



Opt-in Application Process

1. What is the eligibility requirement for our school to participate in the SY 21-22 COVID-19 Testing Program? Updated October 7, 2021

Any K-12 public or private school system in Texas is eligible to participate in the *SY* 21-22 K-12 COVID-19 Testing Program. The goal of this program is to aid in risk reduction to students, staff, and faculty during the COVID pandemic. This program will begin on September 15th and continue through the end of the SY 2021-2022.

The City of Houston also received funds through the same federal grant program to support a set of public and private school systems within the City of Houston boundaries. If you are in the Houston area, please review the list of school systems the City of Houston will support and determine if you are considered eligible for their program. If so, once you apply, you will receive a reduced allocation to use through November 15 through TEA's program, after which you will transition to being supported by the City of Houston's grant.

2. The federal guidance documents reference K-12, are my Pre-k staff not eligible to be covered under this program?

Stand-alone Pre-K only and child-care providers are not eligible. If you have a Pre-K program in the same building as your K-12 students and they co-mingle, they are an eligible population to test.

3. I am already enrolled in the current rapid antigen testing program; do I need to apply again? Updated October 7, 2021

- Any private K-12 school system interested in participating in this program should complete this application regardless if they previously opted in the state's testing program. Private schools that filled out an application for the new SY 2021-2022 K-12 COVID-19 Testing Project starting September 9, 2021, do not need to reapply as we have already captured you in the system.
- Public schools that previously opted in do not need to reapply. Any school systems that did not previously opt-in must apply before they are considered eligible.
- Pre-K-only providers and/or daycare providers are NOT eligible for participation in this testing program.
- School systems where pre-K/daycare students share a building/co-mingle with K-12 students are eligible for participation in the testing program. o If you applied to the new SY 2021-2022 K-12 COVID-19 Testing Project starting September 9, 2021, or later and did not include your Pre-K staff and student





counts but need to based upon this new information, please email COVIDCaseReport@tea.texas.gov.

4. I'm a private school; how do I participate in the K-12 COVID-19 Testing Project?

All private schools interested in the 2021-2022 COIVD-19 Testing Project should reapply, and as they apply, we will update the allocation sheet with their allocation amounts accordingly.

5. I'm a private school and filled out an application beginning on September 9, 2021. Do I need to fill out another one now?

No. If you filled out an application after the Commissioner initially announced the program's launch on September 9th, you are part of the program and do not need to do anything further.

6. I'm a private school and have already submitted my application prior to knowing about the Pre-K requirement. Can I update the student and staff count that was previously provided?

Private schools that need to update their student or staff count on a previously submitted application should email COVIDCaseReport@tea.texas.gov with the subject line: Updated Student/Staff Count: <Full School Name>.

7. I'm a new charter school and do not appear on the Opt-In List and Test Allocation spreadsheet. How do I take part in the SY 2021-2022 K-12 COVID-19 Testing Project?

Please email COVIDCaseReport@tea.texas.gov, and we will add you to the spreadsheet.

8. I'm an Education Service Center. Am I eligible to participate in the SY 2021-2022 K-12 COVID-19 Testing Project?

Unfortunately, Education Services Centers do not meet the eligibility requirements under these federal grant dollars.

9. What is the deadline to opt-in to the K-12 COVID-19 Testing Project? New

There is no current deadline; the application is live and will remain open until further notice.

10. How long is this testing program slated to run?





The dollars associated with the federal grant expire on July 31, 2022. The K-12 COVID-19 Testing Program is slated to run from September 15, 2021, to the end of the school year 2021-2022.

11. The Opt-In List and Test Allocation Spreadsheet shows a dollar amount. Is this amount, in essence, a "credit" that we are allowed to "purchase" testing kits from the vendors on the Vendor Resource Sheet?

That is correct. These dollars amounts can be used to "purchase" services through the vendors. As services are requested, the testing vendors will bill DSHS directly. TEA and DSHS will subtract your expenditures from your allocation and update the list monthly.

12. If our enrollment increased substantially this year from what is shown on the allocation spreadsheet, who should I contact about the possibility of increasing our COVID testing amount?

Please email <u>COVIDCaseReport@tea.texas.gov</u>. If your enrollment has increased by more than 10%, we will update your allocation.

