

As this proposal represents a clarification 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. 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: Provider Finance 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: Provider Finance 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: Provider Finance Department at (512) 730-7475

Email: cristina.melendez@hhs.texas.gov
TRD-202100285
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: January 20, 2021



Department of State Health Services

Certification Limited Liability Report

The Hospital Survey Program in the Center for Health Statistics, Texas Department of State Health Services, has completed its analysis of hospital data for the purpose of certifying nonprofit hospitals or hospital systems for limited liability in accordance with Texas Health and Safety Code, §311.0456. Twenty-three hospitals requested certification in accordance with §311.0456, each of the requesting hospitals will be notified, by mail, on the determination of whether certification requirements were met. The certification issued under Texas Health and Safety Code, §311.0456, to a nonprofit hospital or hospital system takes effect on December 31, 2020, and expires on the anniversary of that date.

Certified:

One non-profit hospital system (6 hospitals) and twelve nonprofit hospitals were determined to be eligible for certification based on information that they provided i.e., charity care in an amount equal to or

greater than 8 percent of their net patient revenue and that they provided 40 percent or more of the charity care in their counties.

- Seton Healthcare System (Travis County only)
- Ascension Seton Medical Center in Travis
- Ascension Seton Northwest in Travis
- Ascension Seton Shoal Creek in Travis
- Ascension Seton Southwest in Travis
- Dell Children's Medical Center in Travis
- Dell Seton Medical Center at the University of Texas in Travis
- CHRISTUS Spohn Hospital Beeville in Bee County
- Ascension Seton Edgar B Davis in Caldwell
- Christus Good Shepherd Medical Center - Marshall in Harrison County
- Ascension Seton Hays in Hays
- CHRISTUS Mother Frances Hospital - Sulphur Springs in Hopkins County
- CHRISTUS Southeast Texas - Jasper Memorial in Jasper County
- CHRISTUS Southeast Texas - St. Elizabeth & St. Mary in Jefferson County
- CHRISTUS Spohn Hospital Alice in Jim Wells County
- CHRISTUS Spohn Hospital Kleberg in Kleberg County
- CHRISTUS Spohn Hospital Shoreline Corpus Christi in Nueces County
- United Regional Health Care System in Wichita County
- CHRISTUS Mother Frances Hospital-Winnsboro in Wood County

Not Certified:

- Five nonprofit hospitals were not certified because, based on their survey data, they did not provide charity care in an amount equal to or greater than 8 percent of their net patient revenue nor did they provide 40 percent of the charity care in their counties.
- Ascension Seton Smithville in Bastrop County
- CHRISTUS St. Michael Health System in Bowie County
- Ascension Seton Highland Lakes in Burnet County
- Ascension Providence in McLennan County
- Ascension Seton Williamson in Williamson County

For further information about this report, please contact Dwayne Collins at or Andria Orbach at Andria.Orbach@dshs.texas.gov in the Center for Health Statistics at (512) 776-7261.

TRD-202100286
Barbara L. Klein
General Counsel
Department of State Health Services
Filed: January 20, 2021



Decision Order Regarding the Modification of the Definition of Tetrahydrocannabinols in Schedule I of the Schedules of Controlled Substances

On August 21, 2020, the Acting Administrator of the Drug Enforcement Administration (DEA) issued an interim final rule making four

conforming changes to DEA's existing scheduling regulations. The interim final rule was published in the *Federal Register*, Volume 85, Number 163, pages 51639-51645 and was effective August 21, 2020. Pursuant to Section 481.034(g), as amended by the 75th Legislature, of the Texas Controlled Substances Act, Health and Safety Code, Chapter 481, the commissioner may object during the 30-day period beginning on the day after the date of publication in the *Federal Register* of a final order designating a substance as controlled or deleting a substance from the schedules.

The interim final rule modifies 21 CFR 1308.11(d)(31) by adding language stating that the definition of "Tetrahydrocannabinols" does not include "any material, compound, mixture or preparation that falls within the definition of hemp set forth in 7 U.S.C 1639c."

The interim final rule modifies 21 CFR 1308.11(d)(58) by stating that the definition of "Marihuana Extract" is limited to extracts "containing greater than 0.3 percent delta-9-tetrahydrocannabinol on a dry weight basis."

In the capacity as Commissioner of the Texas Department of State Health Services, John Hellerstedt, M.D., objected to the modifications of the two definitions to the extent that the definitions allow for the presence or addition of tetrahydrocannabinols aside from the presence of delta-9-tetrahydrocannabinol. Multiple tetrahydrocannabinol isomers and variants may have pharmacological or psychoactive properties.

On September 18, 2020, the Commissioner notified the public of his objection. Pursuant to Section 481.034(g), on October 6, 2020, the Commissioner held a hearing to allow public comment with respect to the objection. Zero comments were received during the hearing and zero written comments were received by October 8, 2020.

Decision: The modifications of the two definitions above are not adopted.

John Hellerstedt, M.D., Commissioner, signed this order on November 17, 2020.

TRD-202100284
Barbara L. Klein
General Counsel

Department of State Health Services
Filed: January 20, 2021

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Texas Lottery Commission

Scratch Ticket Game Number 2291 "WILLY WONKA GOLDEN TICKET™"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2291 is "WILLY WONKA GOLDEN TICKET™". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2291 shall be \$5.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2291.

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

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: