

The project is scheduled to begin March 1, 2015, and individuals may choose not to participate. To participate, an individual must be:

- Receiving Medicare Part A, B, and D,
- Receiving full Medicaid benefits through the STAR+PLUS program or receiving STAR+PLUS Home and Community Based Services (HCBS) waiver services,
- Age 21 or older, and
- Residing in one of the following six Texas counties (Bexar, Dallas, El Paso, Harris, Hidalgo, and Tarrant).

The THTQIP waiver allows the State to expand managed care throughout the state, while preserving an important revenue source for certain qualifying hospitals that currently receive Upper Payment Limit payments.

To obtain copies of the proposed waiver amendment, interested parties may contact Tiffany Kirts by mail at Texas Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711-3247, phone (512) 424-6574, fax (512) 730-7472, or by email at TX_Medicaid_Waivers@hhsc.state.tx.us.

TRD-201403258
Jack Stick
Chief Counsel
Texas Health and Human Services Commission
Filed: July 15, 2014



Public Notice

The Texas Health and Human Services Commission announces its intent to submit transmittal number 14-020 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of this amendment is to implement Senate Bill 8, 83rd Legislature, Regular Session, 2013, which requires the Texas Health and Human Services Commission to provide Medical Transportation Program services on a regional basis through Managed Transportation Organizations. The requested effective date for the amendment is September 1, 2014.

To obtain copies of the proposed amendment and information relating to the effect and cost of the change, any possible cost savings, the criteria for receiving services, and the number of people to be served, interested parties may contact Marcus Denton, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-100, Austin, Texas 78711; by telephone at (512) 730-7413; by facsimile at (512) 730-7472; or by e-mail at marcus.denton@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.

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Jack Stick
Chief Counsel
Texas Health and Human Services Commission
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Department of State Health Services

Amendment to the Texas Schedules of Controlled Substances

This amendment to the Texas Schedules of Controlled Substances was signed by David L. Lakey, M.D., Commissioner of the Department of

State Health Services, on July 2, 2014, and will take effect 21 days following publication of this notice in the *Texas Register*.

Changes to the schedules are designated by an asterisk (*). Additional information can be obtained by contacting the Department of State Health Services, Drugs and Medical Devices Group, P.O. Box 149347, Austin, Texas 78714-9347. The telephone number is (512) 834-6755 and the website address is <http://www.dshs.state.tx.us/dmd>.

The Administrator of the Drug Enforcement Administration (DEA) issued a final order placing 5[alpha]-pregnan-3[alpha]-ol-11,20-dione (alfaxalone), including its salts, isomers, and salts of isomers, into schedule IV of the United States Controlled Substances Act (CSA) effective March 31, 2014. This final order was published in the *Federal Register*, Volume 79, Number 39, pages 10985 - 10989. The Administrator has taken action based on the following.

1. 5[alpha]-pregnan-3[alpha]-ol-11,20-dione (alfaxalone) has a low potential for abuse relative to the drugs or other substances in schedule III; the overall abuse potential of alfaxalone is comparable to the schedule IV controlled substances diazepam, midazolam, phenobarbital, methohexital, and propofol (proposed to be controlled as a schedule IV);
2. 5[alpha]-pregnan-3[alpha]-ol-11,20-dione (alfaxalone) has a currently accepted medical use in treatment in the United States; alfaxalone was approved for marketing by the FDA as a veterinary anesthetic product for the induction and maintenance of anesthesia in cats and in dogs; and
3. Abuse of 5[alpha]-pregnan-3[alpha]-ol-11,20-dione (alfaxalone) may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III.

The Deputy Administrator DEA issued a final order placing fospropofol, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, into schedule IV of the CSA effective November 5, 2009. This final order was published in the *Federal Register*, Volume 74, Number 192, pages 51234 - 51236. The Deputy Administrator has taken the action based on the following:

1. Fospropofol has a low potential for abuse relative to the drugs or substances in schedule III. Although there is no direct comparison to a schedule III substance, this finding is based on the demonstration of the abuse potential of propofol, the active metabolite, relative to the schedule IV substances, methohexital and midazolam;
2. Fospropofol has a currently accepted medical use in treatment in the United States; and
3. Abuse of fospropofol may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in schedule III. This finding is based on the symptoms exhibited upon withdrawal from propofol.

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*; and David L. Lakey, M.D., in his capacity as Commissioner of the Texas Department of State Health Services, hereby orders that the substances 5[alpha]-pregnan-3[alpha]-ol-11,20-dione (alfaxalone), including its salts, isomers, and salts of isomers and fospropofol including its salts, isomers and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible, be placed into Schedule IV of the schedules of controlled substances.

SCHEDULE IV

Schedule IV consists of:

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) Bromazepam;
- (5) Camazepam;
- (6) Chloral betaine;
- (7) Chloral hydrate;
- (8) Chlordiazepoxide;
- (9) Clobazam;
- (10) Clonazepam;
- (11) Clorazepate;
- (12) Clotiazepam;
- (13) Cloxazolam;
- (14) Delorazepam;
- (15) Diazepam;
- (16) Dichloralphenazone;
- (17) Estazolam;
- (18) Ethchlorvynol;
- (19) Ethinamate;
- (20) Ethyl loflazepate;
- (21) Fludiazepam;
- (22) Flunitrazepam;
- (23) Flurazepam;
- *(24) Fospropofol;
- (25) Halazepam;
- (26) Haloxazolam;
- (27) Ketazolam;
- (28) Loprazolam;
- (29) Lorazepam;
- (30) Lormetazepam;

- (31) Mebutamate;
- (32) Medazepam;
- (33) Meprobamate;
- (34) Methohexital;
- (35) Methylphenobarbital (mephobarbital);
- (36) Midazolam;
- (37) Nimetazepam;
- (38) Nitrazepam;
- (39) Nordiazepam;
- (40) Oxazepam;
- (41) Oxazolam;
- (42) Paraldehyde;
- (43) Petrichloral;
- (44) Phenobarbital;
- (45) Pinazepam;
- (46) Prazepam;
- (47) Quazepam;
- (48) Temazepam;
- (49) Tetrazepam;
- (50) Triazolam;
- (51) Zaleplon;
- (52) Zolpidem; and
- (53) Zopiclone, its salts, isomers, and salts of isomers.

Schedule IV stimulants

Schedule IV narcotics

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

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Lisa Hernandez

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Department of State Health Services

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Licensing Actions for Radioactive Materials