Texas Health and Human Services Commission

Correction of Error

The Texas Health and Human Services Commission adopted amendments to 26 TAC §550.108 in the October 7, 2022, issue of the *Texas Register* (47 TexReg 6588). Due to an error by the Texas Register, the effective date of the rulemaking was published incorrectly. The correct effective date is October 11, 2022.

TRD-202203983



Public Hearings for Home Health Supplies in Pharmacy

Public Notice: Value-Based Agreements for home health supplies, equipment, and appliances through the Pharmacy Benefit

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 22-0007 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of this amendment is to allow certain home health supplies, equipment and appliances to be added to the pharmacy formulary. If the item is available in Texas Medicaid as a medical benefit, pharmacies will be reimbursed the same rates other providers are paid as listed in the Texas Medicaid fee schedule for medical benefits.

Some home health supplies, equipment, and appliances are only available through the pharmacy benefit with a prescription. This means the product will never be assigned a HCPCS code and will not have a reimbursement rate listed in the fee schedule for medical benefits. The amendment would apply the existing pharmacy reimbursement methodology listed in the Texas State Plan to home health supplies, equipment, and appliances covered under the pharmacy benefit when there is no corresponding rate under the medical benefit. This allows Texas to consider coverage of these products, improving access to care.

The amendment also incorporates language authorizing the state to negotiate supplemental and value-based purchasing arrangements with manufacturers of these products improving cost-effectiveness with the goal of improving health outcomes for Medicaid beneficiaries. The requested effective date for the proposed amendment is October 1, 2022.

The proposed amendment is estimated to have no fiscal impact. The amendment shifts utilization of current benefits from medical to pharmacy. Additionally, the amendment allows Texas to negotiate supplemental rebate agreements and value-based rebate agreements. Both rebate agreements generate revenue and do not increase federal expenses.

To obtain copies of the proposed amendment, interested parties may contact Shae James, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-2264; by facsimile at (512) 730-7472; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public review at the local offices of the Texas Health and Human Services Commission.

TRD-202203931

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: September 30, 2022



Order Placing Methoxetamine into Schedule I and Maintaining Serdexmethylphenidate in Schedule IV

The Drug Enforcement Agency (DEA) issued a final rule placing 2- (ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (Other names: methoxetamine; MXE) including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation into schedule I of the Controlled Substances Act. The final rule was published in the June 6, 2022, edition of the *Federal Register*, Volume 87, Number 108, pages 34166-34169 and was effective July 6, 2022. This action was based on the following:

- (1) Methoxetamine has a high potential for abuse that is comparable to other scheduled substances such as the ethylamine analog of phencyclidine (PCE; schedule I), the thiophene analog of phencyclidine (TCP; schedule I), phencyclidine (PCP; schedule II), and ketamine (schedule III);
- (2) Methoxetamine has no currently accepted medical use in treatment in the United States;
- (3) There is a lack of accepted safety for use of methoxetamine under medical supervision;
- (4) Placement of methoxetamine in schedule I enables the United States to meet its obligations under the 1971 Convention on Psychotropic Substances.

The DEA issued a final rule adopting without change, an interim final rule published in the *Federal Register* on May 7, 2021, placing serdexmethylphenidate, including its salts, isomers, and salts of isomers, in schedule IV of the Controlled Substances Act. The final rule was published in the June 24, 2022, edition of the *Federal Register*, Volume 87, Number 121, pages 37733-37735 and was effective July 25, 2022.

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 methoxetamine be placed in schedule I, and serdexmethylphenidate be maintained in schedule IV.

-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) a-Ethyltryptamine (Other names: etryptamine; Monase; a-ethyl-1*H*-indole-3-ethanamine; 3-(2-aminobutyl) indole; a-ET; AET);
- (2) 4-Bromo-2,5-dimethoxyamphetamine (Other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
- (3) 4-Bromo-2,5-dimethoxyphenethylamine (Other names: Nexus; 2C-B; 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; a-desmethyl DOB);
- (4) 2,5-Dimethoxyamphetamine (Other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);
 - (5) 2,5-Dimethoxy-4-ethylamphetamine (Other name: DOET);
- (6) 2,5-Dimethoxy-4-(n)-propylthiophenethylamine, (Other name: 2C-T-7);
- (7) 4-Methoxyamphetamine (Other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
- (8) 5-Methoxy-3,4-methylenedioxyamphetamine (Other name: MMDA);
- (9) 4-Methyl-2,5-dimethoxyamphetamine (Other names: 4-methyl-2,5-dimethoxy-a-methyl-phenethylamine; "DOM";"STP");
- (10) 3,4-Methylenedioxyamphetamine (Other names: MDA; Love Drug);
- (11) 3,4-Methylenedioxymethamphetamine (Other names: MDMA; MDM; Ecstasy; XTC);
- (12) 3,4-Methylenedioxy-*N*-ethylamphetamine (Other names: *N*-ethylamethyl-3,4(methylenedioxy)phenethylamine; *N*-ethyl MDA; MDE, MDEA);
- (13) N-Hydroxy-3,4-methylenedioxyamphetamine (Other name: N-hydroxy MDA);
 - (14) 3,4,5-Trimethoxyamphetamine (Other name: TMA);
- (15) 5-Methoxy-*N*,*N*-dimethyltryptamine (Other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole; 5-MeO-DMT);

- (16) a-Methyltryptamine (Other name: AMT),;
- (17) Bufotenine (Other names: 3-β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; *N,N*-dimethylserotonin; 5-hydroxy-*N,N*-dimethyltryptamine; mappine);
 - (18) Diethyltryptamine (Other names: N,N-Diethyltryptamine; DET);
 - (19) Dimethyltryptamine (Other name: DMT);
- (20) 5-Methoxy-*N*, *N*-diisopropyltryptamine, (Other name: 5-MeO-DIPT);
- (21) Ibogaine (Other names: 7-Ethyl-6,6- β -7,8,9,10,12,13-octhydro-2-methoxy-6,9-methano-5*H*-pyrido[1',2':1,2] azepino [5,4-b] indole; *Tabernanthe iboga*);
 - (22) Lysergic acid diethylamide;
- (23) Marihuana, the term marihuana does not include hemp, as defined in Title 5, Agriculture Code, Chapter 121;
 - (24) Mescaline;
- (25) Parahexyl (Other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6*H*-dibenzo[b,d]pyran; Synhexyl);
- (26) Peyote, unless unharvested and growing in its natural state, meaning all parts of the plant classified botanically as *Lophophora williamsii Lemaire*, 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;
 - (27) N-ethyl-3-piperidyl benzilate;
 - (28) N-methyl-3-piperidyl benzilate;
 - (29) Psilocybin;
 - (30) Psilocyn;
- (31) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), except for tetrahydrocannabinols in hemp (as defined under Section 297A(1) of the Agricultural Marketing Act of 1946), 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;
 - 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.)

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(32) Ethylamine analog of phencyclidine (Other names:
N-ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl)ethylamine;
N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE);
     (33) Pyrrolidine analog of phencyclidine (Other names: 1-(1 phenyl-
cyclohexyl)-pyrrolidine; PCPy; PHP; rolicyclidine);
     (34) Thiophene analog of phencyclidine (Other names: 1-[1-(2-
thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP;
TCP);
     (35) 1-[1-(2-Thienyl)cyclohexyl]pyrrolidine (Other name: TCPy);
     (36) 4-Methylmethcathinone (Other names: 4-methyl-N-
methylcathinone; mephedrone);
     (37) 3,4-Methylenedioxypyrovalerone (Other name: MDPV);
     (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (Other name: 2C-
E);
     (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (Other name: 2C-
D);
     (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-
C);
     (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (Other name: 2C-I);
     (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (Other name:
2C-T-2);
     (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (Other
name: 2C-T-4);
     (44) 2-(2,5-Dimethoxyphenyl)ethanamine (Other name: 2C-H);
     (45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (Other name: 2C-
N);
     (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (Other name:
2C-P);
     (47) 3,4-Methylenedioxy-N-methylcathinone (Other name:
Methylone);
     (48) (1-Pentyl-1H-indol-3-yl)(2,2,3,3-
tetramethylcyclopropyl)methanone (Other names: UR-144; 1-pentyl-3-
(2,2,3,3-tetramethylcyclopropoyl)indole);
     (49) [1-(5-Fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-
tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144; 5-F-UR-
144; XLR11; (5-flouro-pentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole);
     (50) N-(1-Adamantyl)-1-pentyl-1H-indazole-3-carboxamide (Other
names: APINACA; AKB48);
     (51) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate, (Other names:
PB-22; QUPIC);
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- (52) Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, (Other names: 5-fluoro-PB-22; 5F-PB-22);
- (53) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other name: AB-FUBINACA);
- (54) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other name: ADB-PINACA);
- (55) 2-(4-Iodo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25I-NBOMe; 2CI-NBOMe; 25I; Cimbi-5);
- (56) 2-(4-Chloro-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);
- (57) 2-(4-Bromo-2,5-dimethoxyphenyl)-*N*-(2-methoxybenzyl)ethanamine (Other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);
- (58) Marihuana extract, meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus Cannabis, other than separated resin (whether crude or purified) obtained from the plant;
 - (59) 4-Methyl-N-ethylcathinone (Other name: 4-MEC);
 - (60) 4-Methyl-a-pyrrolidinopropiophenone (Other name: 4-MePPP);
 - (61) a-Pyrrolidinopentiophenone (Other name: [a]-PVP);
- (62) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)butan-1-one (Other names: butylone; bk-MBDB);
- (63) 2-(Methylamino)-1-phenylpentan-1-one (Other name: pentedrone);
- (64) 1-(1,3-Benzodioxol-5-yl)-2-(methylamino)pentan-1-one (Other names: pentylone; bk-MBDP);
 - (65) 4-Fluoro-N-methylcathinone (Other names: 4-FMC; flephedrone);
 - (66) 3-Fluoro-N-methylcathinone (Other name: 3-FMC);
- (67) 1-(Naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (Other name: naphyrone);
 - (68) α-Pyrrolidinobutiophenone (Other name: α-PBP);
- (69) N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (Other name: AB-CHMINACA);
- (70) N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (Other name: AB-PINACA);
- (71) [1-(5-Fluoropentyl)-1H-indazol-3-yl] (naphthalen-1-yl)methanone (Other name: THJ-2201);
- (72) 1-Methyl-4-phenyl-1,2,5,6-tetrahydro-pyridine (Other name: MPTP);

- (73) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexyl-methyl)-1H-indazole-3-carboxamide (Other names: MAB-CHMINACA; ABD-CHMINACA);
- (74) Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-ADB; 5F-MDMB-PINACA);
- (75) Methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-caboxamido)-3-methylbutanoate (Other name: 5F-AMB);
- (76) *N*-(Adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other names: 5F-APINACA; 5F-AKB48);
- (77) *N*-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide (Other name: ADB-FUBINACA);
- (78) Methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: MDMB-CHMICA; MMB-CHMINACA);
- (79) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: MDMB-FUBINACA);
- (80) Methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate (Other names: FUB-AMB; MMB-FUBINACA; AMB-FUBINACA);
- (81) Naphthalen-1-yl-1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (Other names: NM2201; CBL2201);
- (82) *N*-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (Other name: 5F-AB-PINACA);
- (83) 1-(4-Cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL-BINACA; CUMYL-4CN-BINACA; SGT-78);
- (84) Methyl 2-(1-(Cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (Other names: MMB-CHMICA; AMB-CHMICA);
- (85) 1-(5-Fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-b]pyridine-3-carboxamide (Other name: 5F-CUMYL-P7AICA);
- (86) 1-(1,3-Benzodioxol-5-yl)-2-(ethylamino)pentan-1-one (Other names: *N*-ethylpentylone; ephylone);
- (87) Methyl 2-(1-(4-fluorobutyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate) (Other names: 4F-MDMB-BINACA; 4F-MDMB-BUTINACA);
- (88) 1-(4-Methoxyphenyl)-*N*-methylpropan-2-amine (Other names: *p*-methoxymethamphetamine; PMMA);
- (89) Ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-dimethylbutanoate (Other name: 5F-EDMB-PINACA);
- (90) Methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate (Other names: 5F-MDMB-PICA; 5F-MDMB-2201);

- (91) N-(Adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (Other names: FUB-AKB48; FUB-APINACA; AKB48 N-(4-fluorobenzyl));
- (92) 1-(5-Fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide (Other names: 5F-CUMYL-PINACA; SGT-25);
- (93) (1-(4-Fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other name: FUB-144);
- (94) *N*-Ethylhexedrone (Other name: 2-(ethylamino)-1-phenylhexan-1-one);
- (95) a-Pyrrolidinohexanophenone (Other names: a-PHP; a-pyrrolidinohexiophenone; 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);
- (96) 4-Methyl-a-ethylaminopentiophenone (Other names: 4–MEAP; 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one);
- (97) 4'-Methyl-a-pyrrolidinohexiophenone (Other names: MPHP; 4'-methyl- a-pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);
- (98) a-Pyrrolidinoheptaphenone (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);
- (99) 4'-Chloro-a-pyrrolidinovalerophenone (Other names: 4-chloro-a-PVP; 4'-chloro-a-pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one); and
- *(100) 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (Other names: methoxetamine; MXE).

-Schedule IV stimulants

Unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including the substance's salts, optical, position, or geometric isomers, and salts of those isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine [(+)-norpseudoephedrine];
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenfluramine;
- (5) Fenproporex;

- (6) Mazindol;
- (7) Mefenorex;
- (8) Modafinil;
- (9) Pemoline (including organometallic complexes and their chelates);
- (10) Phentermine;
- (11) Pipradrol;
- *(12) Serdexmethylphenidate;
- (13) Sibutramine;
- (14) Solriamfetol ((R)-2-amino-3-phenylpropyl carbamate) (Other names: benzenepropanol; β -amino-carbamate (ester)); and
- (15) SPA [1-dimethylamino-1,2-diphenylethane].

Changes are marked with an asterisk (*)

TRD-202203992 Cynthia Hernandez General Counsel

Department of State Health Services

Filed: October 5, 2022

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Texas Department of Insurance

Company Licensing

Application for incorporation in the state of Texas for US Fidelity Insurance Company, a domestic fire and/or casualty insurance company. The home office is in Houston, Texas.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the Texas Register publication, addressed to the attention of John Carter, 1601 Congress Ave., Suite 6.900, Austin, Texas 78711.

TRD-202203988 Justin Beam Chief Clerk

Texas Department of Insurance

Filed: October 5, 2022

Office of Public Utility Counsel

Notice of Annual Public Hearing

Pursuant to the Public Utility Regulatory Act (PURA), Texas Utilities Code Annotated § 13.064, the Office of Public Utility Counsel (OPUC) will conduct its annual public hearing in person, virtually and via toll free conference call on:

October 27th from 1:00 - 3:00 p.m.

Attend in person:

One AISD Building

241 Pine Street

Abilene, Texas 79604

or

Join via Microsoft Teams Live Event Meeting:

https://teams.microsoft.com/dl/launcher/launcher.html?url=% 2F_%23%2Fl%2Fmeetup-join%2F19%3Ameeting_Y2FjZjk-wNmItNzJhOS00YTBmLTg1MDYtMDM3MWQ1MjBmNz-dm%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%25 22%253a%25228ab1207e-27c0-403f-92a7-fff564f962dd%252 2%252c%25220id%2522%253a%2522e8914302-f6bd-478c-839a-16628438cb7f%2522%257d%26CT%3D166301235448 3%26OR%3DOutlook-Body%26CID%3D87AE1A88-084D-4668-85D3-2FDB79B034E5%26anon%3Dtrue&type=meetup-join&deeplinkId=c2f3df99-4789-4ee4-8f2f-8362ef682f58&directDl=true&msLaunch=true&enableMobilePage=true&sup-pressPrompt=true

or

Join via Toll-Free Conference Call:

Toll-Free Conference Bridge (877) 226-9790, Passcode: 7098100

OPUC represents residential and small commercial consumers, as a class, in the electric, water, wastewater, and telecommunications utility industries in Texas. OPUC primarily represents these consumers before the Public Utility Commission of Texas, State Office of Administrative Hearings, state courts and Electric Reliability Council of Texas.

The hearing is open to the public. All interested persons are invited to attend and provide input on OPUC's priorities, functions, and effectiveness.