

(d) A hospital may not charge a fee for:

(1) providing health care information under subsection (b) to the extent the fee is prohibited under Health and Safety Code, Chapter 161, Subchapter M;

(2) a patient to examine the patient's own health care information;

(3) providing an itemized statement of billed services to a patient or third-party payer, except as provided under Health and Safety Code, §311.002(f); or

(4) health care information relating to treatment or hospitalization for which workers' compensation benefits are being sought, except to the extent permitted under Labor Code, Chapter 408.

The statutes referenced in this notice may be found on the Internet at:

Health and Safety Code Chapter 241:

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.241.htm>

Health and Safety Code Chapter 311:

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.311.htm>

Health and Safety Code, Chapter 324:

<https://statutes.capitol.texas.gov/Docs/HS/htm/HS.324.htm>

Labor Code Chapter 408:

<https://statutes.capitol.texas.gov/Docs/LA/htm/LA.408.htm>

Civil Practice and Remedies Code Chapter 22:

<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.22.htm>

Should you have questions, you may contact the Health and Human Services Commission, Health Facility Licensing Unit, Mail Code 1868, P.O. Box 149347, Austin, Texas 78714-9347, (512) 834-6648, [healthfacilitylicensing@hhsc.state.tx.us](mailto:healthfacilitylicensing@hhsc.state.tx.us).

TRD-202003413

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 19, 2020



## Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit an amendment to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The amendment is proposed to be effective September 1, 2020.

The proposed amendment will ensure that a Federally Qualified Health Center (FQHC) is reimbursed for a covered telemedicine medical service or telehealth service delivered by a health care provider to a Medicaid recipient at the facility. A medical visit for an FQHC, as "medical visit" is defined in Attachment 4.19-B, will include covered telemedicine medical services. The proposed amendment will also clarify how rates are set for multiple FQHCs that are authorized to file a consolidated cost report.

As this proposal represents a change in methodology rather than rates, there is no estimated fiscal impact.

**Copy of Proposed Amendment.** Interested parties may obtain a copy of the proposed amendment and/or additional information about the amendment by contacting Cynthia Henderson, State Plan 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) 428-1932; by facsimile at (512) 730-7472; or by email at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Copies of the proposed amendment will be available for review at the local county offices of HHSC, (which were formerly the local offices of the Department of Aging and Disability Services).

**Written Comments.** Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax or email:

### U.S. Mail:

Texas Health and Human Services Commission

Attention: Rate Analysis Department, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

### Overnight mail, special delivery mail, or hand delivery:

Texas Health and Human Services Commission

Attention: Rate Analysis Department, Mail Code H-400 Brown-Heatly Building

4900 North Lamar Blvd.

Austin, Texas 78751

**Phone number for package delivery:** (512) 730-7401

**Fax:** Attention: Rate Analysis Department at (512) 730-7475

**Email:** [Kevin.Niemeyer@hhsc.state.tx.us](mailto:Kevin.Niemeyer@hhsc.state.tx.us)

TRD-202003380

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 14, 2020



## Department of State Health Services

### Orders Placing FUB-AMB into Schedule I and Lemborexant into Schedule IV

The Drug Enforcement Administration (DEA) issued a final rule placing methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA), including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, into schedule I of the Controlled Substances Act (CSA). This final rule was published in the *Federal Register*, Volume 85, Number 61, pgs. 17494-17497. The effective date of the final rule was March 30, 2020. This action was taken for the following reasons:

1. FUB-AMB has a high potential for abuse that is comparable to other schedule I substances such as  $\Delta^9$ -tetrahydrocannabinol and JWH-018;
2. FUB-AMB has no currently accepted medical use in treatment in the United States (US); and
3. There is a lack of accepted safety for use of FUB-AMB under medical supervision.

The DEA issued an interim final rule placing lemborexant, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible in schedule IV of the CSA. This rule was published in the *Federal Register*, Volume 85, Number

67, pages 19387-19391. The effective date of the interim final rule was April 7, 2020. This action was taken for the following reasons:

1. Lemborexant has a low potential for abuse relative to the drugs or other substances in schedule III;
2. Lemborexant has a currently accepted medical use in the US; and
3. Lemborexant may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

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 substance FUB-AMB be placed into schedule I and the substance lemborexant be placed into schedule IV.

