

TEXAS REGISTER

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How to Use the Texas Register

Information Available: The 10 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Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after the proposal publication date.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.

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 IRD 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*, releases cumulative supplements to each printed volume of the *TAC* twice each year.

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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Exploration and Leasing of Oil and Gas

31 TAC §9.7 2958

**Exploration and Development of State Minerals
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34 TAC §3.316 2959

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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 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 330. Municipal Solid Waste

Subchapter R. Management of Whole Used or Scrap Tires

- 30 TAC §§330.801-330.803, 330.805-330.809, 330.837, 330.838, 330.840-330.843, 330.845-330.848, 330.851-330.858, 330.861-330.863, 330.865-330.868, 330.870-330.874, 330.876-330.879, 330.880-330.883, 330.885, 330.886, 330.888, 330.889

The Texas Natural Resource Conservation Commission has withdrawn from consideration for permanent adoption a proposed amended and new §§330.801-330.803, 330.805-330.809, 330.837, 330.838, 330.840-330.843, 330.845-330.848, 330.851-330.858, 330.861-330.863, 330.865-330.868, 330.870-330.874, 330.876-330.879, 330.880-330.883, 330.885, 330.886, 330.888, and 330.889, which appeared in the April 12, 1994, issue of the **Texas Register** (19 TexReg 2609). The effective date of this withdrawal is April 13, 1994

Issued in Austin, Texas, on April 13, 1994

TRD-9439045

Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Effective date: April 13, 1994

For further information, please call (512) 239-6087

- 30 TAC §§330.836, 330.851-330.858, 330.875

The Texas Natural Resource Conservation Commission has withdrawn from consideration for permanent adoption a proposed repeal to §§330.836, 330.851-330.858, and 330.875, which appeared in the April 12, 1994, issue of the **Texas Register** (19 TexReg 2664). The effective date of this withdrawal is April 13, 1994.

Issued in Austin, Texas, on April 13, 1994.

TRD-9439044

Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Effective date: April 13, 1994

For further information, please call (512) 239-6087



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 16. ECONOMIC REGULATION

Part VIII. Texas Racing Commission

Chapter 305. Licenses for Pari-mutuel Wagering

Subchapter B. Individual Li- censes

General Provisions

• 16 TAC §305.35

The Texas Racing Commission adopts an amendment to §305.35, concerning license fees, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1159)

The amendment is adopted to ensure the Commission's occupational licensing program will operate efficiently and effectively.

The amendment establishes new licensing categories, lowers the fees for some categories, and alphabetizes the category list

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 179e, §3 02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, §5 01, which authorizes the Commission to prescribe reasonable license fees for each category of license, §7.02, which authorizes the Commission to adopt categories of licenses for the various occupations licensed by the Commission, and §7.05, which authorizes the Commission to adopt by rule a fee schedule for occupational licenses

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 April 7, 1994

TRD-9438792 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date April 28, 1994

Proposal publication date February 18, 1994

For further information, please call (512)
794-8461

Specific Licensees

• 16 TAC §305.44

The Texas Racing Commission adopts an amendment to §305.44, concerning trainer or assistant trainer, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1164)

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected

The amendment requires an applicant for an assistant trainer's license to be qualified in all respects for a trainer's license. The amendment also clarifies that an assistant trainer's license carries all the privileges and responsibilities of a trainer's license

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 179e, §3 02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, §7 02, which authorizes the Commission to adopt rules setting the qualifications for the various categories of occupational licenses

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 April 7, 1994

TRD-9438791 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date April 28, 1994

Proposal publication date February 18, 1994

For further information, please call (512)
794-8461

• 16 TAC §305.45

The Texas Racing Commission adopts an amendment to §305.45, concerning authorized agent, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1164)

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected.

The amendment provides that an agency appointment expires on December 31 of each year unless revoked earlier by the principal.

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 179e, §3 02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, and §6 06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack

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 April 7, 1994.

TRD-9438790 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date April 28, 1994

Proposal publication date February 18, 1994

For further information, please call. (512)
794-8461

• 16 TAC §305.49

The Texas Racing Commission adopts an amendment to §305.49, concerning emergency license, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1164)

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected

The amendment prohibits an owner from obtaining an emergency license more than once

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 179e, §3 02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, and §6 06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack

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 April 7, 1994.

TRD-9438789 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 18, 1994

For further information, please call: (512) 794-8461

◆ ◆ ◆
**Chapter 309. Operation of
Racetracks**

**Subchapter B. Horse Race-
tracks**

Operations

• 16 TAC §309.199

The Texas Racing Commission adopts an amendment to §309.199, concerning the horsemen's bookkeeper, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1165).

The amendment is adopted to ensure the integrity of pari-mutuel is protected.

The amendment requires an association to provide an accounting to each owner and the Commission within 30 days after the end of a race meeting

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack.

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 April 7, 1994.

TRD-9438788 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date April 28, 1994

Proposal publication date. February 18, 1994

For further information, please call: (512) 794-8461

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**Subchapter C. Greyhound
Racetracks**

Operations

• 16 TAC §309.355

The Texas Racing Commission adopts an amendment to §309.355, concerning the grading system, without changes to the pro-

posed text as published in the February 25, 1994, issue of the *Texas Register* (19 TexReg 1360).

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected.

The amendment authorizes the racing secretary to grade a greyhound transferring from another racetrack at an appropriate grade considering the competition at each of the racetracks.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack.

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 April 6, 1994.

TRD-9438787 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 25, 1994

For further information, please call: (512) 794-8461

◆ ◆ ◆
**Chapter 311. Conduct and
Duties of Individual
Licensees**

Subchapter B. Specific Licensees

General Provisions

• 16 TAC §311.106

The Texas Racing Commission adopts an amendment to §311.106, concerning stable or kennel names, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1165).

The amendment is adopted to ensure the Commission's occupational licensing program will operate efficiently and effectively.

The amendment eliminates the references to kennel names.

No comments were received regarding adoption of the amendment.

The amendment is proposed under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, and §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack.

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 April 7, 1994.

TRD-9438786 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 18, 1994

For further information, please call: (512) 794-8461

◆ ◆ ◆
Licensees for Horse Racing

• 16 TAC §311.153

The Texas Racing Commission adopts new §311.153, concerning owner/trainers, with changes to the proposed text published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1165).

The new section is adopted to ensure that pari-mutuel racing will be of the utmost integrity.

The new section prohibits an owner/trainer from having his or her horses in the care, custody, or control of another trainer at the same racetrack. The changes from the proposed text change the words "participating in racing" to "training horses."

Oral comments on the proposal were received from the Texas Horsemen's Benevolent and Protective Association. A representative of the organization suggested that the term "participating in racing" was not clear enough and suggested a change to clarify the Commission's intent. The Commission agreed with the comment and incorporated a change into the adoption.

The new section is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; and §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack.

§311.153. Owner/Trainer. A person licensed as an owner/trainer who is training horses at a racetrack may not have any horse owned by the owner/trainer under the care, custody or control of another trainer at that racetrack.

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 April 7, 1994

TRD-9438785 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date. February 18, 1994

For further information, please call: (512) 794-8461

Licenses for Greyhound Racing

• 16 TAC §311.172

The Texas Racing Commission adopts an amendment to §311.172, concerning use of Texas-bred greyhounds, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1166).

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected

The amendment clarifies the powers of the racing judges to enforce the provisions of the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act; §3.07, which authorizes racing judges to impose sanctions on occupational licensees, and §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack.

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 April 7, 1994

TRD-9438784 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 18, 1994

For further information, please call (512) 794-8461

Chapter 319. Veterinary Practices and Drug Testing

Subchapter B. Treatment of Horses

• 16 TAC §319.111

The Texas Racing Commission adopts an amendment to §319.111, concerning bleeders and the furosemide (Lasix) program, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1166).

The amendment is adopted to ensure pari-mutuel racing is safe for race horses.

The amendment makes several changes to the Commission's bleeder program, including extending the period of time after a race or exercise that a horse may exhibit signs of bleeding to be classified as a bleeder.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, §6.06, which authorizes the Commission to adopt rules on all

matters relating to the operation of a pari-mutuel racetrack; and §14.03, which authorizes the Commission to adopt rules relating to the use of medication in race animals

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 April 7, 1994

TRD-9438783 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 18, 1994

For further information, please call (512) 794-8461

Chapter 321. Pari-mutuel Wagering

Subchapter B. Distribution of Pools

• 16 TAC §321.109

The Texas Racing Commission adopts an amendment to §321.109, concerning exacta pools, without changes to the proposed text as published in the February 18, 1994, *Texas Register* (19 TexReg 1167)

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected

The amendment clarifies the method of payout of the exacta pool when no tickets are sold selecting the correct first- and second-place finishing animals

No comments were received regarding adoption of the amendment

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack; and §11.01, which authorizes the Commission to adopt rules relating to pari-mutuel wagering

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 April 7, 1994

TRD-9438782 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 18, 1994

For further information, please call (512) 794-8461

Subchapter C. Simulcast Wagering

Common Pool Wagering

• 16 TAC §321.273

The Texas Racing Commission adopts an amendment to §321.273, concerning distribution of common pool, without changes to the proposed text as published in the February 18, 1994, issue of the *Texas Register* (19 TexReg 1167).

The amendment is adopted to ensure the integrity of pari-mutuel racing is protected.

The amendment clarifies that a wager made into a common pool is made at the location where the pool originates.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 179e, §3.02, which authorize the Commission to adopt rules for conducting racing with wagering and for administering the Texas Racing Act, §6.06, which authorizes the Commission to adopt rules on all matters relating to the operation of a pari-mutuel racetrack, §11.01, which authorizes the Commission to adopt rules relating to pari-mutuel wagering; and §11.011, which authorizes the Commission to adopt rules to regulate wagering on simulcast races and to facilitate the intermingling of pari-mutuel pools.

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 April 7, 1994

TRD-9438781 Paula Cochran Carter
General Counsel
Texas Racing Commission

Effective date: April 28, 1994

Proposal publication date: February 18, 1994

For further information, please call (512) 794-8461

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 115. Home Health Care Agencies

The Texas Department of Health (department) adopts the repeal of existing §§115 1-115 19 and new §§115 1-115 5, 115 11-115 15, 115 21-115 28, 115 51-115 54, 115 61, and 115 62, concerning home and community support services agencies. The repeal of existing §§115 1-115 19 and new §§115 2-115 4, 115 11-115 15, 115 21-115 28, 115 51-115 54, 115 61, and 115 62 are adopted with changes to the proposed text as published in the December 7, 1993, issue of the *Texas Register* (18 TexReg 9046). New §115 1 and §115 5 are adopted without changes and will not be published.

The repeal enables the department to reorganize Chapter 115 and to establish new rules to implement legislative mandates in Acts 1993, 73rd Legislature, Chapter 800 (House Bill 1551) and Chapter 747 (House Bill 1510). The legislative provisions include renaming of the agencies once known as home health agencies to home and community support services agencies (H&CSSA) which reflects more accurately the services provided by the agencies, adding hospice and personal assistance services to the categories of services that may be offered by agencies, deleting references to Class A and Class B agencies, adding language that authorizes an agency which provides hospice services to own or operate a residential unit or inpatient unit at the licensed site, recognition of accreditation by the Joint Commission on Accreditation of Healthcare Organizations and the Community Health Accreditation Program and certification by another state agency if those standards meet or exceed the requirement for licensing and inspection purposes, providing for surveys every three years after an agency has been in operation for more than 18 months; creating a memorandum of understanding between the department and other state agencies which are under the Health and Human Services Commission (which must be approved by the Health & Human Services Commission), the purpose of which is to eliminate or reduce duplication of standards or conflicts between standards and of functions in license, certification or compliance surveys and complaint investigations, establishing a mechanism for immediate suspension or revocation of a license when the health and safety of persons are threatened, establishing a memorandum of understanding between the department and the Board of Nurse Examiners governing the circumstances under which the provision of health-related tasks or services do not constitute the practice of professional nursing, mandating processing of criminal history checks for nonlicensed individuals who are potential employees or employees of a H&CSSA and who will have direct contact with agency clients, a client's family member or the visitor of a client, and establishing administrative reviews for a person who has a criminal conviction that may bar the person from employment by an agency.

The new sections contain existing language and add definitions for applicant, owner, parent company and nursing facility. The new sections also provide that an agency is not required to be licensed in more than one category of services if the agency's category of service covers the provided services, information regarding the competence and financial resources of an applicant are confidential and may not be disclosed by the department to the public, the department may conduct an on-site survey following approval of a category of service, agencies are required to adopt, implement and enforce a written policy to ensure compliance with the rules of the Board of Nurse Examiners relating to delegation of selected nursing tasks, agencies may keep a single or separate file for each category of service provided to the client and the client's family, a description of the existing and new agencies assimilation to the issuance of a home and community support services agency license on or after July 1, 1994,

the statutory prohibition of the word "hospice" if an agency is not licensed to provide hospice services, the educational and work experience criteria necessary to perform supervisory duties, the requirements an alternate delivery site must independently meet; the statutory timeframes for the conduct of an on-site survey and the coordination of multiple surveys. Further, the new sections update and clarify existing language.

Changes made to the proposed text result from comments received during the comment period. The details of the changes are described in the summary of comments that follow. Other minor editorial changes were made for clarification purposes.

The following comments were received concerning the proposed rules:

Comment: Concerning the definitions of "administration of medication" and "home and community support services agency" in §115.2, three commenters were concerned that the definitions seem to describe the practice of pharmacy. One commenter stated the definition of administration of medications was subject to an interpretation which could prohibit a pharmacist from practicing pharmacology, since the definition includes activities which are a part of the practice of pharmacy.

Response: The department disagrees with the commenters that the definitions have any effect on the practice of pharmacy. The Texas Pharmacy Act governs the practice of pharmacy and pharmacists are allowed to perform whatever activities are allowed by the Act.

