

**Attachment 5  
(Revised 06-14-05)**

**Executive Clerk Process for  
Proposed Rule Publication**

The agency Commissioner or designee submits the proposed rule packet requesting Executive Commissioner approval for rule publication in electronic format to the Executive Clerk's office mailbox at HHS\_Rules@hhsc.state.tx.us. HHSC requests for proposed rule publication packets will be forwarded in electronic format to the Executive Clerk's office at HHS\_Rules@hhsc.state.tx.us by the appropriate HHS Deputy Executive Commissioner or designee.

The proposed rule packet consists of the following files, which should be submitted in the order shown below:

- Request for Publication of Proposed Rules Memo (follows the Executive Clerk Action Memo format and must include details of the proposed rule, summary of advisory committee and/or agency council recommendations, any changes made to rules based on those changes, and agency General Counsel line approval that the rule meets all legal requirements for publication as proposed);
  - (1) Rulemaking Notification Form;
  - (2) Preamble;
  - (3) Rule; and
  - (4) Rulemaking Fiscal Impact Form.

The subject line on the Request for Publication of Proposed Rules Memo should be succinct because the electronic files will be saved with that information. The example below should be followed:

CHIP Eligibility Rules (This is the Request for Publication of Proposed Rules Memo.)  
CHIP Eligibility Rules – Attachment 1 (This is the rulemaking notification form.)  
CHIP Eligibility Rules – Attachment 2 (This is the preamble.)  
CHIP Eligibility Rules – Attachment 3 (This is the rule.)  
CHIP Eligibility Rules – Attachment 4 (This is the rulemaking fiscal impact form.)

Upon receipt of the rule packet, the Executive Clerk's office will assign a unique number (e.g., DSHS-05-0001), which will appear on the Request for Publication of Proposed Rules Memo subject line, and route the packet for comments from the appropriate HHS Senior Policy Advisor, HHS financial staff, and HHS legal staff.

After receiving comments from the HHS Senior Policy Advisor and HHS financial and legal staff, the Executive Clerk's office will forward the rule packet to the Executive Commissioner for final disposition relating to publication of proposed rules.

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Proposed Rule Publication**

The Executive Clerk's office will e-mail the agency Commissioner or designee the Executive Commissioner's approval/modifications/disapproval for publication of the proposed rules. Copies of the e-mail will be forwarded to the HHS Deputy Executive Commissioner and the HHS Senior Policy Advisor. The HHS Senior Policy Advisor will forward the e-mail to the originating agency program contact. The e-mail subject will read:  
(Unique Number) – Executive Commissioner Action on Publication of Proposed Rules.

For HHSC requests for approval to publish proposed rules, the Executive Clerk's office will e-mail the appropriate HHS Deputy Executive Commissioner or designee and the HHS Senior Policy Advisor the Executive Commissioner's approval/modifications/disapproval for publication of the proposed rules. It is the responsibility of the Deputy Executive Commissioner or designee to notify the HHSC program contact of the Executive Commissioner's decision. The e-mail subject will read: (Unique Number) – Executive Commissioner Action on Publication of Proposed Rules.