

1 **CHAPTER 852. PURCHASE OF GOODS AND SERVICES BY THE TEXAS**
2 **WORKFORCE COMMISSION - VOCATIONAL REHABILITATION SERVICES**

3
4 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***
5 ***REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
6 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE *TEXAS REGISTER*.**
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8 **ON JULY 31, 2018, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES**
9 **BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.**

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11 Estimated date of publication in the *Texas Register*: **August 17, 2018**

12 The rules will take effect: **August 21, 2018**

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14 The Texas Workforce Commission (TWC) adopts the repeal of Chapter 852 in its entirety,
15 relating to the Purchase of Goods and Services by the Texas Workforce Commission -
16 Vocational Rehabilitation Services, *without* changes, as published in the May 4, 2018, issue of
17 the *Texas Register* (43 TexReg 2721):
18

19 Subchapter A. Purchase of Goods and Services, §852.1

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21 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

22 **PART II. IMPACT STATEMENTS**
23

24 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

25 The purpose of the adopted Chapter 852 repeal is to comply with Texas Labor Code §352.101,
26 which required TWC to integrate the two separate Vocational Rehabilitation (VR) programs--VR
27 for individuals with visual impairments (Blind Services) and VR for individuals with other
28 disabilities (Rehabilitation Services)--into a single VR program. Consistent with §352.101, on
29 October 1, 2017, the VR programs for individuals with visual impairments and for individuals with
30 other disabilities were integrated into a single VR program. The rules to support this integration were
31 effective November 6, 2017.
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33 Currently, TWC's Chapter 852, Purchase of Medical Goods and Services by the Texas Workforce
34 Commission - Vocational Rehabilitation Services, contains a single rule, §852.1, relating to
35 Alternative Purchasing Methods - Rates for Medical Services. To align this purchasing rule with
36 other TWC VR procurement and programmatic operations, this chapter should be repealed. Section
37 852.1 should be adopted as a rule in Chapter 856 and updated to reflect statutory changes.
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39 No comments were received.
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41 TWC hereby certifies that the adopted repeal has been reviewed by legal counsel and found to be
42 within TWC's legal authority to adopt.
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44 The repeal is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide TWC
45 with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective
46 administration of TWC services and activities.

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The adopted repeal affects Title 4, Texas Labor Code, particularly Chapters 301 and 302.

1 ~~CHAPTER 852. PURCHASE OF MEDICAL GOODS AND SERVICES BY THE TEXAS~~
2 ~~WORKFORCE COMMISSION—VOCATIONAL REHABILITATION SERVICES~~

3
4 ~~Subchapter A. PURCHASE OF GOODS AND SERVICES~~

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6 ~~§852.1. Alternative Purchasing Methods—Rates for Medical Services.~~

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8 Under Human Resources Code, §117.074, this rule adopts standards governing the
9 determination of rates paid for medical services provided by DARS. The rates determined
10 under these standards are reevaluated annually.

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12 ~~(1) Rates shall be established based on Medicare and Medicaid schedules for~~
13 ~~current procedural terminology (CPT). Where Medicare and Medicaid~~
14 ~~schedules are not applicable, rates that represent best value shall be established~~
15 ~~based on factors that include reasonable and customary industry standards for~~
16 ~~each specific service.~~
- 17
18 ~~(2) Rates shall be established at a level adequate to ensure availability of qualified~~
19 ~~providers, and in adequate numbers to provide assessment and treatment, and~~
20 ~~within a geographic distribution that mirrors consumer or claimant distribution.~~
- 21
22 ~~(3) Exceptions to established rates may be made on a case by case basis by the DARS~~
23 ~~medical director or optometric consultant.~~
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