Comment: Concerning the definition of "administration of medication" in §115.2, one commenter stated that "pouring a quantity of liquid to be ingested" should not be part of the definition because it is part of assistance with medication and not the actual administration of medication. The commenter suggested deleting the language and adding the language to the definition of "assistance with medication or treatment regimen."

Response: The department agrees and has deleted the language from "administration of medication" and added modified language to the definition of "assistance with medication or treatment regimen." The language added was "pouring a predetermined quantity of a liquid to be ingested."

Comment: Concerning the definitions of "administrator" and "home health services," one commenter requested that the department correct the terminology used in the definitions relating to speech pathology. The commenter stated the correct reference is speech-language pathology.

Response: The department agrees and has substituted the correct term in the definition of "administrator." The department did not change the reference in the definition of "home health services" because the definition is statutory language.

Comment: Concerning the definition of "affiliate," one commenter was concerned that the definition could be subject to an unintentionally broad interpretation and suggested the department add additional definitions for "principal stockholder," "person with a

disclosable interest" and "parent company." The commenter also requested confirmation that the term "affiliate," when used elsewhere in the proposed regulations, refers only to an affiliate of a particular agency and does not include affiliates of any such affiliate.

Response: The department agrees in part with the commenter. The definition of "affiliate" was modified to delete the terms "principal" and "person with a disclosable interest;" language was added regarding direct ownership of at least 10%, definitions were added in the section for "owner" and "parent company;" and changes were made in §115.11(g) for clarification purposes. The department confirms that the term "affiliate" when used elsewhere in the proposed rules refers only to an affiliate of a particular agency and does not include affiliates of any such affiliate.

Comment: One commenter requested that "applicant" be defined.

Response: The department agrees and has added the definition to the section.

Comment: Concerning the definition of "bereavement," one commenter requested that the definition be modified to include a significant other as the term family is not defined.

Response: The department agrees with the commenter's concerns, however, the modification was made instead to the definition of "bereavement services."

Comment: Concerning the definition of "case conference," two commenters requested that the word "all" be deleted from the definition. One commenter was concerned that the absence of one or more persons would prevent a conference from occurring among personnel furnishing services to the client if all personnel were required to attend. The other commenter stated the requirement is more restrictive than Medicare and requested the state's definition be consistent with the Medicare definition in order to avoid confusion and to facilitate compliance.

Response: The department agrees with both commenters and has deleted the word "all" from the definition.

Comment: One commenter requested that a definition for "certified occupational therapy assistant" be added to the rules.

Response: The department disagrees with the commenter's request to add the definition as therapy assistants are covered under current licensure laws specific to therapists and therapy assistants.

Comment: Concerning the definition of "client," several commenters requested the definition be expanded to include the primary client's family.

Response: The department agrees with the commenters and has expanded the definition as requested.

Comment: Concerning the definitions of "clinical note" and "dialysis treatment record," one commenter requested that language be added to the definitions that the written notations be signed. Another commenter requested the definition of "dialysis treatment record" be modified to include pertinent patient information.

Response: The department agrees with both commenters and has added the suggested language to the definition

Comment Concerning the definition of "delegation," several commenters requested that the department reference the Board of Nurse Examiners rules relating to the standards for delegation of selected nursing tasks to unlicensed personnel in §115.21

Response The department agrees with the commenters and has made the change in §115.21 Because the BNE rules define the term "delegation," the department has deleted the definition of "delegation" from these rules

Comment Concerning the definition of "dietitian," one commenter requested that the definition be changed to require Texas licensure

Response. The department disagrees with the commenter To require licensure would be more stringent than Medicare regulations and the higher standard may place an undue burden on rural communities

Comment. Concerning the definition of "free-standing hospice," one commenter believed the definition was too broad and suggested language that would meet the intent which was meant to apply only to a hospice providing inpatient services to clients of the hospice who are residing at the hospice's physical location

Response The department agrees with the commenter and has added the commenter's suggested language to the definition

Comment: Concerning the definition of "home health aide," one commenter requested the deletion of the definition The commenter pointed out that the entirety of §115.61 relates to Home Health Aides and that "home health aides" are included in the definition of "unlicensed person"

Response. The department agrees with the commenter and has deleted the definition of "home health aide"

Comment: Concerning the definition of "home health service," two commenters requested clarification of a durable medical equipment (DME) company's license exemption versus the terminology of subparagraph (G) in the definition

Response. The department responds that DME companies providing DME services are exempt from the statute, and, therefore, subparagraph (G) under the definition of "home health service" does not apply The provision by a DME of any of the other listed home health services would require a home and community support services agency license.

Comment Concerning the definition of "home health service," one commenter requested clarification concerning the definition and assurance that an agency that is licensed to provide hospice services, and that is providing one or more of the health services listed in the definition in connection with the provision of such hospice services, does not need to have a license to provide home health services in addition to its license to provide hospice services

Response The department confirms that an agency is not required to be licensed in more

than one category of service if the category of service for which the agency is licensed covers the provided services The department has provided clarifying language in §115.11(d) of this title (relating to Application and Issuance of Temporary License for First-Time Applicants (Unregulated Agencies, New Agencies, and Certain Relocations))

Comment Concerning the definition of "hospice services," one commenter requested that the definition include "independent living environment" as an appropriate location for the provision of hospice services

Response The department agrees with the commenter and has added the language to the definition of "hospice services" The term "home" in the definition was replaced with "residence" which is defined in the rules

Comment Concerning the definition of "intermediate care facility," one commenter requested that the definition be deleted from the rules and that "nursing facility" be defined

Response The department agrees in part with the commenter and has deleted the definitions of "intermediate care facility" and "skilled nursing facility," and has added a definition for "nursing facility" The department has also modified the language in the definitions of "hospice services" and "residence," and in adopted §115.25(x)(1)(B) and (2)(B) of this title (relating to Standards for Hospice Services)

Comment One commenter requested that a definition for "licensed physical therapy assistant" be added to the rules

Response: The department disagrees with the commenter's request to add the definition as therapy assistants are covered under current licensure laws specific to therapists and therapy assistants

Comment Concerning the definitions of "manager" and "management services," one commenter requested the deletion of the definitions Another commenter suggested modifications to the definition of "management services" to clarify that the specified contracts are merely examples and that other types of contracts also might not be considered contracts for management services

Response The department agrees in part with the commenters The two definitions were combined into one definition for "manager" and the definition has been clarified with regard to contracts

Comment Concerning the definition of "medication list," one commenter requested modification of the language in the definition to "contraindications" rather than "contraindicated medication"

Response The department agrees with the commenter and has modified the definition

Comment One commenter requested that the term "nursing facility" be defined

Response The department agrees with the commenter and has added a definition for "nursing facility"

Comment One commenter requested that the term "owner" be defined

Response The department agrees with the commenter and has added a definition for "owner"

Comment One commenter requested that the term "parent company" be defined

Response The department agrees with the commenter and has added a definition for "parent company"

Comment Concerning the definition of "physician," one commenter recommended to change the definition to include physicians who are licensed in the state in which they practice rather than limit a physician to only a Texas license

Response The department agrees in part with the commenter and has modified the definition to permit licensure in other states within the United States in which the person practices However, the physicians who are medical directors of agencies that offer home dialysis services (§115.24) and medical directors of hospices (§115.25) must be licensed in the State of Texas

Comment Concerning the definition of "practitioner," one commenter believed the definition should include advanced nurse practitioners

Response The department responds that the home and community support services agency rules do not prohibit an advanced nurse practitioner from initiating skilled home health services in accordance with established protocols with a physician Licensed and certified agencies are required to obtain a physician's signature or countersignature for services or items provided to Medicare recipients The definition of "practitioner" was modified to include advanced nurse practitioners

Comment Concerning the definition of "presurvey conference," one commenter suggested modifying the definition to require that at least one individual attend the presurvey conference who will actually be responsible for carrying out and implementing the regulations

Response The department agrees with the commenter and has added the commenter's suggested language to the definition of "presurvey conference"

Comment Concerning the definition "progress note," one commenter suggested the definition should be clarified to indicate that the progress note should not only be dated, it should also be signed

Response The department agrees with the commenter and has added the requirement for the progress note to be signed

Comment Concerning the definition of "residence," one commenter suggested that the definition include an independent living environment" because the proposed regulations make reference to an independent living environment as a type of client's residence

Response The department agrees and has modified the definition to include an independent living environment

Comment Concerning the definition of "respite services," one commenter wanted the definition clarified that respite can be per-

formed under home health, hospice or personal assistance categories of service

Response The department agrees and has added the clarifying language

Comment Concerning the definition of "skilled nursing facility," one commenter requested that the definition be deleted

Response The department agrees with the commenter and has deleted the definition of "skilled nursing facility"

Comment Concerning the definition of "stable and predictable," one commenter requested the deletion of the definition as the term is already defined in the Board of Nurse Examiners rules

Response The department agrees and has deleted the definition

Comment: Concerning the definition of "supervision," two commenters suggested deleting "health professional" from the definition and adding the term "qualified person" because supervisors of personal assistance services do not have to be health professionals

Response The department agrees with the commenters and has modified the definition accordingly

Comment Concerning the definition of "unlicensed person," two commenters requested that the definition be changed. The commenters want the definition to identify the unlicensed person as one who is not a health care professional. The commenters also requested that the language relating to the person who functions in a complementary or assistive role to the RN in providing direct client care or carrying out common nursing functions be deleted because unlicensed persons providing personal assistance services may not have a RN supervisor and, therefore, would not be functioning in a complementary or assistive role to the RN

Response The department agrees with the commenters and has modified the definition as suggested

Comment Concerning the definition of "volunteer," two commenters requested clarification and modification of the definition

Response The department has added language to the definition of "volunteer" to clarify that a volunteer must meet the same requirements as an employee doing the same activities unless the volunteer is exempt from certain requirements or standards. A specific instance is where a volunteer performs the activities of a home health aide for a licensed and certified agency, the volunteer does not have to be competency evaluated. Another instance is that a volunteer is not required to have a criminal background investigation

Comment Concerning §1153(a)(1) and (2), one commenter stated that the proposed rules are discriminatory against small agencies because the fees are not staggered as allowed by the Act

Response The department disagrees with the commenter. The cost to the department is the same to license, inspect, and conduct complaint investigations for a small agency versus a large agency. The department re-

quests the commenter and other interested parties to submit suggested criteria and fee schedules for consideration in the future as proposed rules on fees

Comment Concerning §1153(b), one commenter requested changing "application fee" to "licensing fee"

Response The department agrees with the commenter and has made the suggested change, there is no statutory authority to charge an application fee

Comment Concerning §1154, six commenters recommended to either reference the statutory license exemptions or to add the complete statutory exemption list to the rules

Response. The department agrees in part with the commenters and has added language in §115.4(a) to include a statutory reference to the licensure exemptions.

Comment Concerning §115.11(c), one commenter requested that the singular term "category" be changed to indicate an applicant may apply for more than one category of service

Response The department agrees with the commenter and has made the requested change

Comment Concerning §11511(f), one commenter recommended multiple changes. Because the term "owner" is not defined in the rules, the commenter recommended that the term "principal stockholder" be substituted, and that the rule should state specifically the persons for whom the requested information must be disclosed

Response The department agrees in part with the commenter, however, the suggested term refers only to a corporation, an agency may be owned by a sole proprietor, a partnership, or other types of entities. As previously mentioned, the department has defined the terms "applicant" and "owner" in §1152 of this title (relating to Definitions) and has made multiple modifications in the redesignated §11511(g) for clarification purposes. The department has also amended subsection (g)(7)(I) to identify the persons for whom the requested information must be disclosed to include the real property lessors, affiliates and managers of the applicant

Comment Concerning §11511, one commenter requested that a new subsection (I) be added to address the statutory provisions relating to the confidentiality of certain information received by the department in connection with a license application

Response The department agrees with the commenter. Modifications were made to the redesignated subsection (h) for editorial purposes and confidentiality provisions were added within that subsection rather than adding a new subsection. Comments Concerning §11511(n), one commenter believed since there is no statutory provision which mandates an initial survey of an agency within three months of the issuance of a temporary license, that the department should have the flexibility to conduct the surveys in the most cost effective, efficient and timely manner

Response The department agrees and has deleted the restrictive language

Comment Concerning §11511(r), one commenter suggested that language be added to the section to clarify that a licensed hospice does not need an additional license in order to provide routine home health services

Response The agency agrees in part with the commenter. The commenter's recommended language has been modified and added in a new subsection (d) to clarify that an agency does not have to be licensed in more than one category of services if the category of service for which the agency is licensed covers the provided services.

Comment. Concerning §115.11, one commenter requested a new subsection (s) be added to the rules to provide that a person who is not licensed to provide hospice services may not use the term "hospice" or otherwise indicate that the person hold a license to provide hospice services

Response. The department agrees with the commenter, however, the language has been added as a new subsection (bb) in §115.21 of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies) rather than in the recommended section

Comment Concerning §11512(a), one commenter considered the subsection unclear and offered suggested clarifying language

Response The department disagrees with the commenter and considers the proposed language to accurately reflect the requirement that a home and community support services agency must comply with the licensure rules, and, if the agency elects to participate in the Medicare Program, the agency must also comply with the Medicare conditions of participation

Comment Concerning §11512(d)(1), one commenter sought clarification that the items required in §11511(f)(7)(I) and (J) of this title (relating to Application and Issuance of Temporary License for First-Time Applicants (Unregulated Agencies, New Agencies, and Certain Relocations)) concerning disclosure information and ownership and management information do not have to be submitted unless the information is different than what was submitted in the original license application

Response The department confirms that only updated information is required for renewal of the license

Comment Concerning §11512(d), one commenter requested that paragraphs (2) and (6) be deleted because the items are not required for renewal applications

Response The department agrees that paragraph §11512(d)(2) is not required for renewals and has deleted the paragraph. However, paragraph §11512(d)(6) is required under the Business and Commerce Code and Board of Health rules

Comment Concerning §11513(a), one commenter noted there is no provision for issuance of an annual license following a change of ownership and suggested clarifica-

tion concerning which license becomes void. Another commenter noted that paragraphs (2) and (4) appear to conflict.

Response: The department agrees with the commenters and has added a provision for issuance of an annual license. Paragraph (2) was deleted and changes were made in paragraph (4), which was renumbered (3), to indicate the distinctions among the provisions.

Comment: Concerning §115.13(b), one commenter requested that the subsection contain a specific time period for the agency to notify the department of the specific occurrences.

Response: The department agrees with the commenter and has substituted the specific timeframe of "30 calendar days."

Comment: Concerning §115.13(c), one commenter recommended adding language that allows the department to conduct an on-site survey following the approval of a new category of service.

Response: The department agrees and has added the suggested language.

Comment: Concerning §115.21(a)(2), one commenter suggested that "principal stockholder" be substituted for the undefined term "owner."

Response: The department disagrees with the commenter and has retained the proposed language. However, as discussed previously, the term "owner" is now defined in §115.2 of this title (relating to Definitions).

Comment: Concerning §115.21(a)(4), one commenter requested the singular term "category" be changed to plural because agencies may be licensed for more than one category of service.

Response: The department agrees with the commenter and has made the change.

Comment: Concerning §115.21(b), one commenter requested that the subsection reflect the language in the Health and Safety Code which states the department's approval is not necessary in order to transfer an agency's license from one location to another location.

Response: The department agrees with the commenter and has modified the language accordingly.

Comment: Concerning §115.21(d), one commenter requested that the subsection contain a specific time period for the agency to notify the department of changes in its telephone number.

Response: The department agrees with the commenter and has substituted the specific timeframe of "30 calendar days."

Comment: Concerning §115.21(j), one commenter requested deletion of the last sentence of the subsection which prohibits the solicitation of referrals by coercion or harassment because there is no specificity in what is prohibited.

Response: The department agrees with the commenter and has deleted the sentence.

Comment: Concerning §115.21, one commenter suggested the addition of a new

subsection (k) to require an agency to respect the rights and privileges of other agencies and of the clients.

Response: The department disagrees with the commenter. The department believes the language in subsection (f) of the section should adequately address the department's role in preserving the rights of an agency's clients, and that the proposed language is too vague to be enforceable.

Comment: Concerning §115.21(m), six commenters requested the department to delete subsection (m) as written and reference instead the Board of Nurse Examiners governing the standards for delegation of nursing tasks to unlicensed persons.

Response: The department agrees with the commenters. The proposed subsection (m) has been deleted. Subsection (m) now requires an agency to adopt, implement and enforce a written policy to ensure compliance with the rules of the Board of Nurse Examiners for the State of Texas adopted at 22 T.A.C., Chapter 218, Delegation of Selected Nursing Tasks, as these rules were effective December 16, 1992.

Comment: Concerning §115.21(p), one commenter stated according to the Nursing Practice Act, Texas Civil Statutes, Articles 4525a and 4525b, the correct language is "professional nurse reporting and peer review" rather than "peer review and mandatory reporting requirements."

Response: The department agrees with the commenter and has made the correction.

Comment: Concerning §115.21(r), one commenter requested that the subsection be deleted because quality assurance programs are not required by statute, do not belong in licensure rules, can be cost prohibitive to agencies, and offers an opportunity for surveyors to make arbitrary judgments as to what the agency's outcome indicators should be.

Response: The department disagrees with the commenter as quality assurance is an ongoing process of health care providers to insure safe, affordable and quality health care. For home and community support services agencies to exist in the mainstream of health care reform, the process of quality assurance is a viable tool.

Comment: Concerning §115.21(r), one commenter requested that the term "patient" be changed to "client" for consistency throughout the rules.

Response: The department agrees with the commenter and has made the change.

Comment: Concerning §115.21(r)(2)(B), one commenter expressed concern that a quality assurance program cannot always resolve problems.

Response: The department agrees in part with the commenter and has added language that requires those responsible for the quality assurance program to resolve problems when possible.

Comment: Concerning §115.21(s), one commenter stated the subsection was not clear if the dispensing of an intravenous drug

to a patient in the home by a pharmacy is the "provision of home intravenous therapy." The commenter also requested that the rules should specify that intravenous drugs should be provided only by a pharmacy licensed by the Texas State Board of Pharmacy.

Response: The department disagrees with the commenter and considers the current language to adequately cover any reference or deference to the Texas Pharmacy Act.

Comment: Concerning §115.21(s)(4), one commenter felt the term "nursing supervision" was unclear and recommended language that would require a registered nurse to be available.

Response: The department agrees with the commenter and has made the suggested change. Because of other changes to the subsection, the modified language now appears in §115.21(s)(5).

Comment: Concerning §115.21(s)(1)-(11), one commenter stated the proposed language requires unnecessary documentation and duplicates other requirements in the section.

Response: The department agrees with the commenter and has modified the subsection accordingly.

Comment: Concerning §115.21(t)(4) and (5), one commenter stated the paragraphs were redundant and should be deleted, personnel policies do not need to include personnel policies and client care policies.

Response: The department disagrees with the commenter's recommendation for deletion, however, modifications have been made to the subsection for clarification.

Comment: Concerning §115.21(t)(8), one commenter stated the paragraph describes an infection control policy and the descriptive language should be added to the rule. The commenter also stated the word "prohibition" was not appropriate as used and suggested the word "prevention" be substituted.

Response: The department agrees with the commenter and has added the suggested language and made the requested change.

Comment: Concerning §115.22(b) and (b)(1), one commenter stated that the provisions relate to all agencies and should be relocated to §115.21 (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies).

Response: The department agrees in part with the commenter and has relocated the proposed subsection (b) to §115.21 as new subsection (u). Paragraph §115.22(b)(1) pertains specifically to licensed home health services and remains in the section and has become the new subsection (b).

Comment: Concerning §115.22(b)(2), two commenters stated that the provision relates to all agencies and should be relocated to §115.21 (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies). Another commenter requested that "or letters of commendation" be changed to "and letters of commendation" to make the personnel record inclusive of any or all of the documents listed

Response The department agrees with both commenters and has made the suggested editorial change and relocated the proposed paragraph §115 22(b)(2) to §115 21 as new subsection (v)

Comment Concerning §115 22(b)(3), one commenter stated that the provisions relate to all agencies and should be relocated to §115 21 (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies) Two commenters recommended changes to (b)(3)(D)-(F)

Response The department agrees in part with the commenters and has relocated the proposed paragraph §115 22(b)(3) to §115 21 as new subsection (x) Other modifications were made to the new subsection for clarification

Comment. Concerning §115 22(b)(4), one commenter stated that the provision relates to all agencies and should be relocated to §115 21 (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Response The department agrees with the commenter and has relocated the proposed paragraph §115 22(b)(4) to §115 21 as new subsection (y)

Comment Concerning §115 22(c)(1), two commenters commented on the paragraph One commenter stated that written statements of consumer complaints should not be required to be a part of the clinical record Another commenter requested that "record of supervisory visits" be moved from the first sentence of the paragraph to the second sentence which lists the items that should be included in the clinical record, if applicable

Response The department agrees with both commenters and has made the requested changes

Comment Concerning §115 22(c)(2), one commenter recommended that the rule should require records to be maintained at a designated place

Response The department agrees with the commenter and has added appropriate language to address the requirement

Comment Concerning §115 22(c), one commenter recommended the addition of a new paragraph to allow an agency to maintain one client file for the client receiving both personal assistance services and skilled home health services

Response The department agrees in part with the commenter However, the rule was modified to allow an agency to keep a single file or separate files for each category of service provided to the client and the client's family and was added as a new subsection (w) under §115 21 of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Comment Concerning §115 22(f)(1), one commenter recommended that the rule require an agency to adopt, implement and enforce a policy on the timeframe for commencement of services to a client Another

commenter recommended the deletion of the first sentence of subsection (f) and combining paragraph (1) because, according to the commenter, in many situations there is not a reasonable expectation that all of the client's needs can be met adequately, whether in the home or in any other site

Response The department agrees with the first commenter and has added the requirement for a policy to the subsection The department disagrees with the second commenter because the current language distinguishes between the acceptance of a client versus the referral or initial communication with a client The new policy required will contain the timeframes for the initiation of services Additional editorial changes were made in the subsection and paragraph

Comment Concerning §115 22(f)(1)(A), one commenter recommended the deletion of the requirement for the "date of resolution" in the care plan because the requirement serves no purpose and is not used by agencies

Response The department disagrees with the commenter that the requirement serves no purpose but has added the term "projected" before the phrase "date of resolution"

Comment Concerning §115 22(f)(1)(B), one commenter recommended the paragraph include a provision that appropriate health care personnel shall perform services as specified in the plan of care

Response The department agrees with the commenter and has added the provision

Comment Concerning §115 22(f)(2)(D), one commenter suggested rewording of the subparagraph to clarify the charges for service of which the agency needs to inform the client or his family

Response The department disagrees with the commenter's suggested change and has left the proposed language unchanged The recommended change would place an additional requirement for the agency to inform the client of charges for all services whether or not the client or the family is expected to pay the charges

Comment Concerning §115 22(g), one commenter stated the word "care" should be changed to "case" for consistency in describing conferences

Response The department agrees with the commenter and has made the terminology change to "case" conferences

Comment Concerning §115 22(i)(6), one commenter supported the suggested new language

Response The department responds that the proposed language did not change

Comment Concerning §115 22(i)(7), one commenter requested deletion of the term "home health aide" throughout the paragraph and references to "unlicensed persons" and "qualified person" be substituted The commenter stated the recommended language is consistent with the definitions and provides licensed home and community support services agencies the opportunity to utilize the personal attendant as appropriate

Response The department agrees with the commenter and has modified the paragraph accordingly

Comment Concerning §115 23(a), one commenter pointed out the omission of the word "and"

Response The department acknowledges the omission and has made the correction

Comment Concerning §115 23(d)(3), one commenter requested clarification of the paragraph

Response The department clarifies for the commenter that a volunteer shall meet the same requirements and standards in the rules as applies to an employee of the agency except where specifically exempted A volunteer providing home health aide services does not have to be competency evaluated but an agency may not be reimbursed for services provided by volunteers Additional clarification has been provided in the definition of "volunteer" in §115 2 of this title (relating to Definitions)

Comment Concerning §115 24(b), one commenter suggested the subsection be clarified with respect to the approval of the appointment and termination of members by the governing body and governing body minutes

Response The department agrees with the commenter The subsection has been amended to require the approval of new medical staff members and termination of current medical staff members on occurrence, requires the governing body on a biannual basis to review and consider for approval continuing privileges of the agency's medical staff, and requires the governing body minutes to be maintained on file in the agency office

Comment Concerning §115 24(j)(2), one commenter requested that the paragraph be amended to delete the requirement for Texas licensure of physicians other than the medical director and the addition of other clarifying language

Response The department agrees with the commenter and has amended the paragraph accordingly

Comment Concerning §115 24(m), one commenter recommended the requirement relating to the written confirmation of a verbal order within 14 calendar days of the physician's order be changed to permit a reasonable timeframe

Response The department agrees with the commenter and has modified the paragraph to allow an agency a reasonable timeframe which is based upon the agency's policy that is to be adopted, implemented and enforced relating to the timeframe for the timely countersignature of a physician's order

Comment Concerning §115 24(n), one commenter requested to substitute the language "weight to be maintained" with "dry weight" in the list of items that should be included in the orders for home staff assisted dialysis

Response The department agrees with the commenter and has substituted the suggested language in the subsection

Comment Concerning §115 24(o), one commenter recommended changes to the examples used in the plan for non-stabilized clients

Response The department agrees with the commenter's suggested language and has substituted the suggested language in the text

Comment Concerning §115 24(p)(5), one commenter stated the last sentence of the paragraph relating to disputes and their resolution is not necessary because the provision is covered in §115 21(f)

Response The department agrees with the commenter and has deleted the last sentence of the paragraph.

Comment Concerning §115 24(q), one commenter suggested changes to the third sentence of the subsection for clarification purposes

Response The department agrees with the commenter and has made the suggested changes.

Comment Concerning §115 24(r), one commenter recommended that language be added to the subsection to require that the registered nurse and designated alternate be "qualified." The commenter stated it was not safe to have a registered nurse with no experience in dialysis available for these patients

Response The department agrees with the commenter and has added the language to subsections (r), (s), (v), (w) and (dd)(1)

Comment Concerning §115 24(r)(3)(A) and (B), one commenter stated if the intent is to require one year of experience in dietetics, then the subparagraphs should be eliminated and the paragraph be modified to reflect the intent

Response The department agrees with the commenter and has made the suggested modifications

Comment Concerning §115 24(l)(16), one commenter recommended deleting the term "clotting time" as it is not a waived test and would require that the agency have a certificate for a moderately complex lab under the provisions of Federal Public Law 100-578, Clinical Laboratory Improvement Amendments of 1988 (CLIA 1988)

Response The department agrees with the commenter and has deleted the term

Comment Concerning §115 24(v)(4), one commenter stated the rule should include a requirement for satisfactory performance of the skills prior to independent performance on a patient

Response The department agrees with the commenter and has added appropriate language

Comment Concerning §115 24(w), one commenter recommended adding "qualified" before dietitian for consistency within the subsection

Response The department agrees with the commenter and has added the word

Comment Concerning §115 24(x), one commenter recommended the rule include a

requirement for assurance of proper disposal of waste

Response The department agrees with the commenter Certain provisions in the subsection have been deleted and replaced by a requirement that the agency adopt, implement and enforce policies and procedures for safe handling and disposal of hazardous waste and materials

Comment Concerning §115 24(y)(2), one commenter recommended the addition of the approval date of the publication of the Association for the Advancement of Medical Instrumentation (AAMI) standards

Response The department agrees with the commenter and has added the date

Comment Concerning §115 24(bb)(1), one commenter recommended adding language which requires the laboratory to be approved according to Federal Public Law 100-578, Clinical Laboratory Improvement Amendments of 1988 (CLIA 1988)

Response The department agrees with the commenter and has added the language

Comment Concerning §115 24(bb)(3), one commenter requested the deletion of the term "clotting times" and the addition of a reference to §115 21(k) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Response The department agrees with the commenter and has added the appropriate language

Comment Concerning §115 25(b), one commenter recommended clarification of the subsection if the department did not adopt the commenter's suggestion regarding the definition of "freestanding hospice"

Response As stated previously, the department agrees with the commenter's recommendations for modification to the definition of "freestanding hospice" However, due to other comments concerning organizational structure and operational policies, subsection (b) was deleted, similar language now appears in new subsection (u) in §115 21 of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Comment Concerning §115 25(g)(2)(D), one commenter stated the term "care conference" should be changed to "case conference" to be consistent with the definition

Response The department agrees with the commenter and has made the requested change Due to redesignation within the section, the change appears in subsection (f)

Comment Concerning §115 25(m)(5), one commenter stated the initial sentence is somewhat confusing and recommended clarification

Response The department agrees with the commenter and has added language to clarify the sentence Due to redesignation within the section, the language appears in subsection (l)

Comment Concerning §115 25(o), one commenter recommended that services pro-

vided to the client's family are to be documented in the clinical record

Response The department agrees with the commenter and has added the provision to the rule which, due to redesignation within the section, appears in subsection (n)

Comment Concerning §115 25(l)(1)(A), one commenter requested that the department rephrase for clarity

Response The department agrees with the commenter and has modified the requirement in the last sentence of the rule as suggested by the commenter Also, the department added the mandatory "shall" to the requirement of supervision of bereavement counseling Due to redesignation, the language now appears in subsection (s)

Comment Concerning §115 25(t)(2), one commenter stated the proposed wording lowers the qualification set out in §115 2 for dietetics The commenter opposes creation of a lower level of credentials for these individuals

Response The department disagrees with the commenter because requiring a license would be more stringent than Medicare provisions and may place an undue burden on rural communities Editorial changes were made to the paragraph which, due to redesignation in the subsections, appears in subsection (s)

Comment Concerning §115 25(z)(4), one commenter requested that the edition of the Life Safety Code of the National Fire Protection Association be changed from 1981 to 1985 to coincide with the Code of Federal Regulations

Response The department agrees with the commenter and has made the requested change Due to redesignation within the section, the corrected language appears in subsection (y)

Comment Concerning §115 25(z)(11)(C)(i), one commenter stated the current RDA should be used for menu planning to ensure nutritional needs are met The commenter also recommended that language be added to address approval of the menus by a dietitian and require hospices to use written guidelines for substitutions that are approved by the dietitian The dietitian, not the food service supervisor, is the individual with the education and training to determine if the nutritional requirements have been met

Response The department agrees with the commenter and has made the suggested changes and additions Due to redesignation within the section, the change appears in subsection (y)

Comment Concerning §115 25(z)(11)(D), one commenter suggested language that reflects a more efficient use of professional staff and reflects current standards of practice

Response The department agrees with the commenter and has substituted the commenter's suggested language Due to redesignation within the section, the change appears in subsection (y)

Comment Concerning §115 25(z)(12)(E)(ii), one commenter requested deletion of the ref-

erence and substitution of a reference to the BNE delegation rules

Response The department agrees in part with the commenter but retains the reference to §115.21(m) which now references the BNE delegation rules. Due to redesignation within the section, the change appears in subsection (y)

Comment Concerning §115.26(b), because the term "attendants" is not defined, two commenters requested that the term "unlicensed persons" be substituted. The commenters also requested that the word "are" be replaced with "may be" to allow for other individuals to provide the service

Response. The department agrees with the commenters and has incorporated the suggested language

Comment Concerning §115.26(c), one commenter recommended rewording of the rule for clarity

Response The department agrees with the commenter and has reworded the first sentence to clearly identify for whose needs personal assistance services are designed. The second sentence clarifies personal assistance services is a category of service

Comment Concerning §115.26(c)(1) and (2), two commenters requested that the paragraphs be combined and that the restrictive language "where it is not provided as support to skilled services in a plan of care" be deleted. One commenter stated personal assistance services should be available to individuals who are also receiving skilled services

Response The department agrees with the commenters. Personal assistance services may be provided under another category of service if that other category of service covers the provided service

Comment Concerning §115.26(c)(3), two commenters requested the rule reference the BNE delegation rules

Response The department agrees with the commenters and has made reference to §115.21(m) which now references the BNE delegation rules

Comment Concerning §115.26(c)(4), one commenter requested deletion of the paragraph. The commenter stated the tasks should not be included in the licensing standards

Response The department agrees with the commenter and has deleted the paragraph

Comment Concerning §115.26(c)(5), one commenter recommended the deletion of the paragraph, the meaning and intent was not understood

Response The department agrees with the commenter and has deleted the paragraph

Comment Concerning §115.26(c) one commenter suggested a new rule be added to make reference to the health related tasks that can be performed under the memorandum of understanding (MOU) for respite and personal assistance services

Response The department agrees with the commenter. However, the suggested lan-

guage was modified to provide that the tasks provided under the personal assistance services category of services are tasks that are not the practice of professional nursing under the MOU between the department and the Board of Nurse Examiners. The new language appears in §115.25(c)(3)

Comment Concerning §115.26(d), two commenters stated the language was redundant of §115.26(n)(2) and should be deleted.

Response The department agrees with the commenters and has deleted the subsection

Comment Concerning §115.26(e)-(h), two commenters felt that these subsections should be applicable to all agencies and should appear in §115.21 of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Response The department agrees in part with the commenters. Subsections (f) and (h) were relocated to §115.21. Subsections (e) and (g) pertain specifically to the provision of personal assistance services and remain in the section as redesignated subsections (d) and (e)

Comment Concerning §115.26(i), one commenter stated the subsection is unnecessary as the agency's obligation is to be in compliance with the individualized service plan

Response The department agrees in part with the commenter and has deleted subsection (i). A provision which requires the agency to adopt, implement and enforce a policy for back-up services was relocated to §115.21(z) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Comment Concerning §115.26(j), one commenter stated each client needs a separate file even if two or more clients are in the same family and requested that the term "or family" be deleted

Response The department disagrees with the commenter. The agency should have the flexibility to maintain its client's files according to its own policies. The word "separate" has been removed from the subsection to allow an agency to keep the client and family records in the same or separate files. Due to redesignation in the section, the language appears in subsection (f). Clarification has also been provided in §115.21(w) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

Comment Concerning §115.26(j)(2), one commenter recommended deletion of "client's rights and responsibilities." The commenter stated that the current language suggests that the client's rights and responsibilities is a standard form or procedure. The commenter felt that each agency was responsible for developing their own rights and responsibilities

Response The department agrees with the commenter and has struck the language from the paragraph. Due to redesignation in the section, the new language appears in subsection (f)

Comment Concerning §115.26(j)(4), one commenter requested that a new subparagraph be added for plan of supervision

Response The department agrees with the commenter and has added the new subparagraph. Due to redesignation in the section, the new language appears in subsection (f).

Comment Concerning §115.26(k), numerous comments were received regarding the subsection including the recommendation to relocate the rule to §115.21

Response The department agrees with the commenter and has deleted subsection (k). The issue of independent contractors and the other suggestions for changes to the rule are addressed in §115.21(x)

Comment Concerning §115.26(l), one commenter requested that the subsection be relocated to §115.21

Response The department agrees with the commenter and has relocated the rule to §115.21(y)

Comment Concerning §115.26(m)(1), one commenter recommended changing "or" to "and" and deleting "provided by the agency" to clarify the meaning of the paragraph. Another commenter stated orientation of personnel should require the agency to review infection control procedures

Response The department agrees with the first commenter and has made the appropriate change, and due to redesignation in the section, the changed language appears in subsection (g). The department also agrees with the second commenter but has added the appropriate language to §115.21(f)(8)

Comment Concerning §115.26(m)(2), one commenter requested deletion of the word "sufficient" because it is meaningless

Response The department agrees with the commenter and has deleted the word. Due to redesignation in the section, the rule now appears in subsection (g)

Comment Concerning §115.26(n)(2), two commenters commented on the subsection. The first commenter recommended language that clarifies the definition and is in use by another state agency. The second commenter stated the intent is to have college education and experience in a health care setting

Response The department agrees with the first commenter and has substituted the suggested language in redesignated subsection (h). The department disagrees with the second commenter that the intent was college education and experience. Experience in a supervisory capacity in a health care facility, agency, or community based agency is considered appropriate

Comment Concerning §115.27(c)(1), one commenter suggested adding language to the third sentence to clarify that supervision must be provided by the administrator or licensed professional who is in a supervisory position. Otherwise, any licensed person could provide branch supervision

Response The department agrees with the commenter and has added the suggested language and has deleted the term "will" and included the term "shall"

Comment Concerning §115 27(e), one commenter recommended adding "categories of services" to the sentence to clarify what services the branch offices may offer

Response The department agrees with the commenter and has added the suggested language

Comment Concerning §115 28(a), one commenter stated the rule appears to mean that the alternate delivery site must meet §115 25 regulations in their entirety. The commenter suggested stating the specific requirements that must be met by the alternate delivery site and which can be met by the parent office

Response. The department agrees with the commenter and has clarified the requirements the alternate delivery site shall independently meet as §115 25(c), (f)(1), (g) and (n) in §115.28(b).

Comment Concerning §115 28(c)(1), one commenter suggested adding language to the second sentence to clarify that supervision should be provided by the administrator or licensed professional who is in a supervisory position. Otherwise, any licensed person could provide branch supervision. Another commenter recommended the language concerning on-site supervision and supervision provided by the administrator or licensed professional should be mandatory language

Response The department agrees with both commenters and has added the suggested language

Comment Concerning §115 28(c)(3), one commenter stated the clinical records of the alternate delivery site need to be kept at the alternate delivery site

Response The department agrees with the commenter and has made the appropriate changes

Comment Concerning §115 51(b), one commenter wanted clarification added to the rules regarding accreditation of an agency by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and by the Community Health Accreditation Program (CHAP). The commenter also suggested that a statement be added that surveys by JCAHO, CHAP and other state agencies (whose standards meet or exceed the requirements for licensing and inspection) will satisfy the legislative licensing survey requirement

Response The department responds to the commenter that an agency would be required to have an initial survey by the department. Except for complaint investigations and initial surveys, an agency licensed by the department is not subject to additional surveys relating to home health, hospice, or personal assistance services while the agency maintains accreditation for the applicable services from the JCAHO, CHAP or other accreditation organizations that meet or exceed the standards adopted under this chapter. The department agrees in part with the

commenter that language should be added regarding the timeframes for licensure inspections, the language has been added in §115 51(n) noting the exceptions in §115 51(b). The department has also added clarification in §115 51(b) to assure that agencies will be subject to complaint investigations and initial surveys

Comment Concerning §115 51(c), one commenter recommended that the last sentence of the subsection be clarified to indicate the agency records being addressed by the rule are the original agency records

Response The department agrees with the commenter and has added the word "original" to the rule

Comment Concerning §115 51(e), one commenter pointed out that final findings are not addressed in the section

Response. The department agrees with the commenter that final findings were not addressed. The department has resolved the oversight by removing the word "preliminary" from the rule and modifying the language in subsection (c) and (d). The department's representative was clarified in §115 51(c) to be a "surveyor"

Comment Concerning §115 51(f)(1), one commenter requested that the rule address the time period by which the department must prepare a statement of deficiencies and recommended that within 10 days

Response The department disagrees with the commenter because the surveyor prepares the statement of deficiencies on-site in the majority of the surveys that are conducted

Comment Concerning §115 51(f)(2), two commenters stated that an agency should have a sufficient and specified amount of time in order to develop a plan of correction following a survey. One of the commenters recommended 30 days be allowed

Response The department agrees with the commenters that an agency should have a sufficient amount of time to prepare a plan of correction and has added language to allow an agency to provide the plan of correction at the time of the on-site survey or within ten calendar days. The department believes that 30 days is excessive

Comment Concerning §115 51(f)(3), one commenter stated that signing the receipt for the statement of deficiencies does not indicate any agreement with the statement of deficiencies. The commenter requested that a disclaimer be added to the rule

Response The department agrees with the commenter and has added the disclaimer

Comment Concerning §115 51(g), one commenter stated that 10 days does not provide sufficient time within which to revise and resubmit a plan of correction and recommended that the rule be revised to provide that the plan of correction may be submitted within 30 days

Response The department agrees with the commenter and has modified the language to state that an unacceptable plan of correction may be resubmitted no later than 30 calendar

days of the agency's receipt of the department's written notice

Comment Concerning §115 51(m), one commenter recommended that the rule be revised to clarify and narrow the circumstances under which the department may initiate disciplinary action once a plan of correction is accepted and completed

Response The department agrees in part with the commenter. The department should have the flexibility in its regulatory responsibility if necessary to initiate licensure action even if a plan of correction has been accepted and completed. However, the department has added additional language that clarifies action will be taken only if there is harm or potential harm to the client

Comment Concerning §115 51, one commenter recommended that the section contain a rule concerning the timing of surveys

Response The department agrees with the commenter and has added a new subsection (n) which provides that an on-site survey be conducted within 18 months after a survey for an initial license and after that at least every 36 months

Comment Concerning §115 51, one commenter stated that the statute provides that if an agency has a license to provide more than one service, the survey for each service must be completed during the same surveyor visit. The proposed regulations do not make reference to this requirement. The commenter recommended that a rule be added regarding the timing of multiple surveys

Response The department agrees with the commenter and has added a new subsection (o). The language was slightly modified from the commenter's suggested language

Comment Concerning §115 52, one commenter recommended that the section be renamed "Disciplinary Action"

Response The department agrees with the commenter, has renamed the section and corrected the references to the section throughout the rules

Comment Concerning §115 52(b)(2), one commenter stated the grounds for denial of a license that are set forth in the rule are overly vague. The commenter recommended the regulations should state specifically the persons for whom the actions must be disclosed

Response The department agrees with the commenter and has made the suggested changes to the language

Comment Concerning §115 52(e), one commenter stated the safeguards that are available to an agency in the event that the department orders the immediate suspension or revocation of the agency's license, as provided in the statute, are not included in the rule. The commenter recommended that the rule include the safeguards

Response The department agrees with the commenter and has added the suggested language and included additional language regarding notice for the grounds of the action and procedures for appeal

Response. The department agrees with the commenter and has added the suggested language and has deleted the term "will" and included the term "shall".

Comment: Concerning §11527(e), one commenter recommended adding "categories of services" to the sentence to clarify what services the branch offices may offer.

Response. The department agrees with the commenter and has added the suggested language. The department agrees with the commenter and has clarified the requirements the alternate delivery site shall independently meet as §11525(c), (f)(1), (g) and (h) in §11528(b).

Comment: Concerning §11528(c)(1), one commenter suggested adding language to the second sentence to clarify that supervision should be provided by the administrator or licensed professional who is in a supervisory position. Otherwise, any licensed person could provide branch supervision. Another commenter recommended the language concerning on-site supervision and supervision provided by the administrator or licensed professional should be mandatory language.

Response. The department agrees with both commenters and has added the suggested language.

Comment: Concerning §11528(c)(3), one commenter stated the clinical records of the alternate delivery site need to be kept at the alternate delivery site.

Response. The department agrees with the commenter and has made the appropriate changes.

Comment: Concerning §11528(b), one commenter wanted clarification added to the rules regarding accreditation of an agency by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) and by (CHAP). The commenter also suggested that a statement be added that surveys by JCAHO, CHAP and other state agencies (whose standards meet or exceed the requirements for licensing and inspection) will satisfy the legislative licensing survey requirement.

Response: The department responds to the commenter that an agency would be required to have an initial survey by the department. Except for complaint investigations and initial surveys, an agency licensed by the department is not subject to additional surveys relating to home health, hospice, or personal assistance services while the agency maintains accreditation for the applicable services from the JCAHO, CHAP or other accredited organizations that meet or exceed the standards adopted under this chapter. The department agrees in part with the commenter that an unacceptable plan of correction may be resubmitted no later than 30 calendar days.

Response. The department agrees with the commenter and has modified the language to state that an unacceptable plan of correction may be resubmitted no later than 30 calendar days within 30 days.

Comment: Concerning §11551(g), one commenter stated that 10 days does not provide sufficient time within which to revise and resubmit a plan of correction and recommended that the rule be revised to provide that the plan of correction may be submitted within 30 days.

Response. The department agrees with the commenter and has added the disclaimer that the plan of correction may be submitted within 30 days.

Comment: Concerning §11551(f)(3), one commenter stated that signing the receipt for the statement of deficiencies does not indicate any agreement with the statement of deficiencies. The commenter requested that a disclaimer be added to the rule.

Response. The department agrees with the commenter and has added the disclaimer.

Comment: Concerning §11551(f)(2), two commenters stated that an agency should have a sufficient amount of time to prepare a plan of correction and has added language to allow an agency to provide the plan of correction at the time of the on-site survey or within ten calendar days. The department believes that 30 days is excessive.

Comment: Concerning §11551(f)(3), one commenter stated that signing the receipt for the statement of deficiencies does not indicate any agreement with the statement of deficiencies. The commenter requested that a disclaimer be added to the rule.

Response. The department agrees with the commenter and has added the disclaimer.

Comment: Concerning §11551(e), one commenter stated that the state provides that if an agency has a license to provide service must be completed during the same survey or visit. The proposed regulations do not make reference to this requirement. The commenter recommended that a rule be added regarding the timing of multiple surveys.

Response. The department agrees with the commenter and has added a new subsection (o). The language was slightly modified from the commenter's suggested language.

Comment: Concerning §11552, one commenter recommended that the section be renamed "Disciplinary Action".

Response. The department agrees with the commenter, has renamed the section and corrected the references to the section throughout the rules.

Comment: Concerning §11552(b)(2), one commenter stated the grounds for denial of a license that are set forth in the rule are overly vague. The commenter recommended the regulations should state specifically the persons for whom the actions must be disclosed.

Response. The department agrees with the commenter and has made the suggested changes to the language.

Comment: Concerning §11552(e), one commenter stated the safeguards that are available to an agency in the event that the department orders the immediate suspension or revocation of the agency's license, as provided in the statute, are not included in the rule. The commenter recommended that the rule include the safeguards.

Response. The department agrees with the commenter and has added additional language regarding notice for the grounds of the action and procedures for appeal.

days of the agency's receipt of the department's written notice.

Comment: Concerning §11551(m), one commenter recommended that the rule be revised to clarify and narrow the circumstances under which the department may initiate disciplinary action once a plan of correction is accepted and completed.

Response. The department agrees in part with the commenter. The department should have the flexibility in its regulatory responsibility if necessary to initiate licensure action even if a plan of correction has been accepted and completed. However, the department has added additional language that clarifies action will be taken only if there is harm or potential harm to the client.

Comment: Concerning §11551, one commenter recommended that the section contain a rule concerning the timing of surveys.

Response. The department agrees with the commenter and has added a new subsection (n) which provides that an on-site survey be conducted within 18 months after a survey for an initial license and after that at least every 36 months.

Comment: Concerning §11551, one commenter stated that the statute provides that if an agency has a license to provide service must be completed during the same survey or visit. The proposed regulations do not make reference to this requirement. The commenter recommended that a rule be added regarding the timing of multiple surveys.

Response. The department agrees with the commenter and has added a new subsection (o). The language was slightly modified from the commenter's suggested language.

Comment: Concerning §11552, one commenter recommended that the section be renamed "Disciplinary Action".

Response. The department agrees with the commenter, has renamed the section and corrected the references to the section throughout the rules.

Comment: Concerning §11552(b)(2), one commenter stated the grounds for denial of a license that are set forth in the rule are overly vague. The commenter recommended the regulations should state specifically the persons for whom the actions must be disclosed.

Response. The department agrees with the commenter and has made the suggested changes to the language.

Comment: Concerning §11552(e), one commenter stated the safeguards that are available to an agency in the event that the department orders the immediate suspension or revocation of the agency's license, as provided in the statute, are not included in the rule. The commenter recommended that the rule include the safeguards.

Response. The department agrees with the commenter and has added additional language regarding notice for the grounds of the action and procedures for appeal.

Response: The department agrees with the commenter and has added the word "calendar" to clarify the time periods.

Comment: Concerning the rules in general, one commenter stated since it appears there may be substantial changes to the rules, recommended that the rules be republished once changes have been made, and that another comment period be offered

Response: The department disagrees with the commenter. While there are numerous changes to the rules, they are not considered to be substantive and, therefore, do not warrant reproposal.

Comment: Concerning the rules in general, one commenter stated the combining of the two classes of agencies is discriminatory against small agencies and has no basis in law or legislative intent. To support the view, the commenter cited the statute regarding the setting of license fees in amounts that are reasonable to meet the costs of administering the chapter and the board shall consider the size of the home and community support service agency, the number of clients served, the number of services provided. The commenter was concerned that should the proposed rules become regulation, then most pharmacies that license their nursing staff as an agency will not continue to license, thus limiting and/or withdrawing services from some communities

Response: The department disagrees with the commenter. The department believes the rules reflect the intent of the statute. The issue of fees has been addressed earlier in the comments concerning §115.3

Comment: Concerning the rules in general, one commenter stated that although House Bill 1551 has provisions that relate to the issuance and renewal of licenses until July 1, 1994, it does not provide any guidance as to how such licenses will be treated after that date. The commenter requested confirmation from the department that a currently licensed home health agency may receive its license as a home and community support services agency in accordance with the license renewal provisions set forth in §115.12 rather than the initial license application provisions set forth in §115.11. The commenter further requested that a provision be added to the proposed rules.

Response: The department confirms to the commenter that currently licensed agencies will not be considered initial applicants but will have to provide the information for reissuance of a new license by July 1, 1994. No additional fee will be charged unless it is also time for renewal of the license. Language has been added in §115.21(aa) to address the process.

Comment: Concerning the rules in general, one commenter stated that before the rules are finalized they should include pediatric requirements, much like the proposed "qualifications for an agency that provides skilled nursing psychoactive treatment" and "standards for home dialysis designation"

Response: The department considers the addition of pediatric rules at this time to be a substantive change. The department will con-

sider adding pediatric requirements when the rules are proposed again and welcomes suggested language from the commenter

Comment: Concerning the rules in general, one commenter believed that when drug therapy is a part of the home health care service, pharmacist involvement is crucial to achieving optimal patient outcomes. The commenter suggested that consideration be given to include in the final rules a requirement for agencies to employ a pharmacist to perform drug use reviews and drug therapy monitoring and evaluation as is currently required in licensed nursing homes

Response: The department disagrees with the commenter and has not included the request in the rules.

Comment: Concerning the rules in general, one commenter recommended that Subchapter E should come before Subchapter D because it would flow better

Response: The department disagrees with the commenter and has not made the change

The comments on the proposed rules received by the department during the comment period were submitted by individuals, the Board of Nurse Examiners, Gulf Gate Health Care, Home Health Services and Staffing Association; Home Intensive Care Pharmacy; Home IV Therapy, Keystone Home Health Management, Inc., Personal Assistance Services/Respite Rules Work Group; State Board of Examiners for Speech-Language Pathology and Audiology, Texas Association for Home Care, Texas Association of Medical Equipment Dealers, The Texas Council of Community Mental Health and Mental Retardation Centers, Inc.; Texas Department of Health, Children's Health Division; Texas Department of Human Services, Texas Health and Human Services Commission, Texas State Board of Examiners of Dietitians, Texas State Board of Pharmacy, Visiting Nurses Association, Dallas, VITAS Healthcare Corporation, and department staff. The commenters were neither for nor against the rules in their entirety, however, they raised questions, expressed concerns, offered comments for clarification, and made recommendations concerning specific provisions of the rules

Licensing and Regulation

• 25 TAC §§115.1-115.19

The repeals are adopted under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for the licensing of home and community support services agencies, and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health. The repeals affect Health and Safety Code, §142.012

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 April 11, 1994

TRD-9438949

Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

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For further information, please call. (512) 834-6650

Chapter 115. Home and Community Support Services Agencies

Subchapter A. General Provi- sions

• 25 TAC §§115.1-115. 5

The new sections are adopted under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for the licensing of home and community support services agencies, and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health

§115.2. Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

Accessible and flexible services-Services which are delivered in the least intrusive manner possible and are provided in all settings where individuals live, work, and recreate

Administration of medication-The direct application of any medication by injection, inhalation, ingestion, or any other means to the body of a client. The preparation of medication is part of the administration of medication and is the act or process of making ready a medication for administration, including the calculation of a client's medication dosage; altering the form of the medication by crushing, dissolving, or any other method; reconstitution of an injectable medication; drawing an injectable medication into a syringe; preparing an intravenous admixture, or any other act required to render the medication ready for administration

Administrative support site-A facility or site where a home and community support services agency performs administrative and other support functions but does not provide direct home health, hospice, or personal assistance services

Administrator-A person who is a physician, registered nurse, licensed vocational nurse, physical therapist, occupational therapist, speech-language pathologist, audiologist, social worker, or nursing home administrator; or has a bacca-

laureate or postgraduate degree in administration or a health or human services field; or has one year of administrative experience in a health care setting.

Affiliate—With respect to an applicant or owner which is:

(A) a corporation—means each officer, director, stockholder with a direct ownership of at least 10%, subsidiary, and parent company;

(B) a limited liability company—means each officer, member, and parent company;

(C) an individual—means:

(i) the individual's spouse;

(ii) each partnership and each partner thereof of which the individual or any affiliate of the individual is a partner; and

(iii) each corporation in which the individual is an officer, director, or stockholder with a direct ownership of at least 10%;

(D) a partnership—means each partner and any parent company; and

(E) a group of co-owners under any other business arrangement—means each officer, director, or the equivalent under the specific business arrangement and each parent company.

Agency—A home and community support services agency.

Alternate delivery site—A facility or site, including a residential unit or an inpatient unit:

(A) that is owned or operated by a hospice;

(B) that is not the hospice's principal place of business;

(C) that is located in the geographical area served by the hospice; and

(D) from which the hospice provides hospice services.

Applicant—The owner of an agency which is applying for a license under the statute.

Assistance with medication or treatment regimen—Any needed ancillary aid provided to a client in the client's self-administered medication or treatment regimen, such as reminding a client to take a medication at the prescribed time, opening and closing a medication container, pouring a predetermined quantity of liquid to be

ingested, returning a medication to the proper storage area, and assisting in re-ordering medications from a pharmacy. Such ancillary aid shall not include administration of any medication.

Association—A partnership, limited liability company or other business entity that is not a corporation.

Bereavement—The process by which a survivor of a deceased person mourns and experiences grief.

Bereavement services—Support services offered to a family during bereavement. Family includes a significant other(s).

Branch office—A facility or site in the geographical area served by a home and community support services agency where home health or personal assistance services are delivered or active client records are maintained.

Care plan—

(A) a written plan prepared by the appropriate health care personnel for a client of the home and community support services agency; or

(B) for home dialysis designation, a written plan developed by the physician, registered nurse, dietitian and qualified social worker to personalize the care for the client and enable long- and short-term goals to be met.

Case conference—A conference among personnel furnishing services to the client to ensure that their efforts are coordinated effectively and support the objectives outlined in the plan of care or care plan.

Certified agency—A home and community support services agency that:

(A) provides a home health service; and

(B) is certified by an official of the Department of Health and Human Services as in compliance with conditions of participation in Social Security Act, Title XVIII (42 United States Code (U.S.C.), §1395 et seq).

Certified copy—A sworn affidavit stating that attached copies are true and correct copies of original documents.

Certified home health services—Home health services that are provided by a certified agency.

Client—An individual receiving home health, hospice, or personal assistance services from a licensed home and community support services agency. This term includes each member of the primary client's family if the member is receiving services.

Clinical note—A dated and signed written notation by agency personnel of a contact with a client containing a description of signs and symptoms; treatment and medication given; the client's reaction; other health services provided; and any

changes in physical and emotional condition.

Council—The Home and Community Support Services Advisory Council.

Counselor—An individual qualified under Medicare standards to provide counseling services, including bereavement, dietary, spiritual, and other counseling services to both the client and the family.

Department—The Texas Department of Health.

Dialysis treatment record—For home dialysis designation, a dated and signed written notation by the person providing dialysis treatment which contains a description of signs and symptoms, machine parameters and pressure settings, type of dialyzer and dialysate, actual pre and post treatment weight, medications administered as part of the treatment, and the client's response to treatment.

Dietitian—A person who is currently licensed under the laws of this state to use the titles of licensed dietitian or provisional licensed dietitian, or who is a registered dietitian.

Director—The director of the Health Facility Licensure and Certification Division of the Texas Department of Health or his or her designee.

End stage renal disease (ESRD)—For home dialysis designation, the stage of renal impairment that appears irreversible and permanent and requires a regular course of dialysis or kidney transplantation to maintain life.

Freestanding hospice—An agency that provides hospice services to clients of the agency who are residing at the agency's physical location including inpatient and respite care.

Functional need—Services which are based on the functional needs of the individual rather than on diagnosis or label.

Health assessment—A determination of a client's physical and mental status through inventory of systems.

Home and community support services agency—A person who provides home health, hospice, or personal assistance services for pay or other consideration in a client's residence, an independent living environment, or another appropriate location.

Home health medication aide—A person permitted under the Health and Safety Code, Chapter 142, Subchapter B.

Home health service—The provision of one or more of the following health services required by an individual in a residence or independent living environment:

(A) nursing;

(B) physical, occupational, speech, or respiratory therapy;

(C) medical social service;

(D) intravenous therapy;

(E) dialysis;

(F) service provided by unlicensed personnel under the delegation of a licensed health professional;

(G) the furnishing of medical equipment and supplies, excluding drugs and medicines; or

(H) nutritional counseling.

Hospice—A person licensed under this chapter to provide hospice services, including a person who owns or operates a residential unit or an inpatient unit.

Hospice services—Services, including services provided by unlicensed personnel under the delegation of a registered nurse or physical therapist, provided to a client or a client's family as part of a coordinated program consistent with the standards and rules adopted under this chapter. These services include palliative care for terminally ill clients and support services for clients and their families that:

(A) are available 24 hours a day, seven days a week, during the last stages of illness, during death, and during bereavement;

(B) are provided by a medically directed interdisciplinary team; and

(C) may be provided in a residence, nursing facility, residential unit, independent living environment or inpatient unit according to need. These services do not include inpatient care normally provided in a licensed hospital to a terminally ill person who has not elected to be a hospice client.

Independent living environment—A client's individual residence, which may include a group home or foster home, or other settings where a client participates in activities, including school, work, or church.

Individual/family choice and control—Individuals and families who express preferences and make choices about how their support service needs are met.

Inpatient unit—A facility that provides a continuum of medical or nursing care and other hospice services to clients admitted into the unit and that is in compliance with the conditions of participation for inpatient units adopted under Social Security Act, Title XVIII (42 United States Code, §1395 et seq) and standards adopted under this chapter.

Interdisciplinary team—

(A) for home dialysis designation, the physician, the registered nurse, the dietitian, and the qualified social worker responsible for planning the care delivered to the home staff-assisted dialysis patient; or

(B) a group of individuals who work together in a coordinated manner to provide hospice services and must include a physician, registered nurse, social worker, and counselor.

Investigation—An inspection or survey conducted by a representative of the department to determine if a licensee is in compliance with this chapter.

Licensed vocational nurse—A person who is currently licensed under the laws of this state to use the title licensed vocational nurse.

Long-term program—For home dialysis designation, the written documentation of the selection of a suitable treatment modality and dialysis setting which has been selected by the client and the interdisciplinary team.

Manager—A person having a contractual relationship to provide management services to a home and community support services agency for the overall operation of a home and community support services agency including administration, staffing, or delivery of services. Examples of contracts for services that will not be considered to be contracts for management services shall include contracts solely for maintenance, laundry, or food services.

Medication administration record—A record used to document the administration of a client's medications.

Medication list—A list of a client's medications that includes the recommended dosage and the frequency and method of administration. The medication list is used to identify possible ineffective drug therapy or adverse reactions, significant side effects, drug allergies, and contraindications.

Nursing facility—An institution licensed as a nursing home under the Health and Safety Code, Chapter 242.

Occupational therapist—A person who is currently licensed under the laws of this state to practice occupational therapy.

Owner—One of the following persons which will hold or does hold a license issued under the statute in the person's name or the person's assumed name:

(A) a corporation;

(B) a limited liability company;

(C) an individual;

(D) a partnership if a partnership name is stated in a written partnership agreement or an assumed name certificate;

(E) all partners in a partnership if a partnership name is not stated in a written partnership agreement or an assumed name certificate; or

(F) all co-owners under any other business arrangement.

Palliative care-Intervention services that focus primarily on the reduction or abatement of physical, psychosocial, and spiritual symptoms of a terminal illness.

Parent agency—The agency that develops and maintains administrative controls and provides supervision of branch offices and alternate delivery sites.

Parent company—A person, other than an individual, who has a direct 100% ownership interest in the owner of an agency.

Person—An individual, corporation, or association.

Personal assistance services—Routine ongoing care or services required by an individual in a residence or independent living environment that enable the individual to engage in the activities of daily living or to perform the physical functions required for independent living, including respite services. The term includes health-related services performed under circumstances that are defined as not constituting the practice of professional nursing by the Board of Nurse Examiners through a memorandum of understanding with the department in accordance with Health and Safety Code, §142.016, and health-related tasks provided by unlicensed personnel under the delegation of a registered nurse.

Physical therapist—A person who is currently licensed under the laws of this state as a physical therapist.

Physician—A person who is currently licensed under the laws of a state within the United States and in which the person practices medicine and who holds a doctor of medicine or doctor of osteopathy degree.

Place of business—An office of a home and community support services agency that maintains client records or directs home health, hospice, or personal assistance services. The term does not include an administrative support site.

Plan of care—The written orders of a practitioner for a client who requires skilled services.

Practitioner—A person who is currently licensed in a state in which the person practices as a physician, dentist, podiatrist, or a person who is a registered nurse registered with the Board of Nurse Examiners for the State of Texas as an advanced nurse practitioner.

Presurvey conference—A conference held with department staff and the applicant or his or her representatives to review licensure standards and survey documents and provide consultation prior to the on-site licensure survey. Those present who represent the applicant shall include at least an

individual who will be responsible for the day-to-day administration or supervision of care for the agency.

Progress note—A dated and signed written notation by agency personnel summarizing facts about care and the client's response during a given period of time.

Psychoactive treatment—The provision of a skilled nursing visit to a client with a psychiatric diagnosis under the direction of a psychiatrist that includes one or more of the following:

(A) assessment of alterations in mental status or evidence of suicide ideations or tendencies;

(B) teaching coping mechanisms or skills;

(C) counseling activities; or

(D) evaluation of the plan of care.

Registered nurse (RN)—A person who is currently licensed under the laws of this state as a registered nurse.

Residence—A place where a person resides and includes a home, a nursing facility, a convalescent home, an independent living environment, or a residential unit. A residence includes a group or a foster home.

Residential unit—A facility that provides living quarters and hospice services to clients admitted into the unit and that is in compliance with standards adopted under the Texas Special Care Facility Licensing Act, Health and Safety Code, Chapter 248.

Respiratory therapist—A person who is currently licensed under Chapter 123 of this title (relating to Respiratory Care Practitioner Certification) as a respiratory care practitioner.

Respite services—Support options that are provided temporarily for the purpose of relief for a primary caregiver in providing care to individuals of all ages with disabilities or at risk of abuse or neglect. Respite services may be provided under home health, hospice, or personal assistance services depending on the needs of the client.

Sections—Chapter 115 of this title (relating to Home and Community Support Services Agency).

Skilled services—Services in accordance with a plan of care that require the skills of a:

(A) registered nurse;

(B) licensed vocational nurse;

(C) physical, occupational or respiratory therapist;

(D) speech-language pathologist;

(E) audiologist;

(F) social worker; or

(G) dietitian.

Social worker—A person who is currently licensed as a social worker under Human Resource Code, Chapter 50.

Speech-language pathologist or audiologist—A person who is currently licensed under the laws of this state as a speech-language pathologist or audiologist.

Statute—The Health and Safety Code, Chapter 142.

Supervision—Authoritative procedural guidance by a qualified person for the accomplishment of a function or activity with initial direction and periodic inspection of the actual act of accomplishing the function or activity.

Support services—Social, spiritual, and emotional care provided to a client and a client's family by a hospice.

Terminal illness—An illness for which there is a limited prognosis if the illness runs its usual course.

Unlicensed person—An individual who is not licensed as a health care professional. The term includes, but is not limited to, home health aides, medication aides permitted by the department, and other individuals providing personal care or assistance in health services.

Volunteer—An individual who provides assistance to a home and community support services agency without compensation other than reimbursement for actual expenses. A volunteer shall meet the same requirements and standards in this chapter as apply to an employee of the agency doing the same activities unless the volunteer is exempt under this chapter from certain requirements or standards.

§115.3 Licensing Fees.

(a) The schedule of fees for licensure of an agency authorized to provide one or more services is as follows:

(1) initial license fee—\$875;

(2) renewal license fee—\$875;

(3) initial branch office license fee—\$500;

(4) renewal branch office license fee—\$300;

(5) initial alternate delivery site license fee—\$500; and

(6) renewal alternate delivery site license fee—\$300.

(b) The Texas Department of Health (department) will not consider an

application as officially submitted until the applicant pays the licensing fee. The fee must accompany the application form.

(c) Fees paid to the department are not refundable.

(d) Any remittance submitted to the department in payment of a required fee must be in the form of a certified check, money order, or personal check made out to the Texas Department of Health.

§115.4 Exemptions.

(a) If a person submits to the Texas Department of Health (department) a written claim for exemption, the claim shall include all documentation supporting the exemption. Persons who are exempt from licensing requirements are listed in the Health and Safety Code, §142.003.

(b) The department shall evaluate the claim for exemption and notify the person by certified mail, return receipt requested, of the proposed decision to grant or deny the claim within 30 calendar days following the department's receipt of the claim for exemption. If the documentation submitted is determined to be insufficient by the department, the person shall be so notified in writing within 30 calendar days of the department's receipt of the documentation and shall have ten calendar days to respond. Following receipt of the response, if any, the department shall notify the person in writing within ten calendar days of the proposed denial or the approval of the claim. The department may conduct an on-site investigation to ascertain if home health, hospice, or personal assistance services are provided.

(c) If the claim for exemption is proposed to be denied, the person shall have the right to request informal reconsideration of the decision by the department. The request shall be made by written letter within ten calendar days of the receipt of the denial and shall include any further documentation supporting exemption.

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 April 11, 1994.

TRD-9438950 Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

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For further information, please call: (512) 834-6650

Subchapter B. Application and Issuance of a License

• 25 TAC §§115.11-115.15

The new sections are adopted under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for the licensing of home and community support services agencies; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health.

§115.11. Application and Issuance of Temporary License for First-Time Applicants (Unregulated Agencies, New Agencies, and Certain Relocations).

(a) All first-time applications for licensing are applications for a temporary license. The application for a temporary license is also an application for the first annual license.

(b) Upon written request, the Texas Department of Health (department) shall furnish a person with an application form for an agency license.

(c) The applicant shall apply for a license which may include the following category(ies) of service:

- (1) licensed and certified home health services;
 - (2) licensed home health services which may include home dialysis designation;
 - (3) hospice services which may include residential or inpatient units;
 - (4) personal assistance services;
- or
- (5) any combination of services.

(d) An agency is not required to be licensed in more than one category of services if the agency's category of service covers the provided services.

(e) The applicant shall be at least 18 years of age if the applicant is an individual.

(f) The applicant shall retain a copy of all documentation that is submitted to the department.

(g) The applicant shall submit the following to the department:

- (1) an accurate and complete application. The address provided on the application must be the address from which the agency will be operating. The applicant shall provide the address in the State of Texas of its place of business to be licensed by the department;
- (2) a nonrefundable license fee;
- (3) the name of the owner of the agency;

(4) a list of names of all persons who own at least a 10% interest in the applicant;

(5) a list of any businesses with which the applicant subcontracts and in which the persons listed under paragraph (4) of this subsection hold as much as 5.0% of the ownership;

(6) if the applicant is a direct or indirect subsidiary of a publicly held corporation, the name of that publicly held corporation and the names of each subsidiary of the publicly held corporation that owns an interest in the applicant;

(7) for an application other than an alternate delivery site or a branch office license:

(A) a proposed budget covering the period of time of the license;

(B) a notarized affidavit attesting to the following:

(i) that the applicant has not been adjudged insolvent or bankrupt in a state or federal court;

(ii) that the applicant is not a party in a state or federal court to a bankruptcy or insolvency proceeding with respect to the applicant, and

(iii) that the applicant has the financial resources to meet its proposed budget, and to provide the services required by the statute and by the department during the term of the license;

(C) its organizational structure, a list of management personnel, and a job description of each administrative and supervisory position. The job description must contain at a minimum the job title, qualifications including education and training, and job responsibilities. The applicant must submit a plan to provide annual continuing education and training for management personnel;

(D) a written plan for the orderly transfer of care of the applicant's clients and clinical records if the applicant is unable to maintain services under the license;

(E) a notarized statement attesting that the applicant is capable of meeting the requirements of this chapter for the provision of home health, hospice, or personal assistance services under the statute;

(F) if an applicant is a corporation, a current letter from the state comptroller's office stating the corporation is in

good standing or a notarized certification that the tax owed to the state under the Tax Code, Chapter 171, is not delinquent or that the corporation is exempt from the payment of the tax and is not subject to the Tax Code, Chapter 171;

(G) if accredited, documentation from the accrediting body indicating the agency is accredited;

(H) if certified by a state agency that has certification standards which meet or exceed the requirements of this chapter and the statute for licensure, documentation from the state agency indicating the applicant is certified;

(I) for the two-year period preceding the application date, data concerning the applicant and the real property lessors, affiliates, and managers of the applicant, without regard to whether the data required relates to current or previous events:

(i) denial, suspension, or revocation of an agency license or a license for any health care facility in any state;

(ii) federal or state Medicaid or Medicare sanctions or penalties;

(iii) state or federal criminal convictions which imposed incarceration;

(iv) federal or state tax liens;

(v) unsatisfied final judgments;

(vi) operation of an agency that has been decertified in any state under Medicare or Medicaid;

(vii) debarment, exclusion, or contract cancellation in any state from Medicare or Medicaid;

(viii) eviction involving any property or space used as an agency in any state;

(ix) unresolved final state or federal Medicare or Medicaid audit exceptions; or

(x) injunctive orders from any court; and

(J) ownership and management information including:

(i) the name and business address of:

(I) each limited partner and general partner if the applicant is a partnership; and

(II) each director and officer if the applicant is a corporation;

(ii) if the applicant has held or holds an agency license or has been or is an affiliate of another licensed agency, the relationship, including the name and current or last address of the other agency and the date such relationship commenced and, if applicable, the date it was terminated;

(iii) if the applicant is a subsidiary of another organization, the names and addresses of the parent organization and the names and addresses of the officers and directors of the parent organization;

(iv) if the facility is operated by or proposed to be operated under a management contract, the names and addresses of any person and organization having an ownership interest of 5.0% or more in the management company; and

(v) the provisions of subparagraphs (I) and (J) of this paragraph shall not apply to an applicant who is a bank, trust company, financial institution, title insurer, escrow company, or underwriter title company to which a license will be issued in a fiduciary capacity except for provisions that require disclosure relating to the manager of the agency.

(h) Upon receipt of the application, including the required documentation and the fee, the department shall review the material to determine whether it is complete.

(1) All documents submitted with the original application shall be certified copies or originals.

(2) The time periods for processing an application shall be in accordance with §113.2 of this title (relating to Time Periods for Processing and Issuing Licenses for Health Care Providers).

(3) Information received by the department relating to the competence and financial resources of the applicant is confidential and may not be disclosed to the public.

(i) Once the application is complete and correct, a presurvey conference may be held at the office designated by the department. All applicants are required to attend a presurvey conference unless the designated survey office waives the requirement. The surveyor shall verify compliance with the applicable provisions of the rules and recommend that the agency be issued a temporary license or that the application be denied pursuant to §115.52 of this title (relating to Disciplinary Action). If the surveyor recommends issuance of a temporary license, the department will issue a temporary license within 30 calendar days. The temporary li-

cence is valid for six months from the date of issuance and is not renewable. The department shall mail the temporary license to the licensee.

(j) If a person is in the process of becoming certified by the Department of Health and Human Services so as to qualify as a certified agency, the person may be issued a temporary license authorizing the person to provide licensed and certified home health services to be effective in accordance with this chapter.

(k) The license will designate the categories of services the agency is authorized to provide at or from the designated place of business.

(l) Continuing compliance with the minimum standards and the provisions of the rules for the services authorized to be provided under the license is required during the temporary licensing period in order for an annual license to be issued.

(m) The agency shall comply with §115.21 of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies).

(n) If the department determines that compliance with minimum standards and the provisions of the rules is not substantiated after the issuance of a temporary license, the department shall propose to deny the annual license and shall notify the applicant of a license denial as provided in §115.52 of this title.

(o) A department surveyor shall inspect the agency after the issuance of the temporary license. All first-time applicants for an annual license must be providing services to one or more clients at the time of the survey. No initial annual license shall be issued until an owner has complied with §115.51 of this title (relating to Surveys and Investigation Procedures).

(p) If an applicant decides not to continue the application process for a temporary, initial annual, or renewal of an annual license, the application may be withdrawn. If a temporary or annual license has been issued, the applicant shall return the temporary or annual license to the department with its written request to withdraw. The department shall acknowledge receipt of the request to withdraw.

(q) If the holder of a temporary license to provide licensed and certified home health services withdraws the holder's application for certification under the Social Security Act, Title XVIII, the department may propose to revoke or suspend the temporary license and to deny the application for an annual license in accordance with §115.52 of this title.

(r) If the holder of a temporary license to provide licensed and certified

home health services has withdrawn the holder's application for certification under the Social Security Act, Title XVIII, and then reapplies for certification the subsequent application is considered a new application for certification and the person must apply for a new temporary license to provide licensed and certified home health services based on the subsequent application for certification. The application for a new temporary license to provide licensed and certified home health services shall be in accordance with this section.

(s) A person may not engage in the business of providing home health, hospice, or personal assistance services, or represent to the public that the person is a provider of home health, hospice, or personal assistance services for pay or other consideration without a license issued under the statute.

§115.12. Issuance and Renewal of Annual License.

(a) A first annual license shall be issued to an agency with a temporary license which meets the minimum standards for a license as determined after a survey or through the successful completion of a survey to determine compliance with the Medicare conditions of participation for licensed and certified home health agencies or certified hospices. The first annual license supersedes the temporary license and shall expire one year from the date of issuance of the temporary license.

(b) An annual license may be issued when an agency has met the requirements for renewal of an annual license. To be eligible for license renewal, the agency must show proof that services have been provided under the license within the previous 12 months. The agency shall document that services have been provided to one or more clients.

(c) The Texas Department of Health (department) will send notice of expiration to an agency at least 60 calendar days before the expiration date of an annual license. If the agency has not received notice of expiration from the department 45 calendar days prior to the expiration date, it is the duty of the agency to notify the department and request a renewal application for a license.

(d) The agency shall submit to the department postmarked no later than 30 calendar days prior to the expiration date of the license:

(1) an application renewal form which includes updated disclosure information and ownership and management information as required by §115.11(g)(7)(I) and (J) of this title (relating to Application and Issuance of Temporary License for First-Time Applicants (Unregulated Agencies, New Agencies, and Certain Relocations));

(2) the renewal license fee;

(3) if accredited, documents from the accreditation body indicating the agency's accreditation;

(4) if certified by a state agency that has certification standards that meet or exceed the requirements of the statute and this chapter for licensure, documentation from the state agency indicating the agency's certification; and

(5) if an applicant is a corporation, a current letter from the state comptroller's office stating the corporation is in good standing or a notarized certification that the tax owed to the state under the Tax Code, Chapter 171, is not delinquent or that the corporation is exempt from the payment of the tax and is not subject to the Tax Code, Chapter 171.

(e) All documents submitted with the renewal application shall be certified copies or originals. The time periods for processing an application shall be in accordance with §113.2 of this title (relating to Time Periods for Processing and Issuing Licenses for Health Care Providers.)

(f) The department shall issue an annual license to an agency which meets the minimum standards for a license.

(g) If the agency fails to submit the application and fee within 15 calendar days prior to the expiration date of the license, the department shall send a certified notice to the agency that the agency must cease operation upon the expiration of the agency's license unless the license is renewed.

(h) If an agency wishes to provide home health, hospice or personal assistance services after the expiration date of its license, it must apply for a temporary license under §115.11 of this title.

(i) If a licensee fails to timely renew his or her license on or after August 1, 1990, because the licensee is or was on active duty with the armed forces of the United States of America serving outside the State of Texas, the licensee may renew the license pursuant to this subsection.

(1) Renewal of the license may be requested by the licensee, the licensee's spouse, or an individual having power of attorney from the licensee. The renewal form shall include a current address and telephone number for the individual requesting the renewal.

(2) Renewal may be requested before or after the expiration of the license.

(3) A copy of the official orders or other official military documentation showing that the licensee is or was on active military duty serving outside the State of Texas shall be filed with the department along with the renewal form.

(4) A copy of the power of attorney from the licensee shall be filed with the department along with the renewal form if the individual having the power of attorney executes any of the documents required in this section.

(5) A licensee renewing under this subsection shall pay the applicable renewal fee.

(6) A licensee is not authorized to operate the agency for which the license was obtained after the expiration of the license unless and until the licensee actually renews the license.

(7) This subsection applies to a licensee who is a sole practitioner or a partnership with only individuals as partners where all of the partners were on active duty with the armed forces of the United States serving outside the State of Texas.

(j) A license shall not be renewed if renewal is prohibited by the Texas Education Code, §57.491 relating to defaults on guaranteed student loans.

§115.13. Change of Ownership or Services.

(a) No license may be transferred from one person to another person.

(1) A person who desires to receive a license in its name for an agency currently licensed under the name of another person or to change the ownership of any agency must comply with the following provisions.

(A) The person must submit a license application at least 60 calendar days prior to the desired date of licensure. The application shall be, if applicable, in accordance with §115.11(g) of this title (relating to Application and Issuance of Temporary License for First-Time Applicants (Unregulated Facilities, New Agencies, and Certain Relocations)), §115.14 of this title (relating to Branch Office Licenses) or §115.15 of this title (relating to Alternate Delivery Site Licenses).

(B) The on-site inspection required by §115.11(o) of this title may be waived by the department.

(C) When the person has complied with the provisions of §115.11, the department shall issue a temporary license which shall be effective the date of the change of ownership unless the department waives the inspection in accordance with subparagraph (B) of this paragraph. If the inspection is waived, the department shall issue an annual license, in lieu of the temporary license, effective the date of the change of ownership.

(D) The previous owner's license shall be void on the effective date of the new temporary license or annual license and must be surrendered to the department.

(2) The sale of stock of a corporate licensee does not cause this subsection to apply.

(3) A change of ownership of a licensed agency under this subsection occurs when the name of the licensed person or entity as reflected on the license certificate and original application will be changed, unless a corporate licensee is simply amending its articles of incorporation to revise its name.

(4) The provisions of this subsection are in addition to any applicable federal law or regulations relating to change of ownership or control.

(b) An agency shall notify the department in writing and within 30 calendar days of any of the following:

(1) change in state agency certification or accreditation status; and

(2) cessation of operation of the agency, branch office or alternate delivery site. The temporary license or annual license shall be mailed or returned to the department at the end of the day services were terminated.

(c) An agency which wishes to add or delete a category of service to the license shall inform the department in writing 30 calendar days prior to the addition or deletion of the category of service. The department will approve or disapprove the addition of a category of service. At the discretion of the department an on-site survey may be conducted following the approval of a category of service.

(d) If an agency changes the name under which it is licensed but not the ownership, it must notify the department within five business days after the effective date of the name change. The department shall determine if the change is a transfer under subsection (a) of this section.

§115.14. Branch Office Licenses.

(a) The Texas Department of Health (department) may issue a branch office license to a person who holds a current agency license to provide home health or personal assistance services.

(b) Upon written request, the department shall furnish a license holder with an application for a branch office license.

(c) The applicant shall submit to the department:

(1) a complete application; and

(2) the required license fee.

(d) The applicant shall retain a copy of all documentation that is submitted to the department.

(e) The department shall notify the designated survey office of the agency's request to establish a branch office.

(f) The designated survey office will conduct a review of the applicant's request to establish a branch office. The survey office will recommend to approve or disapprove the branch office request.

(g) If the recommendation is to disapprove the branch office application, the department shall propose denial of the application according to §115.52 of this title (relating to Disciplinary Action).

(h) The department will issue the branch office an annual license, to expire on the same expiration date as the parent agency's annual license and shall be renewed with the parent agency's annual license.

(i) The department will mail the branch office license to the licensee.

§115.15. *Alternate Delivery Site Licenses.*

(a) The department may issue an alternate delivery site license to a person who holds a current agency license to provide hospice services.

(b) Upon written request, the department shall furnish a license holder with an application for an alternate delivery site license.

(c) The applicant shall submit to the department:

- (1) a complete application; and
- (2) the required license fee.

(d) The applicant shall retain a copy of all documentation that is submitted to the department.

(e) The department shall notify the designated survey office of the hospice's request to establish an alternate delivery site.

(f) The designated survey office shall conduct a review of the applicant's request to establish an alternate delivery site. The survey office will recommend to approve or disapprove the alternate delivery site request.

(g) If the recommendation is to disapprove the alternate delivery site application, the department shall propose denial of the application according to §115.52 of this title (relating to Disciplinary Action).

(h) The department will issue the alternate delivery site an annual license, to expire on the same expiration date as the hospice's annual license, and shall be renewed with the hospice's annual license.

(i) The designated survey office will conduct an on-site expansion survey after a license has been issued to verify compliance with §115.25 of this title (relating to Standards for Hospice Services).

(j) If the designated survey office recommends that the licensed alternate delivery site seek a license as a hospice, a written report supporting the recommendation shall be submitted to the department for review.

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 April 11, 1994.

TRD-9438948

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Texas Department of
Health

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For further information, please call: (512) 834-6650

◆ ◆ ◆ Subchapter C. Service Standards

◆ 25 TAC §§115. 21-115.28

The new sections are adopted under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for the licensing of home and community support services agencies; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health.

