

These rate actions are being taken to comply with §355.8085, Reimbursement Methodology for Physicians and Other Practitioners; and §355.8581, Reimbursement Methodology for Family Planning Services, under Title 1, Part 15, Chapter 355, Subchapter J, Division 5 of the Texas Administrative Code, which together require HHSC to review fees for individual services at least once every two years. After performing the required review, HHSC has determined that amendments to the fee schedule are appropriate.

The proposed amendment is estimated to result in an additional annual cost of \$299,198 for federal fiscal year (FFY) 2014, consisting of \$269,278 in federal funds and \$29,920 in state general revenue. For FFY 2015, the estimated annual cost is \$3,751,903, consisting of \$3,376,713 in federal funds and \$375,190 in state general revenue. For FFY 2016, the estimated annual cost is \$3,902,663, consisting of \$3,512,397 in federal funds and \$390,266 in state general revenue.

To obtain copies of the proposed amendment or to submit written comments, interested parties may contact Dan Huggins, Director of Rate Analysis for Acute Care Services, by mail at the Rate Analysis Department, Texas Health and Human Services Commission, P.O. Box 149030, H-400, Austin, Texas 78714-9030; by telephone at (512) 707-6071; by facsimile at (512) 730-7475; or by e-mail at dan.huggins@hhsc.state.tx.us. Copies of the proposal also will be made available for public review at the local offices of the Department of Aging and Disability Services.

TRD-201302947

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Filed: July 18, 2013



## Public Notice

The Texas Health and Human Services Commission is submitting to the Centers for Medicare and Medicaid Services a request for an amendment to the Youth Empowerment Services (YES) waiver program, under the authority of §1915(c) of the Social Security Act. The Youth Empowerment Services waiver program is currently approved for the five-year period beginning April 1, 2013, and ending March 31, 2018. The proposed effective date for the amendment is September 1, 2013.

The Youth Empowerment Services waiver program is designed to provide community-based services to children with serious emotional disturbances and their families, with a goal of reducing or preventing children's inpatient psychiatric treatment and the consequent removal from their families. At any given time, the waiver can serve up to 400 youth who are at least age three but under age 19 and who are predicted to remain in the waiver for 12 months. The waiver is limited to individuals residing in Bexar, Tarrant, and Travis counties.

The purpose of this amendment is to add supported employment and employment assistance as available services in the waiver; update the service definition for paraprofessional services; and change the name of professional services to specialized therapies. In addition, Texas is adopting a nationally recognized assessment tool, the Child and Adolescent Needs and Strengths (CANS) tool. The Texas Health and Human Services Commission is requesting the waiver amendment be approved for the period beginning September 1, 2013 through March 31, 2018. This amendment maintains cost neutrality for waiver years 2013 through 2018.

To obtain copies of the proposed waiver amendment, interested parties may contact JayLee Mathis by mail at Texas Health and Human Services Commission, P.O. Box 13247, Mail Code H-370, Austin, Texas

78711-3247, phone (512) 462-6289, fax (512) 730-7472 or by email at TX\_Medicaid\_Waivers@hhsc.state.tx.us.

TRD-201303006

Steve Aragon

Chief Counsel

Texas Health and Human Services Commission

Filed: July 24, 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 July 17, 2013, and will become effective 21 days following the date of publication of this notice in the *Texas Register*.

The Administrator of the Drug Enforcement Administration (DEA) issued an order to temporarily schedule the following substances:

1. (1-pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144 and 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);
2. [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole); and

3. N-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide (Other names: APINACA and AKB48) including salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, as Schedule I controlled substances in the federal schedules of controlled substances under the authority of the United States Controlled Substances Act (USCSA) effective May 16, 2013. This final order was published in the *Federal Register*, Volume 78, Number 95, pages 28735 - 28738. The Administrator of the DEA has taken this action based on findings that the placement of these synthetic cannabinoids and their salts, isomers and salts of isomers is necessary to avoid an imminent hazard to the public safety.

Pursuant to Section 481.034(g) 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 Department of State Health Services, David L. Lakey, M. D. hereby orders:

1. (1-pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144 and 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);
2. [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole); and
3. N-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide (Other names: APINACA and AKB48) including salts, isomers and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible be placed into Schedule I temporarily scheduled substances.

### SCHEDULE I

Schedule I consists of:

Schedule I opiates

\*\*\*

Schedule I opium derivatives

\*\*\*

Schedule I hallucinogenic substances

\*\*\*

Schedule I stimulants

\*\*\*

Schedule I depressants

\*\*\*

Schedule I Cannabimimetic agents

\*\*\*

Schedule I temporarily listed substances

\*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 salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

\*1. (1-pentyl-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (Other names: UR-144 and 1-pentyl-3-(2,2,3,3-tetramethylcyclopropyl)indole);

\*2. [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (Other names: 5-fluoro-UR-144 and 5-F-UR-144 and XLR11 and 1-(5-fluoro-pentyl)-3-(2,2,3,3-tetramethylcyclopropyl)indole); and

\*3. N-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide (Other names: APINACA, AKB48).

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

TRD-201302954

Lisa Hernandez

General Counsel

Department of State Health Services

Filed: July 19, 2013



Licensing Actions for Radioactive Materials