

mony 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](mailto: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-201903082  
Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: September 4, 2019

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Substance Use Disorder Services - Update to Billing Procedure Code for Buprenorphine

**Hearing.** The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on September 20, 2019, at 9:00 a.m., to receive to receive public comment on the proposed update to the billing procedure code for buprenorphine.

The public hearing will be held in the HHSC Public Hearing Room at the Brown-Heatly Building, located at 4900 North Lamar Blvd., Austin, Texas. Entry is through security at the main entrance of the building, which faces 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 update to the billing procedure code for buprenorphine is proposed to be effective November 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;

--§355.8241, which addresses the reimbursement methodology for chemical dependency treatment facilities; and

--§355.8441, which addresses the reimbursement methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) services (known in Texas as Texas Health Steps).

**Briefing Packet.** A briefing packet describing the proposed coding updates will be available at <https://rad.hhs.texas.gov/rate-packets> on or after September 6, 2019. Interested parties may obtain a copy of the briefing packet 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](mailto:RADAcuteCare@hhsc.state.tx.us). The briefing packet 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](mailto: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.

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TRD-201903084  
Karen Ray  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: September 4, 2019

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**Department of State Health Services**

Correction of Error

The Executive Commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), published a proposal for new §1.81, concerning Recognition of Out-of-State License of Military Spouse in the August 30, 2019, issue of the *Texas Register* (44 TexReg 4657).

The email address for receiving public comments was incorrectly published. The correct email address for receiving public comments is [CPDRuleComments@dshs.texas.gov](mailto:CPDRuleComments@dshs.texas.gov).

TRD-201903062  
Barbara Klein  
General Counsel  
Department of State Health Services  
Filed: September 3, 2019

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Order Temporarily Placing N-Ethylhexedrone, alpha-PHP, 4-MEAP, MPHP, PV8, and 4-Chloro-alpha-PVP into Schedule I

The Acting Administrator of the Drug Enforcement Administration issued a temporary scheduling order placing the synthetic cathinones N-ethylhexedrone (Other name: 2-(ethylamino)-1-phenylhexan-1-one); alpha-pyrrolidinohexanophenone (Other names: alpha-PHP, alpha-pyrrolidinohexiophenone, 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one); 4-Methyl-alpha-ethylaminopentiophenone (Other names: 4-MEAP, 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one); 4'-Methyl-alpha-pyrrolidinohexiophenone (Other names: MPHP, 4'-methyl-alpha-pyrrolidinohexanophenone, 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one); alpha-Pyrrolidinoheptaphenone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: PV8, 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one); and, 4'-Chloro-alpha-pyrrolidinovalephone, its optical, positional, and geometric isomers, salts and salts of isomers (Other names: 4-chloro-alpha-PVP, 4'-chloro-alpha-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one) and their optical, positional, and geometric isomers, salts, and salts of isomers into schedule I of the Controlled Substances Act, effective July 18, 2019. This temporary amendment was published in the Federal Register, Volume 84, Number 138, pages 34291-34297.

This scheduling action was based on the following:

1. N-ethylhexedrone, alpha-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-alpha-PVP pose an imminent hazard to the public safety;
2. There are no currently accepted medical uses for N-ethylhexedrone, alpha-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-alpha-PVP in the United States;
3. N-ethylhexedrone, alpha-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-alpha-PVP in the United States have a high potential for abuse; and,
4. N-ethylhexedrone, alpha-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-alpha-PVP in the United States lack accepted safety for use 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 substances N-ethylhexedrone, alpha-PHP, 4-MEAP, MPHP, PV8, and 4-chloro-alpha-PVP be placed temporarily into schedule I.

- Schedule I temporarily listed substances subject to emergency scheduling by the United States Drug Enforcement Administration.

