



HHS CIRCULAR C-006

Health and Human Services Enterprise Process for the Development and Approval of Rules

Purpose

This circular establishes enterprise-wide processes and includes documents for use in the development and approval of rules. Documents associated with the rulemaking process are included to ensure that the policy issues are easily understood to allow for efficient development, review, and approval.

Assumptions

- All other related and necessary actions to the proposal and adoption process are addressed by the agency including, but not limited to, coordination with federal partners and other state agencies, as appropriate.
- Prior to initiating processes outlined in this circular, all internal agency development and review processes are completed and the state required processes for proposal and adoption of rules are followed.

Directive

HHS agencies and HHSC divisions initiating rules and HHS offices reviewing and processing rules are responsible for following the processes and using the documents provided in this circular.

Background

A consolidated rulemaking project developed a rulemaking process, in accordance with provisions of H.B. 2292, 78th Legislature, 2003, which requires the Executive Commissioner of the Health and Human Services Commission to propose and adopt all HHS agency rules. The process requires that the agency councils for all five HHS agencies serve as a vehicle for public input for the rulemaking process and make recommendations to the Executive Commissioner before the rule is proposed in the *Texas Register*. The process also incorporates that, when required by law, some rules must also be reviewed by advisory committees. The committees shall take public testimony and will make recommendations to the Executive Commissioner.

Step-by-step procedures have been developed and are a part of this circular. In addition to the process, templates and standards for the documents that will make up the “rules packet” are provided or outlined, respectively.



Summary

The following table includes a listing of references and related documents found in the HHS Standard Rulemaking Process (Attachment 1), identifies standards that should be followed, and identifies when a template should be used. Templates and additional information are included as attachments to this circular.

Document	Template / Standard
Standard Rulemaking Process for HHS Agencies and HHSC Divisions	Attachment 1 – Identifies overall process.
Rulemaking Notification Form	Attachment 2 – Template. (Note: The original form is used, as referenced, throughout the process.)
Medical Care Advisory Committee Document	Attachment 3 – Template.
Other Advisory Committee Documents	As required by each individual agency; standards set by the agency.
Memo to Agency Council	No standard template, but memos to agency councils regarding rules should include the following: <ul style="list-style-type: none"> • Background • Summary/Purpose for the rule • Fiscal Impact Also suggested is that the memo include: <ul style="list-style-type: none"> • Section-by-section analysis of the rule • Summary of stakeholder input, Medical Care Advisory Committee, other advisory committee input (if applicable), or other agency council input (if applicable)
Preamble and Rule	Standard: Submit in form and content that satisfies the requirements for submission to the <i>Texas Register</i> as determined by agency General Counsel.
Rulemaking Fiscal Impact Form	Attachment 4 – Template.



Document

Template / Standard

Request for Publication of Proposed Rules Memo	Use Executive Clerk Action Memo format and include details of the proposed rule, summary of advisory committee and/or agency council recommendations, and any changes made to rules based on those recommendations. The memo should also include agency General Counsel line approval that the rule meets all legal requirements for publication as proposed. See additional detail outlined in Attachment 5 , Executive Clerk Process for Proposed Rule Publication.
Request for Adoption of Proposed Rules Memo	Use Executive Clerk Action Memo format and include agency General Counsel line approval certifying the rule meets all legal requirements for adoption, and summary of comments from publication. See additional detail outlined in Attachment 6 , Executive Clerk Process for Final Rule Adoption.
Order Adopting Rule	Attachment 7 – Example for template included.

Inquiries

Inquiries concerning the process delineated in this circular should be directed to the following Health and Human Services Commission employees:

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Office of Social Services

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