other".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2124 shall be \$1.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2124.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are:

1, 2, 3, 4, 5, 6, 8, 9, 7 SYMBOL, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$6.00, \$10.00, \$20.00, \$50.00 and \$500.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows: