

the addition of appropriate utilities such as plumbing, electrical, waste, etc. No changes are being proposed to the construction techniques, materials to be used, or the time frame of when to do the work.

**Type of Application:** U.S. Army Corps of Engineers (USACE) permit application # SWG-2012-00963. This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899

**CMP Project No:** 18-1304-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from Mr. Jesse Solis P.O. Box 12873, Austin, Texas 78711-2873, or via email at [federal.consistency@glo.texas.gov](mailto:federal.consistency@glo.texas.gov). Comments should be sent to Mr. Solis at the above address or by email.

TRD-201803616

Mark A. Havens

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: August 22, 2018

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## Office of the Governor

### Notice of Application and Priorities for the Justice Assistance Grant Program Federal Application

The Governor's Criminal Justice Division (CJD) is planning to apply for federal fiscal year (FFY) 2018 formula funds under the Edward Byrne Justice Assistance Grant (JAG) program administered by the U.S. Department of Justice, Bureau of Justice Assistance. The FFY 2018 allocation to Texas is estimated to be \$13.4 million.

CJD proposes to use the FFY 2018 award to fund initiatives that target border security, violent crimes, organized criminal activity, improve technology, substance abuse diversion programs and offender reentry into the community.

Comments regarding the proposed use of JAG funds should be submitted in writing within 30 days from the date of this announcement in the *Texas Register*. Comments may be submitted to the attention of Ms. Margie Fernandez-Prew, Criminal Justice Division (CJD), Texas Office of the Governor, by email at [margie.fernandez-prew@gov.texas.gov](mailto:margie.fernandez-prew@gov.texas.gov) or by mail to the Office of the Governor, Criminal Justice Division, P.O. Box 12428, Austin, Texas 78711. You may also request a copy of the application upon its completion from Ms. Fernandez-Prew.

TRD-201803590

Margie Fernandez-Prew

Director - Justice Programs

Office of the Governor

Filed: August 21, 2018

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## Texas Health and Human Services Commission

### Public Notice - Texas State Plan for Medical Assistance Amendments

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed amendments are effective October 1, 2018.

The purpose of the amendments is to update the fee schedules in the current state plan by adjusting fees, rates, or charges for the following services:

--Birthing Center Facility Services;

--Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS);

--Early and Periodic Screening, Diagnosis, and Treatment Services (EPSDT); and

--Physician Services.

The proposed amendments are estimated to result in an annual aggregate expenditure of \$2,187,315 for federal fiscal year (FFY) 2019, consisting of \$1,272,799 in federal funds and \$914,516 in state general revenue. For FFY 2020, the estimated annual aggregate expenditure is \$2,223,367 consisting of \$1,329,351 in federal funds and \$894,016 in state general revenue. For FFY 2021, the estimated annual aggregate expenditure is \$2,259,941, consisting of \$1,351,219 in federal funds and \$908,722 in state general revenue.

Further detail on specific reimbursement rates and percentage changes is available on the HHSC Rate Analysis website under the proposed effective date at: <http://rad.hhs.texas.gov/rate-packets>.

**Rate Hearing.** A rate hearing was held on August 14, 2018, at 1:30 p.m. in Austin, Texas. Information about the proposed rate change(s) and the hearing can be found in the July 13, 2018, issue of the *Texas Register* at pages 4790-4792 at <http://www.sos.state.tx.us/texreg/index.shtml>.

**Copy of Proposed Amendments.** Interested parties may obtain additional information and/or a free copy of the proposed amendments by contacting Cynthia Henderson, State Plan Policy Advisor, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 487-3349; by facsimile at (512) 730-7472; or by email at [Medicaid\\_Chip\\_SPA\\_Inquiries@hhsc.state.tx.us](mailto:Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us). Copies of the proposed amendments will be available for review at the local county offices of the Texas Department of Aging and Disability Services.

**Written Comments.** Written comments about the proposed amendments 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: Rate Analysis, 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: Rate Analysis, Mail Code H-400 Brown-Heatly Building 4900 North Lamar Blvd Austin, Texas 78751 Phone number for package delivery: (512) 730-7401

**Fax** Attention: Rate Analysis at (512) 730-7475

**Email** [RADAcuteCare@hhsc.state.tx.us](mailto:RADAcuteCare@hhsc.state.tx.us)

TRD-201803608

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: August 21, 2018

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## Department of State Health Services

Order Placing NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA into Schedule I Temporarily Listed Substances

The Acting Administrator of the Drug Enforcement Administration issued a temporary order temporarily placing the synthetic cannabinoids, Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (other name: NM2201; CBL2201); *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AB-PINACA); 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); methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (other names: MMB-CHMICA, AMB-CHMICA); and 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo(2,3-*b*)pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA), and their optical, positional, and geometric isomers, salts, and salts of isomers in schedule I of the Controlled Substances Act effective July 10, 2018. This temporary scheduling order was published in the *Federal Register*, Volume 83, Number 132, pages 31877-31883. This action was based on the following:

1. NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA have a high potential for abuse;
2. NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA have no currently accepted medical use in treatment in the United States;
3. NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA have a lack of accepted safety for use under medical supervision; and
4. Temporary placement of NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA into schedule I is necessary to avoid an imminent hazard to the public safety.

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 action was 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 the substances NM2201, 5F-AB-PINACA, 4-CN-CUMYL-BUTINACA, MMB-CHMICA, and 5F-CUMYL-P7AICA be temporarily placed into schedule I.

#### SCHEDULE I

--Schedule I temporarily listed substances subject to emergency scheduling by the United States Drug Enforcement Administration.

Unless specifically excepted or unless listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances or that contains any of the substance's optical, positional, geometric isomers, salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

\*(27) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (other name: NM2201; CBL2201);

\*(28) *N*-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide (other name: 5F-AB-PINACA);

\*(29) 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);

\*(30) SGT-78); methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate (other names: MMB-CHMICA, AMB-CHMICA); and,

\*(31) and 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo(2,3-*b*)pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA).

Changes to the schedules are marked with an asterisk (\*).

TRD-201803618

Barbara L. Klein

General Counsel

Department of State Health Services

Filed: August 22, 2018

## Texas Department of Licensing and Regulation

### Correction of Error

The Texas Department of Licensing and Regulation adopted amendments to 16 TAC §§114.10, 114.20, 114.23 - 114.30, 114.30, 114.40, 114.50, 114.66 - 114.69, 114.80, and 114.90 in the August 17, 2018, issue of the *Texas Register* (43 TexReg 5362). Due to a *Texas Register* editing error, §114.27 paragraph (5) of subsection (b) was omitted from the adoption. Subsection (b) should read as follows:

"(b) Clinical residency for an assistant.

(1) Before undertaking a clinical residency for an assistant, the supervisor and clinical resident must notify the department by filing a completed supervision agreement with the department with the clinical resident's application for licensure as an assistant and the required fee.

(2) The supervisor shall not allow the clinical residency to begin until approval from the department is received.

(3) The supervisor shall provide the clinical resident and the department with written documentation upon beginning, terminating or completing a clinical residency.

(4) The resident shall work under the direct supervision of a licensed practitioner. The supervisor must be licensed in the same discipline as the course of study being completed by the clinical resident.

(5) The supervising practitioner must review and sign off on patient care notes made by the clinical resident.

(6) The clinical residency shall primarily provide learning opportunities for the clinical resident rather than primarily providing service to the prosthetic or orthotic facility or its patients or clients.

(7) The clinical residency shall include both observation and supervised performance of assistant level work including assisting with patient assessments, measurement, design, fabrication, assembling, fitting, adjusting or servicing prostheses or orthoses or both, as appropriate to the type of residency. Supervision shall be in the physical presence of the supervisor.

(8) The clinical residency shall include an orientation comparing and contrasting the duties of a licensed assistant with the duties of the licensed practitioner.

(9) The clinical resident shall not independently provide ancillary patient care services of the type performed by a licensed assistant and may not independently engage in prosthetic and orthotic care directly to the patient.

(10) The clinical resident may be only incidentally involved in other duties including, but not limited to, scheduling, medical records, clerical, payroll and accounting, janitorial/housekeeping, transportation, or delivery.