

1 **43 TAC §215.207**

2 § 215.207. Contested Cases: Final Orders.

3 (a) A motion for rehearing of a final order issued by the board or a person delegated final order
4 authority for a complaint filed under Occupations Code, Chapter 2301, Subchapters E or M shall proceed
5 in accordance with Occupations Code, §2301.713.

6 (b) A hearings examiner shall prepare a final order as soon as possible, but not later than 60 days
7 after the hearing is closed, or as otherwise provided by law. The final order shall include the hearings
8 examiner's findings of fact and conclusions of law. The final order shall be sent by the department to all
9 parties by certified mail.

10 (c) A party who disagrees with the final order may file a motion for rehearing in accordance with
11 Government Code, Chapter 2001, subject to Occupations Code, Chapter 2301, Subchapter O. A motion
12 for rehearing of a final order issued by a hearings examiner must:

13 (1) be filed with the chief hearings examiner;

14 (2) include the specific reasons, exceptions, or grounds asserted by a party as the basis of
15 the request for a rehearing; and

16 (3) recite, if applicable, the specific findings of fact, conclusions of law, or any other
17 portions of the final order to which the party objects.

18 (d) Replies to a motion for rehearing must be filed with the chief hearings examiner in accordance
19 with Government Code, Chapter 2001, subject to Occupations Code, Chapter 2301, Subchapter O.

20 (e) If the chief hearings examiner or the chief hearings examiner's designee grants a motion for
21 rehearing, the parties will be notified by mail and a rehearing will be scheduled promptly. After rehearing,
22 a final order shall be issued with any additional findings of fact or conclusions of law, if necessary to
23 support the final order. A hearings examiner may issue an order granting the relief requested in a motion

1 for rehearing or requested in a reply to a motion for rehearing without the need for a rehearing. If a
2 motion for rehearing and the relief requested is denied, an order will be issued.

3 (f) A party who has exhausted all administrative remedies and who is aggrieved by a final order in
4 a contested case from which appeal may be taken is entitled to judicial review pursuant to Government
5 Code, Chapter 2001, subject to Occupations Code, Chapter 2301, Subchapter P, under the substantial
6 evidence rule. A copy of the petition for judicial review must be served on the final order authority and
7 any other parties of record. After service of the petition and within the time permitted for filing an answer,
8 the final order authority shall transmit to the reviewing court the original or a certified copy of the entire
9 record of the proceeding. If the court orders that new evidence be presented to the final order authority,
10 the final order authority may modify the findings and decision or order by reason of the new evidence,
11 and shall transmit the additional record to the court.

12 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the adoption and found it to be a
13 valid exercise of the agency’s legal authority.

14 Issued at Austin, Texas, on June 30, 2022.

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16 /s/ _____ Elizabeth Brown Fore
17 Elizabeth Brown Fore, General Counsel