13. My school system or private school is not shown in the allocation; how many tests will I receive?

Please reach out to COVIDCaseReport@tea.texas.gov.

14. What is a Test Coordinator, and do I need one?

Each participating school system will identify one school Test Coordinator. The Test Coordinator will serve as the single primary point of contact with TEA and DSHS related to this testing program and will receive any testing information or guidance coming from TEA or DSHS.

They will also:

- Serve as the primary Point of Contact (POC) for interactions with any testing vendors the school system chooses to engage with.
- Serve as the POC for Administrators at the various campuses participating in the testing program
- Coordinate with schools within the District/Private School participating in the testing program to identify Test Administrators, if applicable.
- Ensure all reporting requirements for the school system are met timely and accurately.
- Help reconcile any discrepancies in invoicing between DSHS and the testing vendor.

15. Who should I tell if I need to change my test coordinator or alternate test coordinator?





Please email covIDCaseReport@tea.texas.gov with your school name and the contact information (name, email, and cell phone number) of your new test coordinator and/or alternate.

Test Usage

1. Do we have to use the tests in a specific way or on specific populations?

The objectives and goals of this funding are primarily focused on providing needed resources to implement screening testing programs, including recurring testing of asymptomatic individuals. School systems will need to develop a screening testing methodology based on interventions being implemented in the school, vaccination rates, and community spread.

While each school system will develop a screening testing methodology that works for their local situation, they must also adhere to the following limitations:

- All testing in school systems as a part of this program will be conducted voluntarily;
- Tests will only be conducted on staff and students of the K-12 public or private school;
- Individuals under the age of 18 will be required to have a signed legal guardian permission slip;
- All school-based personnel conducting the testing will have complied with any training requirements
- Individuals tested will not be charged for the test; and
- All results of the tests will be reported through the appropriate web-based system.

2. How many tests are available for this program?

This is a finite amount of money allocated to this testing program. We ask that school systems develop a plan for testing throughout the year (we've provided further guidance on types of testing use cases in our playbook), order each month what they believe they will use in the upcoming month, report test results thoroughly and accurately, and consistently reorder testing supplies and services as needed.

3. Will the state be providing personal protective equipment (PPE) to accompany this testing program?

The state will not provide PPE to school systems as part of this testing program; however, PPE is an allowable expense under the upcoming grant program targeted to be released later this fall. School systems can choose to use their dollars to purchase PPE for their needs.

4. Can we require a student or staff member to take a COVID-19 test?





Schools cannot mandate the use of COVID-19 tests on their staff or students. Schools cannot mandate the use of COVID-19 tests on specific groups like student-athletes or those participating in extracurricular activities.

5. Can I use this testing program to test my athletes for extracurricular activities?

It is up to the individual school system to develop a screening testing methodology and approach that works for their local needs; however, schools cannot mandate the use of COVID-19 tests on their staff or students.

6. Can relatives of school system employees or students be tested through this program?

No. Testing allotments are based upon staff and student counts. You must be a student or staff member employed by the school system or a school board member to be eligible to receive testing.

7. Can we charge students or staff to take a COVID-19 test obtained through this program?

No. These tests are being provided free of charge as part of a grant the Department of State Health Services received from the federal government.

Test Types

1. Where can I find the vendors we are allowed to use for this new testing program?

The list of vendors is located on TEA's COVID-19 Website under the <u>Public Health Card</u>. The <u>Vendor Resource Chart</u> will provide you with information about each vendor and allow you to compare and choose the vendor most aligned to your needs.

2. What type of tests will be provided by the state? Who is the manufacturer? Updated October 7, 2021

The Department of State Health Services has partnered with four testing vendors to provide COVID-19 tests to public and private schools. Please be sure to check out our Vendor Resource Guide to learn more information. In addition, please find links to their sites below.

Achieve Health Management (AHM)
Thermo Fisher Scientific (TFS)
Quest Diagnostics
Affinity





3. What are the differences between an antigen and a PCR test?

The antigen tests identify the virus by detecting the proteins from the virus. Rapid antigen results are typically available in about 15 minutes.

The molecular test (RT-PCR) detects the virus's genetic material to see if you have an active coronavirus infection. Molecular tests must be sent to a lab to be processed, and results are available in 24-48 hours.

Test Administration

1. Who will be administering the tests?

In some cases, public and private school systems have the option to administer tests themselves. There is also an option to request test administration support; please review the Vendor Resource Guide to learn more information as this varies by vendor and test type.

2. If we are going to administer the test ourselves, do test administrators have to be medically trained?

No, however, individual test administrators must complete any required trainings offered by their selected testing vendor.

3. Are permission slips required to administer tests on students or staff?

Permission slips are not required for individuals over 18 years old.

Permission slips for students under 18 years old are required. In most cases, the testing vendor you select will have a permission slip available in multiple languages for your school system to access. You can also find a sample permission slip within TEA's Public Health Orders Card.

4. How long do the tests take to yield results?

This will depend on the type of test your school system decides to administer. Antigen tests generally provide results in 15 minutes, while molecular/PCR tests take 24-48 hours to receive results.

5. How long will it take to get the molecular results back for my school district?

Please review the Vendor Resource Guide to learn more information as this varies by vendor and test type but typically within 24-48 hours.





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6. Who is liable if a student or staff is injured by the testing?

Consult your school system's legal counsel.

7. If we choose to administer the tests ourselves, are the used test kits and used PPE considered medical waste for disposal?

Used Test Kits are considered Medical Waste and must be disposed of according to TCEQ guidelines.

PPE used while handling and administering the COVID-19 test kits is not considered medical waste.

8. Can these tests be used on asymptomatic individuals?

Please refer to the Emergency Use Authorization (EUA) Instructions for Use. Not all tests are intended for asymptomatic individuals, and since they are required to follow the EUA-IFU under the SDO, we recommend you reference the EUA instructions.

9. Can we test our central office staff?

Central office staff members are allowed to be tested and were accounted for in the allocation.

10. Once we order from one of the testing vendors, what is the turn-around time from ordering to receiving tests?

This will vary by vendor. Each vendor has its timeline and onboarding process. Please review the <u>Vendor Resource Sheet</u> to find out more.

11. We are currently partnering with a 3rd party to administer our tests. Can we use them as a vendor instead of choosing one from the Vendor Resource Sheet?

Under the K-12 COVID-19 $Testing\ Project$, your allocation can only be used with the three vendors on the Vendor Resource Sheet. If school systems have separate funding, you are welcome to work with a 3^{rd} party vendor.

Previous Testing Programs

1. We previously received Abbott BinaxNOW test kits from TDEM. Can we use those tests until we select a vendor for the new program? Updated October 7, 2021





Yes, you should use the remaining inventory of your current Abbott BinaxNOW test kits until you run out or they expire. Please remember to report via TXRapidApp.

2. We previously received Abbott BinaxNOW test kits from TDEM. Are the ones we just received counted as part of this year's testing program, thus reducing my allocation?

No. These are two separate programs. The Abbott BinaxNOW tests you received from TDEM do not count against the SY 2021-2022 COVID-19 Testing Project school system allocation.

3. We previously received Abbott BinaxNOW test kits from TDEM. Are we able to continue to work with TDEM, or do we have to begin working with one of these vendors?

TDEM's role with the K-12 testing project will conclude on September 15, 2021. You will be unable to request testing kits from TDEM going forward.

You can and should use your remaining tests and report them via TxRapidApp.

4. We previously received Abbott BinaxNOW test kits from TDEM. What do we do with our current unexpired Abbott BinaxNOW antigen test kit inventory? Updated September 23, 2021

- School systems should use the remaining inventory of their current Abbott BinaxNOW rapid test kits until the test kits run out or they expire. Please remember to continue to report test results via TXRapidApp.
- Each <u>vendor</u> under the new testing project has its reporting structure that will be used.
- **Unused** Abbott BinaxNOW rapid tests can be disposed of with the regular trash with the exception of the reagent bottle, which must be disposed of as medical waste, or if you have more than 1,280 kits that you would like to return to TDEM to redistribute to other testing sites, please email <u>k-12logs@tdem.texas.gov</u>.
- Used test kits are considered Medical Waste and must be disposed of according to Texas Commission on Environmental Quality (TCEQ) guidelines which may be found here.
- All components of expired BinaxNOW rapid tests may be disposed of as regular trash with the exception of the reagent bottle, which must be disposed of as medical waste.
- The Abbott BinaxNOW tests school systems received from TDEM do not count against the SY 2021-2022 COVID-19 Testing Project school system allocation.





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- 5. What do we do with the iPhones which we received from TDEM to conduct test reporting? New September 23, 2021
 - Each phone should have been delivered with a return envelope and a return label
 - If the return envelope has been lost, please return it to: TDEM OpsTech, 610 Lanark Dr, Suite 150, San Antonio, 78218
- 6. What do we do with non-working TDEM issued iPhones?
 - If you have a non-working TDEM issued iPhone, you can return by following the process below-
 - TDEM phones will need to be returned using the Prepaid package that came with the phone. In the event you don't have the original prepaid package, please mail the phone to:
 - SAM Miller
 - Texas Department of Emergency Management
 - 610 Lanark Suite 150
 - San Antonio, Texas 78218

Reporting

1. We've been reporting our test kits via the TXRapidApp. Will there be a different reporting mechanism for the test kits associated with the SY 2021-2022 K-12 COVID-19 Testing Project?

Each vendor under the new testing project has its reporting structure that will be used.

2. What happens when someone tests positive at school?

This is a process that will be determined at the local level.

3. How is my personal information used that is captured by the testing vendors?

All personal health information collected in registration and results will be handled under local, state, and national privacy rules.

Individual-level registration and results from information in the registration application will only be shared with the Department of State Health Services as required by Laws.

Aggregate level information without personally identifiable information may be shared with school systems and the public.

4. What reporting is required by the school system?





For all tests:

- 1. Each school or vendor must meet specific testing reporting requirements using a web-based portal for all tests conducted. Failure to adhere to reporting requirements could result in loss of access to testing.
- 2. All school systems must submit the <u>Tests and Services Received Report</u> within 48 hours of receiving the testing supplies or services to allow timely invoice payment to vendors in addition to updating the allocation spreadsheet.

For positive cases:

- 1. Campuses must notify individuals, or, in the case of a student under 18, the student's parents, in the event of a positive test.
- 2. Public school campuses must notify their communities of positive cases within a classroom, consistent with <u>TEA Public Health Guidance</u> notification requirements.
- 3. All school systems must notify their local public health authority
- 4. Public school systems must report cases via the pre-existing <u>DSHS COVID-19</u> Case Reporting Form.

5. If we request services from the testing vendor when do I submit the Tests and Services Received Report? Updated October 7, 2021

If you request testing services, submit your Tests and Services Received Report on the last day of engagement with the vendor. For example, if you request test administration services over the course of 3 days, submit the test request form within 48 hours of the 3rd day of testing.

Districts must submit it within 48 hours of receiving test kits at the district, not when it was distributed to the campus level.

You can find a link to the instruction here.

6. Does the test information get shared with the local health department and DSHS, or do school systems need to report these cases to the appropriate authority? Updated October 7, 2021

The testing information the vendors collect is shared with the school system's local health department and DSHS.

7. Do we need to continue our current weekly COVID-19 Case Reporting Form submission? How will the state use the data?

Yes, the <u>COVID-19 Case Reporting form</u> is still in effect, and the data will be publicly reported on the current <u>Department of State Health Services Texas Public Schools COVID-19 Data page</u>.





Miscellaneous

1. What fund and object code does my LEA record for test kits received through this federal grant? Updated September 23, 2021

The district would record the test kits as revenue to fund 199 and object code 5829. Please refer to the <u>Vendor Resource Sheet</u> to determine the exact pricing of each test you used.

2. Who is providing funding to support this testing program?

This K-12 COVID-19 Testing Project is supported by the CDC of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$800 with 100 percent funded by CDC/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by CDC/HHS or the U.S. Government. For more information, please visit the Center for Disease Control Website.

3. I want to advertise the availability of these test kits to our parents and school employees. Is there any language I need to ensure is included in the information I provide?

Yes. You need to ensure the following statement appears on any collateral associated with test kits provided under the SY 2021-2022 K-12 COVID-19 Testing Project:

This K-12 COVID-19 Testing Project is supported by the CDC of the U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$800 with 100 percent funded by CDC/HHS. The contents are those of the author(s) and do not necessarily represent the official views of, nor an endorsement, by CDC/HHS or the U.S. Government. For more information, please visit the Center for Disease Control Website.

COVID-19 School Health Support Grant (Grants to Schools)

1. Do we have to take part in the testing program to apply for this grant?

No. To apply for these grant dollars, a public school system does not have to opt into the K-12 COVID-19 testing program.

2. When is the deadline for this grant? New November 4, 2021

See the grant timeline below:





Tentative Date	Action
November 4, 2021 (Today)	Announcement and release of COVID-19 School Operations and Support Grant Program and application.
	Application program guidelines, planning amount allocations, and the application are available here .
December 9, 2021	Grant applications due
January 14, 2022	First Cash Advance Grant Payments Initiated.
	Unrequested grant allocations will be reallocated.
March 2022	Grant End Date
May 2022	Grantee Closeout; Final Grantee Expenditure Documentation Due to TEA
June 31, 2022	TEA Grant Closeout

3. What are the allowable expenses for these dollars? Updated November 4, 2021

At this time, the current allowable expenses will include:

- 1. PPE (including but not limited to masks, gloves, gowns, & face shields)
- 2. Hygiene and cleaning supplies
- 3. Portable high-efficiency particulate air (HEPA) fan/filtration systems or other small items that may allow for improved air circulation
- Public health events that include students and other community members and are aimed at providing opportunities for increased detection and prevention of COVID-19
- 5. Vaccine promotion events and communications
- 6. COVID-19 testing-test kits, turn-key testing services, and related support services
- 7. Costs to obtain a Clinical Laboratory Improvement Amendments (CLIA) Certificate of Waiver
- 8. Partial funding for staff who will be conducting grant-related duties for screening testing or COVID prevention programs that are outside of the staff's regular duties
- 9. Other allowable uses pre-approved by the TEA grant program office

4. Can these grant dollars be used for payroll purposes or stipends? Updated November 4, 2021





Partial funding for staff who will be conducting grant-related duties for screening testing or COVID prevention programs outside of the staff's regular duties is allowable.

The supplement, not supplant provision, does apply to this grant program.

5. Will this grant be considered as "federal funding" for private school systems? New November 4, 2021

Yes, private school systems that choose to apply will become recipients of federal assistance and will be required to follow all federal rules and regulations required when receiving federal disaster and grant funds.

6. What are some of the unallowable activities for this grant? New November 4, 2021

Unallowable activities and use of funds for this grant may include <u>but are not limited</u> <u>to the following:</u>

- Debt service (lease-purchase)
- Major renovations or construction
- Tuition reimbursement
- Advisory Council
- Out-of-State Travel

If your school system is unsure if an activity is unallowable, please seek clarification by emailing coviDCaseReport@tea.texas.gov

7. What are the performance measures for this grant? New November 4, 2021

Recipients of this grant agree to collect data and report on mandatory performance measures as required by TEA in the timeline and format to be determined, including, but not limited to:

- 1. Monthly progress reports addressing grant activities, testing usage and results, performance measures, and/or progress on milestones
- 2. Monthly fiscal or financial reports
- 3. Annual progress reports (APRs) that the CDC may later require.





CLIA Waiver

1. What is a CLIA waiver? New October 14, 2021

A CLIA Certificate of Waiver is a certification that allows a facility to legally examine a person through waived tests to assess health, diagnose, and determine treatment. *In other words, as it pertains to the SY 2021-2022 K-12 COVID-19 Testing Project, it provides certification allowing the administration of COVID-19 rapid antigen tests at school sites.*

2. Where do we submit the completed CLIA waiver application? New October 14, 2021

Once the CLIA waiver <u>application</u> is completed, applicants need to scan and email the form to their Texas Department of State Health Services zone; see more information <u>here</u> (see page 13 for a list of DSHS zone email addresses).

School systems do not need to send their completed CLIA application to TEA or DSHS.

3. Do we need to apply for a CLIA waiver if we only work with vendors that already have CLIA waivers for their antigen tests? Updated October 14, 2021

Achieve Health Management (AHM) & Quest Diagnostics already have CLIA waivers for their rapid antigen tests. Thermo Fisher Scientific does not currently have a CLIA waiver in place for their rapid antigen tests, so any school system receiving tests from Thermo Fisher Scientific would need to apply for a CLIA waiver.

We strongly suggest all school systems (public and private) apply and secure their own CLIA waivers because new vendors will be added to the testing program that might not have CLIAs in place for their COVID-19 rapid antigen tests.

Please revisit the vendor sheet to see more detail.

4. Do we need to apply for a CLIA waiver if we solely use vendors' staff to administer all tests?

No, you would not need a CLIA waiver in this instance.

5. We received Abbott BinaxNOW rapid antigen tests from DSHS. Do we still need a CLIA waiver? New October 14, 2021





Yes, you will need to obtain a CLIA waiver for these tests.

6. Does my school system need a CLIA waiver since the vendors already have CLIA waivers in place?

Achieve Health Management (AHM), Thermo Fisher Scientific (TFS), and Quest Diagnostics are directly processing PCR specimens in their labs, and their CLIA waivers cover PCR tests. See further details provided by vendors on the <u>Vendor Resource Sheet</u>. Public and private school systems must obtain a CLIA waiver for rapid antigen tests administered on campuses/district facilities.

7. How much does the CLIA waiver application cost, and will the state cover the cost?

The CLIA waiver application costs \$180. We are currently in conversations with the federal grant authorities to determine if this will be an allowable cost for the Grants to Schools program. However, if it is determined that it is not allowable, we ask that schools pay for the CLIA waiver out of their budgets.

8. Where do we submit the CLIA waiver \$180.00 application fee for reimbursement? May we use the money allocated for COVID testing to help pay the \$180 CLIA waiver application fee? Updated November 4, 2021

The application fee is an allowable expense under the COVID-19 School Health Support Grant (Grants to Schools). If your school system would like reimbursement, please follow the same steps as you would for the other allowable expenses through this grant.

9. How long does a CLIA waiver last?

A CLIA waiver is good for 2 years.

10. Does a school system need to wait until they receive the official CLIA certificate to begin testing? Updated October 14, 2021

No. Once your school system receives its CLIA waiver certificate number, you have been officially approved. School systems may not receive the actual certificate immediately due to processing time. Still, as long as they receive the CLIA waiver number, they can administer rapid antigen tests.





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11. We received Abbott BinaxNOW rapid antigen tests from DSHS. Do we still need a CLIA waiver? New October 14, 2021

Yes, you will need to obtain a CLIA waiver for these tests.

12. For the CLIA waiver for a school district, who would be the 'Director of the lab' and the 'owner of the lab'? New October 14, 2021

You can place the Test Coordinator's name in this section and/or another designated school system/district official involved with this COVID-19 Testing Project.

13. If additional vendors are added with rapid antigen tests not currently provided on the vendor sheet, does the school system need to apply for a new CLIA waiver? Updated November 4, 2021

No, school systems with current/active CLIA waivers are not required to submit a new application or notify CMS when adding waived tests. They should contact the Texas Department of State Health Services zone and inform them of the updates/changes; see more information here (see page 13 for a list of DSHS zone email addresses)

You can find a map of the DSHS' zones here (see page 15)

14. Do school districts need to complete the application for a CLIA Waiver this year if we are only testing with the remaining BinaxNOW tests that we received from TDEM? New October 14, 2021

The BinaxNOW rapid antigen tests received from the state during the two previous testing programs (i.e., the SY 2020-2021 testing project and the Stopgap program) are covered under the previous CLIA. CLIA waivers are active for two years.

Standing Delegation Order

1. What is a Standing Delegation Order (SDO)? New October 7, 2021

Standing delegation orders (SDOs) are written instructions, orders, rules, regulations or procedures prepared by a physician. SDOs provide authority





and a plan for use with patients presenting themselves prior to being examined or evaluated by a physician.

2. How long will the SDO for the new testing program last? New October 7, 2021

The delegation order will remain in effect until the expiration of the Governor's Disaster Declaration or until rescinded by Dr. John Hellerstedt, M.D.

3. Does the SDO cover both antigen and PCR testing? Updated November 4, 2021

Yes. This standing order authorizes any school participating in the Department of State Health Services (DSHS)/Texas Education Agency (TEA) "ELC Reopening Schools: Support for Screening Testing and Keeping Schools Operating Safely" (the Grant) grant to administer molecular and antigen tests to detect SARS-CoV-2, consistent with this order and the grant terms. This standing order is issued under my authority as stated in Texas Health & Safety Code, Ch. 81 and 22 Tex. Admin. Code Ch. 193.