

# TEXAS REGISTER

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Texas Register



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How to Use the Texas Register

Information Available: The 11 sections of the Texas Register represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Secretary of State - opinions based on the election laws.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules- sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following a 30-day public comment period.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Open Meetings - notices of open meetings.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the Texas Register is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 19 (1994) is cited as follows: 19 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "19 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 19 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using Texas Register indexes, the Texas Administrative Code, section numbers, or TRD number.

Texas Administrative Code

The Texas Administrative Code (TAC) is the official compilation of all final state agency rules published in the Texas Register. Following its effective date, a rule is entered into the Texas Administrative Code. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, publishes on an annual basis.

The TAC volumes are arranged into Titles (using Arabic numerals) and Parts (using Roman numerals)

The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency. The Official TAC also is available on WESTLAW, West's computerized legal research service, in the TX-ADC database.

To purchase printed volumes of the TAC or to inquire about WESTLAW access to the TAC call West: 1-800-328-9352.

The Titles of the TAC, and their respective Title numbers are:

- 1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §27.15:

1 indicates the title under which the agency appears in the Texas Administrative Code; TAC stands for the Texas Administrative Code; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

How to update: To find out if a rule has changed since the publication of the current supplement to the Texas Administrative Code, please look at the Table of TAC Titles Affected. The table is published cumulatively in the blue-cover quarterly indexes to the Texas Register (January 21, April 15, July 12, and October 11, 1994). In its second issue each month the Texas Register contains a cumulative Table of TAC Titles Affected for the preceding month. If a rule has changed during the time period covered by the table, the rule's TAC number will be printed with one or more Texas Register page numbers, as shown in the following example.

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The Table of TAC Titles Affected is cumulative for each volume of the Texas Register (calendar year).

Update by FAX. An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers there will be a fee of \$2.00 per page (VISA, MasterCard). (512) 463-5561.

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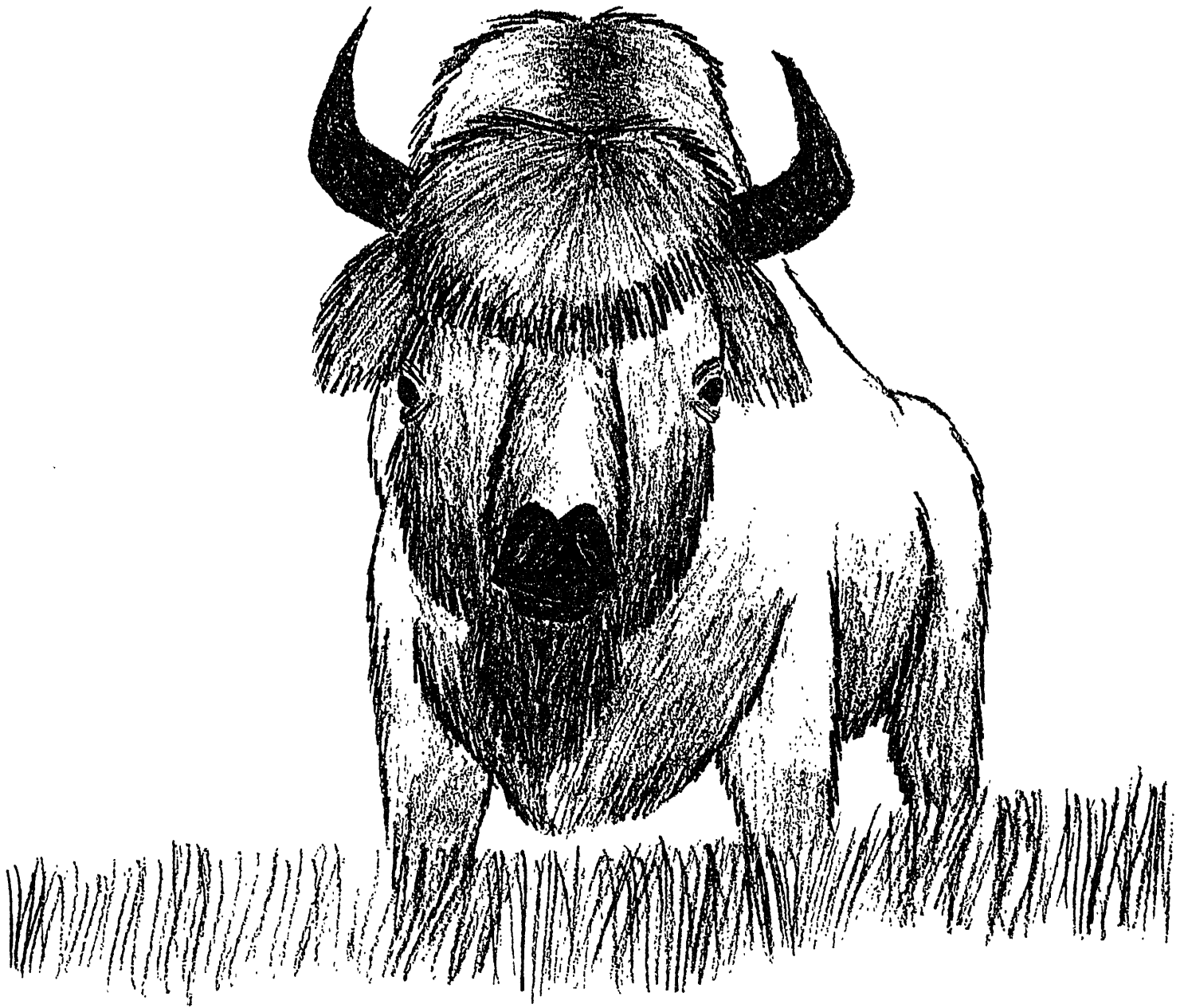
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Grade: 7

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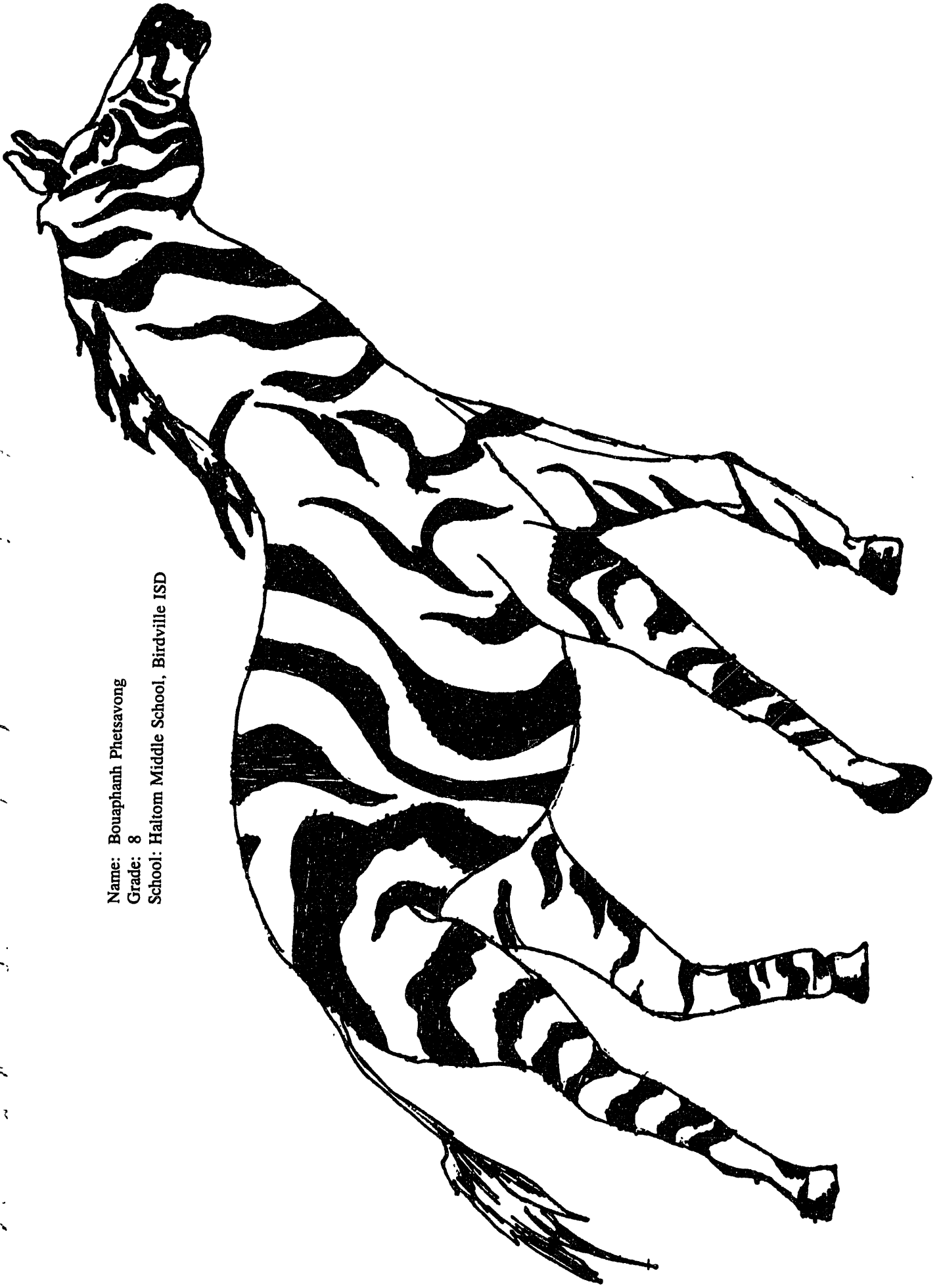


Name: Clay Herman

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Grade: 8  
School: Haltom Middle School, Birdville ISD



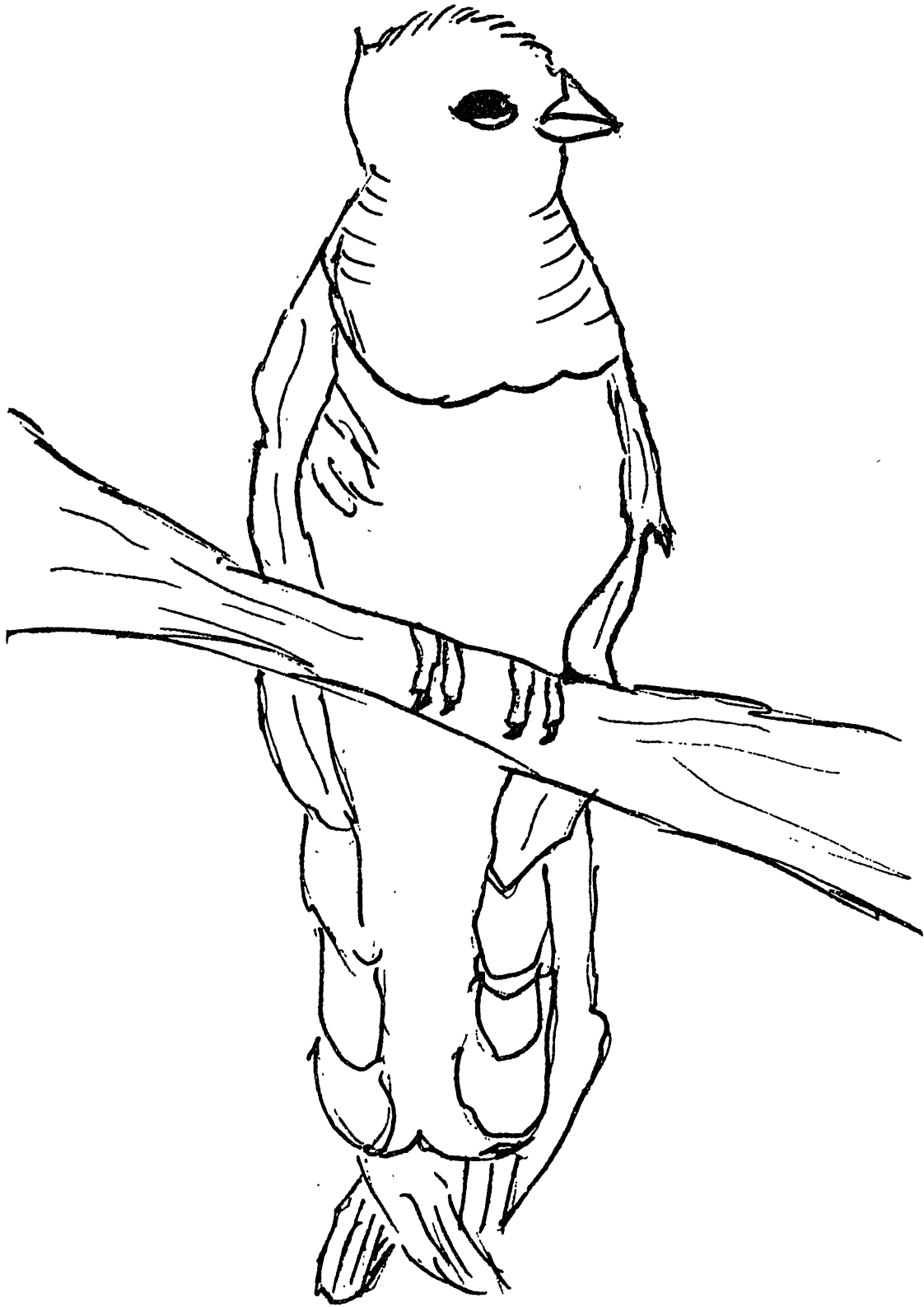
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School: Haltom Middle School, Birdville ISD





Name: Army Yang  
Grade: 7  
School: Halton Middle School, Birdville ISD

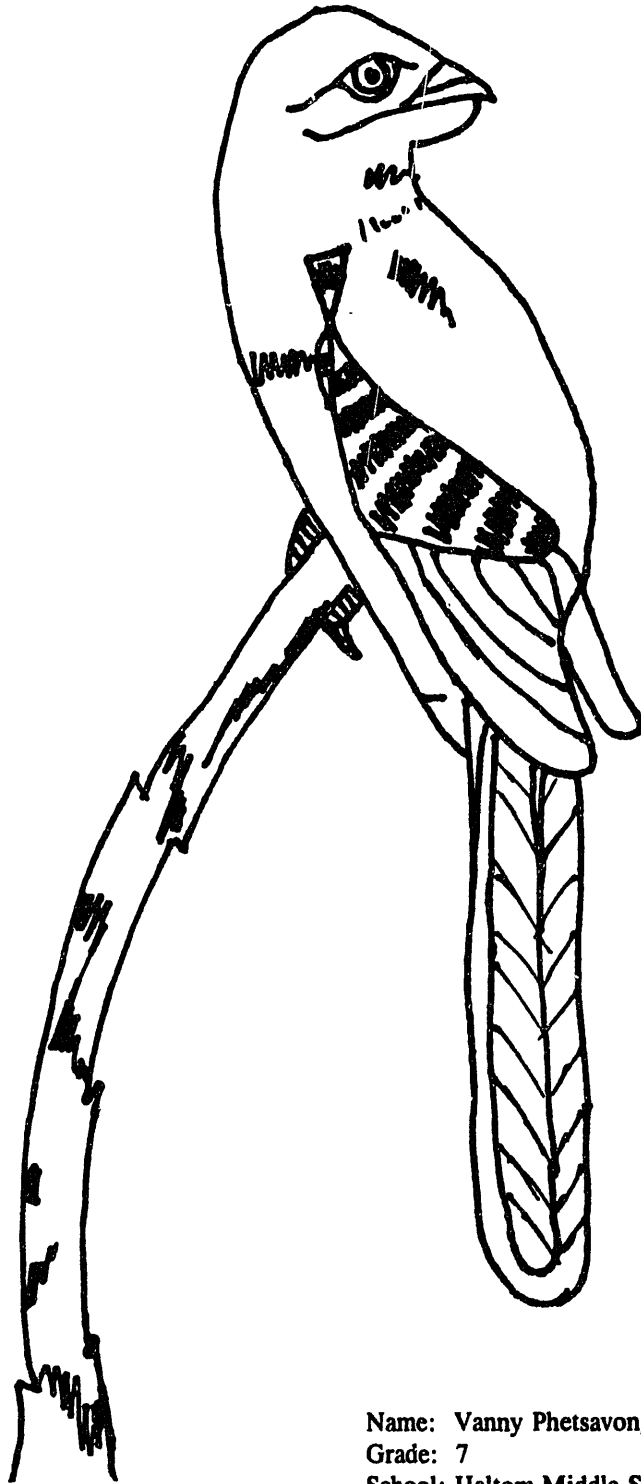




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Name: Vanny Phetsavong

Grade: 7

School: Haltom Middle School, Birdville ISD

# THE GOVERNOR

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As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

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## Appointments Made March 27, 1995

To be a member of the Texas Guaranteed Student Loan Corporation Board of Directors for a term to expire January 31, 2001: Alan V. Rash, 531 Regency, El Paso, Texas 79912. Mr. Rash is being reappointed.

## Appointments Made March 28, 1995

To be Judge of the 23rd Judicial District Court, Brazoria, Matagorda, and Wharton Counties, until the next General Election and until his successor shall be duly elected and qualified: Ben Hardin, P.O. Box 757, Lake Jackson, Texas 77566. Mr. Hardin will be replacing Judge Neil Caldwell who resigned.

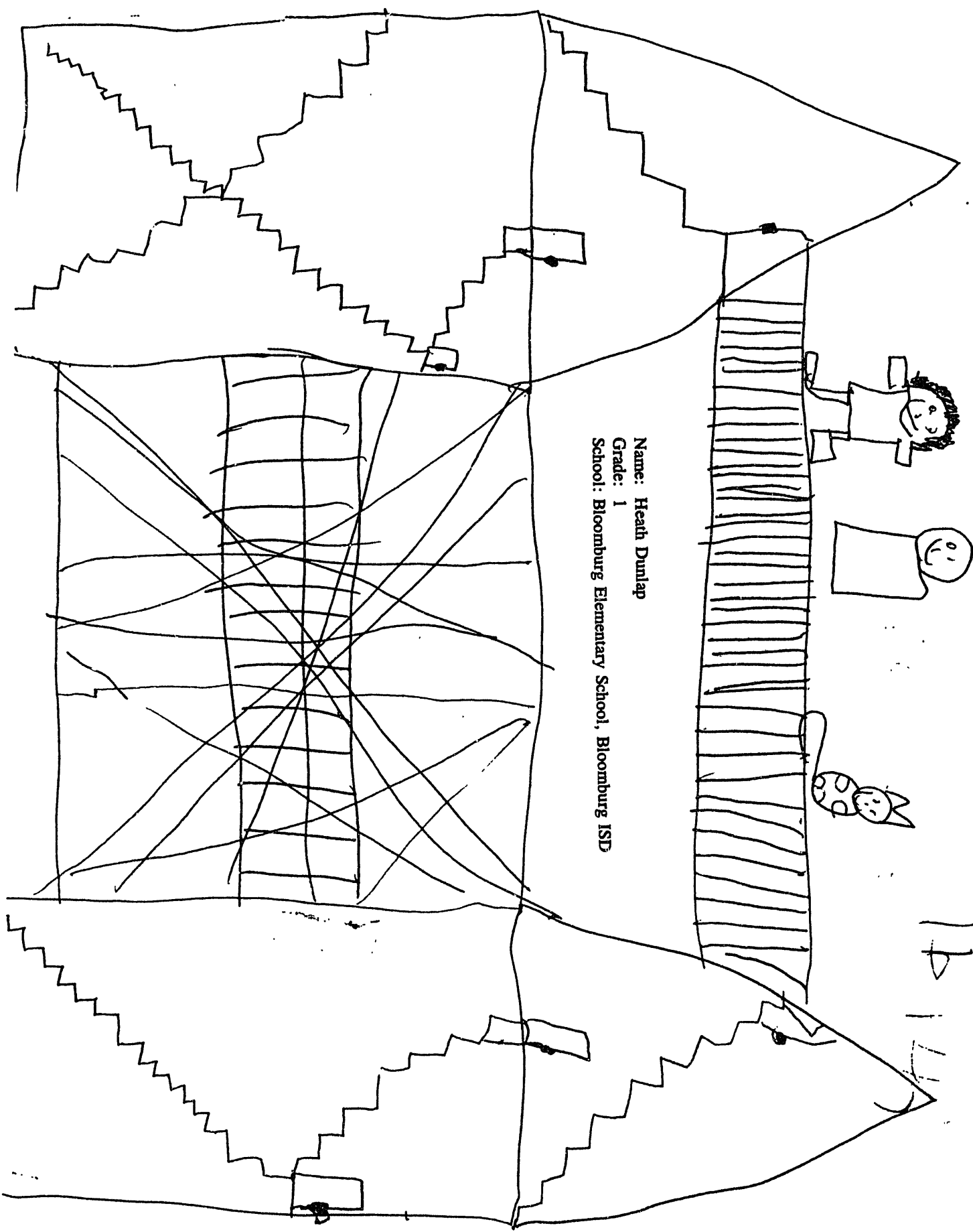
To be a member of the Texas Higher Education Coordinating Board for a term to expire August 31, 1995: Leonard Rauch, 1111 Hermann Drive #8-B, Houston, Texas 77004. Mr. Rauch will be filling the unexpired term of Laurence E. Jenkins of Austin who resigned.

Issued in Austin, Texas, on March 29, 1995.

TRD-9503788

George W. Bush  
Governor of Texas





Name: Heath Dunlap  
Grade: 1  
School: Bloomburg Elementary School, Bloomburg ISD

15 11

# PROPOSED RULES

Before an agency may permanently adopt a new or amended section or repeal an existing section, a proposal detailing the action must be published in the **Texas Register** at least 30 days before action is taken. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the section. Also, in the case of substantive action, a public hearing must be granted if requested by at least 25 persons, a governmental subdivision or agency, or an association having at least 25 members.

**Symbology in proposed amendments.** New language added to an existing section is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a section.

## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules

##### Certification

##### • 16 TAC §23.33

The Public Utility Commission of Texas proposes an amendment to §23.33, concerning telephone solicitation. The section requires local exchange carriers to publish information regarding certain provisions of Texas law that address telephone solicitation. The amendment is intended to provide maximum exposure for information pertaining to a customer's rights regarding telephone solicitation. Additionally, the amendment clarifies the distinction between customer's rights with respect to telephone solicitation and those pertaining to customer proprietary network information (CPNI). The amendment states that a local exchange carrier shall provide the notice prescribed by subsection (c) of the rule by publication in the consumer information pages of the phone directory and by inserting the notice annually in a billing statement to a customer. The amendment further specifies that the notice required by this subsection must be published in conjunction with the CPNI notice required by §23.57 of this title (relating to Telecommunications Privacy). The amendment to §23.33 also requires that the notice contain a general statement informing the customer that he may have other rights under federal law.

Kevin K. Zaring, assistant general counsel, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Zaring also has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be that telephone customers are provided with information regarding certain laws that pertain to telephone solicitors and how those laws differ from the rules regarding a local exchange carrier's use of CPNI. There will be no effect on small businesses as a result of enforcing this section. There is no economic cost to persons who are required to comply with the section as proposed.

Mr. Zaring also has determined that for each year of the first five years the proposed section is in effect there will be no impact on employment in the geographical areas affected by implementing the requirements of the section.

Comments on the proposed amendment (13 copies) may be submitted to John M. Renfrow, Secretary, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757, within 30 days after publication. All comments should refer to Project Number 13467.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and §§119-20, which provide the Commission with additional specific authority with respect to telephone solicitation.

Texas Civil Statutes, Article 1446c, §§119-20, Texas Business and Commerce Code Annotated, Chapter 37 are effected by the amendment.

##### §23.33. Telephone Solicitation.

(a)-(b) (No change.)

(c) Responsibility of LECs. Each LEC shall inform its customers of the provisions of the Business and Commerce Code, Chapter 37, and the Public Utility Regulatory Act, §119 (Texas Civil Statutes, Article 1446c), by inserting the notice prescribed by this subsection annually in the billing statement mailed to a customer. The notice required by this subsection and the CPNI notice required by §23.57(e) of this title (relating to Telecommunications Privacy) shall be published as a single insert and mailed to the customer in the same billing statement. Each LEC shall also publish [or publishing] the notice required by this subsection on the same page in the consumer information pages of its local telephone directory [.] where the CPNI notice required by §23.57(e) of this title appears. The notice shall read as follows:  
**TELEPHONE SOLICITATION**

Texas law provides certain protections for a person who receives a telephone solicitation at a residence. A telephone solicitor must:

- \* identify himself or herself by name;
- \* identify the business on whose behalf he or she is calling;
- \* identify the purpose of the call;
- \* identify the telephone number at which the person, company, or organization making the call may be reached.

A telephone solicitor may not call a residence before 9:00 a.m. or after 9:00 p.m. on a weekday or Saturday or before noon or after 9:00 p.m. on Sunday.

If a telephone solicitor uses an automatic dialing/announcing device, the machine must disconnect from your line within 30 seconds after termination of the call.

Exceptions: The requirements above do not apply to telephone solicitations made at your request, or solicitations made in connection with an existing debt or contract, or calls from a telephone solicitor with whom you have a prior or existing business relationship.

If you use a credit card to purchase a good or service from a telephone solicitor other than a public charity (an organization exempt from federal income tax under the Internal Revenue Code, §501(c)(3)), the seller must:

- \* offer a full refund for the return of undamaged and unused goods within seven days after you receive the goods or service (the seller must process the refund within 30 days after you return the merchandise or cancel your order for undelivered goods or services); or

\* provide you with a written contract fully describing the goods or services being offered, the total price charged, the name, address, and business phone of the seller, and any terms and conditions affecting the sale.

Complaints. The Texas Attorney General investigates complaints relating to a violation of this law, which is found at the Business and Commerce Code, Chapter 37. If you have a complaint about a telephone solicitor whom you believe has violated this law, contact:

Consumer Protections Division, Office of the Attorney General of Texas, P.O. Box 12548, Austin, Texas 78711, (512) 463-2070.

Another law, found at Texas Civil Statutes, Article 1446c, §119 and §120, requires a

telephone solicitor to make every effort not to call a consumer who asks not to be called again. Complaints relating to a violation of this law are investigated by the Public Utility Commission of Texas. If you have a complaint about repeated solicitation from a telephone solicitor you have asked not to call you again, contact:

[Public Information] Office of Consumer Affairs, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 276 [400N], Austin, Texas 78757, (512) 458-0223 [0256] or, (512) 458-0221 teletypewriter for the deaf. Be advised that you may have additional rights under federal law. Please contact the Federal Trade Commission and The Federal Communications Commission for further information on these additional rights.

(d) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503720      John M Rentrow  
Secretary of the  
Commission  
Public Utility Commission  
of Texas

Earliest possible date of adoption: May 5, 1995

For further information, please call: (512) 458-0100

## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Board of Veterinary Medical Examiners

#### Chapter 573. Rules of Professional Conduct

#### Supervision of Personnel

#### • 22 TAC §573.10

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Board of Veterinary Medical Examiners or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)*

The Texas Board of Veterinary Medical Examiners proposes the repeal of §573.10, concerning Direct Supervision of Lay Personnel. The repeal is being replaced with a new version which addresses those tasks Animal Technicians and Registered Veterinary Technicians may perform and under what degree of supervision.

Ron Allen, Executive Director of the Board, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Allen also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will allow technicians to provide assistance to veterinarians, and still ensure that they are adequately supervised by licensed veterinarians. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183.

The repeal is proposed under the authority of the Veterinary Licensing Act, §7(a), Texas Civil Statutes, Article 8890, which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

This repeal affects §7(c) of the Veterinary Act.

#### §573.10. Direct Supervision of Lay Personnel.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 21, 1995.

TRD-9503633      Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Proposed date of adoption: June 8, 1995

For further information, please call: (512) 447-1183

The Texas Board of Veterinary Medical Examiners proposes new §573.10, concerning Supervision of Lay Personnel in accordance with the Veterinary Licensing Act, §7(c), Texas Civil Statutes, Article 8890.