#### **-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 (Other names: etryptamine; Monase;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;  $\alpha$ -ET; AET);
- (2) 4 Bromo 2,5 dimethoxyamphetamine (Other names: 4 bromo-2,5 dimethoxy- $\alpha$ -methylphenethylamine; 4 bromo 2,5 DMA);
- (3) 4-Bromo-2,5-dimethoxyphenethylamine (Other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;  $\alpha$ -desmethyl DOB);
- (4) 2,5 Dimethoxyamphetamine (Other names: 2,5 dimethoxy- $\alpha$ -methylphenethylamine; 2,5 DMA);
- (5) 2,5-Dimethoxy-4-ethylamphetamine (Other name: DOET);
- (6) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine, its optical isomers, salts and salts of isomers (Other name: 2C-T-7);
- (7) 4 Methoxyamphetamine (Other names: 4 methoxy  $\alpha$ -methylphenethylamine; paramethoxyamphetamine; PMA);
- (8) 5 Methoxy 3,4 methylenedioxy-amphetamine;
- (9) 4 Methyl 2,5 dimethoxyamphetamine (Other names: 4 methyl 2,5 dimethoxy- $\alpha$ -methyl phenethylamine; "DOM"; "STP");
- (10) 3,4-Methylenedioxy-amphetamine;
- (11) 3,4-Methylenedioxy-methamphetamine (Other names: MDMA; MDM);
- (12) 3,4 Methylenedioxy-N ethylamphetamine (Other names: N ethyl- $\alpha$ -methyl-3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA);
- (13) N-Hydroxy-3,4-methylenedioxyamphetamine (Other name: N-hydroxy MDA);
- (14) 3,4,5-Trimethoxy amphetamine;
- (15) 5-Methoxy-N,N-dimethyltryptamine (Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole, 5-MeO-DMT);

- (16)  $\alpha$ -Methyltryptamine (Other name: AMT);
- (17) Bufotenine (Other names: 3- $\beta$ -Dimethylaminoethyl)-5- hydroxy-indole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine);
- (18) Diethyltryptamine (Other names: N,N-Diethyltryptamine; DET);
- (19) Dimethyltryptamine (Other name: DMT);
- (20) 5-Methoxy-N,N-diisopropyltryptamine (Other name: 5-MeO-DIPT);
- (21) Ibogaine (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; Tabernanthe iboga);
- (22) Lysergic acid diethylamide;
- (23) Marihuana. The term marihuana does not include hemp, as defined Title 5, Agriculture Code, Chapter 121.
- (24) Mescaline;
- (25) Parahexyl (Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl);
- (26) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as *Lophophora williamsii* Lemaire, 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;
- (27) N-ethyl-3-piperidyl benzilate;
- (28) N-methyl-3-piperidyl benzilate;
- (29) Psilocybin;
- (30) Psilocyn;
- (31) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), except for tetrahydrocannabinols in hemp (as defined under Section 297A(1) of the Agricultural Marketing Act of 1946), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity 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;
  - 3,4 cis or trans tetrahydrocannabinol, and its optical isomers;(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.);
- (32) Ethylamine analog of phencyclidine (Other names: N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);
- (33) Pyrrolidine analog of phencyclidine (Other names: 1-(1 phenylcyclohexyl)-pyrrolidine; PCPy; PHP, rolicyclidine);
- (34) Thiophene analog of phencyclidine (Other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP);
- (35) 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (Other name: TCPy);
- (36) 4-Methylmethcathinone (Other names: 4-methyl-N-methylcathinone; mephedrone);

- (37) 3,4-methylenedioxypropylvalerone (Other name:MDPV);
- (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other name: 2C-E);
- (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other name: 2C-D);
- (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-C);
- (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-I);
- (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other name: 2C-T-2);
- (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other name: 2C-T-4);
- (44) 2-(2,5-Dimethoxyphenyl)ethanamine (Other name: 2C-H);
- (45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other name: 2C-N);
- (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (Other name: 2C-P);
- (47) 3,4-Methylenedioxy-N-methylcathinone (Other name: Methy-lone);
- (48) (1-Pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144, 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);
- (49) [1-(5-Fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144, 5-F-UR-144, XLR11, (5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole);
- (50) N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (Other names: APINACA, AKB48);
- (51) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (Other names: PB-22; QUPIC);
- (52) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (Other names: 5-fluoro-PB-22; 5F-PB-22);
- (53) N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other name: AB-FUBINACA);
- (54) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other name: ADB-PINACA);
- (55) 2-(4-Iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (Other names: 25I-NBOMe; 2CI-NBOMe; 25I; Cimbi-5);
- (56) 2-(4-Chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
- (57) 2-(4-Bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
- (58) Marijuana extract, meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus Cannabis, other than the separated resin (whether crude or purified) obtained from the plant;
- (59) 4-Methyl-N-ethylcathinone (4-MEC);
- (60) 4-Methyl- $\alpha$ -pyrrolidinopropiophenone (4-MePPP);
- (61)  $\alpha$ -Pyrrolidinopentiophenone ([ $\alpha$ ]-PVP);
- (62) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (Other names: butylone; bk-MBDB);
- (63) 2-(Methylamino)-1-phenylpentan-1-one (Other name: pentedrone);
- (64) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Other names: pentylone; bk-MBDP);
- (65) 4-Fluoro-N-methylcathinone (Other names: 4-FMC; flephedrone);
- (66) 3-Fluoro-N-methylcathinone (Other name: 3-FMC);
- (67) 1-(Naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (Other name: naphyrone);
- (68)  $\alpha$ -Pyrrolidinobutiophenone (Other name: [ $\alpha$ ]-PBP);
- (69) N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (Other name: AB-CHMI-NACA);
- (70) N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other name: AB-PINACA);
- (71) [1-(5-Fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone (Other name: THJ-2201);
- (72) 1-Methyl-4-phenyl-1,2,5,6-tetrahydro pyridine (MPTP);
- (73) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (Other names: MAB-CHMI-NACA, ABD-CHMINACA);
- (74) Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB, 5F-MDMB-PINACA);
- (75) Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other name: 5F-AMB);
- (76) N-(Adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other names: 5F-APINACA; 5F-AKB48);
- (77) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other name: ADB-FUBINACA);
- (78) Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA; MMB-CHMI-NACA);
- (79) Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: MDMB-FUBINACA); and
- (80) Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB; MMB-FUBINACA; AMB-FUBINACA).

