

Regulations or Economic Factors Affect Costs, and 1 TAC Chapter 355, Subchapter B, §355.201, Establishment and Adjustment of Reimbursement Rates by the Health and Human Services Commission.

Briefing Package. A briefing package describing the proposed payment rates will be available at <http://www.hhsc.state.tx.us/rad/rate-packets.shtml> on June 28, 2013. Interested parties also may obtain a copy of the briefing package 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 Sarah.Hambrick@hhsc.state.tx.us. The briefing package also will 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 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 Sarah.Hambrick@hhsc.state.tx.us. In addition, written comments may be sent by overnight mail or hand delivered to the Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, Brown Heatly Building, 4900 North Lamar Boulevard, Austin, Texas 78751-2399.

TRD-201302570
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: June 19, 2013



Notice of Public Hearing on Proposed Youth Empowerment Services Waiver Payment Rates

Hearing. The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on Tuesday, July 16, 2013 at 1:00 p.m. to receive public comment on proposed payment rates for Community Living Supports - Bachelor's Level, Community Living Supports - Master's Level, Family Supports Services, Paraprofessional Services, the Pre-Engagement Fee, and In-home Respite, in the Youth Empowerment Services (YES) waiver program operated by the Texas Department of State Health Services (DSHS). In addition, rates are proposed for two services that are being added to the YES waiver, Supported Employment (SE) and Employment Assistance (EA). The hearing will be held in compliance with Human Resources Code §32.0282 and 1 Texas Administrative Code (TAC) §355.105(g), which require public notice and hearings on proposed rates before such rates are approved by HHSC.

The public hearing will be held in the Public Hearing Room of the John H. Winters Building, located at 701 West 51st Street, Austin, Texas. Entry is through Security at the front of the building facing 51st Street. Persons requiring Americans with Disabilities Act (ADA) accommodation or auxiliary aids or services should contact Rate Analysis by calling (512) 730-7401 at least 72 hours prior to the hearing so appropriate arrangements can be made.

Proposal. HHSC proposes rate increases for the existing YES waiver services listed above and rates for the new SE and EA services to be provided through the YES waiver. The proposed rates will be effective September 1, 2013, and were determined in accordance with the rate setting methodologies listed below under "Methodology and Justification."

Methodology and Justification. The proposed payment rates incorporate appropriations provisions from the 2014-2015 General Appropriations Act, S.B. 1, 83rd Legislature, Regular Session, 2013 (Arti-

cle II, Department of State Health Services), which appropriated \$24.4 million in general revenue funds for the 2014-2015 biennium for rate increases for the YES waiver. The proposed payment rates also incorporate direction from Section 1, S.B. 45, 83rd Legislature, Regular Session, 2013, which requires DSHS to add SE and EA to the YES waiver service array. The proposed rates were determined in accordance with the rate setting methodology codified at 1 TAC §355.9060, Reimbursement Methodology for the Youth Empowerment Services Waiver Program.

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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 sarah.hambrick@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 Boulevard, Austin, Texas 78751-2399.

TRD-201302571
Steve Aragon
Chief Counsel
Texas Health and Human Services Commission
Filed: June 19, 2013



Department of State Health Services

Amendment to the Schedules of Controlled Substances

This amendment to the Schedules of Controlled Substances was signed by the Commissioner of the Department of State Health Services on June 13, 2013, and will become effective 21 days after the date of publication of this notice in the *Texas Register*.

The Administrator of the Drug Enforcement Administration (DEA) placed the substance 3,4-Methylenedioxy-N-methylcathinone (Other name: Methylone) 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 federal schedules of controlled substances under the authority of the United States Controlled Substances Act (USCSA) effective April 12, 2013. This final rule was published in the *Federal Register*, Volume 78, Number 71, pages 21818-21825. The Administrator of the DEA has taken this action based on a scheduling recommendation from the Assistant Secretary for Health of the Department of Health and Human Services and the following:

- (1) 3,4-Methylenedioxy-N-methylcathinone (Other name: Methylone) has a high potential for abuse;
- (2) 3,4-Methylenedioxy-N-methylcathinone (Other name: Methylone) has no currently accepted medical use in treatment in the United States; and
- (3) there is a lack of accepted safety for use of 3,4-Methylenedioxy-N-methylcathinone (Other name: Methylone) under medical supervision.

Pursuant to §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 action was published in the *Federal Register*; and, in the capacity as Commissioner of the Department of State Health Services, David L. Lakey, M.D. hereby orders that the substance 3,4-Methylenedioxy-N-methylcathinone (Other name: Methylone) including its salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible be moved from Schedule I temporarily scheduled substances to Schedule I Hallucinogenic Substances.