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance's salts; isomers; optical, positional, and geometric isomers; esters; ethers; and salts of isomers, esters and ethers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

- (1) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (Other name: beta-hydroxythiofentanyl);
- (2) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB, 5F-MDMB-PINACA);
- (3) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other names: 5F-AMB);
- (4) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (Other names: 5F-APINACA, 5F-AKB48);
- (5) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: ADB-FUBINACA);
- (6) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA, MMB-CHMINACA);
- (7) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-FUBINACA);
- (8) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB, MMB-FUBINACA, AMB-FUBINACA);
- (9) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (Other names: ortho-fluorofentanyl, 2-fluorofentanyl);
- (10) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (Other name: methoxyacetyl fentanyl);
- (11) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Other name: cyclopropyl fentanyl);
- (12) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (Other name: valeryl fentanyl);
- (13) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (Other name: para-fluorobutyryl fentanyl);
- (14) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (Other name: para-methoxybutyryl fentanyl);
- (15) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (Other name: para-chloroisobutyryl fentanyl);
- (16) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (Other name: isobutyryl fentanyl);
- (17) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (Other name: cyclopentyl fentanyl);
- (18) Fentanyl-related substances.
  - (18-1) Fentanyl-related substance means any substance not otherwise listed under another Administration Controlled Substance Code Number, and for which no exemption or approval is in effect under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), that is structurally related to fentanyl by one or more of the following modifications:
    - (18-1-1) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;
    - (18-1-2) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino or nitro groups;
    - (18-1-3) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;
    - (18-1-4) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or
    - (18-1-5) Replacement of the N-propionyl group by another acyl group;
  - (18-2) This definition includes, but is not limited to, the following substances:
    - (18-2-1) N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (2'-fluoro ortho-fluorofentanyl);
    - (18-2-2) N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl acetyl fentanyl);
    - (18-2-3) N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide (beta'-phenyl fentanyl, hydrocinnamoyl fentanyl);
    - (18-2-4) N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (thiofuranyl fentanyl);
    - (18-2-5) (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (crotonyl fentanyl);
- (19) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM2201, CBL2201);
- (20) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AB-PINACA);
- (21) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 4-CN-CUMYL-BUTINACA, 4-cyano-CUMYL-BUTINACA, 4-CN-CUMYL BINACA, CUMYL-4CN-BINACA; SGT-78);
- (22) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate (other names: MMB-CHMICA, AMB-CHMICA);
- (23) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA);

(24) N-ethylpentylone (Other names: ephylone; 1-(1,3-benzodioxil-5-yl)-2-(ethylamino)-pentan-1-one);

(25) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5FEDMB-PINACA);

(26) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-MDMB-PICA);

(27) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: FUB-AKB48, FUB-APINACA), AKB48 N-(4-FLUOROBENZYL));

(28) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (Other names: 5F-CUMYL-PINACA; SGT-25);

(29) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other name: FUB-144);

\*(30) N-ethylhexedrone (Other name: 2-(ethylamino)-1-phenylhexan-1-one);

\*(31) alpha-pyrrolidinohexanophenone (Other names: alpha-PHP, alpha-pyrrolidinohexiophenone, 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);

\*(32) 4-Methyl-alpha-ethylaminopentiophenone (Other names: 4-MEAP, 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);

\*(33) 4-Methyl-alpha-pyrrolidinohexiophenone (Other names: MPHP;

4'-methyl-alpha-pyrrolidinohexanophenone, 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

\*(34) alpha-Pyrrolidinoheptaphenone (Other names: PV8, 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one); and

\*(35) 4-Chloro-alpha-pyrrolidinovalerophenone (Other names: 4-chloro-alpha-PVP, 4-chloro-alpha-pyrrolidinopentiophenone, 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one).

Changes indicated by an \*

TRD-201903086

Barbara L. Klein

General Counsel

Department of State Health Services

Filed: September 4, 2019

## Texas Lottery Commission

Scratch Ticket Game Number 2195 "MONOPOLY™ 50X"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2195 is "MONOPOLY™ 50X". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2195 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2195.

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: 01, 02, 03, 04, 05, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 10X SYMBOL, 20X SYMBOL, 50X SYMBOL, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000, \$5,000 and \$200,000.

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: