

# Cross Reference Table: TDLR and DSHS Offender Education Program Rules

TDLR Rules are specified in Title 16, Texas Administrative Code (TAC), Ch. 90

DSHS Rules are specified in Title 25, Texas Administrative Code (TAC), Ch. 453

## SUBCHAPTER A. GENERAL PROVISIONS.

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
16 TAC §90.1. Authority.	No DSHS Rule.	Added references to the applicable statutory authority.	Occupations Code, Chapter 51; Alcoholic Beverage Code, §106.115 (Alcohol Education Program for Minors); Transportation Code, §§521.374 - 521.376 (Drug Offender Education Program); Code of Criminal Procedure, Chapter 42A, Articles 42A.403, 42A.405, and 42A.406 (formerly Chapter 42, Article 42.12, §13(h)) (DWI Education Program); and Code of Criminal Procedure, Chapter 42A, Articles 42A.404, 42A.405, and 42A.406 (formerly Chapter 42, Article 42.12, §13(j)) (DWI Intervention Program).
16 TAC §90.10. Definitions.	25 TAC §453.101, Definitions.	<p>Definitions for the four different programs included substantive provisions. These definitions were revised and the substantive provisions have been move elsewhere in the TDLR rules.</p> <p><u>New definitions have been added:</u>            Administrator; Commission; Department; Executive Director; Offender Education Provider (Provider); Program/Provider Headquarters.</p>	<p>Occ. Code Chapter 51, §51.001, Definitions; and §51.203, Rules.</p> <p>No definitions in Alcoholic Beverage Code, Transportation Code, or Code of Criminal Procedure specific to the Offender Education Programs.</p>

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
		<p><u>Changes in terminology:</u>            In-Service is now called Continuing Education Seminar.            Class is separated into Instructor Training Class and Offender Education Class.            Course is separated into Instructor Training Course and Offender Education Course.            Instructor Workshop is now called Instructor Training Course.</p> <p><u>Deleted terms:</u>            DWI Approval Representatives; Program Certification Period; Program Headquarters.</p>	

**SUBCHAPTER B. INSTRUCTOR REQUIREMENTS.**

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
<p>16 TAC §90.20. Instructor Certification Required.</p>	<p>Includes the instructor certification provisions in 25 TAC §453.102, Requirement of Program and Instructor Certification and Scope of Rules.</p> <p>Also includes provisions from §453.104, Program Instructor Certification, subsection (i).</p>	<p>The requirements for instructors and programs were separated.</p> <p>The requirements regarding programs in DSHS rule §453.102 were moved to new TDLR rule §90.30, Program/Provider Certification Requirement.</p>	<p>Occ. Code §51.203, Rules.</p> <p>Alcoholic Beverage Code (ABC), Transportation Code (TC) and Code of Criminal Procedure (CCP) discuss “providers of educational programs” and “persons providing the educational programs.”</p> <p>Similar language in all three OEP statutes: TDLR/TCLR “shall monitor, coordinate, and provide training to persons who provide educational programs.” (ABC, §106.115(a)(4); TC, §521.376(1); and CCP, Article 42A.405(b)(2)).</p> <p>General authority related to adopting rules for the programs (see below).</p> <p>Alcohol Education Program for Minors – TDLR/TCLR “shall adopt rules regarding alcohol awareness programs approved under this section.” (ABC, §106.115(a)(3)).</p> <p>Drug Offenses Program – TCLR and DPS “shall jointly adopt rules for the qualifications and approval of providers of educational programs under Section 521.374.” (TC, §521.375(a)).</p> <p>DWI Intervention Program – The commission “shall adopt rules for the</p>

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
			<p>educational program under Article 42A.404 [DWI Intervention]”. (CCP, Article 42A.405(a))</p> <p>DWI Education Program – The educational program is jointly approved by four agencies. (CCP, Article 42A.403(a)). TDLR shall “publish the jointly approved rules for the educational program under Article 42A.403 [DWI Education].” (CCP, Article 42A.405(b)(1))</p>
16 TAC §90.21. Instructor Certification – Eligibility Requirements.	25 TAC §453.104. Program Instructor Certification, subsections (b) and (c).	Separated DSHS rule §453.104 into smaller distinct sections.	See cites under 16 TAC §90.20.
16 TAC §90.22. Instructor Certification – Instructor Training Course and Examination.	25 TAC §453.104, Program Instructor Certification, subsections (e), (f) and (g).	Separated DSHS rule §453.104 into smaller distinct sections.	See cites under 16 TAC §90.20.
16 TAC §90.23. Instructor Certification – Application.	25 TAC §453.104, Program Instructor Certification, subsections (a), (d), and (e).  Also includes §453.123(a), regarding criminal history background checks.	Separated DSHS rule §453.104 into smaller distinct sections.  Reorganized provisions into list format and into step-by-step process.	See cites under 16 TAC §90.20.
16 TAC §90.24. Instructor Certification Term; Renewals.	25 TAC §453.105, Instructor Certification Renewals. Paragraphs	Change in expiration date. DSHS rules state that “the certification will expire two years later on the last day of the month in which	See cites under 16 TAC §90.20.

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
	<p>(1)-(4) of subsection (b) are located under new TDLR §90.25.</p> <p>The new TDLR rule also includes §453.123(a), regarding criminal history.</p>	<p>certification was obtained.”</p> <p>TDLR rules state that a “certification will expire two years after the date the certification was issued.”</p> <p>Changed DSHS requirement that Instructor “submit proof of completing” the teaching and the continuing education (CE) requirements.</p> <p>New TDLR rules require Instructor to “complete” the teaching and CE requirements and comply with the new CE audit process under 16 TAC §90.26 (CE audits at renewal). Instructors must complete the teaching and CE requirements and maintain records of completion, but they will not need to submit these records at renewal unless selected for an audit.</p>	
<p>16 TAC §90.25. Instructor Teaching and Continuing Education Requirements.</p>	<p>25 TAC §453.105, Instructor Certification Renewals, subsection (b), paragraphs (1) – (4).</p>	<p>The DSHS rules were broken down into smaller paragraphs.</p> <p>Changed DSHS provisions that Instructors must seek prior approval to use 20 hours of continuing education (CE) earned for another licensed profession in lieu of department-sponsored CE seminar.</p> <p>New TDLR provisions allow Instructors to use 20 hours of CE earned for another licensed profession in lieu of department-sponsored CE seminar without prior approval. If the Instructor is selected for a CE audit under new 16 TAC §90.26, the Instructor must submit proof of these CE</p>	<p>See cites under 16 TAC §90.20.</p> <p>See also Occ. Code §51.405, Continuing Education.</p>

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
		<p>hours to the department in a manner prescribed by the department.</p> <p>TDLR rules reflect DSHS practices (not DSHS rules) regarding CE hours obtained in department-sponsored CE seminar. Hours obtained for one certification may be used to fulfill CE requirement of another certifications as long as the seminar occurs during the current certification period and as long as the instructor pays for each certification.</p>	
<p>16 TAC §90.26. Instructor Continuing Education Audits—All Programs.</p>	<p>No DSHS Rule.</p>	<p>Sets out new audit provisions for continuing education (CE) course documentation at renewal.</p> <p>Instructors must complete the CE requirements and maintain records of completion, but they will not need to submit the CE completion documents at renewal unless selected for an audit.</p>	<p>See cites under 16 TAC §90.20.</p> <p>See also Occ. Code §51.405, Continuing Education.</p>
<p>16 TAC §90.27. Instructor Responsibilities.</p>	<p>25 TAC §453.104, Program Instructor Certification, subsections (i), (j), and (k).</p> <p>§453.120, Participant Complaints, subsection (b).</p>	<p>Separated DSHS rule §453.104 into smaller distinct sections.</p> <p>Does not include the DSHS requirement that the instructor’s certificate must be prominently displayed during each class taught by the instructor. Instead the instructor is required to provide the instructors’ certification number and the Program/Provider’s certification number to each participant and information about filing a complaint with the department to each participant.</p>	<p>See cites under 16 TAC §90.20.</p>

**SUBCHAPTER C. PROGRAM/ PROVIDER CERTIFICATION REQUIREMENTS**

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
<p>16 TAC §90.30. Program/ Provider Certification Requirement.</p>	<p>25 TAC §453.102, Requirement of Program and Instructor Certification and Scope of Rules.</p>	<p>The requirements for instructors and programs were separated.</p> <p>The requirements regarding instructors in DSHS rule §453.102 were moved to new TDLR rule §90.20, Instructor Certification Required.</p>	<p>Occ. Code §51.203, Rules.</p> <p>Alcoholic Beverage Code (ABC), Transportation Code (TC) and Code of Criminal Procedure (CCP) discuss “program certifications of approval.” The individual or entity offering, providing, or operating the program is the provider.</p> <p>ABC, TC, and CCP also discuss “providers of educational programs” and “persons providing the educational programs.”</p> <p>Similar language in all three OEP statutes: TDLR/TCLR “shall monitor, coordinate, and provide training to persons who provide educational programs.” (ABC, §106.115(a)(4); TC, §521.376(1); and CCP, Article 42A.405(b)(2)).</p> <p>General authority related to adopting rules for the programs (see below).</p> <p>Alcohol Education Program for Minors – TDLR/TCLR “shall adopt rules regarding alcohol awareness programs approved under this section.” (ABC, §106.115(a)(3)).</p> <p>Drug Offenses Program – TCLR and DPS “shall jointly adopt rules for the</p>

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			<p>qualifications and approval of providers of educational programs under Section 521.374.” (TC, §521.375(a)).</p> <p>DWI Intervention Program – The commission “shall adopt rules for the educational program under Article 42A.404 [DWI Intervention]”. (CCP, Article 42A.405(a))</p> <p>DWI Education Program – The educational program is jointly approved by four agencies. (CCP, Article 42A.403(a)). TDLR shall “publish the jointly approved rules for the educational program under Article 42A.403 [DWI Education].” (CCP, Article 42A.405(b)(1))</p>
<p>16 TAC §90.31. Program/ Provider Certification Application - Headquarters.</p>	<p>25 TAC §453.106, Program Application and Certification, subsection (a), (b), and (d).</p>	<p>Separated DSHS rule §453.106 into smaller distinct sections.</p> <p>Reorganized section into list format.</p> <p>Changed the initial certification term. Under DSHS rules, the certification was effective on the first day of the month following the month the complete application was approved. It expired on August 31 on either an odd or even year depending on the program. The initial certification term was not a specific, uniform amount of time.</p> <p>Under TDLR rules, the certification is effective on the date it is issued and expires two years after the date of issuance.</p>	<p>See cites under 16 TAC §90.30.</p>

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16 TAC §90.32. Program/ Provider Certification Application – Branch Sites and Other Locations.	25 TAC §453.106, Program Application and Certification, subsections (c), (f), and (g).	Separated DSHS rule §453.106 into smaller distinct sections. Reorganized provisions into list formats.	See cites under 16 TAC §90.30.
16 TAC §90.33. Program/ Provider Certification Term; Renewal.	25 TAC §453.107, Program Expiration and Renewal, subsections (a), (c) and (d).	<p>Changed the renewal certification terms.</p> <p>Under DSHS rules, the certifications expired on August 31 on either odd or even years depending on the program, and renewals became effective on September 1.</p> <p>Under TDLR rules, the certification is effective on the date the certification is issued and expires 2 years after the date of issue.</p>	See cites under 16 TAC §90.30.
16 TAC §90.34. Program/ Provider Certification – Change of Address and Providing Information.	25 TAC §453.106, Program Application and Certification, subsection (d).  §453.120, Participant Complaints, subsection (b).	<p>Separated DSHS rule §453.106 into smaller distinct sections.</p> <p>Removed requirement to display certification at each location where services are provided including branch site. Replaced with requirement that Program/Provider must provide the Program/Provider certification number and the Instructor certification number for the particular Program and course to each participant and provide information regarding how to file a complaint with the department to each participant.</p>	See cites under 16 TAC §90.30.

**SUBCHAPTER D. PROGRAM REQUIREMENTS—CURRICULUM, COURSES, CLASSROOMS, CERTIFICATES.**

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
16 TAC §90.40. Program Curriculum and Materials – All Programs.	25 TAC §453.108, Program Content and Materials.	Listed the name of the applicable program before the name of each curriculum manual.	<p>Occ. Code §51.203, Rules.</p> <p>General authority related to adopting rules for the programs (see below).</p> <p>Alcohol Education Program for Minors – TDLR/TCLR “shall adopt rules regarding alcohol awareness programs approved under this section.” (ABC, §106.115(a)(3)).</p> <p>Drug Offenses Program – TCLR and DPS “shall jointly adopt rules for the qualifications and approval of providers of educational programs under Section 521.374.” (TC, §521.375(a)).</p> <p>DWI Intervention Program – The commission “shall adopt rules for the educational program under Article 42A.404 [DWI Intervention]”. (CCP, Article 42A.405(a))</p> <p>DWI Education Program – The educational program is jointly approved by four agencies. (CCP, Article 42A.403(a)). TDLR shall “publish the jointly approved rules for the educational program under Article 42A.403 [DWI Education].” (CCP, Article 42A.405(b)(1))</p>
16 TAC §90.41. Program Curriculum	25 TAC §453.101(15), Definition of DWI	For the DWI Education Program, the statute requires an educational program that is	Occ. Code §51.203, Rules.

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and Rules – DWI Education Programs.	Approval Representatives.	<p>jointly approved by TDLR, the Department of Public Safety, the traffic safety section of the traffic operations division of the Texas Department of Transportation, and the community justice assistance division of the Texas Department of Criminal Justice. In addition, TDLR shall publish the jointly approved rules for this education program.</p> <p>Subsections (a) and (b) includes provisions from the statute, Code of Criminal Procedure, Articles 42A.403 and 42A.405, and DSHS rule §453.101(15), definition of DWI Approval Representatives. Subsection (c) specifies the process.</p>	Code of Criminal Procedure Article 42A.403, Educational Program for Certain Intoxication Offenders; Waiver or Extension of Time; and Article 42A.405, Rules for and Administration of Educational Programs.
16 TAC §90.42. Program Rules – Drug Offender Education Programs.	No DSHS Rules.	For the Drug Offender Program, the statute requires a drug offender educational program, approved by TDLR under rules adopted by the Texas Commission of Licensing and Regulation (Commission) and the Texas Department of Public Safety (DPS). In addition, the Commission and DPS shall adopt rules for the qualification and approval of providers of drug offender education programs.	Occ. Code §51.203, Rules.  Transportation Code §521.374 and §521.375.
16 TAC §90.43. General Program and Course Requirements— All Programs.	25 TAC §453.113, General Program Operation Requirements.	Under new subsection (c), requires program/provider to provide program/provider certification number and instructor certification number for the particular program and course to each participant and provide information regarding how to file a complaint with the department to each participant.	See cites under 16 TAC §90.40.
16 TAC §90.44. Additional Course	25 TAC §453.114, Additional Program	Under new subsection (a)(2), adds clarification to require a minimum of 15	See cites under 16 TAC §90.40.

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
Requirements for Drug Offender Education Programs.	Requirements for Drug Offender Education Programs.	hours of class instruction per course. Change reflects DSHS practice and information on DSHS website regarding Drug Offender Education Program course requirements.	
16 TAC §90.45. Additional Course Requirements for Alcohol Education Program for Minors.	25 TAC §453.115, Additional Requirements for Alcohol Education Program for Minors.	N/A	See cites under 16 TAC §90.40.
16 TAC §90.46. Additional Course Requirements for DWI Education Programs.	25 TAC §453.116, Requirements for DWI Education Programs.	Separated DSHS rule into smaller subsections.	See cites under 16 TAC §90.40.
16 TAC §90.47. Additional Course Requirements for DWI Intervention Programs.	25 TAC §453.117, Additional Requirements for DWI Intervention Programs.	Separated DSHS rule into smaller subsections.	See cites under 16 TAC §90.40.
16 TAC §90.48. Classroom Facilities and Equipment.	25 TAC §453.110, Classroom Facilities and Equipment.	Expanded provision under new 16 TAC §90.48(g) to clarify that programs/providers and instructors must ensure that no portion of any course is videotaped, recorded, or broadcast by anyone, not just by programs/providers or instructors.	See cites under 16 TAC §90.40.
16 TAC §90.49. Course Completion Certificates for Participants.	25 TAC §453.109, Uniform Certificates of Course Completion.	Separated DSHS rules into smaller subsections. Clarifies that DWI Education Program Instructor or DWI Intervention Program Instructor, as applicable, must forward a copy of the certificate of completion to DPS and notify the applicable community supervision and corrections department to conform to the statute (CCP Article 42A.406).	See cites under 16 TAC §90.40.

## SUBCHAPTER E. PROGRAM REQUIREMENTS—ADMINISTRATION AND OTHER RESPONSIBILITIES

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
<p>16 TAC §90.50. Program Administration.</p>	<p>25 TAC §453.111, Program Administration.</p> <p>Also includes provisions from §453.120, Participant Complaints.</p>	<p>Reorganized provisions into common subject matter subsections. Separated large DSHS rules into smaller subsections.</p> <p>Under new 16 TAC §90.50(b)(4), removed inactive status provisions (DSHS §453.111(h)).</p> <p>Under new §90.50(d), added provision to specify the amount of time to maintain documentation--3 years. Consistent with timeframe under §90.51(e), regarding retention period for course rosters and copies of certificates of completion. Applies to records and documentation created or issued on or after the effective date of the section. DSHS rule §453.111(f) did not include a specific amount of time to maintain documentation.</p> <p>Under new §90.50(d), removed provisions regarding onsite visits for auditing and monitoring purposes and regarding interviewing program/provider personnel and participants (DSHS rule §453.111(f)).</p>	<p>Occ. Code §51.203, Rules.</p> <p>General authority related to adopting rules for the programs (see below).</p> <p>Alcohol Education Program for Minors – TDLR/TCLR “shall adopt rules regarding alcohol awareness programs approved under this section.” (ABC, §106.115(a)(3)).</p> <p>Drug Offenses Program – TCLR and DPS “shall jointly adopt rules for the qualifications and approval of providers of educational programs under Section 521.374.” (TC, §521.375(a)).</p> <p>DWI Intervention Program – The commission “shall adopt rules for the educational program under Article 42A.404 [DWI Intervention]”. (CCP, Article 42A.405(a))</p> <p>DWI Education Program – The educational program is jointly approved by four agencies. (CCP, Article 42A.403(a)). TDLR shall “publish the jointly approved rules for the educational program under Article 42A.403 [DWI Education].” (CCP, Article 42A.405(b)(1)).</p>
<p>16 TAC §90.51. Recordkeeping Regarding Course</p>	<p>25 TAC §453.112, Recordkeeping and Reporting, subsections</p>	<p>Restructured the list of information.</p> <p>Under new subsection (a), added</p>	<p>See cites under 16 TAC §90.50.</p>

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
Participants.	(a)-(b).	<p>participant's e-mail address.</p> <p>Added new subsection (g) to require that the records in this section be maintained at the Program/Provider headquarters.</p>	
16 TAC §90.52. Annual Reports.	25 TAC §453.112, Recordkeeping and Reporting, subsection (c).	Removed DSHS provision that failure to file a timely annual report will put the program on inactive status. Under TDLR rules, not filing a timely annual report triggers an enforcement action, not inactive status or removal of authorization to offer course. These actions require due process.	See cites under 16 TAC §90.50.
16 TAC §90.53. Confidentiality.	25 TAC §453.118, Confidentiality.	Added titles to the federal and state laws and regulations cited in the DSHS rules.	<p>Federal and State laws regarding confidentiality of patient/client records, as applicable, including:</p> <p>42 United States Code §290dd-2, Confidentiality of Records;</p> <p>42 Code of Federal Regulations, Part 2, Confidentiality of Alcohol and Drug Abuse Patient Records; and</p> <p>Health and Safety Code, Chapter 611, Mental Health Records.</p>
16 TAC §90.54. Discrimination Prohibited.	25 TAC §453.119, Discrimination Prohibited.		

SUBCHAPTER F. FEES.

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
<p>16 TAC §90.80. Fees.</p>	<p>25 TAC §453.103. Fees.</p> <p>See also §453.106, Program Application and Certification, subsections (c), (f) and (g)</p>	<p>The fee provisions have been re-ordered and standard fees for duplicate licenses/ certificates, criminal history letters, and dishonored payment devices have been added. There are no late renewal fees for this program. If a certificate expires, the Instructor or Program/Provider must start completely over.</p> <p>The following TDLR fees are the same as the DSHS fees: (1) initial application fee for program headquarters certifications (\$300/program); (2) initial application fee for branch sites (\$5/branch site); and (3) renewal fees for branch sites (\$5/branch site).</p> <p>The renewal fee for program headquarters certifications has been reduced from \$225/program to \$200/program.</p> <p>The duplicate certificate fee was increased from \$5 to \$25.</p> <p>The fee for moving headquarters in the same county was increased from \$5 to \$25 to correspond with the duplicate certificate fee. The fee for moving headquarters outside of the county has been reduced from \$300 to \$25.</p> <p>Fees that were not included in the DSHS rules, but were listed on various DSHS forms, were included in the TDLR rules.</p>	<p>Occ. Code §51.203, Rules.</p> <p>Occ. Code §51.202, Fees.</p> <p>Alcohol Education Program for Minors-- ABC, §106.115(a)(2).</p> <p>Drug Offender Education Program— TC, §521.376(3).</p> <p>DWI Education Program and DWI Intervention Program-- CCP, Article 42A.405(d).</p>

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Substantive Changes and Additional Notes</b>	<b>Statutory Authority and Implementation</b>
		<p>These fees include: Instructor Certification Fees (initial and renewal \$0); Instructor Training Course Fees (\$425/course); and Continuing Education Seminar Fees (\$100/certification/seminar). There are also fees for Program Course Materials that must be paid to the third party contractor.</p>	

## SUBCHAPTER G. ENFORCEMENT.

TDLR Rule	DSHS Rule	Substantive Changes and Additional Notes	Statutory Authority and Implementation
16 TAC §90.91. Complaints; Investigations.	25 TAC §453.120, Participant Complaints, subsection (c).  §453.111, Program Administration, subsection (f).	N/A	Occ. Code §51.203, Rules.  Occ. Code §51.252, Complaints.  Occ. Code §51.351, Inspections and Investigations.
16 TAC §90.92. Administrative Penalties and Sanctions.	No DSHS rules regarding administrative penalties. DSHS rule §453.122, Action Against an Applicant or Certification Holder, addressed license denials and sanctions.	N/A	Occ. Code §51.203, Rules.  Occ. Code Chapter 51, Subchapter F, Administrative Penalty, and Subchapter G, Other Penalties and Enforcement Provisions.
16 TAC §90.93. Enforcement Authority.	No DSHS rules regarding enforcement authority. DSHS rule §453.122, Action Against an Applicant or Certification Holder, addressed license denials and sanctions.	N/A	Occ. Code §51.203, Rules.  Occ. Code Chapter 51, Subchapter F, Administrative Penalty, and Subchapter G, Other Penalties and Enforcement Provisions.
16 TAC §90.94. Additional Conduct Subject to Disciplinary Actions.	25 TAC §453.122, Action Against an Applicant or Certification Holder, subsections (a) and (d).	N/A	Occ. Code §51.203, Rules.  Occ. Code Chapter 51, Subchapter F, Administrative Penalty, and Subchapter G, Other Penalties and Enforcement Provisions.  Govt. Code Chapter 2005, Subchapter B, Denial, Suspension, or Revocation for False Statement, Misrepresentation, or Refusal to Provide Information.

**NOTE 1:** The DSHS rules that are not listed in the chart above were not incorporated into the TDLR rules for several reasons:

- 1) TDLR eliminated rules that were already addressed in the Commission's and Department's enabling statute, Occupations Code Chapter 51, and in the procedural rules at 16 TAC Chapter 60, both of which apply to all TDLR programs. Examples include:
  - Complaints and Alleged Violations
  - Administrative Hearings
  - Enforcement and Disciplinary Actions
  - Provisions Regarding Applicants and Licensees with Criminal Histories
- 2) TDLR eliminated rules that are no longer relevant based on differences between the DSHS and the TDLR structures, processes, or procedures;
- 3) TDLR eliminated rules on issues that are addressed by other methods such as the Criminal Conviction Guidelines and the Enforcement Penalty Matrix.

**NOTE 2:** The fees section of the TDLR rules has been reformatted using the fee structure and amounts for programs regulated by TDLR.

TDLR removed program-specific rules and adopted the TDLR standard fees for:

- Dishonored Payment Device = \$50.
- Criminal History Determination Letter = \$25.
- Duplicate License Fee = \$25

Standardized fee changes for the items above may result in some TDLR fees being higher and some being lower than the DSHS fees.