SCHEDULE I

Schedule I consists of:

Schedule I opiates

Schedule I opium derivatives

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 (some trade or other names: etryptamine; Monase; alpha ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; AET);

(2) alpha-methyltryptamine (AMT), its isomers, salts, and salts of isomers;

(3) 4 bromo 2,5 dimethoxyamphetamine (some trade or other names: 4 bromo-2,5 dimethoxy alpha methylphenethylamine; 4 bromo 2,5 DMA);

(4) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB);

(5) 2,5 dimethoxyamphetamine (some trade or other names: 2,5 dimethoxy alpha methylphenethylamine; 2,5 DMA);

(6) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET);

(7) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of isomers;

(8) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts, and salts of isomers;

(9) 5 methoxy 3,4 methylenedioxy-amphetamine;

(10) 4 methoxyamphetamine (some trade or other names: 4 methoxy alpha methylphenethylamine; paramethoxyamphetamine; PMA);

(11) 1 methyl 4 phenyl 1,2,5,6 tetrahydro pyridine (MPTP);

(12) 4 methyl 2,5 dimethoxyamphetamine (some trade and other names: 4 methyl 2,5 dimethoxy alpha methyl phenethylamine; "DOM"; and "STP");

(13) 3,4 methylenedioxy-amphetamine;

(14) 3,4 methylenedioxy-methamphetamine (MDMA, MDM);

(15) 3,4 methylenedioxy-N ethylamphetamine (some trade or other names: N ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine; N-ethyl MDA; MDE; MDEA);

(16) 3,4,5 trimethoxy amphetamine;

(17) N hydroxy 3,4 methylenedioxyamphetamine (Also known as N hydroxy MDA);

(18) 5-methoxy-N,N-dimethyltryptamine (Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);

(19) Bufotenine (some trade and other names: 3-(beta-Dimethylaminoethyl) 5 hydroxyindole; 3 (2 dimethylaminoethyl) 5 indolol; N,N dimethylserotonin; 5 hydroxy N,N dimethyltryptamine; map-pine);

(20) Diethyltryptamine (some trade and other names: N,N Diethyltryptamine; DET);

(21) Dimethyltryptamine (some trade and other names: DMT);

(22) Ethylamine Analog of Phencyclidine (some trade or other names: N ethyl 1 phenylcyclohexylamine; (1 phenylcyclohexyl) ethylamine; N (1 phenylcyclohexyl)-ethylamine; cyclohexamine; PCE);

(23) Ibogaine (some trade or 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; taber-nanthe iboga);

(24) Lysergic acid diethylamide;

(25) Marihuana;

(26) Mescaline;

(27) N-benzylpiperazine (some other names: BZP; 1-benzylpiperazine), its optical isomers, salts and salts of isomers;

(28) N ethyl 3 piperidyl benzilate;

(29) N methyl 3 piperidyl benzilate;

(30) Parahexyl (some trade or other names: 3 Hexyl 1 hydroxy 7,8,9,10 tetrahydro 6,6,9 trimethyl 6H dibenzo [b,d] pyran; Synhexyl);

(31) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as *Lophophora*, 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;

(32) Psilocybin;

(33) Psilocin;

(34) Pyrrolidine analog of phencyclidine (some trade or other names: 1-(1 phenyl-cyclohexyl)-pyrrolidine, PCPy, PHP);

(35) Tetrahydrocannabinols;

meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), 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; and

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 covered.)

(36) Thiophene analog of phencyclidine (some trade or other names: 1 [1 (2 thienyl) cyclohexyl] piperidine; 2 thienyl analog of phencyclidine; TPCP);

(37) 1 [1 (2 thienyl)cyclohexyl]pyrrolidine (some trade or other names: TCPy);

(38) 4-methylmethcathinone (Other names: 4-methyl-N-methylcathinone; mephedrone);

(39) 3,4-methylenedioxypropylvalerone (MDPV);

(40) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other names: 2C-E);

(41) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other names: 2C-D);

(42) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other names: 2C-C);

(43) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other names: 2C-I);

(44) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other names: 2C-T-2);

(45) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other names: 2C-T-4);

(46) 2-(2,5-Dimethoxyphenyl)ethanamine (Other names: 2C-H);

(47) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other names: 2C-N);

(48) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (Other names: 2C-P); and

*(49) 3,4-Methylenedioxy-N-methylcathinone (Other name: Methy-lone).

Schedule I stimulants

Schedule I depressants

Schedule I Cannabimimetic agents

Schedule I temporarily listed substances subject to emergency scheduling

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

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Licensing Actions for Radioactive Materials