#### **-Schedule IV depressants**

Except as provided by the Texas Controlled Substances Act, Health and Safety Code, Section 481.033, a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Alfaxalone (5 $\alpha$ -pregnan-3 $\alpha$ -ol-11,20-dione);
- (2) Alprazolam;
- (3) Barbitol;
- (4) Brexanolone (3 $\alpha$ -hydroxy-5 $\alpha$ -pregnan-20-one) (Other name: allo-pregnanolone);
- (5) Bromazepam;

- (6) Camazepam;
- (7) Chloral betaine;
- (8) Chloral hydrate;
- (9) Chlordiazepoxide;
- (10) Clobazam;
- (11) Clonazepam;
- (12) Clorazepate;
- (13) Clotiazepam;
- (14) Cloxazolam;
- (15) Delorazepam;
- (16) Diazepam;
- (17) Dichloralphenazone;
- (18) Estazolam;
- (19) Ethchlorvynol;
- (20) Ethinamate;
- (21) Ethyl loflazepate;
- (22) Fludiazepam;
- (23) Flunitrazepam;
- (24) Flurazepam;
- (25) Fospropofol;
- (26) Halazepam;
- (27) Haloxazolam;
- (28) Ketazolam;
- \* (29) Lemborexant;
- (30) Loprazolam;
- (31) Lorazepam;
- (32) Lormetazepam;
- (33) Mebutamate;
- (34) Medazepam;
- (35) Meprobamate;
- (36) Methohexital;
- (37) Methylphenobarbital (mephobarbital);
- (38) Midazolam;
- (39) Nimetazepam;
- (40) Nitrazepam;
- (41) Nordiazepam;
- (42) Oxazepam;
- (43) Oxazolam;
- (44) Paraldehyde;
- (45) Petrichloral;
- (46) Phenobarbital;
- (47) Pinazepam;
- (48) Prazepam;

- (49) Quazepam;
- (50) Suvorexant;
- (51) Temazepam;
- (52) Tetrazepam;
- (53) Triazolam;
- (54) Zaleplon;
- (55) Zolpidem; and
- (56) Zopiclone, its salts, isomers, and salts of isomers.

Changes indicated by an \*

TRD-202003414

Barbara L. Klein

General Counsel

Department of State Health Services

Filed: August 19, 2020

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## Texas Department of Housing and Community Affairs

Release of the Notice of Funding Availability (NOFA) for the Texas Department of Housing and Community Affairs Fiscal Year 2021 Amy Young Barrier Removal Program

### I. Source of Funds.

The Amy Young Barrier Removal (AYBR) Program is funded through the Housing Trust Fund, which was established by the 72nd Legislature, Senate Bill 546, in Texas Government Code §2306.201 *et seq.*, to develop and rehabilitate affordable housing for low- and very low-income households. Funding sources consist of appropriations or transfers made to the fund, unencumbered fund balances, and public or private gifts, grants, or donations.

### II. Notice of Funding Availability (NOFA) Summary.

The Texas Department of Housing and Community Affairs (the Department) announces \$1,699,531 in Texas Housing Trust Fund for the Amy Young Barrier Removal (AYBR) Program Fiscal Year 2021. \$1,545,028.18 is made available for Project Costs, and \$154,502.82 is made available for Administration. The funding will be available for reservation using a geographic dispersion method beginning Tuesday, September 1, 2020, at 10:00 a.m. Austin local time.

The AYBR Program provides one-time grants of up to \$22,500 to Persons with Disabilities in a household qualified as earning 80% or less of the Area Median Family Income. Grants are for home modifications that increase accessibility, eliminate life-threatening hazards, and correct unsafe conditions.

Eligible nonprofit organizations, units of local government, councils of government, Colonia Self-Help Centers, local mental health authorities, and public housing authorities are eligible entities that may apply to become an Administrator of the AYBR Program. To be able to reserve AYBR Program funds on behalf of an eligible Person with Disabilities, the entities must complete the Reservation System Access Application found on the Program website and then execute a Reservation System Agreement with the Department.

### III. Additional Information.

The Fiscal Year 2021 AYBR Program NOFA is on the Department's website at <http://www.tdhca.state.tx.us/hf/single-family/amy-young.htm>. Please contact Diana Velez, Administrator of the