

Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: March 10, 2011



Public Notice

The Texas Health and Human Services Commission announces its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of the amendment is to update the website address where Medicaid provider fee schedules and reimbursement rates can be accessed. The requested effective date for the proposed amendment is April 1, 2011. The proposed amendment has no anticipated fiscal impact.

To obtain copies of the proposed amendment, interested parties may contact James Jenkins by mail at 11209 Metric Boulevard, H-400, Austin, Texas 78758; by telephone at (512) 491-2865; by facsimile at (512) 491-1973; or by e-mail at james.jenkins@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Department of Aging and Disability Services.

TRD-201101072
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: March 15, 2011



Public Notice

The Texas Health and Human Services Commission announce its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendment is effective April 1, 2011.

The amendment will modify the reimbursement methodology for clinical laboratory services in the Texas Medicaid State Plan as a result of Medicaid fee changes.

The proposed amendment is estimated to result in an additional annual aggregate savings of \$2,094,578 for the remainder of federal fiscal year (FFY) 2011, with approximately \$1,327,962 in federal funds and \$766,616 in state funds. For FFY 2012, the estimated additional aggregate savings is \$4,434,993, with approximately \$2,582,053, in federal funds and \$1,852,940 in state funds. For FFY 2013, the estimated reduced aggregate expenditure is \$4,583,983, with approximately \$2,630,290 in federal funds and \$1,953,693 in state funds.

Interested parties may obtain copies of the proposed amendment by contacting Chris Dockal, Hospital Reimbursement, by mail at the Rate Analysis Department, Texas Health and Human Services Commission, P.O. Box 85200, H-400, Austin, Texas 78708-5200; by telephone at (512) 491-1467; by facsimile at (512) 491-1998; or by e-mail at chris.dockal@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Texas Department of Aging and Disability Services.

TRD-201101082
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: March 16, 2011



Public Notice

The Texas Health and Human Services Commission announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments are effective April 1, 2011.

The amendments will modify the reimbursement methodologies in the Texas Medicaid State Plan as a result of Medicaid fee changes for Physicians and Certain Other Practitioners and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS).

The proposed amendments are estimated to result in an additional annual aggregate expenditure of \$199,321 for federal fiscal year (FFY) 2011, with approximately \$132,469 in federal funds and \$66,852 in State General Revenue (GR). For FFY 2012, the estimated additional aggregate expenditure is \$424,694, with approximately \$247,257 in federal funds and \$177,437 in GR.

Interested parties may obtain copies of the proposed amendment by contacting Dan Huggins, Director of Rate Analysis for Acute Care Services, by mail at the Rate Analysis Department, Texas Health and Human Services Commission, P.O. Box 85200, H-400, Austin, Texas 78708-5200; by telephone at (512) 491-1432; by facsimile at (512) 491-1998; or by e-mail at dan.huggins@hhsc.state.tx.us. Copies of the proposals will also be made available for public review at the local offices of the Texas Department of Aging and Disability Services.

TRD-201101098
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: March 16, 2011



Department of State Health Services

Notice of Amendment to the Texas Schedules of Controlled Substances

This amendment was signed by David L. Lakey, M.D., Commissioner of the Department of State Health Services, on March 14, 2011, and will become effective twenty-one days after the date of publication of this notice in the *Texas Register*.

The Deputy Administrator of the Drug Enforcement Administration (DEA) placed the substance 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT) into Schedule I of the Schedules of Controlled Substances under the authority of the United States Controlled Substances Act (USCSA) effective January 19, 2011. This final rule was published in the *Federal Register*, Volume 75, Number 243, pages 79296 - 79300. The Deputy Administrator of the DEA has taken this action based on a scheduling recommendation from the Assistant Secretary for Health of the Department of Health and Human Services and on the following:

- (1) 5-MeO-DMT has a high potential for abuse;
- (2) 5-MeO-DMT has no currently accepted medical use in treatment in the United States; and
- (3) There is a lack of accepted safety for use of 5-MeO-DMT 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 action was published in the *Federal Register*; and, in the capacity as Commissioner of the Department of State Health Services, David L. Lakey, M.D., ordered that the substance 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT) be added to Schedule I hallucinogenic sub-

stances and numbers (18) through (36) be redesignated as (19) through (37) of the Texas Controlled Substances Act.