Ron Allen, Executive Director of the Board, states that, according to the Texas Association of Registered Veterinary Technicians, approximately 550 Registered Veterinary Technicians (RVTs) are employed in the state. There are approximately 3,600 to 4,000 persons employed in the state's veterinary clinics in the capacity of assisting veterinarians in their medical duties. The proposed rule may potentially increase the value of RVTs in some practices because of the RVTs' increased responsibilities. However, no information is available to determine either the economic benefits that might be assessed to these increased responsibilities or the number of veterinarians that would increase wages accordingly. Further, the rule contains no mandated costs on small businesses; any change in wages would be totally voluntary on the part of the employing veterinarian.

This rule will have no effect on state or local government in the first five-year period.

Mr. Allen also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will allow RVTs the

potential to perform a broader, more complex range of duties than non-registered technicians in their assistance to veterinarians, and still ensure that they are adequately supervised by licensed veterinarians. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to the Texas Board of Veterinary Medical Examiners, 1946 South IH-35, Suite 306, Austin, Texas 78704, (512) 447-1183, FAX (512) 442-3443.

The new section is proposed under the authority of the Veterinary Licensing Act, §7(a), Texas Civil Statutes, Article 8890, which states "The Board may make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act."

This rule affects the Veterinary Licensing Act, §7(c), Texas Civil Statutes, Article 8890, which states "The Board may adopt rules for the use of registered veterinary technicians working under the supervision of a licensee."

#### §573.10. Direct Supervision of Lay Personnel.

(a) A licensee must personally sign any official health documents issued by the licensee. Rabies Certificates may be personally signed by the veterinarian or he/she may affix a signature by stamp issued by said licensee. The issuance of any pre-signed/stamped official health documents by a licensee is a violation of this rule.

(b) Direct Supervision Direct Supervision, as defined by the Board, requires the presence of the licensee on the premises and his/her availability for prompt consultation and treatment.

(c) Immediate Supervision requires the supervisor to be in audible and visual range of the animal patient and the person treating the animal.

(d) General Supervision requires supervision by a responsible veterinarian being readily available to communicate with the person being supervised by the veterinarian.

(e) Veterinary Aide is an employee of a veterinarian who assists a veterinarian in the care and treatment of animals, but is not a registered veterinary technician.

(f) Registered Veterinary Technician is a person who works under the supervision of a veterinarian and who fulfills the requirements established by an organization approved by the State Board of Veterinary Medical Examiners.

(g) Supervisor is a veterinarian or, if a task so provides, a registered veterinary technician.

(h) Duties of Supervising Veterinarian.

(1) The supervising veterinarian shall be responsible for determining the

competency of the registered veterinary technician or veterinary aide to perform allowable animal health care tasks not otherwise prohibited by the Act or other Board rules.

(2) The supervising veterinarian of a registered veterinary technician or veterinary aide shall make all decisions relating to the diagnosis, treatment, management and future disposition of the animal patient.

(3) The supervising veterinarian shall have examined the animal patient and established a veterinarian-client/patient relationship prior to the delegation of any animal health care task to either a registered veterinary technician or veterinary aide. The examination of the animal patient shall be conducted at such time as good veterinary medical practice requires consistent with the particular delegated animal health care task.

(4) Unless specifically so provided by the Act or other Board rules, a supervising veterinarian shall not authorize a registered veterinary technician or a veterinary aide to perform surgery, diagnosis and prognosis of animal diseases or prescription of drugs, medicines or appliances.

(5) The veterinarian may allow the registered veterinary technician, working under general supervision, to supervise veterinary aides on specific tasks as determined by the Board and as listed in subsection (j)(2) and (4).

(i) Tasks Authorized for Registered Veterinary Technicians.

(1) Immediate Supervision. A registered veterinary technician may perform the following tasks only under the immediate supervision of a veterinarian:

(A) Assist veterinarian in surgery.

(B) Suturing of existing surgical skin incisions.

(C) Initial application of splints.

(2) Direct Supervision. A registered veterinary technician may perform the following tasks only under the direct supervision of a veterinarian:

(A) Induce anesthesia by intravenous, intramuscular or subcutaneous injection or by inhalation.

(B) Small animal dental prophylaxis including curettage of sulci, extraction of small animal mobile (do not require elevation) teeth, as determined by a veterinarian, and floating equine teeth.

(C) Endotracheal Intubation.

(D) Intraperitoneal injections.

(E) Monitoring of vital signs of anesthetized patient.

(F) Cystocentesis.

(G) Gavage.

(H) Euthanasia (all circumstances) as otherwise allowed by law.

(I) When the animal is anesthetized, those tasks listed under subsection (3) "general supervision" of this section.

(3) General Supervision. A registered veterinary technician may perform the following tasks under the general supervision of a veterinarian, unless the animal is anesthetized, in which case these tasks require direct supervision by a veterinarian:

(A) Electrocardiography.

(B) Application of bandages.

(C) Catheterization of the unobstructed bladder.

(D) Ear flush.

(E) Radiology.

(i) Patient positioning.

(ii) Operation of X-Ray machines.

(iii) Oral and rectal administration of radiopaque materials on medical orders of a veterinarian.

(F) Injections of medications and immunological agents not otherwise prohibited by law.

(i) Intramuscular.

(ii) Subcutaneous.

(iii) Intravenous.

(G) Placement of indwelling intravenous catheters.

(H) Oral medications.

(I) Topical medications.

(J) Laboratory (specimen collections).

(i) Collection of tissue during or after a veterinarian has performed a necropsy.

(ii) Urine.

(iii) Hematology.

(iv) Parasitology.

(v) Exfoliative cytology.

(vi) Microbiology.

(K) Administration of preanesthetic drugs.

(L) Oxygen therapy.

(M) Placement of nasogastric tube in small animals for nutritional purposes.

(N) Fluid administration.

(j) The degree of supervision by a veterinarian over a veterinary aide shall be higher than or equal to the degree of supervision required when a registered veterinary technician performs the same task and shall be consistent with standards of good veterinary medical practices.

(1) Immediate Supervision by a Veterinarian. A veterinary aide may perform the following tasks only under the immediate supervision of a veterinarian:

(A) Assist veterinarian in surgery.

(B) Endotracheal intubation.

(C) Intraperitoneal injections.

(D) Blood administration.

(2) Immediate Supervision by a Veterinarian or a registered veterinary technician. A veterinary aide may perform the following tasks only under the immediate supervision of a veterinarian or a registered veterinary technician:

(A) Fluid administration, flow rate to be determined by a veterinarian.

(B) Catheterization of unobstructed bladder.

(C) Gavage.

(3) Direct Supervision by a Veterinarian. A veterinary aide may perform the following tasks only under the direct supervision of a veterinarian:

(A) Monitor vital signs of anesthetized patient.

(B) Laboratory (specimen collection). Collection of tissues during or after a veterinarian has performed a necropsy.

(C) Euthanasia (all circumstances) as otherwise allowed by law.

(D) Small animal teeth cleaning above the gum line and floating equine teeth.

(E) When the animal is anesthetized, those tasks listed under subsection (4) and (5) "direct supervision by veterinarian or RVT" and "general supervision" of these sections.

(4) Direct Supervision by a Veterinarian or a registered veterinary technician. A veterinary aide may perform the following tasks only under the direct supervision of either a veterinarian or a registered veterinary technician:

(A) Initial application of bandages.

(B) Ear flush

(C) Electrocardiography.

(D) Radiology.

(i) Patient positioning.

(ii) Operation of X-Ray machines.

(iii) Oral and rectal administration of radiopaque materials on medical orders of a veterinarian.

(E) Intravenous injections of medications not otherwise prohibited.

(F) Laboratory (specimen collection)

(i) Hematology

(ii) Exfoliative cytology.

(iii) Microbiology.

(5) General Supervision. A veterinary aide may perform the following tasks under the general supervision of a veterinarian. If the animal is anesthetized, the following tasks require the direct supervision of a veterinarian:

(A) Enema.

(B) Intramuscular or subcutaneous injections of medications and immunological agents not otherwise prohibited

(C) Oral medications.

(D) Topical medications.

(E) Administering medication through an established intravenous catheter.

(F) Laboratory (specimen collection).

(i) Collection of voided urine and fecal material.

(ii) Parasitology (except skin scraping).

(G) Oxygen therapy.

(H) Follow-up bandages changes.

(k) Emergency Care A licensee, in an emergency situation where prompt treatment is essential for the prevention of death or alleviation of extreme suffering, may, after determining the nature of the emergency, and the condition of the animal, issue treatment directions to an unlicensed person by means of telephone or radio communication. The Board can take action against a veterinarian if, in the Board's sole discretion, the veterinarian uses this privilege to circumvent subsection (b) of this section. The veterinarian assumes full responsibility for such treatment. However, nothing in this rule requires a licensee to accept a case under these circumstances.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt

Issued in Austin, Texas, on March 21, 1995.

TRD-9503634

Ron Allen  
Executive Director  
Texas Board of Veterinary  
Medical Examiners

Proposed date of adoption: June 8, 1995

For further information, please call (512) 447-1183

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office

#### Chapter 1. Executive Administration

##### Vacancies

##### • 31 TAC §1.3

The General Land Office and the School and Board proposes an amendment to §1.3, concerning fees and charges which may be collected by each.

Due to an inadvertent omission, §1.3(c)(2)(C)(i)(II)(b-), as originally adopted in the February 14, 1992, issue of the *Texas Register*, was replaced by a new item (b-) in the rule adopted in the June 1, 1993, issue of the *Texas Register*. Rather than replace this item, the General Land Office and School Land Board intended that the item be re-numbered and the amendment language be added as a new item. To correct this oversight and clarify the fee schedule set forth in §1.3, the proposed amendment re-confirms the coastal easement fee schedule for marinas which are not located in Clear Lake and/or are used for non-residential purposes. Further, the language in subsection (a) is clarified by identifying the parties to which the subsection applies and allowing the School Land Board or General Land Office to consider circumstances in which pre-payment of fees and/or charges is not necessary.

Christopher K. Price, deputy commissioner, Asset Management Division, has determined that, for each year of the first five years that the rule will be in effect, there will be minimal or no fiscal implications resulting from administration or enforcement of the amendment. No additional administrative costs will be incurred as a result of this proposal.

Mr. Price also has determined that the public benefits anticipated as a result of amending the section will be clarification of charges and fees for commercial and other marinas, greater efficiency in collection of such fees, as well as beneficial and diversified use of state resources.

Comments on the proposed amendment may be submitted to Lenora DuBose, Texas General Land Office, Legal Services Division, 1700 North Congress Avenue, Room 630, Austin, Texas 78701-1495, Fax: (512) 463-6311. Comments must be received by 5:00 p.m. on May 3, 1995.

The amendment is proposed under the Texas Natural Resources Code, §§33.051, 33.052, 33.063, and 33.064, which authorizes the General Land Office and/or School Land Board to set and collect reasonable fees for granting leases, easements, and permits, and to adopt procedural and substantive rules necessary to administer, implement, and enforce the Coastal Public Lands Management Act of 1973.

The Texas Natural Resources Code, Chapter 33, §33.063, is affected by the proposed amendment.

#### §1.3. Fees.

(a) General.

(1) (No change.)

(2) Time for payment. Payment is generally required in advance of issuance of permits, leases and other documents and/or delivery of services and/or materials by the General Land Office.

(3) Dishonor or nonpayment by other means. In the event a fee is not paid due to dishonor, nonpayment, or otherwise, the General Land Office shall have no further obligation to issue permits, leases and other documents and/or provide services



and/or materials to the permittee, lessee, or applicant.

(b) (No change.)

(c) School Land Board fees and charges. The School Land Board is authorized and required under the Natural Resources Code, Chapter 33, to collect the fees and charges set forth in this subsection where applicable.

(1) (No change.)

(2) Coastal fees and charges. The School Land Board will charge the following coastal lease and coastal easement charges for use of coastal public land, and will charge the following structure registration and permit fees. The School Land Board charge will be based on either the fixed fee schedule or the alternate commercial, industrial, private, and public formulas as delineated in subparagraphs (C) and (D) of this paragraph. The greater of the fixed fee or formula rate will be charged.

(A)-(B) (No change.)

(C) Coastal easement fees:

(i) fixed fee schedule:

(I) (No change.)

(II) marinas:

(-a)-(-b-) (No

change.)

(-c-) other:

(-1-) filing fee:

\$50;

(-2-) annual

fee: \$3.00 per boat slip linear foot;

(III)-(V) (No change.)

(ii) (No change.)

(D)-(H) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 28, 1995.

TRD-9503786

Garry Mauro  
Commissioner  
General Land Office

Earliest possible date of adoption: May 5, 1995

For further information, please call: (512) 305-9129

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part VI. Texas Department of Criminal Justice

#### Chapter 157. State Jail Felony Facilities

The Texas Department of Criminal Justice proposes amendments to §§157.1, 157.5, 157.10, 157.21, 157.23, 157.25, 157.27, 157.31, 157.33, 157.35, 157.37, 157.39, 157.41, 157.43, 157.45, 157.47, 157.49, 157.51, 157.53, 157.55, 157.57, 157.59, 157.61, 157.63, 157.73, 157.75, 157.77, 157.79, 157.81, 157.83, 157.85, 157.87, 157.89, 157.91, 157.93, 157.95, and 157.97, concerning the operation and design of state jails. The amendments are permitted by Chapter 507 and §492.013(a), Government Code. The proposed amendments strengthen the disciplinary process and requirements and enhance requirements relating to confinee searches and use of force incidents. They address attorney/client visitation, the process to approve volunteers, co-gender confinement, special needs offenders, and the access/use of telephones. The amendments clarify staff and confinee interaction, visitation requirements, requirements for ADA and for rehabilitative treatment. Clarification was also made regarding confinees' right to access to courts, possession and search of personal legal material and access to programs and services. Proposed amendments define employee minimum standards and establish requirements for due diligence to fill vacant positions. Physical plant standards required for offender programs was re-defined and requirements were established to receive project schedules and staffing plans for approval by the division. The words "confinee" and "inmate" were changed the "offender" to establish consistent terminology known systemwide, and the words "administrative segregation" were changed to "special management" for a broader reference. Definitions were also added for the words "qualified", "variance", "waiver" and "facility administrator". Amendments were also made to eliminate redundancies and correct wording irregularities.

David P. McNutt, Assistant Director for Budget of the Department of Criminal Justice, has determined that the amendments will have no effect on state or local government for the first five-year period of operations. Mr. McNutt has further determined that the implementation of these amendments will have no effect on small businesses, as they will not have to comply with the rules. The amendments will, however, have an effect on the private corporations contracted with the state to operate state jail facilities due to requirements related to due diligence to fill vacant positions (§157.25), to providing for contact visitation programs (§157.55), to developing and implementing community service programs (§157.53), and to space in dayrooms, classrooms and program areas (§157.87 and §157.91). The actual fiscal impact of these amendments is undeterminable.

Mr. McNutt also has determined that compliance with these amendments will not impose

any economic costs on individuals, as no individuals have a duty to comply. Mr. McNutt has further determined that the benefit to the general public for the last four years of the next five-year period, when the facilities are operational, will be the public safety benefit of confinement of felony offenders in facilities funded by the state.

Comments should be directed to Tom Baker, Director, State Jail Division, P. O. Box 13084, Austin, Texas 78711. Written comments from the general public should be received within 30 days of the publication of these proposed amendments.

#### Subchapter A. Admissions and Allocations

##### • 37 TAC §§157.1, 157.5, 157.10

The amendments are permitted by §492.013(a) and Chapter 507, Government Code, which, respectively, gives the Board of Criminal Justice authority to adopt rules and govern the implementation of state jail felony facilities.

Cross Reference to Statute Government Code, Chapter 507

*§157.1. Definitions.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

Agency and TDCJ—Used interchangeably to mean The Texas Department of Criminal Justice

Board [and TBCJ]—The [Used interchangeably to mean the] Texas Board of Criminal Justice.

CSCD—Community Supervision and Corrections Department.

Division and State Jail Division—Used interchangeably to mean the [The] State Jail Division of the Texas Department of Criminal Justice.

Facility and State jail—Used interchangeably to mean a [A] state jail felony facility as authorized in Texas Government Code, Chapter 507.

Facility Administrator—The individual assigned to oversee and manage the day to day operations of a state jail felony facility.

Inmate, confinee, and offender—A [Used interchangeably to mean a] person who is convicted of a state jail felony offense whose suspended sentence is revoked or who is required to submit to a term of confinement in a state jail as an initial condition of community supervision. [except that in §157.31 of this title (relating to Use of Facility for Transfer Inmates), "inmate" means a paper-ready felon eligible for confinement under Government Code, §499.152.]

Qualified—A person whose training, education, and/or experience specifically qualifies him or her to do the job indicated in the standard.

Variance—A deviation from the physical plant standards.

Waiver—A deviation from the operational standards.

§157.5. Regional Allocation Policy.

(a) After consideration of the factors used to determine the regions, the board allocates state jail capacity to a region based on the sum of the fixed percentages established by the allocation formula for admissions to the institutional division as adopted by the board in §152.3(f) of this title (relating to Allocation Formula) for the counties located in that region, multiplied by the total number of state jail beds authorized by the 73rd Legislature, 1993, for construction (24,973) [(22,000)]. The actual number of facilities and beds allocated to a particular region is equal to the number of beds derived using the formula, with a range of plus or minus 500 beds. The percentage of allocation to each region will be as follows.

FIGURE 1: 37 TAC §157.5(a)

(b)-(c) (No change.)

§157.10. Designation of Facilities as State Jails. The board designates the 668 bed dormitory building designed to be a boot camp at the Coffield Unit as a state jail for male state jail felons. The board [Board] designates a [48 bed] dormitory of the Gatesville [-Hackberry] Unit as a state jail for female state jail felons. [This designation takes effect September 1, 1994. Effective September 19, 1994.] The board [the Board] delegates to the State Jail Division Director the authority to designate all of, or any semi-autonomous housing within, the following detention facilities, to be used as state jails: Diboll, San Saba, Cotulla, Ft. Stockton, and Tulia.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 24, 1995.

TRD-9503767 Carl Reynolds  
General Counsel  
Texas Department of  
Criminal Justice

Earliest possible date of adoption: May 5, 1995

For further information, please call: (512) 463-9693

◆ ◆ ◆  
Subchapter B. Operational Standards

- 37 TAC §§157.21, 157.23, 157.25, 157.27, 157.31, 157.33, 157.35, 157.37, 157.39, 157.41, 157.43, 157.45, 157.47, 157.49, 157.51, 157.53, 157.55, 157.57, 157.59, 157.61, 157.63

The amendments are permitted by §492.013(a) and Chapter 507, Government

Code, which, respectively, gives the Board of Criminal Justice authority to adopt rules and govern the implementation of state jail felony facilities.

§157.21. Objectives.

(a) (No change.)

(b) The objectives of the standards for state jail facilities include the following:

(1) to make state jail facility beds available to every judicial district in Texas;

(2) to provide criminal justice system decision-makers with the goals, regulations, and guidelines of the Texas Department of Criminal Justice [(TDCJ)] state jail facilities;

(3)-(12) (No change.)

§157.23. Administration, Management, and Operations.

(a)-(f) (No change.)

(g) Policies and procedures manual. The policies and procedures for operating and maintaining the facility and its satellites shall be specified in a manual that is accessible to all employees and the public. Any policies and procedures that may compromise the security of the facility may be withheld from the public. This manual shall be reviewed at least annually and updated as needed. These manuals will be submitted for approval by the State Jail Division Director 60 days prior to acceptance of offenders into the facility. Offenders cannot be accepted into the facility until approval is granted by TDCJ. Changes to the manuals must have the [same] approval of the State Jail Division Director prior to implementation of those changes.

(h) (No change.)

(i) Routine reports. The facility administrator shall ensure that quarterly reports on the facility's activities are provided to the TDCJ and the community justice councils for that region. These reports are in writing and include major developments in each department or administrative unit, major incidents, population data, assessment of staff and offender [inmate] morale, and major problems and plans for solving them.

(j) (No change.)

(k) Waiver. The TDCJ may grant a waiver, to a state jail facility administrator/operator, from a state jail facility standard [or standards] upon receipt and approval of a request for waiver by the State Jail Division Director. The request for waiver must include a plan to comply with said standard [or standards] by a specific date, and an explanation as to why the facility is not currently in compliance with said standard [or standards]. If the waiver is

approved by the State Jail Division Director, the waiver becomes part of the audit record for compliance with that standard.

(l)-(m) (No change.)

(n) Complaint notice. Each facility administrator shall have posted, in conspicuous public and common areas of each facility, a sign notifying offenders and members of the public that they can direct written complaints to the TDCJ. The sign shall include the state jail division's [(SJD)] and/or the community justice assistance division's [(CJAD)] mailing address.

§157.25. Personnel. A written body of policy and procedure establishes the facility's staffing, recruiting, promotion, benefits, and review procedures for employees.

(1)-(5) (No change.)

(6) Employee Qualifications and Standards. Employee qualifications and standards will be equal to or greater than the qualifications and standards established in the TDCJ for employees in like employment.

(7) Due Diligence. The facility administrator shall exercise due diligence to fill any vacant positions within 30 days after the date the position becomes vacant. In the event that a position remains vacant for longer than 30 days, the facility administrator shall immediately notify the state jail division of that fact and provide evidence that due diligence has been exercised.

§157.27. Training and Staff Development. A written body of policy and procedure establishes the facility's training and staff development programs, including training requirements for all categories of personnel.

(1)-(4) (No change.)

(5) Training records. The facility administrator will ensure that training records on all employees are maintained. Records should adequately show evidence of adherence to standards.

§157.31. Use of Facility for Transfer Inmates.

(a) The division [SJD], with the approval of the Texas Board of Criminal Justice [(TBCJ)], may designate one or more state jails or semiautonomous management units within state jails as transfer facilities to house inmates who are eligible for confinement under Government Code, §499.152. To the fullest extent practicable, persons eligible under §157.29 of this title (relating to Eligibility for Placement) and transfer facility inmates shall be kept physically segregated.

(b) The board [TBCJ] may only approve the designation of a state jail or semiautonomous management unit within a state jail as a transfer facility if the designation does not deny placement of a person eligible under §157.29 of this title in a state jail. To the extent practicable and cost-effective, the board [TBCJ] will not designate a Mode Two state jail or a semiautonomous management unit of a Mode Two state jail as a transfer facility unless all Mode One state jails have been designated for use, and are being used, as transfer facilities.

§157.33. *Security and Control.* The facility shall use a combination of supervision, inspection, accountability, and clearly defined policies and procedures on use of force to promote safe and orderly operations.

(1)-(5) (No change.)

[(6) Staff and confinee inmate interactions. Facility administrators will develop written policy, procedure, and practice to facilitate appropriate personal contact and interaction between staff and confinees. The policy shall define both security and rehabilitative interactions.]

[(6) [(7)] Co-ed staffing. Facility administrators shall ensure that when both male and female offenders [confinees] are housed in the facility, at least one male and one female staff member are on duty at all times.

(7) Co-gender confinement. Except as specified by divisional policy, male and female offenders [confinees] housed on the same unit shall not be mingled.

(8) Prohibition of offender [confinee] authority. Facility administrators shall ensure that no offender or group of offenders [confinees] is given control or authority over other offenders [confinees].

(9) (No change.)

(10) Patrols and inspections. Facilities will maintain written policy, procedure, and practice to ensure that supervisory staff conduct a daily patrol, including holidays and weekends, of all areas occupied by offenders [confinees] and submit a daily written report to their supervisor. Unoccupied areas are to be inspected weekly.

(11) Regular observation by corrections officers. Every facility will develop a security staffing plan that provides visual, face-to-face observation of all offenders [confinees] by corrections officers on a continuous basis. At least one corrections officer shall be provided on each floor where offenders [confinees] are housed and sufficient officers must be provided to meet the continuous observation requirement.

(12) Offender [Confinee] counts. The facility shall have a system for physically counting offender [confinees]. The system includes strict accountability for offenders [confinees] assigned to work medical, educational or program activities involving absence from the facility, and other approved temporary absences.

(13) Offender [Inmate] movement. Each facility will maintain written policy, procedure, and practice to provide that staff regulate offender [confinee] movement.

(14) Offender [Inmate] transportation. Facility administrators will ensure that written policy and procedure govern the transportation of offenders [confinees] outside the facility and from one jurisdiction to another.

(15) (No change.)

(16) Control of contraband. Facility administrators shall establish written policy, procedure, and practice to require facility shakedowns and pat searches of offenders [confinees] to control contraband and provide for its disposal.

[(17) Body cavity searches. Facility administrators shall ensure that an established written policy and procedure provide that body cavity searches only will be conducted for reasons of security and will be done in private, by medical personnel or by correctional personnel of the same sex as the confinee, who have been trained by a physician or other health care provider to probe body cavities (without the use of instruments) so as to cause neither injury to tissue nor infections.

[(18) Strip searches. Facility administrators will establish written policy, procedure, and practice to provide for strip searches of confinees based on specific guidelines e.g., entry into the facility, after/before visitation, returning from furlough, or when there is a reasonable belief that the confinee is carrying contraband or any other prohibited items. Such searches shall be conducted by personnel of the same sex as the confinee being searched whenever reasonably possible.]

(17) Searches. Searches shall be conducted in a manner consistent with division policy.

(18) [(19)] Controlled access and use of keys. Each facility will develop and maintain written policy and procedure to detail the control and use of keys.

(19) [(20)] Tools and equipment. Each facility will develop and maintain written policy and procedure to govern the control and use of tools and culinary and medical equipment.

(20) [(21)] Monitoring system. Security areas may have electronic monitor-

ing systems to assist in offender [confinee] supervision and enhance the overall security of the facility. Monitoring systems may be used to supplement and reduce corrections officers, but will not be used as a replacement for minimum security personnel requirements.

(21) [(22)] Security equipment. Facility administrators will ensure that written policy and procedure govern the availability, control, and use of chemical agents and related security devices and specify the level of authority required for their access and use. Chemical agents are used only with the authorization of the facility administrator or designee.

(22) [(23)] Emergency distribution. Facility administrators will ensure that written policy, procedure, and practice provide that the facility maintains a written record of routine and emergency distributions of security equipment.

(23) [(24)] Security equipment inventory. Facility administrators will ensure that firearm, chemical agents, and related security equipment are inventoried at least monthly to determine their condition and expiration dates.

(24) [(25)] Written reports. Facility administrators shall require that personnel discharging firearms, using chemical agents or any other weapon, or any other security equipment to control offenders, [confinees] with the use of force, submit written reports to the facility administrator or designee no later than the conclusion of the tour of duty.

(25) [(26)] Injuries. Facility administrators will ensure that written policy, procedure, and practice provide that all persons injured in an incident receive immediate medical examination and treatment.

(26) [(27)] Use of force. Written policy and procedure should conform with the TDCJ Use of Force Plan. [Facility administrators will ensure that written policy, procedure, and practice restrict the use of physical force to commensurate instances of justifiable self-defense, protection of others, protection of property, maintenance of security in the facility, and prevention of escapes. Physical force may be used in these circumstances only as a last resort and in accordance with statutory authority. In no event is physical force justifiable as punishment. A written report shall be prepared following all uses of force and is submitted to administrative staff for review.]

[(28)] Use of weapons. Facility administrators will develop written policy and procedure to govern the use of weapons and include the following listed requirements.

(A) Security equipment is subjected to stringent safety regulations and inspections.

(B) Firearms, chemical agents and other security items are stored in separate but readily accessible facility armories that are outside confinee housing and activity areas.

(C) Except in emergency situations, firearms and security equipment such as batons are permitted only in designated areas to which confinees have no access.

(D) Employees supervising confinees inmates outside the facility perimeter follow procedures for the security of security equipment.

(E) Employees are instructed to use deadly force only after other actions have been tried and found ineffective, and only when the employee believes that a person's life is immediately threatened.

(F) Employees on duty only use weapons or other security equipment that have been approved through the facility and only when directed by or authorized by the facility administrator.

(27)[(29)] Fire safety. Each facility will maintain written policy and procedure to specify the facility's fire prevention regulations and practices to ensure the safety of staff, offenders [inmates], and visitors. They include, but are not limited to, the following:

(A) provision for an adequate fire protection service;

(B) a system of fire inspection and testing of equipment at least quarterly;

(C) an annual inspection by local or state fire officials or other qualified person(s); and

(D) availability of fire hoses or extinguishers at appropriate locations throughout the facility.

(28)[(30)] Monthly inspections. Facility administrators will ensure that written policy, procedure, and practice provide for a comprehensive and thorough monthly inspection of the facility by a qualified collateral duty [fire and safety] officer for compliance with safety and fire prevention standards. There is a weekly fire and safety inspection of the facility by a qualified departmental staff member. This policy and procedure is reviewed annually and updated as needed.

(29)[(31)] Flammable, toxic, and caustic materials. Each facility will maintain written policy, procedure, and practice to govern the control and use of all flammable, toxic, and caustic materials.

(30)[(32)] Emergency power and communications. Facility administrators will develop and implement written policy, procedure, and practice to provide for a communications system within the facility and between the facility and community in the event of urgent, special, or unusual incidents or emergency situations.

(31)[(33)] Maintenance. There shall be a written plan for routine and preventive maintenance of the physical plant; the plan includes provisions for emergency repairs or replacement in life-threatening situations.

(32)[(34)] Emergency plans. Facility administrators will ensure that facility personnel are trained in the implementation of written emergency plans.

(33)[(35)] Evacuation procedures. Each facility will maintain a written evacuation plan to be used in the event of fire or major emergency. The plan is certified by an independent, outside inspector trained in the application of national fire safety codes and is reviewed annually, updated if necessary, and reissued to the local fire jurisdiction. The plan includes the following:

(A) location of building/room floor plans;

(B) use of exit signs and directional arrows for traffic flow;

(C) location of publicly posted plan;

(D) at least quarterly drills in all facility locations, including administrative areas; and

(E) staff drills even when evacuation of offenders [inmates] may not be included.

(34)[(36)] Emergency release. Facility administrators will ensure that written policy, procedure, and practice specify the means for the immediate release of offenders [inmates] from locked areas in case of emergency and provide for a backup system.

(35)[(37)] Work stoppage. Each facility will maintain written plans that specify the procedures to be followed in situations that threaten facility security. Such situations include but are not limited to: natural disasters; riots; hunger strikes;

disturbances; work stoppages; and the taking of hostages. These plans are made available to all applicable personnel, are reviewed at least annually and updated as needed.

(36)[(38)] Escapes. Facility administrators will ensure that there are written procedures regarding escapes; these procedures are reviewed at least annually and updated if necessary.

§157.35. *Rules and Discipline.* The facility rules of conduct, [and] sanctions, and procedures for violations are defined in writing and communicated to all offenders [confinees] and staff. Disciplinary procedures are carried out promptly and with respect for due process. [For purposes of this section, "disciplinary detention" means punitive segregation (solitary) and in-cell restriction.]

(1) Rules of conduct. Facility administrators shall provide all offenders [inmates] and staff with written rules of offender [inmate] conduct which specify acts prohibited within the facility and penalties that can be imposed for various degrees of violation. The written rules are reviewed annually and updated if necessary.

(2) Disciplinary Process. Each facility Administrator shall implement and enforce a written plan established by the division for disciplinary procedures and staff management of discipline problems. The plan shall provide for uniform application of disciplinary rules among all offenders and for maintaining, as part of the offender's file, a written record of all formal disciplinary actions, investigations, and sanctions. Such records shall be made available to the court, the CSCD, and/or the parole authority under whose jurisdiction the offender is confined. Formal disciplinary procedures shall include a notice of charges, a fair and impartial hearing, the right to introduce evidence and statements of evidence. [Disciplinary procedures. Facility administrators will ensure that there is a written set of disciplinary procedures governing offender rule violations. These are reviewed annually and updated if necessary. In the case of facilities operated by TDCJ, the State Jail Division Director shall develop and maintain a uniform written set of disciplinary procedures.]

(3) Rulebook. During facility orientation, a rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is given to each offender [confinee] and is translated into those languages spoken by significant numbers of offenders [confinees]. When a literacy or language problem prevents an offender [a confinee] from understanding the rulebook, a staff member or translator

will assist [assists] the offender [confinee] in understanding the rules. Each staff member shall be given a copy of the rulebook.

(4) Training requirements. Facility administrators shall ensure that all personnel who work with offenders [confinees] shall receive sufficient training so that they are thoroughly familiar with the rules of offender [confinee] conduct and the rationale for the rules, and the sanctions available.

(5) Resolution of infractions. When appropriate, disciplinary infractions may be resolved informally, including verbal or written reprimand. More serious or recurring infractions may result in formal disciplinary actions. Written policy, established by the division, will distinguish between and define minor and major infractions, the range of applicable sanctions, and the degree of due process protection required. Formal disciplinary actions may be appealed through the grievance procedures. [Resolution of minor infractions. Each facility will maintain written guidelines for resolving minor confinee infractions that include a written statement of the rule violated and a hearing and decision according to the timelines in this section, by a person not involved in the rule violation. The confinee may waive the hearing.]

(6) Criminal violations. Each facility will establish written policy, procedure, and practice to provide that, when a offender [confinee] allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution.

(7) Disciplinary reports. Facility administrators shall ensure that written policy, procedure, and practice provide that when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor.

(8) Report content. Disciplinary reports prepared by staff members shall include, but are not limited to, the following information:

[(A) specific rule(s) allegedly violated;

[(B) a formal statement of the charge;

[(C) any unusual confinee behavior;

[(D) any staff and/or other witness statements;

[(E) an explanation of the event that should include who was involved, what transpired, and the time and location of occurrence;

[(F) any physical evidence and its disposition;

[(G) any immediate action taken, including the use of force; and

[(H) reporting staff member's signature and date and time of report.]

(7)[(9)] Prehearing action. Facility administrators shall ensure that written policy, procedure, and practice specify that, when an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

(8)[(10)] Prehearing detention. The disciplinary procedures shall include a provision for prehearing detention of offenders [confinees] who are charged with a rule violation. The offender's [confinees] prehearing status shall be reviewed by the facility administrator or designee within 72 hours, including weekends and holidays. [Facility administrators shall ensure written policy and procedure provide that confinees inmates in disciplinary detention are allowed limited telephone privileges consisting of telephone calls related specifically to access to the judicial process and family emergencies as determined by the facility administrator or designee.]

(9)[(11)] Written statement of charges. Facility administrators shall ensure that written policy, procedure, and practice provide that an offender [a confinee] charged with a rule violation receives notice of charges through a written statement of the charge(s), including a description of the incident and specific rules violated. The offender [confinee] is given the statement [at the same time that the disciplinary report is filed with the disciplinary committee and the hearing date is scheduled, which shall occur] within 30 [20] calendar days of discovery of the alleged incident, but no less than 24 hours prior to the disciplinary hearing. [(The hearing may be held within 24 hours with the offenders written consent.)]

(10)[(12)] Presence at hearing. Facility administrators shall ensure that written policy and procedure provide that offenders [confinees] charged with rule violations are present at the hearing, unless they waive that right in writing or through behavior. Offenders [Confinees] may be excluded during the testimony of any offender [confinee] whose testimony must be

given in confidence. The reasons for the offender's [confinee's] absence or exclusion are documented.

(11)[(13)] Disciplinary hearing. Each facility shall maintain written policy, procedure, and practice to provide that offenders [confinees] charged with rule violations receive a hearing as soon as practicable but no later than 20 [30] calendar days from the date the offender received notice of charges [of scheduling]. Offenders [Confinees] shall be notified of the time and place of the hearing [at least 24 hours in advance of the hearing]. A hearing may be held within 24 hours with the offender's written consent.

(12)[(14)] Postponement or continuance. Each facility shall maintain written policy, procedure, and practice to provide for postponement or continuance of the disciplinary hearing for reasonable period and good cause.

(13)[(15)] Conduct of hearing. Each facility shall maintain written policy, procedure, and practice to provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six months. A tape recording of all major disciplinary hearings will be made and retained as part of the hearing file to serve as an objective record of the hearing and to facilitate, when necessary, a response to a grievance concerning an action that took place in the hearing.

(14)[(16)] Offender [Confinee] rights. Each facility shall maintain written policy, procedure, and practice to provide that offenders [confinees] have an opportunity to make a statement and present documentary evidence at the hearing and can request witnesses on their behalf. The reasons for denying such a request are stated in writing.

(15)[(17)] Offender [Confinee] assistance. Each facility shall maintain written policy, procedure, and practice to provide that a staff member or agency representative assist offenders [confinees] at disciplinary hearings if requested. A representative is appointed when it is apparent that an offender [a confinee] is not capable of collecting and presenting evidence effectively on his or her own behalf.

§157.37. *Special Management and Protective Custody.* Offenders [Confinees] who threaten the secure and orderly management of the facility may be removed from the general population and placed in special units. Offenders requiring protection from other offenders for reasons of health or safety may be placed in special management under protective custody status.

(1) General policy. Each facility shall maintain written policy, procedure, and practice to govern the operation and supervision of offenders [confinees] under special management [administrative segregation and protective custody].

(2) Immediate special management housing [segregation]. The facility administrator or shift supervisor can order immediate special management housing [segregation] when it is necessary to protect the offender [confinee] or others. That action is reviewed within 72 hours by the appropriate authority as designated in the policy.

(3) Admission special management under protective custody status [and review of status]. Facility administrators shall ensure that written policy, procedure, and practice provide that a offender [confinee] is admitted to protective custody status when there is documentation that protective custody is warranted [and no reasonable alternatives are available].

(4) Disciplinary detention. Disciplinary detention shall be governed by §157.35 of this title (relating to Rules and Discipline).

(5) Status review. Facility administrators shall establish written policy, procedure, and practice to provide for a review of the status of offenders [confinees] in special management [administrative segregation and protective custody] every seven days for the first two months and at least every 30 days thereafter. The facility administrator shall designate staff responsible for this review.

(6) Review process. Facility administrators shall ensure that written policy, procedure, and practice specify the review process used to release an offender [a confinee] from special management [administrative segregation or protective custody].

(7) Daily visits. Facility administrators shall ensure that written policy and procedure provide that offenders [confinees] in special management [segregation] receive daily visits from the chief security officer or shift supervisor, member of the program staff [on request], and a qualified health care provider three times per week as specified in the Health Services Policy and Procedure Manual.

(8) (No change.)

(9) General conditions of confinement. Facility administrators shall ensure that all offenders [confinees] in special management units are provided [provide] prescribed medication, clothing that is not degrading, and access to basic personal items for use in their cells unless there is imminent danger that an offender [any confinee] will have access to an item that

[and] will be destroyed, used for self-injury, or used to injure another person [destroy it or use it to induce self-injury]. Meals for offenders in special management shall be of the same quantity and quality as the meals provided to offenders in general population.

(10) Ongoing services. Facility administrators shall insure that offenders [confinees] in special management units receive laundry, barbering, hair care services and are issued and exchanged, bedding and linen on the same basis as offenders [confinees] in the general population. Exceptions are permitted only when found necessary by the senior officer on duty; any exception is recorded in the unit log and justified in writing.

(11) Action report. Each facility will maintain written policy and procedure to provide that whenever an offender [a confinee] in special management [segregation] is deprived of any usually authorized item or activity, a report of the action is made and forwarded to the facility administrator

(12) Programs and services for special management units. Facility administrators shall ensure written policy, procedure, and practice provide that offenders [confinees] in special management units can write and receive letters on the same basis as offenders [inmates] in the general population.

(13) Visitation and telephone privileges [Visiting]. Facility administrators will ensure written policy, procedure, and practice provide that offenders [confinees] in special management units have opportunities for visitation and access to telephones unless there are substantial reasons for withholding such privileges.

(14) Access to legal materials. Each facility shall maintain written policy, procedures, and practice to provide that offenders [confinees] in special management units have access to legal materials, counsel, and the courts.

(15) Access to reading materials. Each facility shall maintain written policy, procedure, and practice to provide that offenders [confinees] in special management units have access to reading materials.

(16) Exercise outside of cell. Facility administrators shall ensure written policy, procedure, and practice provide that offenders [confinees] in special management [these] units receive a minimum of one hour of exercise per day outside their cells, unless security or safety considerations dictate otherwise.

[(17) Telephone privileges. Facility administrators shall ensure written policy procedure, and practice provide that confinees.]

§157.39. *Offender Rights.* The facility protects the safety and constitutional rights of offenders [confinees] and seeks a balance between expression of individual rights and preservation of facility order.

(1) Access to courts. Each facility will maintain written policy, procedure, and practice to ensure offender access to courts in conformity with the laws and the Constitution of the United States and the State of Texas [the right of confinees to have access to courts].

(2) Access to counsel. Each facility will maintain written policy, procedure, and practice to ensure and facilitate offender [confinee] access to counsel and assist offenders [confinees] in making confidential contact with attorneys and their authorized representatives; such contact includes, but is not limited to, telephone communications, uncensored correspondence, and visits.

(3) Attorney/client visiting. Attorneys may arrange visits with offenders by making a request through the warden/facility administrator's office 24 hours in advance of the requested time. Visits will be visually supervised by security staff, but such visits will take place out of the normal hearing range of the officer. Visiting attorneys will not be searched; their property, however, may be searched for physical contraband. Attorneys and offenders may exchange written materials directly. Where practical and possible, attorneys may request telephone contact with their clients in lieu of an attorney visit. Special requests by offenders to phone attorneys will be considered only when unusual circumstances occur. Wardens/facility administrators will be responsible for approving any such special requests.

(4)[(3)] Access to law library. Each facility will maintain written policy, procedure, and practice to provide that offenders [confinees] have access to legal materials, as specified by division policy, [if there is not adequate free legal assistance] to help them with criminal, civil, and administrative legal matters. Indigent offenders [confinees] shall have access to paper, writing materials, postage, and other supplies and services related to legal matters.

(5) Personal legal material. The facility administrator will maintain policy, procedure, and practice to allow the offender to keep legal materials. The amount of legal material will not exceed the storage space assigned to the offender. Personal legal material may be searched for contraband. Legal materials may not be read for content without proper authorization.



(6)[(4)] Access to programs and services. Facility administrators shall insure written policy, procedure and practice provide that program access, work assignments, and administrative decisions are made without regard to the offender's race, religion, national origin, sex, or political views and that such placement is within the guidelines set forth by the offender's medical and classification restrictions. [Facility administrators shall ensure written policy, procedure, and practice provide that program access, work assignments, and administrative decisions are made without regard to confinees' race, religion, national origin, sex, handicap, or political views.]

(7)[(5)] Special management [Administrative segregation]. Offenders [Confinees] in special management [administrative segregation] because of behavioral problems should be provided with programs conducive to their well-being.

(8)[(6)] Protective custody status. Offenders [Confinees] in protective custody status should be allowed to participate in as many of the programs afforded the general population, providing such participation does not threaten facility security.

(9)[(7)] Equal opportunity. Where males and females are housed in the same facility, equal opportunities shall be provided for participation in programs and services. They are provided separate sleeping quarters but equal access to all available services and programs. Neither sex is denied opportunities solely on the basis of their smaller number of the total population.

(10)[(8)] Offender [Confinee] communications. Each facility shall maintain written policy, procedure, and practice to grant offenders [confinees] the right to communicate or correspond with persons or organizations, subject only to the limitations necessary to maintain order and security.

(11)[(9)] Grievance procedures. Facility administrators shall ensure that there is a written offender [confinee] grievance procedure that is made available to all offenders [confinees] which includes at least one level of appeal.

(12)[(10)] Offender requests. Each facility shall maintain a written policy describing the manner in which offenders may make written requests of the staff.

(13)[(11)] Prohibition of harassment. There will be no harassment of or retaliation against any offender [confinee] for exercising their access to the courts or filing a grievance.

*§157.41. Institutional Services.* All incoming offenders [confinees] undergo thorough screening and assessment at admission and receive thorough orientation to the facility's procedures, rules, programs, and services.

(1) Reception and orientation. Each facility will maintain written policies and procedures to govern the admission of offenders [confinees] new to the system and are reviewed annually and updated if necessary. These procedures include at a minimum the following:

(A)-(K) (No change.)

(L) assistance to offenders [confinees] in notifying their next of kin and families of admission;

(M) assignment of registered number to the offender [confinee];

(N) giving written orientation materials to the offender [confinee];

(O) telephone calls by offender [confinee]; and

(P) criminal history check. [; and

[(Q) assignment to a case manager to develop supervision/treatment plan. ]

(2) Offender [Confinee] location. Offenders [Confinees] will be separated from the general population of the facility during the admissions process.

(3) Personal property. Offender [Confinee] admission will include a written, itemized inventory of all personal property of newly admitted offenders [confinees] and secure storage of offender [confinee] property, including money and other valuables. The offender [confinee] is given a receipt for all property held until release. If the offender [confinee] arrives with medications or prosthetic devices, the items should be submitted to the unit medical staff for a determination of appropriate disposition.

(4) Searches of legal material. Facility administrators shall establish written policy, procedure, and practice to govern the search of legal materials of all incoming offenders.]

*§157.43. Classification.* Offenders [Inmates] are classified to the most appropriate level of custody and programming both on admission and on review of their status.

(1) Written classification plan. Facility administrators shall ensure that written policy, procedure, and practice provide for a written offender [inmate] classification plan in terms of level of custody required, housing assignment, and participa-

tion in correctional programs. They are reviewed at least annually and updated if necessary.

(2) Status change. The offender [inmate] classification plan, in conjunction with the supervision/treatment plan, specifies criteria and procedures for determining and changing the status of an offender [inmate], including custody, transfers, and major changes in programs. The plan includes an appeals process for classification decisions.

(3) Special management offenders [inmates]. The facility shall provide for the special management of an individual whose behavior presents a serious threat to the safety and security of the facility, staff, general offender population, or him or herself. [The facilities shall provide for the special management of the following assigned categories of inmates:

[(A) female inmates;

[(B) other classes of detainees;

[(C) inmates with special problems (alcoholics, narcotics addicts, mentally disturbed persons, physically handicapped persons, person with communicable diseases);

[(D) inmates requiring disciplinary detention; and

[(E) inmates requiring administrative segregation.]

(4) Special needs offenders. The facility shall identify special needs offenders whose mental and/or physical condition requires special handling and treatment by the staff.

(5)[(4)] Custody designation. Each offender [inmate] shall be assigned to a custody designation which describes appropriate and adequate supervision and housing assignments commensurate with the ongoing needs and requirements of the offender [inmate] during his or her incarceration. Custody criteria to be used shall include, but not be limited to, institutional adjustment, offense history, escape history, history of violence, and length of confinement [incarceration].

*§157.45. Food Service.* Meals are nutritionally balanced, well-planned, and prepared and served in a manner that meets established governmental health and safety codes.

(1)-(5) (No change.)

(6) Religious dietary policy. Each facility will, through written policy, procedure, and practice, provide for absti-

nence from eating those food items served to the general population that are prohibited by the offender's [confinee's] religion, and for replacement of those items with comparable dietary alternatives.

(7)-(9) (No change.)

(10) Health protection. Facility administrators shall develop and maintain written policy, procedure, and practice to provide for adequate health protection for all offenders [inmates] and staff in the facility and offenders [inmates] and other persons working in food service, to include the following.

(A)-(C) (No change.)

(D) Offenders [Inmates] and other persons working in food service are monitored each day for health and cleanliness by the director of food services (or designee)

(11)-(12) (No change.)

*§157.47 Sanitation and Hygiene.* The facility's sanitation and hygiene program complies with applicable regulations and standards of good practice to protect the health and safety of offenders and staff.

(1)-(5) (No change.)

(6) Clothing issue. Facility administrators, through written policy, procedure, and practice, provide for the issuance of suitable clothing to all offenders [confinées]. Clothing is properly fitted, climactically suitable, durable, clean, and presentable. Each offender [confinée] shall be provided with a change of outer clothing at least three times per week. Each offender [confinée] will receive a daily change of underwear.

(7) Protective clothing. Each facility shall establish written policy, procedure, and practice to provide for the issue of appropriate clothing to those participating in special work assignments and, when appropriate, protective clothing and equipment to offenders [confinées].

(8) (No change.)

(9) Personal hygiene. Each facility shall maintain written policy, procedure, and practice to require that articles necessary for maintaining proper personal hygiene are provided to all offenders [confinées].

(10) Hair care services. Facility administrators shall ensure that hair care services and facilities are available to offenders [confinées]. Hair care services shall comply with applicable health requirements.

*§157.49. Health Care.* The facility provides comprehensive health care services by qualified personnel to protect the health and well-being of offenders [inmates].

(1) (No change.)

(2) Delivery of services. Each facility shall maintain written policy and procedure to provide for the delivery of health care services, including medical, dental, and mental health services, under the control of a designated health authority. When this authority is other than a physician, final medical judgments rest with a single designated responsible physician licensed in the state. Arrangements are made with health care specialists in advance of need. The health authority shall systematically determine health care personnel requirements in order to provide offender [inmate] access to health care staff and services.

(3)-(6) (No change.)

(7) Unimpeded access to care. Facility administrators shall ensure that written policy and procedure require that offenders' [inmates'] health complaints are solicited daily, acted on by health-trained correctional personnel, and followed by appropriate triage and treatment by qualified health personnel.

(8) Twenty-four hour emergency care. Facility administrators shall ensure that written policy and procedure require that the facility provide 24-hour emergency medical and dental care available as outlined in a written plan, that includes provisions for the following arrangements:

(A) (No change.)

(B) emergency evacuation of the offender [inmate] from the facility;

(C)-(E) (No change.)

(F) security procedures providing for the immediate transfer of offenders [inmates] when appropriate.

(9) Personnel. Appropriate state and federal licensure, certification, or registration requirements and restrictions shall apply to personnel who provide health care services to offenders [inmates]. The duties and responsibilities of such personnel are governed by written job descriptions approved by the health authority. Verification of current credentials and job descriptions shall be on file in the facility.

(10) Offender [Inmate] assistants. The facility administrator will ensure written policy, procedure, and practice provide that offenders [inmates] are not used for the following duties:

(A)-(B) (No change.)

(C) determining access of other offenders [inmates] to health care services;

(D)-(E) (No change.)

*§157.51. Health Screenings and Examinations.*

(a) Preliminary screening. Facility administrators shall ensure that written policy, procedure, and practice require medical, dental, and mental health screening to be performed by health-trained or qualified health care personnel on each offender [all inmates], excluding intrasystem transfers, on the offender's [inmate's] arrival at the facility. All findings are recorded on a form approved by the health authority. The screening includes at least the following.

(1)-(2) (No change.)

(3) Medical disposition of offender [inmate]:

(A)-(C) (No change.)

(b) Intrasystem transfers. Facility administrators shall ensure written policy, procedure, and practice require that all intrasystem transfers receive a health screening by health-trained or qualified health care person immediately on arrival at the facility. All findings are recorded on a screening form approved by the health authority. The screening includes at a minimum the following.

(1) Designated nursing personnel at each unit will pick up the medical record for each day's incoming offenders [inmates].

(2) The health record for each incoming offender [inmate] will be reviewed for the following:

(A)-(C) (No change.)

(3)-(4) (No change.)

(c) Health appraisal. The facility health authority shall ensure written policy, procedure, and practice require that a health appraisal for each offender [inmate], excluding intrasystem transfers, is completed within 14 days after arrival at the facility. If there is documented evidence of a health appraisal within the previous 90 days, a new health appraisal is not required except as determined by the designated health authority. The health appraisal shall include the following:

(1)-(9) (No change.)

(d) (No change.)



(e) Dental screening and examination. The facility health authority shall ensure written policy and procedure require that dental care is provided to each offender [inmate] under the direction and supervision of a dentist, licensed in the state, as follows:

(1)-(3) (No change.)

(4) dental treatment, not limited to extractions, within three months of admission when the health of the offender [inmate] would be adversely affected; and

(5) (No change.)

(f) (No change.)

(g) Use of specialists. The facility administrators will ensure written policy and procedure require that arrangements are made for the provision of special medical programs, including chronic care, convalescent care, and medical preventive maintenance for the offenders [inmates].

(h) Severe mental illness and retardation. The facility health authority shall ensure written policy and procedure require postadmission screening and referral for care of mentally ill or retarded offenders [inmates] whose adaption to the correctional environment is significantly impaired.

(i) Administrative consultation. Each facility shall maintain written policy that [which] requires communication [consultation] between the facility administrator and the responsible physician, or their designees, [under the following conditions] before the following actions are taken regarding patients who are diagnosed as having a psychiatric illness

(1)-(4) (No change.)

(j) Management of chemical dependency. The facility health authority shall maintain written policy and procedure to guide the clinical management of chemically dependent offenders [inmates] and include the following requirements.

(1)-(2) (No change.)

(k) Informed consent. All examinations, treatments, and procedures affected by informed consent standards in the community shall likewise be observed for offender [inmate] care. In the case of minors, the informed consent of parent, guardian, or legal custodian applies when required by law. Health care is rendered against offender's [inmate's] will only in accordance with law.

§157.53. *Offender [Inmate] Programs.* Programs designed to address specific offender risk and needs offer the greatest opportunity to have a positive impact in changing criminal behavior.

(1) (No change.)

(2) Basic programs required. Each state jail facility will, at a minimum, provide programs in the following areas which will include, but not be limited to:

(A) (No change.)

(B) work programs including community service programs;

(C)-(D) (No change)

(3) Local/regional planning. State jail programs shall be developed based upon local and regional needs. The community justice councils and the community supervision and corrections departments (CSCD) served by the facility shall provide consultation to the division [SJD] and the CJAD in program development through identification of local/regional resource and needs.

(4)-(5) (No change)

(6) Minimum requirements for offender rehabilitative treatment. Based upon offender classification and assessment, an individualized treatment plan (ITP) will be developed for each offender by the receiving state jail facility. The facility administrator will ensure that the activities that are necessary to meet the needs identified in the ITP for each offender are made available, subject to facility resources. Treatment activities identified in the ITP should be prioritized based upon need and availability.

[(6) Supervision/treatment plans. Facility administrators shall ensure written policy, procedure, and practice to provide that the classification/assessment process will be utilized to develop an individualized supervision/treatment plan for each offender in the facility. Plans are to be long-range and developed in such a manner as to provide for a continuity of service and when appropriate, supervision care for confinees after discharge from the facility. Services shall be prioritized based upon need and availability]

(7) (No change.)

(8) Reintegration model.

(A) Offenders [Inmates] will be released from confinement after either submitting to a term of confinement as a condition of community supervision, after serving a portion of a sentence to confinement when the judge suspends further execution of sentence, or after serving an entire sentence to confinement and discharging. Written policy, procedure and practice shall provide for transitional planning that is specific to the type of release from confinement.

(B)-(C) (No change.)

(D) To optimize reintegration of offenders, written policy, procedure and practice shall provide that each offender develop a transition plan for release back into the community. Such plan will be developed with oversight and assistance from the case manager prior to the release. The plan will be transferred with the offender [inmate/offender] to any aftercare and/or community supervision agencies upon discharge from the facility.

(9)-(12) (No change.)

(13) Community service [restitution (CSR)] programs. Each facility shall enforce state jail division written [maintain written] policy, procedure, and practice to provide for the development and implementation of community service programs [CSR programs. Such programs will be designed to provide service restitution to the community and as a method to provide incentives for positive offender behavior. Initial CSR activities will be restricted to the grounds of the facility. Incentive CSR activities may allow offenders to perform CSR outside of the facility under staff supervision.]

(14) Work programs. Facility administrators shall ensure written policy, procedure, and practice provide each offender with specific work/tasks to be performed while residing in the facility. Such work will include routine maintenance tasks, personal area maintenance, specific work assignments, and institutional support. [Such programs are not to be included as credit toward CSR hours mandated by court order.]

(15) (No change.)

(16) Offender [Inmate] work plan. The facility has a written offender [inmate] work assignment plan that provides for offender [inmate] work opportunities, subject to the number of work opportunities available and the maintenance of facility security.

(17) Work requirement. The facility administrator shall require all offenders [able-bodied inmates to work in addition] to participate [participation] in an approved education, [or] training and work program[. Inmates are to participate] as prescribed by their supervision, treatment, and classification plan.

(18) Nondiscrimination. Facility administrators shall ensure that written policy and procedure prohibit discrimination in offender [inmate] work assignments based on sex, race, religion, and national origin.

[(19) Minimum requirements for offender rehabilitative treatment. Based upon offender classification and assessment,

an individualized treatment plan (ITP) will be developed for each offender by the receiving state jail facility. The facility administrator will ensure that the activities that are necessary to meet the needs identified in the ITP for each offender are made available, subject to facility resources. Treatment activities identified in the ITP should be prioritized based upon need and availability. A state jail facility shall be designed to accommodate a minimum of 50% of the offender population in a classroom, group counselling or laboratory setting (hereinafter referred to as a classroom), excluding day rooms, for three hours each day, providing a minimum of 30 square feet per student per classroom and a maximum of 25 students per classroom. At least one multipurpose room shall be provided that will accommodate up to eighty offenders with retractable partitions whereby the room can be subdivided for use as classrooms.]

*§157.55. Mail, Telephone, and Visitation [Visiting].* A written body of policy and procedure governs the facility's mail, telephone, and visitation [visiting] service for offenders, including mail inspection, public phone use, and routine and special visits.

(1) Offender [Inmate] correspondence. Each facility will maintain written policy and procedure that govern offender [inmate] correspondence; they are available to all staff and offenders [inmates], reviewed annually, and updated as needed.

(2) Offender [Inmate] cost. When the offender [inmate] bears the mailing cost, there shall be no limit on the volume of letters he/she can send or receive or on the length, language, content, or source of mail or publications, except when there is reasonable belief that limitation is necessary to protect public safety or facility order and security.

(3) Postage allowance. Facility administrators shall ensure written policy, procedure, and practice provide that indigent offenders [inmates], as defined in policy, receive a specified postage allowance to maintain community ties

(4) Publication access. Each facility shall maintain written policy, procedure to govern offender [inmate] access to publications.

(5) Inspection of general correspondence [letters] and packages. Each facility shall specify written policy, procedure, and practice to provide that offender [inmate] mail, both incoming and outgoing, may be opened and inspected for contraband. Mail may be [is] read, censored, or rejected when based on legitimate facility interests of order and security. Offenders [Inmates] are notified when incoming or outgoing letters are withheld in part or in full.

(6) Special correspondence [Sealed letters]. Facility administrators shall ensure written policy, procedure, and practice specify that offenders [inmates] are permitted to send sealed letters to a specified class of persons and organizations, including but not limited to the following: courts; counsel; designated facility administrators, state and local chief executive officers; media representatives; members of the state legislature; and administrators of grievance systems. Mail to offenders [inmates] from this specified class of persons and organizations may be opened only to inspect for contraband and only in the presence of the offender [inmate], unless waived in writing.

(7) Mail inspections. Facility administrators shall establish written policy and procedure to provide for the inspection of offender [inmate] letters and packages to intercept cash, checks, money orders, and contraband. A receipt is given to the addressee.

(8) (No change.)

(9) Telephone. Each facility shall follow division [maintain] written policy, procedure, and practice in providing [to provide] for offender [inmate] access to telephones.

(10) Routine visitation. The facility administrator shall ensure that written policy, procedure and practice describe the number of visitors a offender may receive and the maximum length of each visit. Facility administrators shall develop and post a visitation schedule that takes into account the facility's schedule, space, and personnel constraints. Visitation is a privilege that may be restricted as a disciplinary sanction, or for safety or security reasons. Such restrictions may apply after administrative review by the facility administrator. [Visiting. Facility administrators shall ensure written policy, procedure, and practice provide that the number of visitors an confinee inmate may receive and the length of visits may be limited only by the facility's schedule, space, and personnel constraints, or when there are substantial reasons to justify such limitations

[(11) Visiting high-risk confinees inmates. Each facility shall maintain written policy and procedure to govern visiting for high-risk confinees inmates. Special visits shall be governed by written policy and procedure developed by facility administrators.]

[(11)(12) Special or extended [Extended] visits. Special or extended [Extended] visits [between confinees inmates and their families] shall be governed by written policy, procedure, and practice developed by facility administrators. The fa-

cility administrator shall establish rules and procedures that allow and govern a contact visitation program.

(12)[(13)] Furloughs. Furloughs shall not be permitted unless provided for by rule of the Board of Criminal Justice, or by statute.

(13)[(14)] Visitor registration. Facility administrators shall ensure written policy, procedure, and practice provide that visitors register on entry into the facility and specify the circumstances under which visitors may be searched.

[(15) Visitor information. Facility administrators shall designate staff to provide information to visitors about transportation to the facility and between the facility and nearby public transit terminals.]

*§157.57. Library.* A written body of policy and procedure governs the facility's library program, including acquisition of materials, hours of availability, and staffing.

(1) Comprehensive library services. Library services shall be available to all offenders [inmates] in detention facilities library programs, including acquisition of materials, hours of availability, and staffing.

(2)-(4) (No change.)

*§157.59. Religious Programs.* A written body of policy and procedure governs the facility's religious programs for offenders, [confinees.] including program coordination and supervision, opportunities to practice the requirements of one's faith, and use of community resources.

(1) (No change.)

(2) Chaplain role. The chaplain(s), in cooperation with the facility administrator (and/or his designee) plans, directs, and supervises all aspects of the religious program, including approval and training of both lay and clergy volunteers from faiths represented by the offender [confinee] population.

(3) Chaplain access. Facility administrators shall ensure that the chaplain has physical access to all areas of the facility to minister to offenders [confinees] and staff.

(4) (No change.)

(5) Opportunity to practice one's faith. Facility administrators, in cooperation with the chaplains, will develop and maintain written policy, procedure, and practice to provide that offenders [confinees] have the opportunity to participate in practices of their religious faith that are deemed essential by the faith's judiciary, limited only by documentation showing threat to the safety of persons involved

in such activity or that the activity itself disrupts order in the facility.

(6) Chaplain assistance. When a religious leader of an offender's [an inmate's] faith is not represented through the chaplaincy staff or volunteers, the chaplain(s) shall assist the offender [inmate] in contacting such a person. That person shall have the appropriate credentials from the faith judicatory and may minister to the offender under the supervision of the chaplain.

(7) Religious facilities and equipment. Facility administrators shall ensure written policy, procedure, and practice require that the facility provide space and equipment adequate for the conduct and administration of religious programs. The facility provides for the availability of non-offender [non-confinee] clerical staff for confidential material.

(8) (No change.)

**§157.61. Information Systems and Research.** A written body of policy and procedure establishes the facility's procedures for information storage and retrieval, master indexes, daily reports, evaluation, and research.

(1) Information system. The facility shall contribute to, have access to and use of an organized system of information storage, retrieval, and review. The information system shall be an overall research and decision-making capacity relating to both offender [inmate] and operational needs.

(2)-(3) (No change.)

(4) Master index and daily reports. Facility administrators shall ensure that written policy and procedure provide for an offender [inmate] population accounting system that includes records on the admission, processing, and release of offenders [inmates].

(5) Custody and location. The facility administrator shall ensure the maintenance of a system that identifies all offenders [inmates] in custody and their actual physical locations.

(6) Required records. The facility administrator shall maintain a written record of the following:

(A) (No change.)

(B) offender [inmate] population count;

(C) admissions and releases of offenders [inmates];

(D)-(F) (No change.)

(7) (No change.)

(8) Custody. The facility administrator shall ensure that custody records are

maintained on all offenders, [inmates] committed or assigned to the facility, which include, but are not limited to, the following:

(A)-(D) (No change.)

(E) records of program participation, including community service work [work release or trusty programs and "good time" accumulated].

(9)-(10) (No change.)

(11) Offender [Inmate] participation. Facility administrators shall ensure that written policy and procedure govern voluntary offender [inmate] participation in nonmedical, nonpharmaceutical, and noncosmetic research programs.

**§157.63. Citizen Involvement and Volunteers.** A written body of policy and procedure establishes the responsibility, screening, training, and operating procedures for a citizen involvement and volunteer program.

(1)-(7) (No change.)

(8) Schedule of services. A current schedule of volunteer services will be available to all offenders [inmates] and posted in appropriate areas of the facility.

(9) (No change.)

(10) Application process for approved volunteers. Facility administrators shall ensure that policy, procedure, and practice adhere to the TDCJ Institutional Division Administrative Directive AD-07.35, as revised, which establishes the process for approving volunteers.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 24, 1995.

TRD-9503768

Carl Reynolds  
General Counsel  
Texas Department of  
Criminal Justice

Earliest possible date of adoption: May 5, 1995

For further information, please call. (512) 463-9693

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**Subchapter C. Physical Plant Standards**

- 37 TAC §§157.73, 157.75, 157.77, 157.79, 157.81, 157.83, 157.85, 157.87, 157.89, 157.91, 157.93, 157.95, 157.97

The amendments are permitted by §492.013(a) and Chapter 507, Government

Code, which, respectively, gives the Board of Criminal Justice authority to adopt rules and govern the implementation of state jail felony facilities.

**§157.73. Intent.** The standards for state jail felony facilities [(SJFF)] are intended to provide the architect/engineer with basic data and information required to be incorporated into the completed facility. While the [(SJFF)] standards reflect the experience and requirements of the TDCJ, they are [it is] not intended to limit the professional judgment of the consultant in matters of design or appropriate application of materials and equipment.

**§157.75. Variance.** Deviation from the provisions of the [(SJFF)] standards shall be accomplished only through written approval of the Director for the state jail division [TDCJ].

**§157.77. Security.** It is the policy of the TDCJ, with regard to design and engineering criteria, that security is paramount. Efficiency and economy are required design considerations. The design of the facility shall minimize the number of corrections officers required to maintain adequate supervision through the prudent arrangement of building and spaces. [Staffing outline should be submitted with the design.]

**§157.79. Design Latitude.** Design solutions must be functional and efficient. [Where value engineering provides a lower cost solution meeting the functional and program requirements, the lower cost solution shall be used.] Alternative design solutions should be analyzed with value engineering studies and life cycle cost studies. Items of design that are solely related to adding aesthetic appeal to the detriment of efficiency are unacceptable. Absolute efficiency without sacrificing security shall be the sole basis by which facility design will be evaluated and accepted.

**§157.81. Building and Safety.** Compliance with professional building and fire safety codes helps to ensure the safety of all persons within each facility.

(1) Building codes. Each facility [unit] shall conform to the editions of the following codes, standards, and regulations, including their supplements current at the completion of contract documents unless federal, state, or local laws require otherwise. (Subject to paragraph (3) of this section.) The design shall reference these codes and standards in the applicable section of the documents:

(A)-(CC) (No change.)

(2)-(3) (No change.)

*§157.83. Size, Organization, and Location.* The question of facility size is most properly approached from the dual perspectives of offender [inmate] profile and facility mission. This approach encourages flexibility, creativity, and innovation in meeting safety and quality of life concerns.

(1) Functions. Space shall be allocated for, but not limited to, the following functions:

(A)-(C) (No change.)

(D) offender [inmate] housing;

(E)-(F) (No change.)

(G) offender [inmate] programs;

(H)-(I) (No change.)

(J) [central] food service and dining;

(K)-(N) (No change.)

(O) offender [inmate] commissary;

(P) offender [inmate] mail;

(Q)-(EE) (No change.)

(FF) offender [inmate] reception (all Mode One, some Mode Two);

(GG)-(JJ) (No change.)

(2) Staff/offender [inmate] interaction. Physical plant design facilitates personal contact and interaction between offenders [inmates] and staff.

(3) Facility size. The size of the facility is variable and is subject to TDCJ approval. Facilities are divided into distinct, semiautonomous management units that encourage positive staff/offender [inmate] interactions and enhance the safety of staff and offenders [inmates], improve offender [inmate] behavior, and increase the effectiveness of programs and services.

(4) Management unit [Unit] size. The maximum size of a single management unit is variable and is based on the characteristics of its offender [inmate] population. The exact size of each management unit is determined by:

(A) the security classification of the offender [inmate] occupants (higher

security levels may require smaller management unit size); and

(B) the ability of staff to complete regular security checks, maintain visual and auditory contact, maintain personal contact and interaction with offenders [inmates], and be aware of unit conditions.

(5) Single cells. Single-cell management [living] units shall not exceed 80 offenders [inmates]

(6) Rated capacity. The number of assigned offenders [inmates] shall not exceed the facility's [unit's] rated bed capacity

(7) (No change.)

*§157.85. Site Design Requirements* The standards in this section pertain to the site features outside of the facility's perimeter fence.

(1) (No change.)

(2) Parking. The facility shall provide employee automobile parking at the rate of one space per employee on the total of the second and third shifts. Visitor parking spaces shall total 15% of the offender [inmate] population. In addition, at least two spaces shall be provided at each guard tower and at least four spaces at vehicle sallyports.

(3) Patrol road The facility shall provide a 24 foot wide patrol road within 100 feet of the secure perimeter, but no closer than 50 feet. The minimum inside turning radius shall be 40 [50] feet measured at the edge of pavement. The minimum tangent between reverse curves shall be 100 feet. The site design shall provide for controlled vehicular access to the patrol road. [The patrol road shall have single access.]

(4) (No change.)

*§157.87. Offender [Inmate] Housing.* Offender [Inmate] housing areas are the basis for institutional living and as such must promote the safety and well-being of staff and offenders [inmates]. All offender [inmate] areas shall provide unobstructed view of all offenders [inmates] by security staff from outside the secure areas.

(1) Dormitories. Dormitories shall accommodate nine to 54 general population offenders [inmates] and shall contain not less than 40 square feet of clear floor space for one offender [inmate], plus 18 square feet of clear floor space per each additional offender [inmate]. Dormitories shall have a bunk for each offender [inmate]. Stacking double bunks are acceptable. A toilet and lavatory capable of providing drinking water for each group of eight offenders [inmates] or increment thereof shall be provided in each dormitory.

(2) Multi-occupancy cells. Multi-occupancy cells shall accommodate one to eight offenders [inmates] and shall contain not less than 40 square feet of clear floor space for one offender [inmate] plus 18 square feet of clear floor space per each additional offender [inmate]. Each multiple-occupancy cell shall have a bunk for each offender [inmate], one toilet and one lavatory capable of providing drinking water. Stacking double bunks are acceptable. The sum of the number of multiple-occupancy cells and the number of special management [administrative segregation] cells shall be at least 10% of the facility's [unit's] rated [bed] capacity.

(3) Special management [Administrative segregation] cells. Special management [Administrative segregation] cells shall approximate the living conditions provided to general population offenders [inmates] and shall house only one offender [inmate] each. Cells shall contain not less than 40 square feet of clear floor space [exclusive of furnishings] and shall permit the assigned offender [inmate] to speak with and be observed by staff. They shall have a bunk, toilet, lavatory capable of providing drinking water, desk, and seating. The number of cells shall be at least 2.5 % of the facility's [unit's] rated [bed] capacity.

(4) Medical isolation cells. Medical isolation cells shall be accessible for wheelchair-bound offenders [inmates] and shall contain a hospital-type bed, shower, toilet and lavatory capable of providing drinking water. A vestibule shall separate the medical isolation cell(s) from adjacent spaces. Mechanical systems for medical isolation cells shall insure that airborne pathogens are not released into the outside air or into building spaces. The travel path from the medical isolation room to the ambulance evacuation area shall be sized for a gurney. Facility [Units] of less than 1,000 offenders [inmates] shall contain at least one medical isolation cell and facilities [units] with more than 1,000 offenders [inmates] shall contain at least two medical isolation cells. The number of medical isolation cells do not count towards the facility's [unit's] rated [bed] capacity.

(5) Padded cells. Padded cells shall accommodate one offender [inmate] each. At least one and, if necessary, additional violent cells shall be provided in each facility for the temporary holding of violent persons or persons suspected of insanity. The number of violent cells shall not count toward the facility's rated capacity. Violent cells shall include the following features and equipment.

(A)-(B) (No change.)

(C) Padding. Walls and inside door surfaces shall be completely pad-

ded to the lower of ceiling or 10 feet high and the floor shall be covered with a material to protect the offender [inmate] from self-injury. The type of quality materials used for padding and floor covering shall be designed to prevent self-injury and have the capability of being cleaned. It shall be fire-resistant and nontoxic.

(6) Bunks. Bunks shall be fire-resistant and not less than 2 feet 3 inches wide and 6 feet 3 inches long. Bunks shall be securely anchored and should have lockable storage at least 12 inches by 24 inches by 24 inches in size for each offender [inmate].

(7) (No change.)

(8) Additional furnishings. For special management [administrative segregation] cells, multiple-occupancy cells and dormitories may include desks and seats (mandatory for single cells), lockers, mirrors, detention-type electric light fixtures, detention-type heating and ventilation grilles and showers. Where light fixtures or other appurtenances are recessed in or otherwise made an integral part of walls or ceilings, provisions should be made to prevent destruction or removal.

(9) Dayrooms. Dayrooms shall be provided in close proximity to all offender [inmate] sleeping areas except for medical isolation cells. Medical isolation cells do not get dayrooms. Space shall be provided for varied offender [inmate] activities. Different classifications of offenders [inmates] may only be mixed in accordance with the State Jail Classification Plan [shall not be commingled in the same dayroom].

(10) Space requirements. Dayrooms for dormitories shall accommodate not more than 54 offenders [inmates]. Dayrooms shall contain at least 40 square feet of clear floor space for one offender [inmate] plus 18 square feet of clear floor space for each additional offender [inmate]. Dormitory dayrooms may be contiguous with offender [inmate] sleeping areas.

(11) Space requirements. Dayrooms for multiple-occupancy cells shall accommodate not more than 24 offenders [inmates]. Dayrooms shall contain at least 40 square feet of clear floor space for one offender [inmate], plus 18 square feet of clear floor space for each additional offender [inmate]. Multi-occupancy cell dayrooms shall be separated from multiple-occupancy cells with controlled access from one to the other.

(12) Furnishings. Dayrooms for dormitories and multiple-occupancy cells shall be equipped with a toilet and lavatory capable of providing drinking water for each group of eight offenders [inmates] or increment thereof. A mirror shall be provided at each lavatory. A shower shall be provided for each group of 12 offenders [inmates] or increment thereof. Each day-

room shall be suitably furnished with, but not limited to, seating and tables to accommodate the number of offenders [inmates] confined therein, one television for each group of 27 offenders [inmates], and may provide dining facilities and other activities. A utility sink shall be provided. Multiple-occupancy cell dayrooms shall be separated from multiple-occupancy cells with controlled access from one to the other.

(13) Space requirements. Dayrooms for special management [administrative segregation] cells shall contain at least 100 square feet of clear floor space for the first offender and 18 square feet of clear floor space for each additional offender. [accommodate one inmate and shall contain at least 200 square feet.] A maximum of four offenders [inmates] shall be permitted in any dayroom at any one time. The number of special management [administrative segregation] dayrooms shall be at least 8.0% of the number of special management cells.

(14) Furnishings. Dayrooms for special management [administrative segregation] cells shall contain a toilet, a lavatory capable of providing drinking water, a table with seating for four offenders [inmates]. They should also contain, at a minimum, an exercise mat, a television, and a chinning bar.

(15) Holding rooms. Holding rooms shall accommodate no more than 12 offenders [inmates] each and shall contain 40 square feet of clear floor space for the first offender [inmate] and 18 square feet of clear floor space per each additional offender [inmate]. Furnishings shall include benches against the walls of the rooms to afford the best possible visibility of offenders [inmates] by security staff. Each holding room for two or more offenders [inmates] shall provide a floor drain and cleanable floor surface. Offender [inmate] reception areas shall contain at least two single occupancy holding rooms containing at least 40 square feet of clear floor space. Each holding cell shall contain one toilet and lavatory capable of dispensing drinking water.

(16) (No change.)

(17) Detoxification cells. Facilities that do not provide offender [inmate] reception areas shall provide one or more detoxification cells containing the following.

(A)-(E) (No change.)

(18) Toilets. Should be constructed in such manner and of such material so as to resist vandalism. A combination toilet and lavatory constructed of vandal-resistant material is recommended. Offenders [Inmates] should have access to toilets and hand-washing facilities 24 hours per day and are able to use toilets without staff assistance when they are con-

finied in their sleeping areas. Dormitory and multiple-occupancy cell toilets are provided at the rate of one for every group of eight offenders [inmates] or increment thereof. Urinals may be substituted for up to one-half of the toilets in male facilities.

(19) Lavatories. Lavatories shall be constructed in such manner and of such material so as to resist vandalism. A combination toilet and lavatory constructed of vandal-resistant material is recommended. Offenders [Inmates] have access to operable wash basins with temperature controlled hot and cold running water in the housing units at a minimum ratio of one lavatory for every eight offenders [inmates].

(20) Showers. Shower areas shall be not less than two feet six inches square per showerhead and not less than seven feet high. Construction should be of materials which resist the action of soap and water and which cannot be easily damaged by acts of vandalism. Drying areas of not less than two feet six inches square sloped to a drain should be provided adjoining the shower entrance. Offenders [Inmates] have access to operable showers with temperature controlled hot and cold running water at a minimum ratio of one shower to every 12 offenders [inmates]. Water is thermostatically controlled to temperatures ranging from 100 to 108 degrees Fahrenheit to ensure the safety of offenders [inmates].

(21) Housing for the handicapped. Within all facilities, offender inmate areas shall comply with the provisions of the United States Americans with Disabilities Act and the State of Texas Elimination of Architectural Barriers Act for the mobility impaired in all aspects that do not compromise the safety of offenders inmates and/or staff. Facilities shall provide for a handicapped offender inmate population of 2.0% of the total offender inmate population. Handicapped offenders inmates may be segregated in common housing units. At least one special management administrative segregation cell shall be handicapped accessible. Facilities need not accommodate offenders inmates with handicaps other than mobility impairments.]

(21) Accommodations for the disabled. All facilities shall comply with the Americans with Disabilities Act (42 United States Code Section 12101 and 28 Code of Federal Regulation, Parts 35 and 36) and the State of Texas' Elimination of Architectural Barriers Act (Article 9102, Revised Statutes).

§157.89. Environmental Conditions. Environmental conditions significantly influence unit operations. Acceptable standards for lighting, air quality, temperature, and noise levels promote the health and well-being of staff and offenders [inmates] while enhancing unit order and security.

(1) Light levels. Lighting throughout the unit is determined by the tasks performed, surface finishes and colors, type and spacing of light sources, outside lighting, shadows, and glare. Exteriors of buildings and outdoor recreation yards shall be lighted at night sufficiently for security staff to observe all offender [inmate] activity. Exterior light fixtures shall be positioned to eliminate glare.

(2) Offender [Inmate] cells. Offender [Inmate] living areas shall be equipped with lighting that provides an average of 20 footcandles at the desk and grooming station of illumination during non-sleeping hours and three footcandles during sleeping hours.

(3) Natural light-offender [inmate] sleeping areas. Detention-grade windows and/or skylights shall be provided in all dormitories[, ] and multiple occupancy cells, [, and administrative segregation cells.] Operable windows are required in non-air conditioned offender [inmate] housing areas

(4) Dayrooms. Windows and/or skylights shall be provided in all day rooms for dormitories and multiple occupancy cells. [Administrative segregation dayrooms shall provide a minimum of three square feet of transparent glazing with a view to the outside.]

(5) Noise levels. Noise levels in offender [inmate] housing units shall not exceed 70 dBA (A scale) in daytime and 45 dBA (A scale) at night.

(6) Indoor air quality-winter ventilation. Systems shall circulate at least 15 cubic feet per minute of outside air per occupant for all occupied spaces subject to paragraphs (8) and (10) of this section. Winter exhaust systems shall insure positive pressurization of offender [inmate] living areas

(7) (No change.)

(8) Restroom ventilation. Systems shall circulate the following amounts of fresh air:

(A) winter season-the greater of 12.5 cubic feet per minute per offender [inmate] or 1 2 times the required toilet and shower exhaust fan airflow; and

(B) (No change.)

(9)-(14) (No change.)

(15) Heating and cooling. All mechanical equipment for heating and air movement shall be designed to provide a temperature level between 68 degrees Fahrenheit and 78 degrees Fahrenheit during the winter season. All staff and offender [inmate] program areas shall be air conditioned. Special management [Administrative segregation] cells shall provide tempered air.

§157.91. Program and Service Facilities. Adequate space is essential for the various programmatic, non-programmatic and service functions conducted on each unit.

(1) Outdoor recreation. Offenders [Inmates] of different security levels shall not be commingled in outdoor or indoor recreation areas. An outdoor recreation area shall be provided specifically for each housing unit and shall accommodate all of the offenders [inmates] at one time from within that housing unit. Outdoor recreation areas shall provide 100 net square feet per offender [inmate] and each yard shall have a maximum capacity of 216 offenders [inmates].

(2) Indoor recreation. Indoor gymnasiums and/or covered exercise areas may be provided. They shall contain at least six square feet per offender [inmate] for the total number of offenders [inmates] in the facility with a minimum ceiling height of 18 feet. Indoor or covered exercise areas shall contain not less than 1,000 square feet of unencumbered space. In the event indoor recreation is not provided, the outdoor areas must provide covered [include covered weight-lifting areas, handball walls, ] tables and seating for 10% of the offenders [inmates] assigned to that recreation area, and other activity areas that are deemed appropriate for offender [inmate] exercise and recreation.

(3) Special management [Administrative segregation] recreation. Outdoor exercise areas for special management [administrative segregation] offenders [inmates] shall accommodate one offender [inmate] and shall contain at least 350 square feet. The number of special management [administrative segregation] outdoor exercise areas shall be at least 8.0% of the number of special management cells.

(4) Visiting. Non-contact visitation booths shall total .5% of the total offender [inmate] population. Sufficient space is provided for contact, attorney, and non-contact visitation. There is adequate space to permit the screening and searching of offenders [inmates] and visitors. Appropriate hygiene facilities are contained in the areas allowing for convenient access consistent with security concerns. Space is provided for the proper storage of visitors' coats, handbags, and other personal items not allowed into the visiting area.

[(5) Inmate programs. In units offering academic and vocational training programs, classrooms are designed in consultation with school authorities. Classrooms shall be designed for a maximum of 24 students and shall provide 35 square feet per student. Individual classrooms may be separated with a moveable partition to provide larger group meeting rooms. Inmate dayrooms may be utilized for classrooms

when the only inmates in the class are those residing in that dayroom.]

(5) Offenders programs. A state jail facility shall be designed to accommodate a minimum of 50% of the offender population in a classroom, group counselling or laboratory setting (hereinafter referred to as a classroom), excluding day rooms, for three hours each day, providing a minimum of 30 square feet per student per classroom and a maximum of 25 students per classroom. At least one multipurpose room shall be provided that will accommodate up to eighty offenders with retractable partitions whereby the room can be subdivided for use as classrooms.

(6) Library. Facilities shall contain a central library book repository of fiction and nonfiction reading and a separate legal resource library to meet the needs of the institutional staff and offenders [inmates]. Book distribution may occur either in a central reading room or through a delivery system to the offender [inmate] housing areas.

(7) Counseling. Facilities shall provide office space for counselors at the rate of one counselor per 150 offenders [inmates]. Offender [Inmate] counseling may occur in any other functional spaces (e.g., dayrooms of subject offenders [inmates], classrooms, multi-purpose rooms, etc.).

(8) Food service and dining. Each facility shall provide a central kitchen for the daily preparation of meals in accordance with §157.45(12) of this title (relating to Food Service). Equipment and spaces shall be arranged to provide adequate security with the least number of corrections officers.

(A)-(B) (No change.)

(C) Dining facilities. Facilities shall provide central dining or shall provide meal service within the offender [inmate] housing area. [Facilities which provide central dining shall insure that central dining areas accommodate a maximum seating capacity of 150 confinee inmates.] In all cases meals shall be served within two and one-half hours while giving each offender [inmate] 20 minutes of dining time for each meal.

(D) Restrooms. Toilet and lavatory facilities are available to food service personnel and offenders [inmates] in the vicinity of the food preparation area.

(E) (No change.)



(F) In-cell feeding. Meals may be served to offenders [inmates] assigned to dormitories or multiple-occupancy cells either in central dining rooms or in their dayrooms. Offenders [Inmates] assigned to special management [administrative segregation] cells and medical isolation cells shall have their meals served in their cells.

(G)-(H) (No change.)

(I) Shakedown. Provide shakedown area for offender [inmate] work crews.

(J) Guard post. Provide guard posts in food preparation areas to maintain adequate supervision with the minimum security staff.]

(J)(K) Security division. Provide appropriate secure divisions between functional areas of the kitchen and dining.

(9)-(12) (No change.)

(13) Offender [Inmate] commissary. Adequate space is provided at each unit for an offender [inmate] commissary. The commissary should be centralized.

(14) Offender [Inmate] mail. Facilities shall provide adequate space to receive, sort, and distribute incoming offender [inmate] mail and receive and forward outgoing offender [inmate] mail.

(15) Health services. Based on the availability of outside services, TDCJ will determine the health service requirements of the facility. Facilities shall provide adequate space for the following functions subject to the TDCJ's determination.

(A) Exam rooms. Provide examination and treatment rooms for medical, dental, and mental health care large enough to accommodate the necessary equipment and fixtures, and to permit privacy for the offender [inmate]-patients.

(B)-(D) (No change.)

(E) Waiting area. Provide a waiting area with seats, drinking water, and access to toilets for offender [inmate]-patients during sick call. Provide separate and secure waiting areas for offenders [inmates] undergoing medical in-processing.

(F) Medical isolation cells. Medical isolation cells shall comply with §157.87(4) of this title (relating to Offender [Inmate] Housing).

(G) (No change.)

(16) Centralized laundry. Based on the availability of outside laundry services, the TDCJ will determine which facilities shall provide central laundries. Space and equipment for the laundering of offender [inmate] clothing and bedding shall comply with the requirements of §157.47 of this title (relating to Sanitation and Hygiene).

(17) (No change.)

(18) Multi-purpose rooms. Facilities shall provide at least one multi-purpose room for each group of 216 offenders [inmates] in the offender [inmate] housing unit. Each multi-purpose room shall contain at least 600 square feet.

(19) Hair care services. Facilities shall provide space for hair care services at each offender [inmate] housing unit. Hair care services shall comply with applicable health regulations.

(20) Interview rooms. Facilities shall provide at least one interview room per group of 108 offenders [inmates] in the offender [inmate] housing units. Interview rooms shall contain at least 72 square feet.

(21) Chaplains area. Facilities shall provide adequate space and equipment for the conduct and administration of religious programs. Religious programs may utilize other offender program spaces wherever possible (e.g., classrooms with operable partitions).

§157.93. Administrative and Staff Areas. All levels of staff must be provided with space sufficient to carry out their responsibilities safely and effectively.

(1) (No change.)

(2) Security staff areas. Staff needs are met through providing adequate spaces in locations that are convenient for use. Staff are provided with, but not limited to, the following:

(A)-(D) (No change.)

(E) toilets and wash basins that are not used by offenders [inmates].

(3) (No change.)

[(4) Chaplains area. Facilities shall provide adequate space and equipment for the conduct and administration of religious programs. Religious programs may utilize other confinee program spaces wherever possible (e.g., classrooms with operable partitions).]

(4)[(5)] Classification. Facilities shall provide adequate space and equipment for the following functions:

(A) community supervision and transitional planners;

(B) classification case managers; and

(C) classification processing. [; and]

[(D) offender reception housing.]

§157.95. Security. The physical plant and layout supports and enhances the secure and orderly function of each facility. The design of the facility shall minimize the number of corrections officers required to maintain adequate supervision through prudent arrangement of buildings and spaces.

(1) (No change.)

(2) Control rooms. Areas containing groups of 216 or less offenders [inmates] shall provide a secure control room. These control rooms provide for 24 hour monitoring and coordinating of the security, safety and communication system of that housing area group. These control rooms shall provide 30 minute protection from non-ballistic assault. Transparent glazing shall meet WMFL Level Three test standards for this criteria.

(3) Pedestrian sallyport. All offender [inmate] areas are separated from public and staff areas with pedestrian sallyports consisting of two electronically interlocked doors such that both doors are not simultaneously open except in emergency.

(4) Vehicle sallyport. All vehicle entrances at the security perimeter and offender [inmate] reception unloading areas shall be made secure by remotely controlled electrically operated doors or gates for entrance and exit. The doors or gates shall be electronically interlocked so that both sides of the vehicle sallyport are not open at the same time.

(5) Security perimeter. The facility shall be enclosed with a perimeter fence at an average distance of 100 feet from buildings within the facility, but not less than 50 feet. The area between the buildings shall be devoid of trees and other features that obscure surveillance of this area by security staff. Facilities may provide guard towers to ensure full view by security staff of the entire length of the inner fence surface of the security perimeter. Guard towers shall be tall enough for mutual observation from all towers. The maximum distance between guard towers shall be 750 feet. Facilities located in a county designated as an "a" region by the Board of Criminal Justice in §157.5 of this

title (relating to Regional Allocation Policy), are exempt from the secure perimeter fence requirement when structure walls encompass the entire security compound. Security systems such as intrusion systems or electronic systems may be used to enhance security at such a facility.

(6) Entrances and exits. Pedestrians and vehicles enter and leave at designated points in the perimeter. Safety vestibules, turnout gates, and sallyports constitute the only breaches in the perimeter of institutions. All offender [inmate] areas are separated from public areas by two electronically interlocked doors such that both doors are not simultaneously open except in emergency. These doors shall be operated from inside secure control rooms or from outside the perimeter security fences.

(7) Security equipment storage. Firearms, chemical agents, and other security items are stored in separate, but readily accessible unit armories which are outside offender [inmate] housing and activity areas.

(8) Offender [Inmate] reception. The TDCJ will determine if the facility provides offender [inmate] reception areas and, if so, they shall comply with the following standards.

(A) Vehicle sallyport. A vehicle sallyport shall be situated at the offender [inmate] entrance to the offender [inmate] reception area. The sallyport shall accommodate a 46-passenger bus and the vehicle travel path shall provide for the door side of the bus to be adjacent to the building.

(B) Holding rooms. Offender [Inmate] reception areas shall provide holding rooms to accommodate the maximum number of offenders [inmates] anticipated to arrive at one time.

(C) Detoxification cells. Facilities shall provide one or more detoxification cells.

(D) Shakedown area. Offender [Inmate] reception areas shall provide an enclosed, heated area for an initial strip search of arriving offenders [inmates].

(E) Property and necessities handling area. Offender [Inmate] reception areas shall provide secure spaces for staff to receive and inventory offender [inmate] property and distribute necessities.

(F) Barber area. Offender [Inmate] reception areas shall provide adequate space and equipment to cut the hair of incoming offenders [inmates].

(G) Showers. Offender [Inmate] reception areas shall provide adequate showers in accordance with §157.87(20) of this title (relating to Offender [Inmate] Housing).

(H) Fingerprinting. Offender [Inmate] reception areas shall provide adequate space and equipment for fingerprinting offenders [inmates].

(I) Photo ID. Offender [Inmate] reception areas shall provide adequate space and equipment for the production of a photo identification card for each offender [inmate].

(J) Assessment. Offender [Inmate] reception areas shall provide at least one private interview room of at least 64 square feet for the initial classification interview.

(K) Incoming offender [inmate] property. Offender [Inmate] reception areas shall provide adequate secure space for the storage, packing, and shipment of incoming offender [inmate] property.

(L) Incoming offender [inmate] necessities. Offender [Inmate] reception areas shall provide adequate secure storage space for offender [inmate] necessities.

(M) Reception waiting areas. Offender [Inmate] reception areas shall provide adequate space and benches for offenders [inmates] waiting for the various steps in their processing.

(N) Pedestrian sallyports. Offender [Inmate] reception areas shall be adjacent to and separated from multiple-occupancy offender [inmate] housing and classification processing areas with pedestrian sallyports.

(O) Commingling. Offender [Inmate] reception areas shall prohibit contact between processed and unprocessed offenders [inmates].

(P) Security. The physical arrangement of spaces provides for adequate supervision of offenders [inmates] by the least number of security staff from the time the offenders [inmates] leave the bus until they leave the offender [inmate] reception area.

(Q) Offender reception housing. Facilities shall provide separate

housing for offenders undergoing assessment diagnostic processing.

(9) (No change.)

(10) Special management offender [Administrative segregation inmate] property. Facilities shall provide adequate space to temporarily store unauthorized offender inmate possessions while that offender [inmate] is assigned to special management [administrative segregation].

(11) (No change.)

#### §157.97. Construction Approval Rules.

(a) Mode One facilities. The state jail division [TDCJ-SJD] shall consult with the engineering division [contract with the Institutional Division (ID)] of the TDCJ for the design and construction of all Mode One facilities.

(b) Mode Two facilities. [TDCJ] CJAD shall contract with or award grants to CSCDs to implement state jail facilities. The CSCDs may contract with private vendors or the county for the design, construction, and operation of Mode Two facilities. The division [SJD], with board approval, may contract with private vendors or counties for the design, construction, and operation of Mode Two facilities.

(c) (No change.)

(d) Appointment of architect/engineer. All new construction or extensive remodeling of facilities should be carried out under the terms of an agreement in the latest edition of AIA Document B141 entitled "Owner-Architect Agreement" issued by the American Institute of Architects, or other mutually agreeable contract entered into between the applicant and an architect or engineer licensed to practice in the State of Texas, and shall be approved by the Director for the state jail division [TDCJ].

(e) Information submissions. The applicant or applicant's representative shall furnish TDCJ information during the planning and construction stages of any facility. Complete submittal of all information presented to the applicants, including an analysis of projected construction cost prepared by the architect or engineer and projected costs of operation prepared by the architect or engineer shall be made to TDCJ in no less than five days after said submissions are made to the applicant [at the following stages of planning]. For projects performed under Design/Build, Fast Track, Project Definition Services, and other alternative delivery methods, the architect/engineer shall provide to TDCJ for approval a schedule of submittals that approximate the stages of planning as follows:

(1) (No change.)



(2) Design development. On completion of the design development stage when drawings and other documents to fix and describe the size and character of the entire project as to structural, mechanical, and electrical systems, life safety and detention locking systems, materials, cost estimates, and such other essentials as may be appropriate are submitted to the applicant. **An outline of staffing requirements shall be submitted at this phase for Mode Two projects.**

(3) Construction documents. On completion of all construction documents including drawings and specifications setting forth in detail requirements for the construction of the entire project including necessary bidding information and bidding forms and final cost estimates of construction cost and operation cost. These documents shall include the conditions of the construction contract or contracts and the form of agreement to be entered into between the applicant and the contractor or contractors. **Detailed staffing plans shall be submitted at this stage for Mode Two projects.**

(f) (No change.)

(g) Approval. Within 30 days of receiving the contract documents as submitted by the applicant, the TDCJ will respond in writing with approval or disapproval of the building as complying with the minimum standards established by rules and procedures of state jail division [TDCJ-SJD]. If approval is not given, an explicit description of the items which are not approved shall be given by TDCJ along with an explicit description of the remedy or remedies necessary. The TDCJ will send the reply directly to the applicant and architect.

(h) (No change.)

(i) Inspections. Final inspection of the completed facility to determine compliance with approved contract documents and [SJFF] standards shall be made before acceptance by the applicant, by a team including TDCJ staff, the architect, the applicant, and the county officer or employee responsible for construction. TDCJ reserves the right to make regular on [or] site inspections during construction in accordance with established TDCJ procedures.

(j) Comment on compliance. Within ten calendar days after the final inspection, the TDCJ will notify the applicant whether or not the facility has met the standards and of any granted variances. The guidelines for compliance shall be the previously approved contract documents and the established rules and procedures of the [SJFF] standards

(k) Occupancy. The facility shall not be occupied until the applicant has received written statement of compliance with

approved contract documents and [SJFF] standards from the TDCJ.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 24, 1995.

TRD-9503769

Carl Reynolds  
General Counsel  
Texas Department of  
Criminal Justice

Earliest possible date of adoption: May 5, 1995

For further information, please call: (512) 463-9693

## Chapter 159. Special Programs

### • 37 TAC §§159.3, 159.5, 159.7

The Texas Department of Criminal Justice proposes new §§159.3, 159.5, and 159.7, concerning memoranda of understandings. New §159.3 is adopting by reference a memorandum of understanding between the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation and Community Mental Health/Mental Retardation Authorities/Centers concerning continuity of care for offenders with mental illness or mental retardation. New §159.5 is a memorandum of understanding between the Texas Department of Criminal Justice and the Texas Commission for the Blind, Texas Commission for the Deaf and Hearing Impaired, Texas Rehabilitation Commission, Texas Department of Human Services, and the Texas Department of Health concerning continuity of care for offenders with physical disabilities and terminal or significant illnesses. New §159.7 is a memorandum of understanding between the Texas Department of Criminal Justice, Texas Department on Aging, and the Texas Department of Human Services concerning continuity of care system for elderly offenders.

David McNutt, assistant director for Budget and Management Services, has determined that in accordance with the Health and Safety Code, §§614.013(c) (1), 614.014(c)(1), and 614.015(c)(1), the fiscal impact of adoption of these memoranda will be minimal since the implementation of the memoranda is subject to appropriation from the Legislature.

Mr. Reynolds also has determined that for each year of the first five years the rules as proposed are in effect the public benefit anticipated as a result of enforcing the sections will be compliance with state law requiring the continuity care for special needs offenders to facilitate the reintegration of special needs offenders into society. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments should be directed to Dee Kifowit, Director, Texas Council on Offenders with Mental Impairments, 8610 Shoal Creek Boulevard, Austin, Texas 78758. Written comments from the general public should be received within 30 days of the publication of this proposal.

The new sections are proposed under the Government Code, §507.006, which gives the Board of Criminal Justice the authority to adopt rules and Title 7, Texas Health and Safety Code, Chapter 614.

Cross Reference to Statute-Title 7, Texas Health and Safety Code, Chapter 614.

### §159.3. Continuity of Care System for Offenders with Mental Impairments/Memorandum of Understanding.

(a) The Texas Department of Criminal Justice (TDCJ) adopts by reference 25 TAC §401.59(a) as Exhibit P, a memorandum of understanding (MOU) between the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation and Community Mental Health/Mental Retardation Authorities/Centers concerning a continuity of care system for offenders with mental illness or mental retardation, as required by the Texas Health and Safety Code, §614.013.

(b) Copies of the MOU are filed in the Office of Policy Development, Texas Department of Mental Health and Mental Retardation, 4405 North Lamar Boulevard, Austin, Texas 78756, and the Texas Council on Offenders with Mental Impairments, 8610 Shoal Creek Boulevard, Austin, Texas 78758, and may be reviewed during regular business hours.

### §159.5. Continuity of Care System for Offenders with Physical Disabilities.

(a) The Texas Department of Criminal Justice adopts the following memorandum of understanding (MOU) with the Texas Commission for the Blind, Texas Commission for the Deaf and Hearing Impaired, Texas Department of Human Services, Texas Department of Health, and Texas Rehabilitation Commission concerning a continuity of care system for offenders with physical disabilities and terminal or significant illnesses.

Figure 1: 37 TAC §159.5(a)

(b) The MOU is required by the Texas Health and Safety Code, §614.015.

(c) Copies of the MOU are filed in the Office of the Texas Council on Offenders with Mental Impairments, 8610 Shoal Creek Boulevard, Austin, Texas 78758, and may be reviewed during regular business hours.

### §159.7. Continuity of Care System for Elderly Offenders.

(a) The Texas Department of Criminal Justice adopts the following memorandum of understanding (MOU) with the Texas Department of Aging and Texas Department of Human Services concerning a continuity of care system for elderly offenders.

Figure 1: 37 TAC §159.7(a)

(b) The MOU is required by the Texas Health and Safety Code, §614.014.

(c) Copies of the MOU are filed in the Office of the Texas Council on Offenders with Mental Impairments, 8610 Shoal Creek Boulevard, Austin, Texas 78758, and may be reviewed during regular business hours.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 24, 1995.

TRD-9503766

Carl Reynolds  
General Counsel  
Texas Department of  
Criminal Justice

Earliest possible date of adoption: May 5, 1995

For further information, please call: (512) 463-9693

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Services**

**Chapter 15. Medicaid Eligibility**

The Texas Department of Human Services (DHS) proposes amendments to §15.435 and §15.610, concerning liquid resources and application for Medicaid, in its Medicaid Eligibility rule chapter. The purpose of the amendments is to track Community Care for the Aged and Disabled (CCAD) Program rules allowing retroactive reimbursement for 1929(b) services for up to three months prior to the client's application.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed amendments will be in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Mr. Raiford also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be that agency rules will be consistent with the Medicaid and CCAD programs. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendments.

Questions about the content of the proposal may be directed to Judy Coker at (512) 450-3227 in DHS's Long-Term Care Unit. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Media and Policy Services-236, Texas Department of Human Services W-402, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

**Subchapter D. Resources**

• **40 TAC §15.435**

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

*§15.435. Liquid Resources.*

(a)-(b) (No change.)

(c) Patient trust funds and nursing facility refunds.

(1) (No change.)

(2) A nursing facility must refund any advance payments made by the client for periods that are also covered by Medicaid following certification. This refund policy also applies to home health agencies for 1929(b) clients. The refund becomes a countable resource as of 12:01 a.m. on the first day of the month after the month of receipt.

(d)-(o) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 28, 1995.

TRD-9503760

Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Proposed date of adoption: June 1, 1995

For further information, please call: (512) 450-3765

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**Subchapter G. Application for Medicaid**

• **40 TAC §15.610**

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs; and under Texas Civil Statutes, Article 4413(502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

The amendment implements the Human Resources Code §§22.001-22.024 and §§32.001-32.042.

*§15.610. Medicaid Coverage.*

(a) For payment purposes, there are four types of Medicaid coverage:

(1)-(2) (No change.)

(3) 1929(b) [Waiver V] coverage. The department pays for primary home care but no other Medicaid services are provided to the 1929(b) [Waiver V] client.

(4) (No change.)

(b)-(c) (No change.)

(d) SSI-MAO eligibility requirements.

(1) General requirements. Although the applicant need not be currently eligible, he must prove that SSI-MAO requirements were met in the month of requested coverage. Except for 1929(b) clients, a client eligible for three months prior coverage [If eligible, the client] receives a medical care identification [card] for the retroactive period. He presents this information to providers so that claims can be filed within 90 days of the Medicaid decision. To meet requirements, the individual must have been

(A)-(C) (No change.)

(2)-(4) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on March 28, 1995.

TRD-9503759

Nancy Murphy  
Section Manager, Media  
and Policy Services  
Texas Department of  
Human Services

Proposed date of adoption: June 1, 1995

For further information, please call: (512) 450-3765

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# WITHDRAWN RULES

An agency may withdraw a proposed action or the remaining effectiveness of an emergency action by filing a notice of withdrawal with the **Texas Register**. The notice is effective immediately upon filing or 20 days after filing as specified by the agency withdrawing the action. If a proposal is not adopted or withdrawn within six months of the date of publication in the **Texas Register**, it will automatically be withdrawn by the office of the Texas Register and a notice of the withdrawal will appear in the **Texas Register**.

## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules

##### Certification

- 16 TAC §23.33

The Public Utility Commission of Texas has withdrawn from consideration for permanent adoption a proposed amendment to §23.33 which appeared in the March 3, 1995, issue of the *Texas Register* (20 TexReg 1481). The effective date of this withdrawal is March 27, 1995.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503721      John M. Renfrow  
Secretary of Commission  
Public Utility Commission  
of Texas

Effective date: March 27, 1995

For further information, please call: (512)  
458-0100



## TITLE 22. EXAMINING BOARDS

### Part XXX. Texas State Board of Examiners of Perfusionists

#### Chapter 761. Perfusionists

- 22 TAC §§761.1-761.3,  
761.6-761.8, 761.10, 761.15

The Texas State Board of Examiners of Perfusionists has withdrawn the emergency effectiveness of new §§761.1-761.3, 761.6-761.8, 761.10, and 761.15, concerning Perfusionists. The text of the emergency new sections appeared in the December 23, 1994, issue of the *Texas Register* (19 TexReg 10147). The effective date of this withdrawal is April 17, 1995.

Issued in Austin, Texas, on March 28, 1995.

TRD-9503771      Susan K. Steeg  
General Counsel  
Texas State Board of  
Examiners of  
Perfusionists

Effective date: April 17, 1995

For further information, please call: (512)  
458-7236



## TITLE 37. PUBLIC SAFETY AND CORREC- TIONS

### Part VI. Texas Department of Criminal Justice

#### Chapter 163. Community Justice Standards

- 37 TAC §§163.21, 163.23, 163.25,  
163.31, 163.33, 163.35, 163.37,  
163.39, 163.43

The Texas Department of Criminal Justice has withdrawn from consideration for permanent adoption proposed amendments to §§163.21, 163.23, 163.25, 163.31, 163.33, 163.35, 163.37, 163.39, and 163.43, which appeared in the September 27, 1994, issue of the *Texas Register* (19 TexReg 7584). The effective date of this withdrawal is March 28, 1995.

Issued in Austin, Texas, on March 24, 1995.

TRD-9503764      Carl Reynolds  
General Counsel  
Texas Department of  
Criminal Justice

Effective date: March 28, 1995

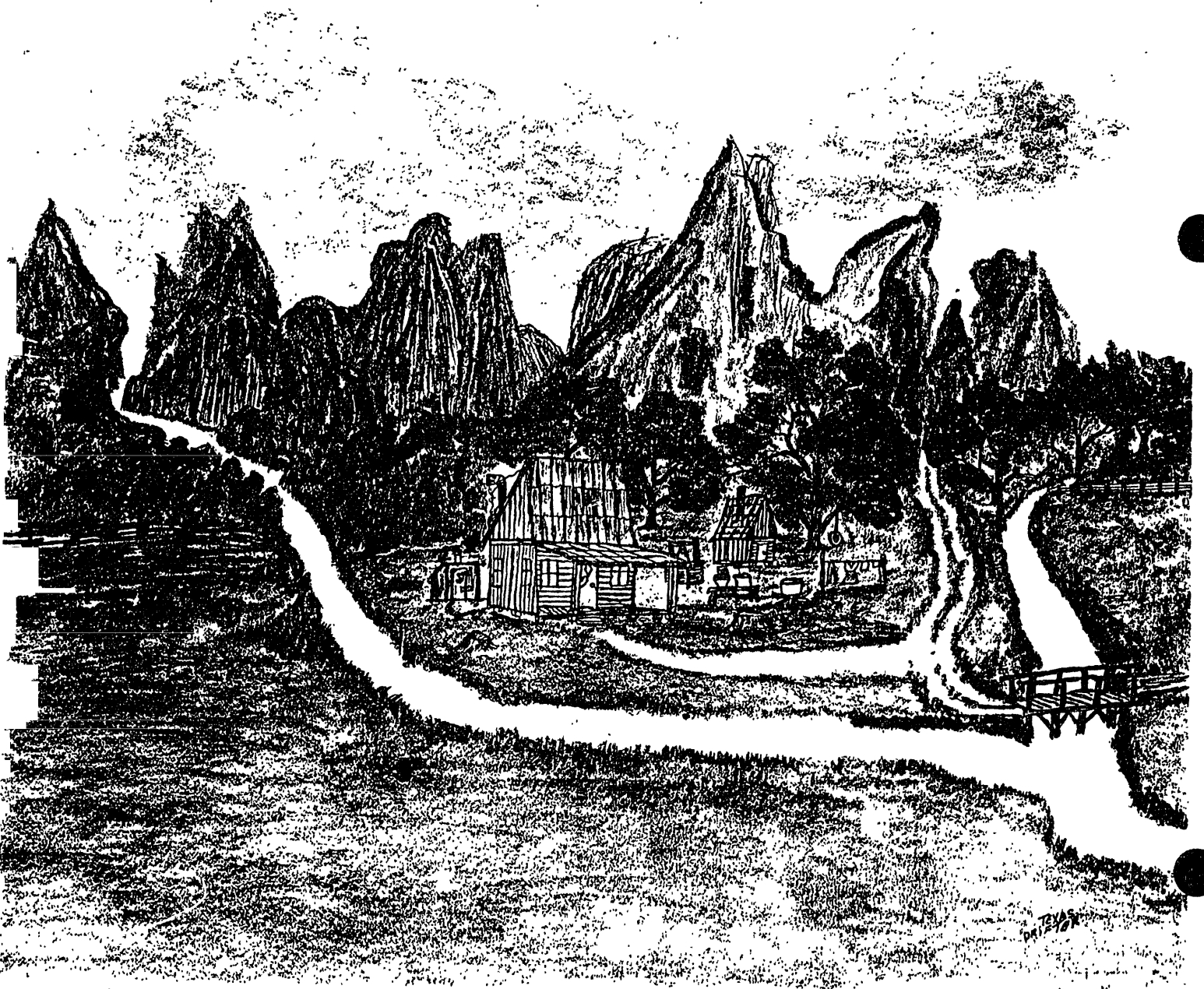
For further information, please call: (512)  
463-9693



Name: Billy Wheaton

Grade: 8

School: Bloomburg High School, Bloomburg ISD



# ADOPTED RULES

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 22. EXAMINING BOARDS

### Part XXX. Texas State Board of Examiners of Perfusionists

#### Chapter 761. Perfusionists

- 22 TAC §§761.1-761.13,  
761.15-761.19

The Texas State Board of Examiners of Perfusionists adopts new §§761.1-761.13 and 761.15-761.19, concerning requirements for registration as a licensed perfusionist and provisional licensed perfusionist, without changes to the proposed text as published in the January 31, 1995, issue of the *Texas Register* (20 TexReg 544).

The new sections establish requirements for registration as a licensed perfusionist and provisional licensed perfusionist; define terms; set standards and fees for licensure; establish procedures for licensure and examination; and provide procedures for denial, revocation, or suspension of a license.

The new sections provide a means by which the public can identify providers of perfusion services that meet minimum standards of competence.

No comments were received regarding adoption of the new sections. However, staff noted that in the proposed preamble the statutory authority and the cross-reference to statute incorrectly referenced Texas Civil Statutes, Article 4512e, §7; the correct reference should have been Texas Civil Statutes, Article 4529e, §7.

The new sections are adopted under Texas Civil Statutes, Article 4529e, §7, which provide the Texas State Board of Examiners of Perfusionists with the authority to adopt rules concerning the regulations and licensure of perfusionists.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 28, 1995.

TRD-9503772

Susan K. Steeg  
General Counsel  
Texas State Board of  
Examiners of  
Perfusionists

Effective date: April 18, 1995

Proposal publication date: January 31, 1995

For further information, please call: (512)  
458-7236

## TITLE 31. NATURAL RE- SOURCES AND CON- SERVATION

### Part I. General Land Office

#### Chapter 13. Land Resources

##### Special Board of Review Hearings

- 31 TAC §§13.30-13.38

The Texas General Land Office adopts §§13.30-13.38, concerning procedures for conducting public hearings before a special board of review. Sections 13.30-13.35 are adopted with minor changes to the proposed text as published in the February 24, 1995, issue of the *Texas Register* (20 TexReg 1327). Sections 13.36-13.38 are adopted without changes and will not be republished.

Sections 13.30-13.38 are being adopted in order to establish procedural guidelines for efficient and timely hearings to expedite the development of state-owned real property assets. The special board of review appeal process allows for effective development of the state's resources and prevents local regulations from obstructing or precluding such development. Also, special board of review hearings provide a flexible and expedient method of revising development plans to correspond with economic, cultural, political, and financial changes. The hearings process promotes compromise and cooperation between state agencies/institutions and local government.

In addition to editorial changes made in §§13.30-13.35, 13.30 and 13.31 are amended to clarify the rule by referencing definitions contained in the rule and §13.33(b)(4) and §13.34(b) are amended to reference statutory law from which the rule text was adopted.

Due to this adopted action, procedures are established for orderly and efficient consideration of development plans and local government denial of requests for rezoning, variance and other relief. This rule provides guidelines to ensure that the public has notice of board

meetings and hearings, that board orders will be binding and effective, and that the hearings process is utilized only when necessary to enhance state resource development

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Natural Resources Code, Chapter 31, §31.166(b), which authorizes the General Land Office to promulgate rules for conducting hearings before the special board of review.

*§13.30. Scope.* These rules shall govern the procedures for conducting public hearings before the special board of review (as defined in §13.31 of this title (relating to Terms)).

*§13.31. Terms.* The following words, terms and phrases, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Board**—The special board of review, chaired by the Commissioner of the General Land Office, consisting of the members of the School Land Board; the chairperson of the governing board of the agency or institution possessing the property; the mayor of the city or town within the corporate boundaries or extraterritorial jurisdiction of which the property is located, if the property is located within a city or town; and the county judge of the county within which the property is located. If the property is owned by the permanent school fund, the board shall consist of the members of the School Land Board and the local officials, with the commissioner of the General Land Office serving as chairperson.

**Development plan**—A plan, promulgated by a local government or by the division (as defined in this section) in accordance with Texas Natural Resources Code, §31.161, to conserve and enhance the value of land belonging to the state, taking into consideration the preservation of the health, safety, and general welfare of the communities in which the property is situated.

**Division**—The Asset Management Division of the Texas General Land Office.

Emergency or urgent public necessity—Circumstances in which immediate board action is required because of an imminent threat to public health or safety, or a reasonably unforeseeable situation.

Order—Official action by the board with regard to a development plan.

Political subdivision—A county, public school district, or special-purpose district or authority.

Property—Real property, owned or held in trust by the state, for which a development plan has been proposed or promulgated.

#### §13.32. Applicability of Rules.

(a) The provisions of any rule referring to the board shall be construed to apply to the members of the board (including the chairperson) if the matter is within the jurisdiction of the board. Unless otherwise provided by law, any duty imposed on the board, the chairperson, or the division may be delegated to a duly authorized representative. In such case, the provisions of any rule referring to the board, the chairperson, or the division shall be construed to also apply to the duly authorized representative(s).

(b) The provisions of any rule referring to a development plan shall be construed to apply to any revision or modification of a development plan.

#### §13.33. Requests for Board Hearings.

(a) A person may request a board hearing to:

(1) appeal the denial by a local government of a request for rezoning, variance, or other relief; and/or

(2) request the board to consider or revise a development plan or order.

(b) A person shall submit a hearing request in writing to the board chairperson and shall include in that request:

(1) the name, address, and telephone number of the party filing the hearing request and the name(s), address(es), and telephone number(s) of representatives (such as the name of legal counsel, agents, corporate representatives, etcetera) and/or other interested parties, if known;

(2) a concise statement of the facts and circumstances upon which board review is requested;

(3) a concise statement of the specific relief sought; and

(4) a brief description of any exigent or emergency circumstances requiring an emergency hearing, as provided for in the Texas Open Meetings Act, Government Code, Chapter 551, §551.045.

(c) Within ten days following receipt of such request, the board chairperson shall send copies of such request to all other board members. If, after receiving such request, three or more board members request a hearing by notice in writing to the board chairperson, a hearing shall be scheduled within 60 days following the date the board members' hearing requests were received by the board chairperson.

#### §13.34. Notice.

(a) The board shall provide notice of the date, hour, place, and subject of each hearing.

(b) In accordance with the Texas Open Meetings Act, Government Code, Chapter 551, notice shall be filed with the secretary of state and posted at a place readily accessible to the general public at all times for at least seven days before the scheduled time of the hearing, except in an emergency or when there is an urgent public necessity, in which case the notice of a hearing is sufficient if posted for at least two hours before the hearing is convened and clearly identifies the emergency or urgent public necessity. Special notice of emergency hearings must be provided to the news media, in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, §551.047.

(c) The board shall provide written notice to any political subdivision in which the property is located at least 14 days prior to a board hearing.

#### §13.35. Hearings.

(a) The board shall conduct one or more public hearings to consider or revise a development plan or order. If the property is located in more than one city or town, the hearing(s) on any single tract of land may be combined. At least one hearing shall be conducted in the county where the property is located. Any board hearing shall be open to the public in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, §§551.001 et seq, and the board shall conduct all hearings in accordance with §§1.66-1.78 of this title (relating to Procedures for Hearings). For purposes of §§1.66-1.78 of this title (relating to Procedures for Hearings), the term "hearing officer" means the board chairperson or the duly authorized representative of the board chairperson.

(b) Hearings of the board shall not be considered a contested case proceeding under the Administrative Procedure Act, Government Code, Chapter 2001, §§2001.001 et seq, and shall not be subject to appeal thereunder.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 29, 1995.

TRD-9503787

Garry Mauro  
Commissioner  
General Land Office

Effective date: April 19, 1995

Proposal publication date: February 24, 1995

For further information, please call: (512) 305-9129

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part VI. Texas Department of Criminal Justice

#### Chapter 157. State Jail Felony Facilities

##### Subchapter B. Operational Standards

###### • 37 TAC §157.31

The Texas Department of Criminal Justice adopts an amendment to §157.31, concerning use of a facility for a transfer facility, with a change to the proposed text as published in the January 24, 1995, issue of the *Texas Register* (20 TexReg 329).

The amendment adds a new subsection (c) which provides that "the TBCJ delegates to the State Jail Division Director the authority to designate all of, or any semi-autonomous housing unit within, any facility designed as a state jail to be used for housing transfer inmates."

The amendment enhances public safety due to the efficient regulation of a comprehensive system of confinement of convicted felons in state-run facilities.

One comment was received from a Judge in Jefferson County concerning "amending the standard to provide that transfer inmates can be housed in Mode 2 facilities only as a last resort, and that even when that occurs, only non violent inmates will be placed there." The Department has reviewed the comment and in response has incorporated subsection (d) into the amendment to further clarify the rule.

The amendment is adopted under the Government Code, §507.006, which allows state jails to be used for transfer inmates, and the Government Code, §492.013, which gives the Board of Criminal Justice the authority to adopt rules.

#### §157.31. Use of Facility for Transfer Inmates.

(a)-(b) (No change.)

(c) The TBCJ delegates to the State Jail Division Director the authority to designate all of, or any semi-autonomous housing unit within, any facility designed as a state jail to be used for housing transfer inmates.

(d) The State Jail Division shall comply with Board Policy governing the housing of transfer facility inmates in state jails.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 25, 1995.

TRD-9503765

Carl Reynolds  
General Counsel  
Texas Department of  
Criminal Justice

Effective date: April 18, 1995

Proposal publication date: January 24, 1995

For further information, please call: (512) 463-9693

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part XVI. Council on Sex Offender Treatment

#### Chapter 511. Criminal Background Check Security

##### • 40 TAC §§511.1-511.4

The Council on Sex Offender Treatment adopts amendments to §§511.1-511.4, concerning the access to criminal history records that related to an applicant of the REGISTRY and maintained by the Department of Public Safety or Federal Bureau of Investigation, without changes to the proposed text as published in the November 4, 1994, issue of the *Texas Register* (19 TexReg 8757).

This rule defines access to criminal history records related to applicants and providers of the Registry.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4413(15), 13 and 15, which provide the Council on Sex Offender Treatment with the authority to establish and maintain a registry, conduct criminal background checks on applicants to the registry or providers in the Registry.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503761

Eliza May  
Executive Director  
Council on Sex Offender  
Treatment

Effective date: April 18, 1995

Proposal publication date: November 4, 1994

For further information, please call: (512) 463-2323

◆ ◆ ◆



Name: Nicholas Govea  
Grade: 8  
School: Haltom Middle School, Birdville ISD



# TABLES AND GRAPHICS

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Graphic material from the emergency, proposed, and adopted sections is published separately in this tables and graphics section. Graphic material is arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic material is indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph and so on. Multiple graphics in a rule are designated as "Figure 1" followed by the TAC citation, "Figure 2" followed by the TAC citation.

Figure 1: 37 TAC §157.5(a)

**REGIONAL ALLOCATION STATE JAILS**

<b><u>REGION</u></b>	<b><u>PERCENTAGE</u></b>
1. NORTHEAST	0.0753513916
1a. DALLAS	0.1600503452
2. EAST	0.0809506858
2a. HARRIS	0.2041193897
3. SOUTH CENTRAL	0.0469701322
3a. TRAVIS	0.0420579471
4. VALLEY	0.0843142816
4a. BEXAR	0.0666090824
5. WEST	0.0278104172
6. PANHANDLE	0.0379949349
7. NORTH CENTRAL	0.0637910542
7a. TARRANT	0.0740646479
8. EL PASO	0.0359156904

## MEMORANDUM OF UNDERSTANDING

between the  
*Texas Department of Criminal Justice*

and the

*Texas Commission for the Blind, Texas Commission for the Deaf and Hearing  
Impaired, Texas Rehabilitation Commission, Texas Department of Human Services  
Texas Department of Health*

For the purpose of establishing a CONTINUITY OF CARE SYSTEM for offenders with physical disabilities, terminally ill or significantly ill, the TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ) and the TEXAS COMMISSION FOR THE BLIND (TCB), TEXAS COMMISSION FOR THE DEAF AND HEARING IMPAIRED (TCDHI), TEXAS DEPARTMENT OF HUMAN SERVICES (TDHS), TEXAS DEPARTMENT OF HEALTH (TDH), AND TEXAS REHABILITATION COMMISSION (TRC) (The Entities) agree to the following:

1. AUTHORITY AND PURPOSE:

a) S.B. 252, Acts 1993, 73rd Leg., Ch.488, 1, codified as Texas Health & Safety Code, Section 614.015 authorizes TDCJ, TCB, TCDHI, TDHS, TDH, AND TRC to establish a written Memorandum of Understanding that identifies methods for:

- identifying persons with physical disabilities and terminal or significant illnesses involved in the criminal justice system;
- developing interagency rules, policies and procedures for the coordination of the care of and exchange of information on persons with physical disabilities and terminal or significant illnesses by local and state criminal justice agencies, TCB, TCDHI, TDHS, TDH, and TRC; and
- identifying services needed by persons with physical disabilities and terminal or significant

illnesses to re-enter the community successfully.

b) This Memorandum of Understanding is intended to implement a continuity of care system for offenders with physical disabilities and terminal or significant illnesses in the criminal justice system using funds appropriated for that purpose.

2 ALL ENTITIES AGREE TO:

a) enter into a Memorandum of Understanding fulfilling the statutory requirements and purposes of Health & Safety Code, Section 614.015 as set forth above;

b) seek a statutory change in current statutes to allow for the exchange of information (including electronic) about offenders with physical disabilities and terminal or significant illnesses without consent of the individuals involved for the purpose of providing or coordinating services among the entities;

c) develop a system that provides pre-release and post-release planning for persons with physical disabilities and terminal or significant illnesses;

d) submit a list of contact staff to the Texas Council on Offenders with Mental Impairments (Council) who are responsible for responding to referrals and/or issues regarding persons with physical disabilities and terminal or significant illnesses;

e) distribute relevant training seminar and/or educational information towards improving each agency's knowledge and understanding of their respective systems' roles and responsibilities;

f) develop and implement a standardized release of information form that can facilitate the exchange of client information;

g) inform the other of any proposed rule or standards changes which could affect the continuity of care system. Each agency shall be afforded thirty (30) days after receipt of proposed change(s) to respond to the recommendations prior to the adoption;

h) provide on-going status reports to the Council on the implementation of initiatives outlined in this Memorandum of Understanding;

- i) provide opportunities for cross-training for each others staff;
- j) operate the continuity of care and service program for offenders with physical disabilities and terminal or significant illnesses in the criminal justice system with funds appropriated for that purpose;
- k) actively seek federal grants or funds to operate and expand the program; and
- l) provide technical assistance and professional consultation regarding their services and eligibility requirements.

3. **TDCJ TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL.**

Design an information base for exchange purposes, that provides the following information:

- a) the number of offenders with physical disabilities and terminal or significant illnesses who are on community supervision, incarcerated, or on parole;
- b) the county of residence to which these individuals reside or will return to upon release from incarceration;
- c) the type and level of offense the offender has been charged and convicted;
- d) the type of diagnosis which includes physical disabilities and terminal or significant illnesses;
- e) track the number of referrals and the number of individuals served, denied services, and not served and reasons given;
- f) establish a system for identifying inmates with physical disabilities and terminal or significant illnesses prior to their release date who are in need of aftercare treatment services;
- g) negotiate with the Texas Commission for the Deaf and Hearing Impaired (TCDHI) an

expansion of the existing TDCJ-TCDHI Interagency Contract (IAC), so that it will include participation by all TDCJ divisions; and

h) any other information deemed necessary and consistent with the intent of this agreement.

4. TCB TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

a) accept appropriate referrals in the applicant community within 30 days prior to release and determine eligibility in accordance with federal and state laws and policies of the Texas Commission for the Blind;

b) participate in any relevant research or studies specific to blind and severely visually impaired who are involved in the criminal justice system; and

c) amend any relevant agency policies and/or rules to facilitate the collection and analysis of data concerning blind or severely visually impaired clients who are or have become involved with the criminal justice system.

5. TCDHI TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

a) participate in any relevant research or studies as determined by TCDHI specific to offenders with physical disabilities and terminal or significant illnesses who are involved in the criminal justice system;

b) amend any relevant agency policies and/or rules to facilitate the collection and analysis of data concerning offenders with physical disabilities and terminal or significant illnesses who are, or have become, involved with the criminal justice system.

c) provide information and referral concerning services to persons who are deaf or hard of hearing TCDHI will provide the council on Offenders with Mental Impairments, hereafter referred to as the Council, and the other agencies participating in the continuity of care

M.O.U. with: the names, addresses, and phone numbers, of TCDHI's contracted local service providers; descriptions of TCDHI services; information about issues related to deafness and hearing loss; and referral to appropriate services;

d) subject to time and fiscal constraints, provide and/or coordinate training and/or technical assistance to the Council and participating agencies concerning issues related to deafness, hearing loss, communications access, and interpreter services; and

e) negotiate with the Texas Department of Criminal Justice (TDCJ) an expansion of the existing TDCJ-TCDHI Interagency Contract (IAC), so that it will include participation by all TDCJ division.

6. TDHS TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

a) participate in any relevant research or studies regarding offenders with physical disabilities, and terminal or significant illnesses;

b) participate in the development of referral guidelines and both accept and make referrals;

c) participate in the development of federal and other grant proposals; and

d) designate a liaison to assure coordination, communication, and development of any necessary inter-agency rules, policies, and procedures involving DHS, TDCJ and other participating agencies.

7. TRC TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

a) accept appropriate referrals in the applicant community after release and determine eligibility in accordance with federal and state laws and policies in the Texas Rehabilitation Commission;

b) participate in any relevant research or studies as determined by TRC specific to offenders with mental or physical disabilities who are involved in the criminal justice system; and

c) amend any relevant agency policies and/or rules to facilitate the collection and analysis of data concerning offenders with mental or physical disabilities who are, or have become, involved with the criminal justice system.

8. TDH TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

a) Strive to obtain the most up-to-date information possible about public health conditions and provide such information through a liaison to assure coordination, communication, and development of any necessary inter-agency rules, policies and procedures involving TDCJ and TDH.

b) Provide to the criminal justice system information about TDH and TDH funded local service providers, accept referrals made by the criminal justice system to appropriate services in the applicant community after release, and determine eligibility in accordance with federal and state laws and policies to assure high quality of care.

c) Protect all confidential medical information and other data regarding clients or patients and will not reveal confidential information to anyone for any reason unless required or allowed by law.

9. REVIEW AND MONITORING

a) TRC, TCB, TCDHI, TDHS, TDH, and TDCJ, shall jointly monitor implementation of the Continuity of Care System as outlined in this Memorandum of Understanding. The intent of all agencies is to provide timely communication, discussion and resolution of transitional problems should any occur.

b) This Memorandum of Understanding shall be adopted by the Texas Commission for the Blind, Texas Commission for the Deaf and Hearing Impaired, Texas Department of Health, Texas Department of Human Services, and Texas Department on Aging and Texas



Department of Criminal Justice. Subsequent to adoption, the Executive Director of TCB, the

Executive Director of TCDHI, the Commissioner of TDHS, the Commissioner of TRC, Commissioner of TDH, and the Executive Director of the TDCJ shall review this memorandum annually and provide status reports to the Texas Council on Offenders with Mental Impairments. Amendments to this Memorandum of Understanding may be made at anytime by mutual agreement of the Executive Director of TCB, the Executive Director of TCDHI, the Commissioner of TDHS, the Commissioner of TRC, the Commissioner of TDH, and the Executive Director of the TDCJ.

c) The Council will serve as the dispute resolution mechanism for conflicts between the parties to this Memorandum of Understanding.

10. **ADOPTION**

This Memorandum of Understanding shall be adopted by rule, or by reference, by each agency.

## CERTIFICATION

This Memorandum of Understanding is adopted to be effective \_\_\_\_\_, 1995.

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Vernon "Max" Arrell, Commissioner TRC

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Burton Ralford, Commissioner, TDHS

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Pat Westbrook, Executive Director, TCB

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David W. Myers, Executive Director, TCDHI

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Dr. David Smith, Commissioner, TDH

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James A. Collins, Executive Director, TDCJ

3/24/95

## **MEMORANDUM OF UNDERSTANDING**

between the

*Texas Department of Criminal Justice*

and the

*Texas Department on Aging, Texas Department of Human Services*

For the purpose of establishing a CONTINUITY OF CARE SYSTEM for elderly offenders, the TEXAS DEPARTMENT OF CRIMINAL JUSTICE (TDCJ) and the TEXAS DEPARTMENT ON AGING (TDOA) and the TEXAS DEPARTMENT OF HUMAN SERVICES (TDHS) (Hereinafter The Entities) agree to the following:

1. **AUTHORITY AND PURPOSE:**

a) S.B. 252, Acts 1993, 73rd Leg., Ch.488, 1, codified as Texas Health & Safety Code, Section 614.014 authorizes TDCJ, TDOA and TDHS to establish a written Memorandum of Understanding that identifies methods for:

- identifying persons who are elderly offenders involved in the criminal justice system;
- developing interagency rules, policies and procedures for the coordination of the care of and exchange of information on elderly offenders by local and state criminal justice agencies and the Texas Department on Aging and Texas Department of Human Services; and
- identifying services needed by elderly offenders to re-enter the community successfully.

b) This Memorandum of Understanding is intended to implement a continuity of care system for elderly offenders in the criminal justice system using funds appropriated for that purpose.

2. ALL ENTITIES AGREE TO:

a) seek a statutory change in current statutes to allow for the exchange of information (including electronic) about elderly offenders without consent of the individuals involved for the purpose of providing or coordinating services among the entities;

b) develop a system that provides pre-release and post-release planning for elderly offenders;

c) submit a list of contact staff to the Texas Council on Offenders with Mental Impairments (Council) who are responsible for responding to referrals and/or issues regarding elderly offenders;

d) distribute relevant training seminar and/or educational information towards improving each agency's knowledge and understanding of the criminal justice and health and human services systems' roles and responsibilities;

e) develop and implement a standardized release of information form that can facilitate the exchange of client information;

f) inform the other of any proposed rule or standards changes which could affect the continuity of care system. Each agency shall be afforded thirty (30) days after receipt of proposed change(s) to respond to the recommendations prior to the adoption;

g) provide on-going status reports to the Council on the implementation of initiatives outlined in this Memorandum of Understanding;

h) provide opportunities for cross-training for each others staff;

i) operate the continuity of care and service program for elderly offenders in the criminal justice system with funds appropriated for that purpose;

j) actively seek federal grants or funds to operate and expand the program; and

k) provide technical assistance and professional consultation regarding their services and eligibility requirements.

3. TDCJ TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL PROVIDE THE FOLLOWING INFORMATION:

a) the number of elderly offenders who are on community supervision, incarcerated, or on parole;

b) the county of residence to which these individuals reside or will return to upon release from incarceration;

c) the type and level of offense the offender has been charged and convicted;

d) the type of diagnosis which includes medical and psychological;

e) track the number of referrals and the number of individuals served, denied services, and not served and reasons given;

f) establish a system for identifying inmates who are elderly prior to their release date who are in need of services for the aged; and

g) any other information deemed necessary and consistent with the intent of this agreement.

4. TDHS TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

a) participate in any relevant research or studies regarding offenders with physical disabilities, and terminal or significant illnesses;

b) participate in the development of referral guidelines and both accept and make referrals;

c) participate in the development of federal and other grant proposals; and

d) designate a liaison to assure coordination, communication, and development of any necessary inter-agency rules, policies, and procedures involving TDHS, TDCJ and other participating agencies.

5. TDOA TO THE EXTENT POSSIBLE, CONSISTENT WITH THE RECEIPT OF CONSENT TO RELEASE INFORMATION FROM THE INDIVIDUALS INVOLVED, OR A CHANGE IN STATE LAW THAT PERMITS RELEASE WITHOUT CONSENT, SHALL:

- a) make available a current listing of the area agencies on aging and the counties served;
- b) make available a current listing of senior centers and nutrition sites in Texas;
- c) make available a list of services offered by the aging network in Texas;
- d) participate in any relevant research or studies specific to 60+ offenders with impairments;
- e) participate in cross training efforts;
- f) participate in the development of guidelines for referral of 60+ offenders to the aging network;
- g) when appropriate, participate in the development of federal grant proposals with the Administration on Aging;
- h) designate a liaison to assure coordination and communication; and
- i) inform TDCJ staff liaison of relevant activities via available newsletters or other networking systems.

6. REVIEW AND MONITORING

a) TDCJ, TDOA, and TDHS shall jointly monitor implementation of the Continuity of Care System as outlined in this Memorandum of Understanding. The intent of all agencies is to provide timely communication, discussion and resolution of transitional problems, should any occur.

b) This Memorandum of Understanding shall be adopted by the Texas Department on Aging, Texas Department of Human Services, and Texas Department of Criminal Justice. Subsequent to

adoption, the Executive Director of TDHS, the Executive Director of TDOA and the Executive Director of the TDCJ shall review this memorandum annually and provide status reports to the Texas

Council on Offenders with Mental Impairments. Amendments to this Memorandum of Understanding may be made at anytime by mutual agreement of the Commissioner of TDHS, Executive Director of TDOA and the Executive Director of TDCJ.

c) The Council will serve as the dispute resolution mechanism for conflicts between the parties to this Memorandum of Understanding.

7. ADOPTION

This Memorandum of Understanding shall be adopted by rule, or by reference, by each agency.

**CERTIFICATION**

This Memorandum of Understanding is adopted to be effective \_\_\_\_\_, 1995.

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Mary Sapp, Executive Director, TDOA

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Burton Raiford, Commissioner, TDHS

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James A. Collins, Executive Director, TDCJ

*Revised 3/24/95*



# OPEN MEETINGS

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours before a scheduled meeting time. Some notices may be received too late to be published before the meeting is held, but all notices are published in the **Texas Register**.

**Emergency meetings and agendas.** Any of the governmental entities listed above must have notice of an emergency meeting, an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. All emergency meeting notices filed by governmental agencies will be published.

**Posting of open meeting notices.** All notices are posted on the bulletin board at the main office of the Secretary of State in lobby of the James Earl Rudder Building, 1019 Brazos, Austin. These notices may contain a more detailed agenda than what is published in the **Texas Register**.

**Meeting Accessibility.** Under the Americans with Disabilities Act, an individual with a disability must have an equal opportunity for effective communication and participation in public meetings. Upon request, agencies must provide auxiliary aids and services, such as interpreters for the deaf and hearing impaired, readers, large print or braille documents. In determining type of auxiliary aid or service, agencies must give primary consideration to the individual's request. Those requesting auxiliary aids or services should notify the contact person listed on the meeting summary several days prior to the meeting by mail, telephone, or RELAY Texas (1-800-735-2989).

## Texas Commission on Alcohol and Drug Abuse

Monday, April 10, 1995, 11:30 a.m.

710 Brazos, Suite 800

Austin

Program Development and Initiatives Committee

### AGENDA:

Call to order; approval of minutes; approval of budget negotiations for the Winnsboro Substance Abuse Felony Punishment Facility (SAFP) Unit treatment vendor; approval to start bid process for training video for therapeutic community start-up; new business; old business; and adjourn.

Contact: Ted Sellers, 710 Brazos, Austin, Texas 78701, (512) 867-8137.

Filed: March 29, 1995, 2:03 p.m.

TRD-9503812

## The State Bar of Texas

Thursday-Friday, April 6-7, 1995, 9:30 a.m. and 8:30 a.m., respectively.

98 San Jacinto Boulevard, The Waterloo Room

Austin

Commission for Lawyer Discipline

### AGENDA:

Call to order/introductions/review and discuss: Minutes, matters unresolved in prior

meetings, status reports, commission's compliance with provisions of the State Bar Act, rules and orders of the Supreme Court, budget and operations of the General Counsel's Office and commission, grievance committees, special counsel program, mediation of disciplinary matters/presentations by trial staff/closed session to discuss pending litigation and matters pending before evidentiary panels of grievance committees, assignment of special counsel; personnel matters/public session to discuss: take action on items discussed during closed session; discuss and take appropriate action with respect to pending litigation and cases pending before evidentiary panels of grievance committees/discuss future meetings/discuss other matters as appropriately come before the commission/receive public comment/and adjourn.

Contact: Anne McKenna, P.O. Box 12487, Austin, Texas 78711, 1-800-204-2222.

Filed: March 29, 1995, 4:05 p.m.

TRD-9503835

Thursday-Friday, April 6-7, 1995, 2:00 p.m. and 9:00 a.m., respectively.

The Four Seasons Hotel, 98 San Jacinto Boulevard

Austin

Board of Directors

### AGENDA:

Call to order/roll call/invocation/consent agenda/announcements/reports from: the president, president elect, Budget Committee, executive director, Supreme Court liai-

son, Commission for Lawyer Discipline, Office of the General Counsel, Board committees: Administrative Advisory, Appeals, Benefits Committee, Facilities and Equipment Committee, General Counsel Advisory Committee, Legislative Policy Committee, Policy Manual Issues Committee/reports from: immediate past president, Texas Young Lawyers Association president, Court of Criminal Appeals liaison, the following State Bar committees/sections/divisions: Annual Meeting Committee, Intellectual Property Law Section, Mentor Program for Lawyers Committee, Minimum Continuing Legal Education Committee, Lawyers' Assistance Program Committee, Legal Services to the Poor in Civil Matters Committee, committee reports (for informational purposes only)/reports from: The Texas Bar Foundation, federal judicial liaison, judicial section liaison, out-of-state lawyer liaison, Board of Disciplinary Appeals/remarks from the general public/and adjourn.

Contact: Anne McKenna, P.O. Box 12487, Austin, Texas 78711, 1-800-204-2222.

Filed: March 29, 1995, 4:04 p.m.

TRD-9503834

## Texas Certified Self-Insurer Guaranty Association

Thursday, April 6, 1995, 9:00 a.m.

4000 South IH-35, Southfield Building

Austin

Board

**AGENDA:**

1. Call to order
2. Approval of minutes for the public meeting of March 8, 1995
3. Discussion, consideration, and possible action on the renewal applications for Johnson Controls, Inc., Smith's Food and Drug Centers, Inc., Winn-Dixie Texas, Inc., Albertson's, Inc., The Stanley Works and Subsidiaries, Kmart Corporation and Subsidiaries, and Roadway Express, Inc.
4. Other business
5. Discussion of future public meetings
6. Adjournment

**Contact:** Judy Roach, 98 San Jacinto Boulevard, 1600 San Jacinto Center, Austin, Texas 78701, (512) 322-2514.

**Filed:** March 28, 1995, 3:16 p.m.

TRD-9503779

**Credit Union Department**

**Friday, April 7, 1995, 8:00 a.m.**

Credit Union Department Building, 914 East Anderson Lane

Austin

Commissioner Evaluation Committee

**AGENDA:**

Discussion of commissioner evaluation in executive session with action taken on evaluation or determine the need and date of next committee meeting, if any, in open session.

**Contact:** James W. Ratzman, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 637-9236.

**Filed:** March 29, 1995, 2:03 p.m.

TRD-9503813

**Friday, April 7, 1995, 10:00 a.m.**

Credit Union Department Building, 914 East Anderson Lane

Austin

Credit Union Commission

**AGENDA:**

To Invite: Public input for future consideration. To Receive: Minutes of February 13, 1995, commission meeting; and communications; committee report from the Texas Share Guaranty Credit Union (TSGCU) Oversight Committee and Commissioner Evaluation Committee. To Consider: Final adoption of Rule 97.102 and vote on matters discussed in executive session, if necessary. To Conduct: An executive session to discuss credit unions and problem cases; to consult with legal counsel regarding

contemplated legal action, and existing litigation and administrative actions; and discuss the commissioner's performance.

**Contact:** James W. Ratzman, 914 East Anderson Lane, Austin, Texas 78752-1699, (512) 837-9236.

**Filed:** March 29, 1995, 2:04 p.m.

TRD-9503815

**Texas Education Agency**

**Thursday, April 6, 1995, 9:00 a.m.**

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee of the Whole

**AGENDA:**

Public testimony; commissioner's overview of the April 1995 State Board of Education (SBOE) meeting; request for confirmation of membership to the Committee of Practitioners for Career and Technology Education; request for confirmation of membership to the Investment Advisory Committee on the Permanent School Fund; update on the Academics 2000 Initiative; presentation of the Task Force on Adult Education and Literacy draft policy statement; update on legislative issues; and discussion of pending litigation, this discussion will be held in executive session in accordance with §551.071(1) (A), Texas Government Code, and will include a discussion of Edgewood ISD et al. v. Meno and related school finance litigation, Angel G. et al. v. Meno, et al.; T.E.A. et al. v. Gary W. Leeper et ux., et al. relating to home schooling, Maxwell, et al. v. Pasadena ISD relating to Texas Assessment of Academic Skills (TAAS) testing, and Casias, et al. v. Moses, et al. relating to accountability intervention. NOTE: The Committee of the Whole will meet in Room 1-103 to discuss pending litigation.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:19 p.m.

TRD-9503841

**Thursday, April 6, 1995, 1:00 p.m.**

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on School Finance

**AGENDA:**

Public testimony; school finance update; request for authorization to request funding

for fiscal years 1995-1996; and update on legislative issues.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:20 p.m.

TRD-9503843

**Thursday, April 6, 1995, 1:00 p.m.**

Room 1-100, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on Students

**AGENDA:**

Public testimony; proposed new 19 TAC §75.175, Texas Academy of Leadership in the Humanities; proposed repeal and adoption of new 19 TAC §89.246, Memorandum of Understanding on Transition Planning for Students Receiving Special Education Services; discussion of issues related to disability law; adoption of measures for the Distinguished Achievement Program; revisions to the academic achievement record and graduation seals; update of the essential elements clarification process; discussion of issues regarding credits for physical education; discussion of the Consolidated State Plan under the Improving America's Schools Act of 1994; update on legislative issues.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:18 p.m.

TRD-9503840

**Thursday, April 6, 1995, 1:00 p.m.**

Room 1-111, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on Personnel

**AGENDA:**

Public testimony; petition for adoption of a rule change regarding 19 TAC §89.211, Eligibility Criteria (Mental Retardation); petition for adoption of a rule change regarding 19 TAC §89.211, Eligibility Criteria (Emotional Disturbance); petition for adoption of a rule change regarding 19 TAC §89.211, Eligibility Criteria (Autism); petition for adoption of a rule change regarding 19 TAC §89.214, Special Education Professional Support Personnel; discussion of Texas celebrations of educational excellence; report on ethnic-gender distribution of Texas Education Agency personnel; status report on the accreditation, interventions, and sanctions of school districts; and update on legislative issues.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:19 p.m.

TRD-9503842

**Thursday, April 6, 1995, 1:00 p.m.**

Texas Education Agency, 1701 North Congress Avenue, Room 6-101

Austin

Texas Environmental Education Advisory Committee (TEEAC) Teacher Education Standards Subcommittee

**AGENDA:**

The Texas Environmental Education Advisory Committee (TEEAC) Teacher Education Standards Subcommittee will:

Revise the "Environmental Education Staff Development Programs—Criteria for Selection"

Revise the "Environmental Education Conceptual Framework" document

Discuss environmental education literacy assessment strategies

Discuss environmental education curriculum inclusion strategies

**Contact:** Irene Pickhardt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9566.

**Filed:** March 28, 1995, 2:05 p.m.

TRD-9503776

**Friday, April 7, 1995, 8:30 a.m.**

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on Long-Range Planning

**AGENDA:**

Public testimony; expert speaker presentation: Issues related to essential skills and knowledge and student learning results; biennial progress report on the Long-Range Plan for Technology of the State Board of Education (1988-2000); approval of innovative program grants funded through the Educational Economic Policy Center; development of the State Board of Education Long-Range Plan for Public Education, 1995-1999; impact of telecommunications legislation on public education; discussion of federal governmental relations activities; and update on legislative issues.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:20 p.m.

TRD-9503844

**Friday, April 7, 1995, 8:30 a.m.**

Room 1-109, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE) Committee on the Permanent School Fund (PSF)

**AGENDA:**

Public testimony; authorization of request for proposal for custodial services and securities lending operations; recommended Permanent School Fund investment program for April and the funds available for the program; review of Permanent School Fund securities transactions and the investment portfolio; report of the Permanent School Fund (PSF) executive administrator; and update on legislative issues.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:20 p.m.

TRD-9503845

**Friday, April 7, 1995, 8:30 a.m.**

Texas Education Agency, 1701 North Congress Avenue, Room 8-101 and 6-101

Austin

Texas Environmental Education Advisory Committee (TEEAC)

**AGENDA:**

Recommendations to modify matrix and ten core themes of environmental education

The continuation of the Texas Environmental Education Advisory Committee and related issues such as scheduling fall training for TEEAC sites throughout the state

Selection of teachers to receive stipends—Camp TEEAC

Sharing our vision for environmental education—the Texas Natural Resource Conservation Commission and Environmental Protection Agency Conference

Report on license plate legislation

Establishing goals for environmental education

Report on binational environmental education

Report on revisions to the Texas Education Code

Reports from TEEAC subcommittees: Teacher Standards, Finance, Communications, Instructional Materials Review, Policy, and Liaison

**Contact:** Irene Pickhardt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9566.

**Filed:** March 28, 1995, 2:05 p.m.

TRD-9503777

**Friday, April 7, 1995, 1:00 p.m.**

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

State Board of Education (SBOE)

**AGENDA:**

Approval of minutes of March 10, 1995 SBOE meeting; public testimony; resolutions of the SBOE; approval of consent agenda, membership to the Committee of Practitioners for Career and Technology Education; membership to the Investment Advisory Committee on the Permanent School Fund; petitions for adoption of rule changes; 19 TAC §75.175, Texas Academy of Leadership in the Humanities; 19 TAC §89.246, Memorandum of Understanding on Transition Planning for Students Receiving Special Education Services; adoption of measures for the Distinguished Achievement Program; approval of request for authorization to request funding for fiscal years 1995-1996; approval of biennial progress report on the Long-Range Plan for Technology of the State Board of Education (1988-2000); approval of innovative program grants funded through the Educational Economic Policy Center; authorization of request for proposal for custodial services and securities lending operations; recommended Permanent School Fund Investment Program for April and the funds available for the program; and information on agency administration.

**Contact:** Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

**Filed:** March 29, 1995, 4:20 p.m.

TRD-9503846

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**Advisory Commission on  
State Emergency Commu-  
nications**

**Friday, April 7, 1995, 11:15 a.m.**

Hobby Building, Room 1250 A, 333 Guadalupe

Austin

Poison Center Coordinating Committee Meeting

**AGENDA:**

The committee will call the meeting to order and recognize guests; hear public comment; hear reports and discuss and take commission action, as necessary, on: Approval of March 3, 1995 meeting minutes; old business; brief status update from each poison center in the Texas Poison Center Network; report from the Texas Department of Health and the Advisory Commission on

State Emergency Communications on operations of the Texas Poison Center Network; report of the Subcommittee on Medical Management and Protocols; report of the Subcommittee on Operations; report of the Subcommittee on Education; report of Subcommittee on DUMP the Medicines Campaign; report of the Subcommittee on Telecommunications; report of the Subcommittee on Finance; new business; and adjourn.

Persons requesting interpreter services for the hearing- and speech-impaired should contact Velia Williams at (512) 305-6933 at least two working days prior to the meeting.

Contact: Jim Goerke, 333 Guadalupe Street, Austin, Texas 78701, (512) 305-6911.

Filed: March 28, 1995, 3:16 p.m.

TRD-9503778

### Texas Department of Human Services

Thursday, April 6, 1995, 10:00 a.m.

701 West 51st Street, Sixth Floor Conference Room, West Tower

Austin

Services to Persons with Disabilities Subcommittee

AGENDA:

1. Welcome and introductions. 2. Approval of minutes of January 31, 1995. 3. Comments by chair. 4. Public comment. 5. Director's update on OSPD fiscal year 1995 status report. 6. Information item on licensure contract requirements for Primary Home Care; client managed attendant services; and special services to persons with disabilities-24 hour attendant care. 7. Future of SSPD regarding funds not appropriated for reimbursement of TDHS Advisory Committee members for fiscal year 1996-1997. 8. Next meeting set for Thursday, June 1, 1995 at 10:00 a.m. in Room 651W. 9. Adjournment.

Contact: D. J. Johnson, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3533.

Filed: March 28, 1995, 11:19 a.m.

TRD-9503770

### Texas Department of Insurance

Tuesday, April 11, 1995, 10:00 a.m.

333 Guadalupe Street

Austin

Texas Title Insurance Guaranty Association Board of Directors

### AGENDA:

The Board of Directors of the Texas Title Insurance Guaranty Association will meet on April 11, 1995 to consider and approve minutes from the previous meeting; elect officers; special deputy receiver's report; title examiner's report; financial report; audit report; conservator's report; and counsel's report.

Contact: Burnie Burner, 301 Congress Avenue, Suite 800, Austin, Texas 78701, (512) 474-1587.

Filed: March 28, 1995, 4:09 p.m.

TRD-9503781

### Texas Juvenile Probation Commission

Friday, April 7, 1995, 10:00 a.m.

2015 South IH-35

Austin

Board Meeting

AGENDA:

Call to order; excuse absences; approval of January 26, 1995 minutes; adoption of revised TJPC juvenile probation standards; Title IV-E Federal Foster Care Program-approval of revised Title IV-E federal foster care rules, update on Title IV-E Federal Foster Care Program, Title IV-E Conference; legislative update; discussion of requested waivers of the standards for juvenile detention facilities-Bexar County jail/detention waiver application, Travis County; TJPC/DPRS Joint Subcommittee report; TJPC/TYC Joint Subcommittee report; director's report-discussion of commitment performance targets, ISP Conference, HHSC update, fiscal year 1995 monthly expenditure report; closed executive session-discussion and acceptance of the resignation of the executive director and hiring process/procedures for a new executive director, discussion of designation of interim executive director (This meeting is closed to the public under the authority of Article 6252.17, §2(g), Texas Civil Statutes); open session to discuss and possibly act on the designation of interim executive director and the hiring process/procedures for a new executive director; public comment; schedule next meeting; and adjourn.

Contact: Vicki Wright, P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: March 30, 1995, 9:45 a.m.

TRD-9503870

### Texas Board of Professional Land Surveying

Friday, March 31, 1995, 9:00 a.m.

7701 North Lamar Boulevard, Suite 400

Austin

Emergency Revised Agenda

AGENDA:

The Board will meet to elect a vice chair.

Reason for emergency: The above noted addition to the agenda was not included on the original submission form. The open meeting is scheduled for this Friday, March 31, 1995.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: March 29, 1995, 2:46 p.m.

TRD-9503821

### Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Thursday, April 6, 1995, 9:30 a.m.

301 Congress Avenue, Suite 500, Board Room

Austin

Audit Committee Meeting

AGENDA:

Consideration and possible action on: 1) Approval of the January 5, 1995 minutes; 2) Independent audit of the financial statements for the Association as of December 31, 1994; 3) Independent auditor's reports related to the examination of management's assertions concerning the association's internal control structure as of December 31, 1994; 4) Executive session; 5) Matters discussed in executive session; 6) Texas Department of Insurance Liquidation Oversight Site visit; and 7) next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, #500, Austin, Texas 78701, (512) 476-5101.

Filed: March 29, 1995, 10:29 a.m.

TRD-9503797

### Texas State Board of Medical Examiners

Thursday, April 6, 1995, 10:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council Licensure Committee

AGENDA:

10:00 a.m.

Call to order

**Roll call**

Review of licensure applicants referred to the Licensure Committee by the executive director for determinations of eligibility for licensure:

10:00 a.m.—Mark Marshall, John Ross, Larry Vance, Michael McDonald

11:00 a.m.—Brian Resnik, Richard Blum, Willie Royster, Russell Daily

1:00 p.m.—Ramona Leach, James Verlander, April Tyrrel, Darrel Fleming, John Ricci

Petition for re-hearing of denial of licensure application

2:00 p.m.—William Mosier

Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, and Article 4495b-1, §4(h), Texas Civil Statutes and Article 22 of the Texas Administrative Code, §185.3(h).

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax (512) 834-4597.

Filed: March 29, 1995, 3:08 p.m.

TRD-9503826



Friday, April 7, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Hearings Division

**AGENDA:**

Probation appearance, 9:00 a.m.—Edward Allen Balli, M.D., Seguin, Texas

Probation appearance, 9:00 a.m.—Francisco B. Saucedo, M.D., San Antonio, Texas

Probation appearance, 9:00 a.m.—Robert Homan Stowe, M.D., El Paso, Texas

Probation appearance, 10:00 a.m.—Bernice Anderson, D.O., Fort Aransas, Texas

Probation appearance, 10:00 a.m.—Harvey Hays Jr., M.D., Borger, Texas

Probation appearance, 10:00 a.m.—Patrick F. Molligan, M.D., Lubbock, Texas

Modification request, 10:00 a.m.—Gene Markley Earl Jr., M.D., Tyler, Texas

Termination request, 11:00 a.m.—Walter Eugene Sjoberg Jr., M.D., Austin, Texas

Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b, §2.07(b) and §2.09(o), Texas Civil Statutes, regarding pending or contemplated litigation.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax (512) 834-4597.

Filed: March 29, 1995, 10:38 a.m.

TRD-9503799

Friday, April 7, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council Long Range Planning Committee

**AGENDA:**

1. Call to order

2. Roll call

3. Update from executive director and general counsel regarding legislative issues.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax (512) 834-4597.

Filed: March 29, 1995, 3:08 p.m.

TRD-9503824

Friday, April 7, 1995, 9:00 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council Licensure Committee

**AGENDA:**

9:00 a.m.

Call to order

Roll call

10:00 a.m.

Review of licensure applicants referred to the Licensure Committee by the executive director for determinations of eligibility for licensure:

Kenneth Jackson

Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b-1, §4(h), Texas Civil Statutes and Article 22 of the Texas Administrative Code, §185.3(h).

Review of Physical Assistant applications for permanent licensure. Executive session under the authority of the Open Meetings Act, §551.071 of the Governor Code and Article 4495b-1, §4(h), Texas Civil Statutes and Article 22 of the Texas Administrative Code, §185.3(h) to review licensure applications.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax (512) 834-4597.

Filed: March 29, 1995, 3:08 p.m.

TRD-9503825

Friday, April 7, 1995, 11:30 a.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Council Disciplinary Committee

**AGENDA:**

1. Call to order

2. Roll call

3. Executive session to review selected investigative files for dismissal. Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code, as related to the Article 4495b-1, §4(h), Texas Civil Statutes, §19, and Article 22 of the Texas Administrative Code, §185.3(h) and §185.23(a), and Opinion of the Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax (512) 834-4597.

Filed: March 29, 1995, 3:08 p.m.

TRD-9503827

Friday, April 7, 1995, 1:30 p.m.

1812 Centre Creek Drive, Suite 300

Austin

Physician Assistant Advisory Committee

**AGENDA:**

Call to order

Roll call

Executive session under the authority of the Open Meetings Act, §551.071 of the Government Code and Article 4495b-1, §4(h), Texas Civil Statutes and Article 22 of the Texas Administrative Code, §185.3(h) for private consultations between the council and its attorney with respect to pending or contemplated litigation.

Recommendation from the Licensure Committee related to approval of Physician Assistant applications for permanent licensure.

Report and recommendations from the Long Range Planning Committee.

Report and recommendations from the Disciplinary Planning Committee.

Discussion and possible action regarding executive director's report.

Approval of council minutes from previous council meetings.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402, Fax (512) 834-4597.

Filed: March 29, 1995, 3:09 p.m.

TRD-9503828



**Texas Natural Resource Conservation Commission**

Tuesday, May 16, 1995, 10:00 a.m.

Room 310A, Building A, TNRCC, Park 35 location off North IH-35, 12124 Park 35 Circle

Austin

Office of Hearings Examiners

**AGENDA:**

For a hearing before a hearings examiner on Application Number 5509, TNRCC Docket Number 95-0494-WR, submitted by the United States Department of Interior, Bureau of Reclamation for a permit pursuant to §11.121, Texas Water Code, and Texas Natural Resource Conservation Commission, Rules 30 TAC §§295.1, et seq in the Nueces River Basin and the San Antonio-Nueces Coastal Basin, San Patricio County, Texas. The Bureau of Reclamation (Bureau) has proposed the Rincon Bayou-Nueces Wetlands Restoration and Enhancement Project to demonstrate the benefits of introducing periodic freshwater inflows into a coastal estuary by means of a wetland marsh system. The targeted areas are very near sea level in elevation and the low-flying flats are intermittently inundated by wind driven tides and storm surges and occasionally inundated by flood flows from the Nueces River when the river bank is overtopped. This flooding results in beneficial flushing and inundation of the wetland areas and serves to transport nutrients from the river delta to the bay system. The Bureau proposes to facilitate a greater frequency of these inundation events by making non-permanent modifications, i.e., notching the river bank; channelization to transport flows into the marsh area and enhance distribution of the flood flows. The applicant has requested a ten year term.

Contact: Mike Rogan, P.O. Box 13087, Austin, Texas 78711-3087, (512) 239-4100.

Filed: March 29, 1995, 11:01 a.m.

TRD-9503801

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**Board of Nurse Examiners**

Tuesday, April 11, 1995, 9:00 a.m.

9101 Burnet Road, Suite 104

Austin

Eligibility and Disciplinary Committee

**AGENDA:**

The Disciplinary and Eligibility Committee will meet to review and take action on 21 declaratory orders; seven ALJ proposals for decision; 16 agreed orders; and five eligibility matters.

Contact: Erlene Fisher, Box 140466, Austin, Texas 78714, (512) 835-8675.

Filed: March 30, 1995, 8:37 a.m.

TRD-9503860

**Texas Optometry Board**

Friday, April 7, 1995, 8:30 a.m. (Committees meet April 6, 1995, at 2:00 p.m.)

Habitat Suites, 500 East Highland Mall Boulevard

Austin

**AGENDA:**

April 7, 1995-Board Meeting:

Consider reports of secretary-treasurer, legal counsel, executive director, committee chairpersons; adopt proposed Rule 279.15 defining practice of optometry with infectious or contagious disease (implement House Bill 1479, 73rd Legislature); consider amendment to Rule 280 Re: required annual meeting of Technical Advisory Committee; consider matters regarding Health Professions Council; International Association of Boards in Optometry matters; CLEAR meeting, September, 1995; consider correspondence from Texas Department of Insurance and licenses regarding HMO's and §6.01 of the Texas Optometry Act; budget and legislative matters; public comment at time certain of 9:30 a.m.; executive session to be held in compliance with §551.071 of the Government Code to discuss contemplated and pending litigation with Board attorney.

April 6, 1995-Committees to meet according to following schedule:

2:00 p.m.-Rules Committee; 2:30 p.m.-Continuing and Therapeutic Education Committee; 3:00 p.m.-Investigation-Enforcement Committee and all remaining committees.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: March 29, 1995, 11:02 a.m.

TRD-9503802

◆ ◆ ◆  
**State Pension Review Board**

Tuesday, April 11, 1995, 10:00 a.m.

State Capitol Building, Third Floor, Room 3E.4, outside front door of Senate Chambers

Austin

PRB Legislative Subcommittee

**AGENDA:**

Preparation of actuarial impact statements on bills from which actuarial information is available by meeting time, and for which requests have been received from legislative committees.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: March 29, 1995, 4:14 p.m.

TRD-9503839

Tuesday, April 11, 1995, 11:00 a.m.

State Pension Review Board Conference Room Four, Fourth Floor, Room 406, William Clements Building

Austin

Administrative Subcommittee

**AGENDA:**

1. Discussion on updating database.

Contact: Lynda Baker, P.O. Box 13498, Austin, Texas 78711, (512) 463-1736.

Filed: March 29, 1995, 4:31 p.m.

TRD-9503847

◆ ◆ ◆  
**Public Utility Commission of Texas**

Wednesday, April 12, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

**AGENDA:**

A prehearing conference is scheduled for the above date and time in Docket Number 14028: complaint of Dale J. Willenbring against Mr. and Mrs. Livingston regarding submetering.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 28, 1995, 11:31 a.m.

TRD-9503773

Thursday, April 27, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

**AGENDA:**

A hearing on the merits has been scheduled in Docket Number 12551-application of Houston Lighting and Power Company for approval of calculation of House Bill 11 Tax Adjustment Factors for 1994.

Contact: 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 29, 1995, 4:10 p.m.

TRD-9503837

Thursday, June 22, 1995, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

Hearings Division

**AGENDA:**

A hearing on the merits has been scheduled in Docket Number 13369-application of

West Texas Utilities Company for authority in change rates and to reconcile fuel costs.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 28, 1995, 4:03 p.m.

TRD-9503780

◆ ◆ ◆  
**Texas National Research  
Laboratory Commission**

Friday, March 31, 1995, 1:30 p.m. (Rescheduled from March 30, 1995.)

Room E1.020, Capitol Extension, State Capitol

Austin

Emergency Meeting

Emergency Revised Agenda

Commission

AGENDA:

Call to order and administrative actions—Shelton Smith

- 1) Approval of excused absences
- 2) Approval of minutes

Chairman's report—Shelton Smith

Recess for Texas National Research Laboratory Commission Financing Corporation meeting (Charles Perry, Thomas D. Williams, Jerome Johnson)

Reconvene as full commission

Report of Financing Committee

1) A resolution authorizing redemption and defeasance of all outstanding Texas National Research Laboratory Commission Financing Corporation Lease Revenue Bonds, Series 1991 and taking other actions in connection therewith

Executive director's report—Edward C. Bingler

Executive session

- 1) To seek legal advice concerning matters involving intellectual property rights
- 2) To deliberate the appointment, employment, evaluation, reassignment, and duties of officers and employees of the commission

Public comment

Adjourn

Reason for emergency: Defeasance of the bonds requires commission action and notice to bond holders no later than April 1, 1995.

Contact: Dixie Eoff, 2275 North Highway 77, Suite 100, Waxahachie, Texas 75165, (214) 935-7800.

Filed: March 28, 1995, 4:24 p.m.

TRD-9503784

Friday, March 31, 1995, 1:45 p.m. (Rescheduled from March 30, 1995.)

Room E1.020, Capitol Extension, State Capitol

Austin

Emergency Meeting

Emergency Revised Agenda

Corporation

AGENDA:

Call to order

The corporation will consider approval of a resolution authorizing (1) the extraordinary optional redemption and defeasance of all outstanding Texas National Research Laboratory Commission Financing Corporation Lease Revenue Bonds, Series 1991 (Superconducting Super Collider Project), (2) giving notice thereof, (3) entering into an escrow agreement to effect such defeasance, and (4) taking other actions in connection therewith.

Public comment

Adjourn

Reason for emergency: Defeasance of the bonds requires Commission action and notice to bond holders no later than April 1, 1995.

Contact: Dixie Eoff, 2275 North Highway 77, Suite 100, Waxahachie, Texas 75165, (214) 935-7800.

Filed: March 28, 1995, 4:09 p.m.

TRD-9503782

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**University of Houston System**

Monday, April 3, 1995, 1:00 p.m.

1600 Smith, Conference Room One, Suite 3400, UH System Offices

Houston

Facilities Planning and Building

AGENDA:

To discuss and/or act upon the following: Appointment of Architectural Design Consultant—University of Houston—Clear Lake

Contact: Peggy Cervenka, 1600 Smith, Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: March 29, 1995, 11:38 a.m.

TRD-9503804

**University of Houston System,  
Board of Regents**

Wednesday, April 5, 1995, 2:00 p.m.

Conference Room One, 1600 Smith, Suite 3400, UH System Offices

Houston

Finance and Audit Committee

AGENDA:

To discuss and/or act upon the following: Executive session: Informational reports from employees; and review of selected audit reports.

Contact: Peggy Cervenka, 1600 Suite 3400, Houston, Texas 77002, (713) 754-7440.

Filed: March 29, 1995, 11:37 a.m.

TRD-9503803

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**University Interscholastic  
League**

Monday, April 3, 1995, 9:00 a.m.

Thompson Conference Center, 26th and Red River

Austin

Waiver Review Board

AGENDA:

AA. Request for waiver of the four year rule by Richard Schon, Cy-Falls High School, Houston.

Contact: Sam Harper, 23001 Lake Austin Boulevard, Austin, Texas 78713, (512) 471-5883.

Filed: March 28, 1995, 1:49 p.m.

TRD-9503775

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**Texas Workers' Compensation  
Research Center**

Wednesday, April 5, 1995, 10:00 a.m.

Texas Department of Transportation, Building 200, Room 102

Austin

Board of Directors

AGENDA:

The Board of Directors of the Texas Workers' Compensation Research Center will meet to discuss and act on the following items: call to order; approval of minutes of meeting of March 1, 1995; public participation; announcements; research progress report to include consideration and acceptance of research reports Return-to-Work Patterns and Time Intervals for Texas Workers'



Compensation Claimants Reaching Maximum Medical Improvement and System Performance Update: Employer Participation in the Texas Workers' Compensation System; fiscal year 1995 budget; confirmation of meeting of May 3, 1995; and adjournment.

Individuals who may require auxiliary aids or services for this meeting should contact Lavon Guerrero at (512) 469-7811 at least two days prior to the meeting so that appropriate arrangements can be made.

Contact: Lavon Guerrero, 105 West Riverside Drive, Suite 100, Austin, Texas 78704, (512) 469-7811.

Filed: March 28, 1995, 1:02 p.m.

TRD-9503774

Thursday, April 6, 1995, 9:30 a.m.

4000 South IH-35, Room 910-911, Southfield Building

Austin

AGENDA:

1. Call to order
2. Approval of minutes for the public meeting of March 9, 1995
3. Discussion and possible action on requests for renewal of certificate to self-insure
4. Discussion and possible action on final grant or denial of requests for renewal of certificate of authority to self-insure
5. Discussion and possible action on withdrawal of Certified Self-Insurer Campbell Soup Company from self-insurance
6. Discussion and possible action on adoption of rules: Rules 134.601
7. Discussion and possible action on adoption of repeal: Rule 134.600
8. Discussion and possible action on accident prevention services rules for proposal: Rules 166.1-166.9
9. Discussion and possible action on proposal of repeal: Rules 166.2, 166.100-166.109, and 166.111-166.113
10. Report on rule making petition: Rule 124.7
11. Executive session
12. Action on matters consider in executive session
13. General reports, discussion and possible action on issues relating to commission activities
14. Commissioner subcommittee reports and possible discussion, decisions and action on related rules
15. Confirmation of future public meetings and hearings

16. Discussion and possible action on future agenda items

17. Adjournment

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 440-5690.

Filed: March 29, 1995, 4:51 p.m.

TRD-9503857

## Regional Meetings

### Meetings Filed March 28, 1995

The Lavaca County Central Appraisal District Board of Directors will meet at 113 North Main Street, Hallettsville, April 10, 1995, at 4:00 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9503783.

### Meetings Filed March 29, 1995

The Ark-Tex Council of Governments Ark-Tex Private Industry Council Planning and Worker Adjustment Committee will meet at Northeast Texas Community College, Student Union Building, Sub 109, Mt. Pleasant, April 6, 1995, at 10:30 a.m. Information may be obtained from Sandy Dean, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9503849.

The Ark-Tex Council of Governments Ark-Tex Private Industry Council will meet at Northeast Texas Community College, Student Union Building, Sub 109, Mt. Pleasant, April 6, 1995, at 1:30 p.m. Information may be obtained from Sandy Dean, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9503848.

The Austin Transportation Study Policy Advisory Committee met at 26th and Red River, Joe C. Thompson Conference Center, Room 2.102, Austin, April 3, 1995, at 6:00 p.m. Information may be obtained from Michael R. Aulick, P.O. Box 1088, Austin, Texas 78767, (512) 499-2275, Fax: (512) 499-2269. TRD-9503822.

The Austin-Travis County MHMR Center Public Relations Committee will meet at 1430 Collier Street, Board Room, Austin, April 5, 1995, at 12:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9503833.

The Bexar Appraisal District Board of Directors met at 535 South Main Street, San Antonio, April 3, 1995, at 5:00 p.m. Information may be obtained from Beverly M. Houston, Box 830248, San Antonio, Texas 78283-0248, (210) 224-8511. TRD-9503798.

The Brazos River Authority Administrative Policy Committee Board of Directors will meet at 4400 Cobbs Drive, Waco, April 6, 1995, at 10:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9503851.

The Brazos River Authority Water Quality Committee Board of Directors will meet at 4400 Cobbs Drive, Waco, April 6, 1995, at 11:00 a.m. Information may be obtained from P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9503852.

The Brazos River Authority Board of Directors will meet at 4400 Cobbs Drive, Waco, April 6, 1995, at 1:00 p.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9503853.

The Brazos River Authority Water Resource Development Committee Board of Directors will meet at 4400 Cobbs Drive, Waco, April 7, 1995, at 9:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9503854.

The Brazos River Authority Water Utilization Committee Board of Directors will meet at 4400 Cobbs Drive, Waco, April 7, 1995, at 10:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9503855.

The Brazos River Authority Lake Management Committee Board of Directors will meet at 4400 Cobbs Drive, Waco, April 7, 1995, at 11:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9503856.

The Cash Water Supply Corporation Board of Directors met at Highway 69, Lone Oak Elementary School, Lone Oak, April 3, 1995, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129. TRD-9503814.

The Tyler County Appraisal District Appraisal Review Board will meet at 806 West Bluff, Woodville, April 12, 1995, at 10:00 a.m. Information may be obtained from Eddie Chalmers, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736. TRD-9503823.

The Colorado River Municipal Water District Board of Directors will meet at 400 East 24th Street, Big Spring, April 6, 1995, at 10:00 a.m. Information may be obtained from O. H. Ivie, Box 869, Big Spring, Texas 79721, (915) 287-6341. TRD-9503836.

The Dallas Central Appraisal District Board of Directors (Regular Meeting) will meet at 2949 North Stemmons Freeway.



Second Floor Community Room, Dallas, April 5, 1995, at 7:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9503850.

The Kendall Appraisal District Board of Directors will meet at 121 South Main Street, Boerne, April 4, 1995, at 6:30 p.m. Information may be obtained from Velma Bates, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012, Fax (210) 249-3975. TRD-9503832.



**Meetings Filed March 30,  
1995**

The Brazos Valley Development Council  
Brazos Valley Regional Advisory Commit-

tee on Aging will meet at 1706 East 29th Street, Bryan, April 4, 1995, at 2:30 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9503861.

The Elm Creek WSC Board will meet at 508 Avenue E, Moody, April 10, 1995, at 7:00 p.m. Information may be obtained from Debra Williams, 508 Avenue E, Moody, Texas 76557, (817) 853-3838. TRD-9503869.

The Lometa Rural Water Supply Corporation (Emergency Meeting.) Board of Directors met at the Lometa School Library, 505 East Lampasas Street, Lometa, March 30, 1995, at 7:00 p.m. (Reason for emergency: Discuss water rate increase.) Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa,

Texas 76853, (512) 752-3505. TRD-9503871.

The Texas Political Subdivisions Joint Self-Insurance Funds (Emergency Meeting.) Board of Trustees met (teleconference originated from) 14135 Midway Road, Suite 300, Dallas, March 30, 1995, at 11:00 a.m. (Reason for emergency: To address financial audit and get some direction from the Board.) Information may be obtained from James R. Gresham, P.O. Box 803356, Dallas, Texas 75380, (214) 392-9430. TRD-9503859.





Name: Vuong Loi  
Grade: 7  
School: Haltom Middle School, Birdville ISD

# IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Education Agency

### Request for Applications Concerning the Even Start Family Literacy Program, 1995-1996

The availability of grant funds under Request for Applications (RFA) #701-95-026 is authorized by Public Law 103-382, Part B of Title I of the Elementary and Secondary Education Act, as amended.

**Eligible Applicants.** The Texas Education Agency (TEA) is requesting applications from a school district, cooperative of school districts, or regional education service center that, acting as fiscal agent, applies in partnership with a community-based organization, a public agency, an institution of higher education, or a public or private non-profit organization of demonstrated quality; or a community-based organization, a public agency, an institution of higher education, or a public or private nonprofit organization of demonstrated quality that, acting as fiscal agent, applies in partnership with a school district or cooperative of school districts to develop a program to improve the educational opportunities of children and adults by integrating early childhood education and adult education for parents into a unified program.

**Description.** The objectives of the Even Start Family Literacy Program include the following:

1. to provide family-centered education projects that help parents become full partners in the education of their children;
2. to assist children receiving early childhood education in reaching their full potential as learners;
3. to provide literacy training for parents of family units participating in the project;
4. to improve the educational opportunities of the nation's children and adults by integrating early childhood education and adult education for parents into a unified program;
5. to assist families with parenting strategies in child growth and development and educational process for children from birth through age seven; and
6. to coordinate efforts that build on existing community resources to create a new range of services.

To qualify for this program, a family must be most in need of the Even Start services, as indicated by a low level of income, a low level of adult literacy or English language proficiency of the eligible parent or parents, and other need-related indicators. Eligible participants in this program are as follows: a parent or parents who are eligible

for participation in an adult basic education program under the Adult Education Act; or a parent or parents who are within the state's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component; and the child or children, from birth through age seven, of the parents as described previously. The family must participate in all elements of the program.

**Dates of Program.** The Even Start Family Literacy Program will be implemented during the 1995-1996 school year. Applicants should plan for a starting date of no earlier than September 1, 1995, and an ending date of not later than August 31, 1996.

**Program Amount.** Funding will be provided for approximately ten projects. Federal law requires that each grant be at least \$75,000 per year. Funding for continuation of the project each year, for up to four years, will be based on satisfactory progress of the first-year objectives and activities and on general budget approval by the State Board of Education, the commissioner of education, and the state legislature. This project is funded 90% from Title I federal funds (\$2,251,381) and 10% from nonfederal sources (\$250,153). Cost sharing for the four years will be:

1. 10% of the total cost of the program in the first year the eligible entity receives assistance;
2. 20% in the second year;
3. 30% in the third year;
4. 40% in the fourth year; and
5. 50% for any program refunded for another four years.

**Selection Criteria.** Applications will be reviewed on a competitive basis and approved based on the ability of each applicant to carry out all requirements contained in the RFA. A complete list of specific selection criteria is included in the application packet. The TEA reserves the right to select from the highest ranking applications, programs that are representative of urban and rural areas of the state.

The TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before any application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

**Requesting the Application.** A complete copy of RFA #701-95-026 may be obtained by writing the: Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, or by calling (512) 463-9304. Please refer to the RFA number in your request.

Further Information. For clarifying information about this application, contact Dr. Ramona Jo DeValcourt, Lillie Elizondo-Limas, or Leni Greenfield, Division of Adult and Community Education, Texas Education Agency, (512) 463-9294.

Deadline for Receipt of Applications. Applications must be received in the Document Control Center of the Texas Education Agency by 5:00 p.m. (Central Standard Time), Wednesday, May 31, 1995, to be considered.

Issued in Austin, Texas, on March 29, 1995.

TRD-9503785      Cris Cloutd  
Executive Associate Commissioner for  
Policy Planning and Information  
Management  
Texas Education Agency

Filed: March 29, 1995

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## Texas Employment Commission

### Announcement of Available Funds and Request for Proposals

Summary: The Texas Employment Commission is pleased to announce the availability of One-Stop Career Center System funds from the U.S. Department of Labor (DOL). The purpose of the funds is to assist local areas in establishing a system that organizes DOL and other employment and training programs into settings that provide universal access, integrate program functions, offer choices to job seekers as well as employers and use outcome-based performance measures. The minimum services that must be available through the system include labor market information, common intake and eligibility determination, independent assessment, case management and counseling, referral for services, supportive services and extensive services for employers. At the end of the first year of operation, the following programs must be included within the one-stop system: Employment Service, Veterans Employment Service, Job Training Partnership Act (JTPA), Senior Community Service Employment Program, Unemployment Insurance Program, Food Stamp Employment and Training, JOBS, Adult Education, Literacy, Perkins Act post-secondary programs, Trade Adjustment Assistance and School-to-Work.

Funds will be awarded on a competitive basis to public or private agencies which can demonstrate the capability to administer federal funds and perform services and which meet the criteria established by the Texas Council on Workforce and Economic Competitiveness (TCWEC). Minimum criteria include developing a three year plan for the workforce development area, demonstrating community support, separating the role of administrative entity and/or center operator from the role of education and training provider, securing partnership agreements between the Texas Employment Commission and the Service Delivery Area of the JTPA, demonstrating support of the chief elected officials, submitting plans that reflect integration of service and information that goes beyond collocation, being reviewed at the local level by local workforce advisory bodies, having a direct or in-kind funding base for multiple sources, include employer services and being submitted from a designated workforce development area or, if the area is undesignated, being submitted by a JTPA Service Delivery Area or a consortium of Service Delivery Areas.

Application Deadline: Proposals must be received by Thursday, April 13, 1995 at 5:00 p.m. or postmarked not later than Tuesday, April 11, 1995. Proposals may be mailed to: One-Stop Systems, Room 458-T, Texas Employment Commission, 101 East 15th Street, Austin, Texas 78778-0001 or may be hand delivered to: Kevin Faulkner, or One-Stop Systems Designee, 1117 Trinity Street, Room 458-T, Austin, Texas, (512) 463-7750. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date.

Proposal Funding Awards: It is anticipated that awards will be in the range of \$150,000 to \$250,000 and that up to seven areas of the state will be funded. Complete applications from eligible entities will be evaluated by a team of inter-agency state staff members utilizing criteria established by TCWEC. Additional funding may be provided for two subsequent years contingent upon satisfactory performance and availability of funds from the federal level.

Issued in Austin, Texas on March 27, 1995.

TRD-9503723      C. Ed Davis  
Deputy Administrator for Legal Affairs  
Texas Employment Commission

Filed: March 27, 1995

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## Texas Department of Health

### Correction of Error

The Texas Department of Health proposed amendments to §§143.2, 143.4, 143.11, and 143.15; repeal of existing §143.9; and new §143.9, concerning definitions, fees, standards for the approval of curricula and instructors for medical radiologic technology, continuing education, and alternate eligibility. The rules appeared in the March 7, 1995, issue of the *Texas Register* (20 TexReg 1619).

Due to an oversight on the department's part, several errors were inadvertently included in the submission of §143.15.

Existing subsection (b) was split into two subsections, forming a new subsection (c). Under new subsection (c), the boldface type indicates that paragraph numbers (1)-(4) are new; this is incorrect. The only language that should appear in the boldface type is the "; and" at the end of the paragraph (4) and all language in new paragraph (5).

Under new subsection (d)[(c)], paragraph numbers (1)-(5) are boldface type; this is incorrect.

Under new subsection (c)[(d)], paragraph numbers (1)-(4) are boldface type; this is incorrect.

Under new subsection (e)[(d)], the text to paragraph (1) is not new language and should not appear in boldface type.

Under new subsection (c)[(d)], the text subparagraphs (A)-(O) of paragraph (4) are not new language and should not appear in boldface type.

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## Notice of Rescission of Orders

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders: Emergency Cease and Desist Order issued February 23, 1995, to AME Health Care Center, 9310 North

Lamar Boulevard, Austin, Texas 78753, holder of Certificate of Registration Number R12472; and Emergency Cease and Desist Order issued August 23, 1994, to Scotty G. Word, D.D.S., Inc., 1021 Southwest Third Street, Grand Prairie, Texas 75051, holder of Certificate of Registration Number R08393.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas on March 28, 1995

TRD-9503757 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 28, 1995

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**Notice of Revocation of Certificates of Registration**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following certificates of registration: Goodyear Proving Grounds, San Angelo, R00300, March 23, 1995; John O. Nix, D.D. S., Texarkana, R06575, March 23, 1995; Rene M. Rosas, D.D.S., Inc., El Paso, R10326, March 23, 1995; Randy A. Parham, D.D.S., Fort Worth, R11447, March 23, 1995; Jerry Colapret, D.D.S., Houston, R14300, March 23, 1995; Southern Medical Services, Inc., Seminole, Florida, R19811, March 23, 1995; Braeswood Medical Clinic, Houston, R20211, March 23, 1995; Hector E. Laurel, D.D.S., Austin, R20343, March 23, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 29, 1995.

TRD-9503792 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 29, 1995

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**Notice of Revocation of a Radioactive Material License**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following radioactive material license: Maurer Tools, Inc., Houston, L03040, March 23, 1995.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Texas, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on March 29, 1995.

TRD-9503791 Susan K. Steeg  
General Counsel  
Texas Department of Health

Filed: March 29, 1995

**Texas Department of Insurance  
Third Party Administration Applications**

The following third party administrator (TPA) applications have been filed with the Texas Department of Insurance and are under consideration.

1. Application for incorporation in Texas for Beneserve, Inc., a domestic third party administrator. The home office is in Houston, Texas.
2. Application for incorporation in Texas for Eagle Employee Benefit Services, Inc., a domestic third party administrator. The home office is in Amarillo, Texas.

Any objections must be filed within 20 days after this notice was filed with the Secretary of State, addressed to the attention of Charles M. Waits, MC 107-5A, 333 Guadalupe, Austin, Texas 78714-9104.

Issued in Austin, Texas, on March 29, 1995.

TRD-9503790 Alicia M. Fachtel  
General Counsel and Chief Clerk  
Texas Department of Insurance

Filed: March 29, 1995

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**Texas Board of Nursing Facility Administrators**

**Public Hearing**

The Texas Board of Nursing Facility Administrators has scheduled a public hearing concerning the proposed rules to Title 22, Texas Administrative Code, Chapter 241 which were published in the March 3, 1995, issue of the *Texas Register* (20 TexReg 1490). The public hearing will be held at 9:00 a.m. on Monday, April 10, 1995 at the Dallas Medallion Hotel, 4099 Valley View, Dallas, Texas 75244, (214) 385-9000.

For further information, contact Bobby D. Schmidt, Executive Director, Texas Board of Nursing Facility Administrators, 1100 West 49th Street, Austin, Texas 78756-3183, (512) 834-6787.

Issued in Austin, Texas, on March 28, 1995

TRD-9503756 Bobby D. Schmidt  
Executive Director  
Texas Board of Nursing Facility Administrators

Filed: March 28, 1995

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**The Texas A&M University System,  
Board of Regents**

**Public Notice**

Pursuant to Texas Education Code, §51.913, and Texas Government Code, §552.123, the following candidates are the finalists for the position of President of West Texas A&M University and upon the expiration of 21 days, final action is to be taken by the Board of Regents of the Texas A&M University System:

- (1) Dr. Russell C. Long
- (2) Dr. William C. Merwin
- (3) Dr. Richard M. Summerville

Issued in College Station, Texas, March 21, 1995.

TRD-9503567

Vickie Running  
Secretary of the Board of Regents  
The Texas A&M University System

Filed: March 23, 1995

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**Texas Department of Transportation**  
**Notices of Award**

Pursuant to Chapter 2254, Subchapter A, of the Government Code, the Texas Department of Transportation, Aviation Division publishes this notice of a consultant contract award for providing professional engineering services.

The request for qualifications for professional engineering services was published in the *Texas Register* on September 6, 1994 (19 TexReg 7157).

The consultant will provide professional engineering services for the design and construction administration phases for the following:

**TxDOT Project: 96-15-031, City of Caddo Mills.** The engineering firm for these services is: KSA Engineers, Inc. The total value of the contract is \$138, 822.50 and the contract period starts on March 9, 1995, until the completion of the project.

**TxDOT Project: 96-17-061, City of Hereford.** The engineering firm for these services is: Oller Engineering Inc. The total value of the contract is \$124, 512 and the contract period starts on March 23, 1995, until the completion of the project. **TxDOT Project: 95-15-031, City of Memphis.** The engineering firm for these services is: Hibbs & Todd, Inc. The total value of the contract is \$124,536 and the contract period starts on March 23, 1995, until the completion of the project.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503752

Robert E. Shaddock  
General Counsel  
Texas Department of Transportation

Filed: March 28, 1995

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Pursuant to Chapter 2254, Subchapter A, of the Government Code, the Texas Department of Transportation, Aviation Division publishes this notice of a consultant contract award for providing professional engineering services.

The request for qualifications for professional engineering services was published in the *Texas Register* on September 13, 1994 (19 TexReg 7212).

The consultant will provide professional engineering services for the design and construction administration phases for the following:

**TxDOT Project: 95-24-043, City of Crosbyton.** The engineering firm for these services is: Parkhill, Smith & Cooper, Inc. The total value of the contract is \$33,283 and the contract period starts on March 9, 1995, until the completion of the project.

**TxDOT Project: 95-23-023, County of Crane.** The engineering firm for these services is: Gutierrez, Smouse, Wilmut & Associates. The total value of the contract is

\$19,191 and the contract period starts on March 9, 1995, until the completion of the project.

**TxDOT Project: 95-29-033, City of Sonora.** The engineering firm for these services is: Hibbs & Todd, Inc. The total value of the contract is \$29,420.70 and the contract period starts on March 23, 1995, until the completion of the project.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503753

Robert E. Shaddock  
General Counsel  
Texas Department of Transportation

Filed: March 28, 1995

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Pursuant to Chapter 2254, Subchapter A, of the Government Code, the Texas Department of Transportation, Aviation Division publishes this notice of a consultant contract award for providing professional engineering services.

The request for qualifications for professional engineering services was published in the *Texas Register* on September 23, 1994 (19 TexReg 7561).

The consultant will provide professional engineering services for the design and construction administration phases for the following:

**TxDOT Project: 96-15-031, County of Ector.** The engineering firm for these services is: Charles Willis & Associates, Inc. The total value of the contract is \$59,973 and the contract period starts on March 3, 1995, until the completion of the project.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503754

Robert E. Shaddock  
General Counsel  
Texas Department of Transportation

Filed: March 28, 1995

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**Public Notice**

The Texas Traffic Records Council is scheduled to have a meeting April 6, 1995, 1:30 p.m. at the Texas Department of Public Safety located at 5805 North Lamar Boulevard in conference room "B", Austin Texas. The Traffic Records Council is a Texas Department of Transportation advisory committee composed of representatives for TxDOT, Department of Public Safety, Texas Health Department, metropolitan planning organizations, and county and city officials. The purpose of the Traffic Records Council is to improve the traffic record systems in Texas. Items on the Council's agenda includes reports from its Technology and Standards, and Education and Information, Data Linkage committees. Reports from the Forum and "Off-System" task force will be presented. Status of Ex-Officio Members to the Council will be made. There will also be a report on the support for the Texas Traffic Records Council and an update on the Texas Highway Safety Plan.

For further information, contact Jim Taylor, Traffic Operations Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701, (512) 416-3150.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503748

Robert E. Shaddock  
General Counsel  
Texas Department of Transportation

Filed: March 28, 1995

## Request for Information

**Introduction:** The Texas Department of Transportation (TxDOT) publishes this request for information for the future business process re-engineering (BPR) of its human resource function, including the planning, training, development, retention, and management of its human resources. The BPR effort is expected to include a comprehensive analysis of the department's human resource function statewide to determine the need for change, build a business case for making needed changes, evaluate the best practices of other enterprises to determine applicability for TxDOT and to establish performance targets, develop a vision of how processes should work in the future, redesign business processes, build new business processes and organizational infrastructure, and implement new business processes. The BPR effort is expected to assist the department with organizational change management.

**Department Profile:** With an annual budget of approximately \$2 billion, the department's responsibilities include planning, designing, constructing, maintaining, and operating a comprehensive intermodal state transportation system that includes highways, public transportation, aviation, Gulf intercoastal waterways, and motor vehicle registration and titling.

The department has approximately 14,500 employees in 25 district office located geographically across the state and 24 division and special offices located in Austin, Texas. Each district office oversees multiple area and maintenance section offices. The district offices divide responsibility for transportation system development within the state. The divisions support the activities of the districts and the department's other transportation activities.

**Purpose:** This request for information (RFI) is to solicit information only from interested consulting firms concerning their approach to business process re-engineering as described in the introduction of this document; it is not a request for proposals (RFP), and proposals are not to be submitted.

Contents of this RFI are for guidance only and should not be viewed as constraining guidelines. The RFI describes what TxDOT envisions for business process re-engineering of its human resources function; however, any suggestions or comments on how we may enhance the requirements of the human resources business process re-engineering effort would be welcome.

**Request for Information:** Firms that have conducted business process re-engineering (BPR) of a human resource function or that have the capability of performing BPR are asked to provide information to TxDOT. TxDOT seeks the following general information: company and staff consultant experience and success in assisting organizations in re-engineering human resource processes; a description of methodology used for BPR and a broad description of

BPR phases, activities, and steps; approach to organizational change management, how re-engineering the human resources function will support organizational change management; and a description of how process stakeholders and customers are included in the BPR process.

**Response Date and Agency Contact:** Firms who can provide this information are asked to submit two copies within 14 days from the date of this publication of this notice in the *Texas Register* to the following address: Texas Department of Transportation, Information Resources Management Office, Attention: Rebecca Murdock, 125 East 11th Street, Austin, Texas 78701-2483. If you have any questions, please call (512) 305-9260.

**Disclaimer:** Firms responding to this public notice will not be compensated for the information provided. Neither TxDOT nor the responding firms are obligated or expected to receive any benefit resulting from submitting information. The information furnished as a result of this public notice may be modified or otherwise included in a request for proposals.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503749

Robert E. Shaddock  
General Counsel  
Texas Department of Transportation

Filed: March 28, 1995

## Requests for Proposals

**Notice of Invitation:** The Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following service: Contract #17-5XXP5003 for Bridge Scour Surveys including site visits, secondary screening, and concise analysis.

**Deadline:** Deadline for receipt of letters of interest notifying TxDOT of the (provider) intent to submit a proposal, is April 14, 1995 at 5:00 p.m. at the TxDOT Bryan District Office, 1300 North Texas Avenue, Bryan, Texas, 77803-2760.

**Pre-proposal Meeting:** A mandatory pre-proposal meeting will be held on April 20, 1995 at Bryan District Office, at 10:00 a.m.

**Deadline:** Deadline for receipt of proposals is May 5, 1995, at 5:00 p.m., at the TxDOT Bryan District Office.

**Agency Contact:** Requests for additional information regarding this notice of invitation should be addressed to Richard Courtney, (409) 778-9768 or FAX (409) 778-9703.

The selected provider must perform a minimum of 30% of the actual contract work to qualify for contract award. The letter of interest must include the provider's name, address, telephone, name of provider's contact person and TxDOT contract number. Proposals will not be accepted from a provider that failed for any reason to attend a mandatory pre-proposal meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact the agency contact identified for the contract at least two work days prior to the meeting so that appropriate arrangements can be made.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503750      Robert E. Shaddock  
                         General Counsel  
                         Texas Department of Transportation

Filed: March 28, 1995

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Notice of Invitation: The Texas Department of Transportation (TxDOT) intends to engage an engineer, pursuant to Texas Government Code, Chapter 2254, Subchapter A, to provide the following services. The engineer selected must perform a minimum of 30% of the actual contract work to qualify for contract award.

Contract #18-545P5015 for engineering services involves the conducting of a major investment study (MIS) for the Trinity Parkway and Santa Fe Bypass corridors in the City of Dallas in Dallas County, Texas. The study shall establish the range of alternatives to be studied, such as alternative modes and technologies, general alignment, number of lanes, the degree of management, and operating characteristics. In addition, this MIS shall evaluate social, economic, and environmental impacts; cost-effectiveness of alternative investments; effectiveness of strategies in attaining local, state and national goals; and project financing. The MIS will contain sufficient information to measure and evaluate a range of viable alternatives. These alternatives will be evaluated, both quantitatively and qualitatively, against a baseline. The MIS should conclude with the identification of a technically preferred alternative and proposed design typical section. The MIS will not include formal environmental documents, but will include data to be utilized in such a document.

Deadline: A letter of interest notifying TxDOT of the engineering provider's intent to submit a proposal shall be either hand delivered or mailed to TxDOT Dallas District Office, 9700 East R. L. Thornton Freeway, Dallas, Texas 75228, until 5:00 p.m. on Thursday, April 20, 1995. The letter of interest must include the engineer's name, address, telephone number, name of engineer's contact person and number of TxDOT contract of interest. Upon receipt of the letter of interest, a "Request for Proposal" packet will be issued.

Pre-Proposal Meeting: A pre-proposal meeting will be held on Friday, April 28, 1995, at the City of Dallas City Council Chambers, 1500 Marilla Street, Dallas, Texas, beginning at 9:30 a.m. (TxDOT will not accept a proposal from an engineer who has failed for any reason to attend the mandatory pre-proposal meeting.) Persons with disabilities who plan to attend this mandatory pre-proposal meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or braille, are requested to contact the agency contact listed below at least two work days prior to the mandatory pre-proposal meeting so that appropriate arrangements can be made.

Proposal Submittal Deadline: Proposals for contract #18-545P5015 will be accepted until 5:00 p.m. on Wednesday, May 17, 1995 at the TxDOT address mentioned above.

Agency Contact: Requests for additional information should be addressed to Sandy Wesch-Schulze, P.E., at (214) 320-6247 or FAX (214) 320-4470.

Contract #11-5XXP5006 engineering services for the surveying, hydraulic studies including scour analysis, bridge design, foundation design, approach roadway design and plans preparation for three off-system bridges in Trinity County on County Road 174 at Cochino Bayou, County Road 133 at Caney Creek and County Road 211 at Piney Creek. The combined construction estimate is \$392,700.

Deadline: A letter of interest notifying TxDOT of the engineering provider's intent to submit a proposal shall be either hand delivered to TxDOT Lufkin District Office, 1805 North Timberland Drive, or mailed to P.O. Box 280, Lufkin, Texas, 75902-0280 until 5:00 p.m. on Friday, April 14, 1995. The letter of interest must include the provider's name, address, telephone number, name of engineer's contact person and number of TxDOT contract of interest. Upon receipt of the letter of interest, a "Request for Proposal" packet will be issued.

Proposal Submittal Deadline: Proposals for contract #11-5XXP5006 will be accepted until 5:00 p.m. on Thursday, April 20, 1995 at the above mentioned addresses.

Agency Contact: Requests for additional information should be addressed to Tina L. Walker, P.E., at (409) 633-4329 or FAX (409) 633-4378.

Issued in Austin, Texas, on March 27, 1995.

TRD-9503751      Robert E. Shaddock  
                         General Counsel  
                         Texas Department of Transportation

Filed: March 28, 1995

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## The University of Texas System Request for Proposal

The University of Texas System is soliciting proposals for two separate self funded HMO arrangements to serve employees and retirees in either the Dallas or Galveston area. The University will also consider an Exclusive Provider Organization (EPO) which provides HMO type benefits. Organizations who are interested in receiving a Request for Proposals for either area should respond to: Robert E. Molloy, Employee Group Insurance Program, The University of Texas System, 702 Colorado Street, Suite 630, Austin, Texas 78701, (512) 499-4616, FAX (512) 499-4620.

Responses must be received by April 12, 1995.

Issued in Austin, Texas on March 23, 1995.

TRD-9503574      Arthur H. Dilly  
                         Executive Secretary to the Board of  
                         Regents  
                         The University of Texas System

Filed: March 23, 1995

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