SCHEDULE I

Schedule I consists of:

Schedule I opiates

Schedule I opium derivatives

Schedule I hallucinogenic substances

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of the substance's salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation (for the purposes of this Schedule I hallucinogenic substances section only, the term "isomer" includes optical, position, and geometric isomers):

- (1) Alpha-ethyltryptamine (some trade or other names: etryptamine; Monase; alpha ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; AET);
- (2) alpha-methyltryptamine (AMT), its isomers, salts, and salts of isomers;
- (3) 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA);
- (4) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB);
- (5) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- (6) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);
- (7) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of isomers;
- (8) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts, and salts of isomers;
- (9) 5-methoxy-3,4-methylenedioxy-amphetamine;
- (10) 4-methoxyamphetamine (some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA);
- (11) 1-methyl-4-phenyl-1,2,5,6-tetrahydro-pyridine (MPTP);
- (12) 4-methyl-2,5-dimethoxyamphetamine (some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methyl-phenethylamine; "DOM"; and "STP");
- (13) 3,4-methylenedioxy-amphetamine;
- (14) 3,4-methylenedioxy-methamphetamine (MDMA, MDM);
- (15) 3,4-methylenedioxy-N-ethylamphetamine (some trade or other names: N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA);
- (16) 3,4,5-trimethoxy amphetamine;
- (17) N-hydroxy-3,4-methylenedioxyamphetamine (Also known as N-hydroxy MDA);

- (18) 5-methoxy-N,N-dimethyltryptamine (Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);
- (19) Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; map-pine);
- (20) Diethyltryptamine (some trade and other names: N,N-Diethyl-tryptamine; DET);
- (21) Dimethyltryptamine (some trade and other names: DMT);
- (22) Ethylamine Analog of Phencyclidine (some trade or other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)-ethylamine; cyclohexamine; PCE);
- (23) Ibogaine (some trade or other names: 7-Ethyl-6,6-beta, 7,8,9,10,12,13-octhydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5,4-b] indole; taber-nanthe iboga);
- (24) Lysergic acid diethylamide;
- (25) Marihuana;
- (26) Mescaline;
- (27) N-benzylpiperazine (some other names: BZP; 1-benzylpiper-azine), its optical isomers, salts and salts of isomers;
- (28) N-ethyl-3-piperidyl benzilate;
- (29) N-methyl-3-piperidyl benzilate;
- (30) Parahexyl (some trade or other names: 3-Hexyl-1-hy-droxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
- (31) Peyote, unless unharvested and growing in its natural state, mean-ing all parts of the plant classified botanically as *Lophophora*, whether growing or not, the seeds of the plant, an extract from a part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts;
- (32) Psilocybin;
- (33) Psilocin;
- (34) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1-phenyl-cyclohexyl)-pyrrolidine, PCPy, PHP);
- (35) Tetrahydrocannabinols;
meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous ex-tractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological ac-tivity to those substances contained in the plant, such as the following:
1 cis or trans tetrahydrocannabinol, and their optical isomers;
6 cis or trans tetrahydrocannabinol, and their optical isomers; and
3,4 cis or trans tetrahydrocannabinol, and its optical isomers.
(Since nomenclature of these substances is not internationally standard-ized, compounds of these structures, regardless of numerical designa-tion of atomic positions covered);
- (36) Thiophene analog of phencyclidine (some trade or other names: 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-thienyl analog of phencycli-dine; TPCP); and
- (37) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (some trade or other names: TCPy).

Schedule I stimulants

Schedule I depressants

Changes to the Schedules are designated by a single asterisk (*)

TRD-201101052

Lisa Hernandez

General Counsel

Department of State Health Services

Filed: March 15, 2011



Texas Department of Housing and Community Affairs

Announcement of the Opening of the Public Comment Period for the Draft 2011 State of Texas Consolidated Plan Annual Performance Report - Reporting on Program Year 2010

The Texas Department of Housing and Community Affairs (the Department) announces the opening of a 15-day public comment period for the *State of Texas Draft 2011 Consolidated Plan Annual Performance Report - Reporting on Program Year 2010* (the Report) as required by the U.S. Department of Housing and Urban Development (HUD). The Report is required as part of the overall requirements governing the State's consolidated planning process. The Report is submitted in compliance with 24 CFR §91.520, Consolidated Plan Submissions for Community Planning and Development Programs. The 15-day public comment period begins April 1, 2011, and continues until 5:00 p.m. on April 15, 2011.

The Report gives the public an opportunity to evaluate the performance of the past program year for four HUD programs: the Community Development Block Grant Program administered by the Texas Department of Rural Community Affairs, the Emergency Shelter Grants and HOME Investment Partnerships programs administered by the Department, and the Housing Opportunities for Persons with AIDS Program administered by the Texas Department of State Health Services. The following information is provided for each of the four programs covered in the Report: a summary of program resources and programmatic accomplishments; a series of narrative statements on program performance over the past year; a qualitative analysis of program actions and experiences; and a discussion of program successes in meeting program goals and objectives.

Beginning April 1, 2011, the Report will be available on the Department's website at www.tdhca.state.tx.us. A hard copy may be requested by contacting the Housing Resource Center at P.O. Box 13941, Austin, TX 78711-3941 or by calling (512) 475-3976.

Written comments should be sent by mail to the Texas Department of Housing and Community Affairs, Housing Resource Center, P.O. Box 13941, Austin, TX 78711-3941, by email to info@tdhca.state.tx.us, or by fax to (512) 475-1672.

TRD-201101078

Michael Gerber

Executive Director

Texas Department of Housing and Community Affairs

Filed: March 16, 2011



Housing Trust Fund Program 2010 - 2011 Homebuyer Assistance Program Notice of Funding Availability (NOFA)

The Texas Department of Housing and Community Affairs ("the Department") announces the availability of approximately \$1.6 million in funding from the 2010-2011 Housing Trust Fund ("HTF") appropriation for the Homebuyer Assistance Program ("HBA Program"). Of this amount, 4 percent will be set-aside for an administrative fee paid to the Administrator upon the closing of each loan. In an effort to serve various populations throughout the state and improve upon the efficiency of the traditional funding method, a reservation system will be utilized with this Notice of Funding Availability ("NOFA"). Eligible Applicants must be approved by the Department to participate in the HBA Program and must execute a Loan Origination Agreement ("LOA") in order to originate loans under the HBA Program and utilize the Reservation System to secure these funds for an eligible Borrower.

The HBA Program serves First-Time Homebuyers and Veterans whose annual income does not exceed 80 percent of the Area Median Family Income ("AMFI"), as defined by the Department. Eligible Borrowers may receive up to a \$10,000 zero percent interest loan. Funds may be used for down payment, gap financing, and/or closing cost assistance for the acquisition of a Single Family Home that must be the principal residence for the eligible Borrower. The loan is repayable and amortized over a period between five and ten years, as selected by the Borrower. The first payment will be due no later than the sixty-first month after the first payment date of the Senior Lien loan.

Eligible Applicants are Units of Local Government, Nonprofit Organizations, Public Housing Authorities ("PHAs"), for-profit organizations or any other entity authorized by the Department's Executive Director.

The Department will begin accepting Applications to access the Reservation System starting on Friday, **March 7, 2011**, and will continue to grant access on an ongoing basis until the earlier of when all HBA Program funds are reserved, or until Friday **December 28, 2011**. This NOFA is not subject to the Regional Allocation Formula ("RAF"). Funds for the HBA Program were regionally allocated during the previous release of this NOFA on June 18, 2010 and these funds represent funds not utilized in the process.

The availability and use of these funds are subject to the Chapter 2306 of the Texas Government Code and 10 TAC Chapter 51, Housing Trust Fund Rules ("HTF Rules").

(1) Definitions.

(a) Definitions are provided in Chapter 2306 of the Texas Government Code and the HTF Rules. Any capitalized terms not specifically mentioned in the HTF Rules shall have the meanings ascribed to them in Chapter 2306 of the Texas Government Code and HTF Rules.

(b) In addition, this NOFA shall use the following definitions:

(i) Administrative Fee--Eligible costs to operate and administer the Program. The Administrator will be paid a 4 percent administration fee upon the closing of each loan. Administrative Fee must be requested at the same time as the funding request.

(ii) Administrator--A unit of government, nonprofit entity or other party who has a written signed agreement or Contract with the Department committing the Department to provide funds upon the completion of certain actions called for in the agreement or Contract.

(iii) Applicant--A person who has submitted an application for Department funds.

(iv) Borrower--An individual(s) who receives or borrows an amount of money from the Department and is a reservation pursuant to this NOFA