§115.21. *Licensure Requirements and Standards for All Home and Community Support Services Agencies.*

(a) A license shall be displayed in a conspicuous place in the designated place of business and must show:

- (1) the name and address of the licensee;
- (2) the name of the owner or owners, if different from the information provided under paragraph (1) of this subsection;
- (3) the license expiration date; and
- (4) the categories of services authorized to be provided under the license.

(b) A license may be transferred from one location to another without prior approval from the Texas Department of Health (department). If an agency is considering relocation, the agency shall notify the

department 30 calendar days prior to the intended relocation. The department will provide written notification to the agency amending the annual license to reflect the new location.

(c) The relocation of branch offices and alternate delivery sites to a different parent agency shall require submission of a new application and shall comply with §115.14 of this title (relating to Branch Office Licenses) and §115.15 of this title (relating to Alternate Delivery Site Licenses) as appropriate.

(d) An agency must notify the department in writing of any change in its telephone number within 30 calendar days.

(e) An agency shall implement and enforce the provisions of the Human Resources Code, Chapter 102 (relating to Rights of the Elderly), for clients 55 years and older.

(f) An agency shall investigate complaints made by a client or the client's family or guardian or the client's health care provider regarding treatment or care that is (or fails to be) furnished or regarding the lack of respect for the client's property by anyone furnishing services on behalf of the agency and must document the receipt of the complaint and the resolution of the complaint. An agency shall not materially misrepresent the qualifications, abilities, or other attributes of another agency, health care facility, or health care professional.

(g) A license shall not be materially altered.

(h) An agency shall meet the requirements set forth by the department in §§1.131-1.137 of this title (relating to Definition, Treatment and Disposition of Special Waste from Health Care-Related Facilities). This requirement does not apply to disposition of special waste in a client's place of residence, but would apply to any special waste disposed of from an agency's office location.

(i) An agency shall adopt, implement, and enforce a written policy to ensure compliance of the agency and its employees and contractors with the Health and Safety Code, Chapter 85, Subchapter I, relating to the prevention of the transmission of human immunodeficiency virus and hepatitis B virus.

(j) An agency shall adopt, implement, and enforce a written policy to ensure compliance of the agency and its employees and contractors with the Health and Safety Code, §161.091 et seq relating to the prohibition of illegal remuneration for securing or soliciting clients or patronage.

(k) An agency that provides laboratory services must meet the requirements of Federal Public Law 100-578, Clinical Laboratory Improvement Amendments of 1988

(CLIA 1988). CLIA 1988 applies to all agencies with laboratories that examine human specimens for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(l) An agency shall adopt, implement, and enforce a written policy for publicly known natural disaster preparedness for clients receiving services. The written policy shall include a plan for the reasonable mechanism for triaging clients, the notification of appropriate personnel and clients in the event of a disaster if possible, the identification of appropriate community resources, and the identification of possible evacuation procedures. The plan need not require that the agency actually evacuate, transport, or triage the clients.

(m) An agency shall adopt, implement and enforce a written policy to ensure compliance with the rules of the Board of Nurse Examiners for the State of Texas adopted at 22 TAC Chapter 218, Delegation of Selected Nursing Tasks, as these rules were effective December 16, 1992.

(n) An agency shall adopt, implement, and enforce a policy on pronouncement of death if that function is carried out by an agency RN. The policy shall be in compliance with the Health and Safety Code, §671.001.

(o) An agency shall adopt, implement, and enforce a written policy to ensure that the agency submits accurate billings and insurance claims.

(p) An agency shall comply with the Nursing Practice Act, Texas Civil Statutes, Articles 4525a and 4525b, relating to professional nurse reporting and peer review.

(q) An agency that provides skilled nursing psychoactive treatments under the direction of a psychiatrist shall comply with the following requirements under this subsection.

(1) A registered nurse providing skilled nursing psychoactive treatments must meet one of the following qualifications:

(A) a master's degree in psychiatric or mental health nursing;

(B) a bachelor's degree in nursing with one full-time year of experience in an active treatment unit in a mental health facility or outpatient clinic;

(C) a diploma or associate degree with two full-time years of experience in an active treatment unit in a mental health facility or outpatient clinic; or

(D) a person that has been approved to meet the qualifications of psychiatric nurse by an intermediary under contract with the Health Care Financing Administration (HCFA).

(2) An agency shall have written documentation of qualifications of a registered nurse providing skilled nursing psychoactive treatments under the direction of a psychiatrist.

(3) The initial assessment of a client receiving skilled nursing psychoactive treatments shall include:

(A) mental status including psychological and behavioral status;

(B) sensory and motor function;

(C) cranial nerve function;

(D) language function; and

(E) other criteria established by an agency's policy.

(r) An agency shall adopt, implement, and enforce a policy on a quality assurance program which provides for accountability and desired client outcomes.

(1) An agency shall conduct an ongoing, comprehensive, integrated, self-assessment of the quality and appropriateness of care provided, including services provided under arrangement. The findings are to be used by the agency to correct identified problems and to revise policies, if necessary.

(2) Those responsible for the quality assurance program shall:

(A) implement and report on activities and mechanisms for monitoring the quality of care;

(B) identify and when possible resolve problems; and

(C) make suggestions for improving care.

(s) An agency furnishing home intravenous therapy directly or under arrangement shall comply with the following standards of care:

(1) A physician's order shall be written specifically for home intravenous therapy.

(2) Home intravenous therapy shall be provided by a licensed nurse.

(3) To insure that prescribed care is administered safely, the nurse shall have the knowledge and demonstrated competency to interpret and implement the written order.

(4) Responsibilities of the home infusion nurse shall be clearly delineated in written policies and procedures.

(5) A registered nurse shall be available through all clinical aspects of intravenous administration and available 24 hours per day.

(6) The client and/or caregiver shall be assessed for the ability to safely administer the prescribed home intravenous therapy as per agency written criteria.

(7) The teaching process based on the client and/or caregiver needs may include written instructions, verbal explanations, demonstrations, evaluation and documentation of competency, proficiency in performing therapy, scope of physical activities and safe disposal of equipment.

(8) Actions shall be implemented prior to and during all home infusion therapy to minimize the risk of anaphylaxis/adverse reactions as stated in the agency's written policy.

(9) An ongoing assessment of client and/or caregiver(s) compliance in performing therapy related procedures shall be done at periodic intervals depending on client condition and therapy.

(10) Written policies and procedures regarding home intravenous therapy shall include, but are not limited to, the following: initiation, medication administration, monitoring and discontinuation.

(11) Care coordination shall be provided in order to assure continuity of care.

(12) The client and/or caregiver shall be provided with 24 hour access to appropriate health care professionals.

(t) Policies shall be developed in writing and enforced by the agency and shall address the following subjects:

(1) orientation of all personnel to the policies and objectives of the agency;

(2) participation by all personnel in appropriate employee development programs;

(3) periodic evaluation of employee performance;

(4) personnel policies;

(5) client care policies;

(6) disciplinary action(s) and procedures;

(7) a job description (statement of those functions and responsibilities which constitute job requirements) and job

qualifications (specific education and training necessary to perform the job) for each position within the agency; and

(8) infection control policies including the prevention of the spread of infectious and communicable disease from agency personnel to clients.

(u) Organizational structure and operational policies of the agency must be clearly stated in writing. An agency shall adopt, implement, and enforce its operational policies. The policies must include the lines of authority and delegation of responsibility down to the client care level and the services provided.

(v) A personnel record shall be maintained on each employee. A personnel record shall include, but not be limited to, the following: job description; qualifications; application for employment; verification of license, permits, reference(s), job experience, and educational requirements as appropriate; performance evaluations and disciplinary actions; and letters of commendation. All information shall be kept current. In lieu of the job description and qualifications for employment, the personnel record may include a statement signed by the employee that the employee has read the job description and qualifications for the position accepted.

(w) For each client an agency may keep a single file or separate files for each category of service provided to the client and the client's family.

(x) If an agency utilizes independent contractors, there shall be a written agreement between such independent contractors (i.e. per hour, per visit) and the agency. The agreement shall be enforced by the agency and clearly designate:

(1) that clients are accepted for care only by the primary agency;

(2) the services to be provided;

(3) the necessity to conform to all applicable agency policies, including personnel qualifications;

(4) the plan of care, care plan, or individualized service plan to be carried out;

(5) the manner in which services will be coordinated and evaluated by the primary agency;

(6) the procedures for submitting information and documentation regarding the client's needs and services, including clinical and progress notes, if required; the scheduling of visits; and periodic client evaluation or supervision; and

(7) the procedures for determining charges and reimbursement.

(y) Services provided by an agency under arrangement with another agency or

organization must be subject to a written agreement conforming with the requirements specified in subsection (x) of this section.

(z) The agency shall adopt, implement and enforce a policy to provide for back-up services when the employee or contractor is not able to deliver the services.

(aa) The following addresses the conversion of licenses under the statute.

(1) An agency already licensed under the statute on June 1, 1994, shall provide the information requested by the department relating to the agency's categories of services and the relinquishment of any licenses. This information shall be provided by July 1, 1994. A replacement license as a home and community support services agency shall then be issued in accordance with this chapter.

(2) Paragraph (1) of this subsection shall not apply to:

(A) changes of ownership;

(B) changing a branch office license to a parent agency;

(C) changing a parent agency license to a branch office or alternate delivery site license; and

(D) establishing a new agency, rather than just moving an existing agency to a new location.

(3) The actions under paragraph (2) of this subsection shall require a new application and fee for the appropriate license.

(4) No refunds of fees shall be made under this subsection.

(bb) A person who is not licensed to provide hospice services may not use the word "hospice" in a title or description of a facility, organization, program, service provider or services or use any other words, letters, abbreviations, or insignia indicating or implying that the person holds a license to provide hospice services.

§115.22. Standards for Licensed Home Health Services.

(a) An agency providing licensed home health services shall meet the standards of this section.

(b) The administrator of an agency will administratively supervise the provision of all health services. The administrator shall organize and direct the agency's ongoing functions; employ qualified personnel and ensure adequate staff education and evaluations; ensure the accuracy of public

information materials and activities; and implement an effective budgeting and accounting system. A person who meets the qualifications of an administrator shall be authorized in writing by the administrator to act in his or her absence.

(c) The agency shall maintain a current roster of clients and have a clinical record for each client which is maintained according to professional standards.

(1) A clinical record shall include appropriate identifying information; name of practitioner; initial assessment, plan of care (which shall include as applicable medication, dietary, treatment, and activities orders) or a care plan; clinical and progress notes; and medication list. The following shall be included if applicable: records of supervisory visits; medication administration record; record of case conference; acknowledgement of receipt of a copy of the Human Resources Code, Chapter 102, Rights of the Elderly, for clients 55 years or older; client agreement to and acknowledgement of services by home health medication aides; and discharge summary. All entries shall be signed and dated by the person making the entry and supervisory personnel as is necessary.

(2) Records shall be retained for five years at a designated place and safeguarded against loss and unofficial use. The agency shall have written procedures which are enforced governing the use and removal of records and the release of information.

(3) An agency shall provide a copy of the clinical record to a person who has obtained consent from the client or authorized representative for the release of the record.

(4) The clinical record shall be either an original, a microfilmed copy, an optical disc imaging system copy, or a certified copy. If the clinical record is microfilmed or maintained on an optical disc imaging system, the microfilm and the equipment needed to read the record must be accessible at the time and at the office of the on-site survey of the agency.

(5) Clinical notes are to be written the day service is rendered and incorporated into the clinical record on a timely basis. An agency shall adopt, implement, and enforce a policy on incorporation of clinical notes into the clinical record.

(d) The agency must have the financial ability to carry out its functions.

(e) The agency must have a written contingency plan which is implemented in the event of dissolution for continuity of client care. All records shall be retained even if the agency discontinues operations.

(f) The agency shall accept a client for home health services on the basis of a reasonable expectation that the client's

medical, nursing, and social needs can be met adequately in the client's residence. The agency shall start providing licensed home health services to a client within a reasonable time from acceptance of the client. The initiation of licensed home health services shall be based on the client's health service needs. An agency shall adopt, implement, and enforce a policy on the time frame for the initiation of home health services.

(1) An initial assessment shall be performed in the client's residence by the appropriate health care professional prior to or at the time that licensed home health services are initially provided to the client. The assessment shall determine whether the agency has the ability to provide the necessary services.

(A) If a practitioner has not ordered skilled care for a client, then the appropriate health care professional shall prepare a care plan. The care plan shall be developed after consultation with the client and the client's family and shall include potential services to be rendered, the frequency of visits or hours of service, identified problems, method of intervention, and projected date of resolution. The care plan is revised as necessary, but it shall be reviewed and updated by all appropriate staff members involved in client care at least annually.

(B) If a practitioner orders skilled treatment, then the appropriate health care professional shall prepare a plan of care. The plan of care must be signed and approved by a practitioner in a timely manner. The plan of care shall be developed in conjunction with agency staff and shall cover all pertinent diagnoses, including mental status, types of services and equipment required, frequency of visits at the time of admission, prognoses, functional limitations, activities permitted, nutritional requirements, medications and treatments, any safety measures to protect against injury, and any other appropriate items. The appropriate health care personnel shall perform services as specified in the plan of care. The plan of care shall be revised as necessary, but it shall be reviewed and updated at least every six months. An agency shall adopt, implement, and enforce a policy on the time frame for the timely countersignature of a practitioner's verbal orders.

(2) The agency will inform the client or his family in writing of the terms of their agreement for services and obtain an acknowledgement of receipt of the agreement. The agency shall comply with the terms of the agreement. The agreement shall include, but not be limited to, the following:

(A) Human Resources Code, Chapter 102 (relating to Rights of the Elderly), for clients 55 years of age and older;

(B) health services to be provided;

(C) supervision by the agency of services provided; and

(D) agency charges for services rendered if the charges will be paid in full or in part by the client or his family, or on request.

(g) A clinical record or minutes of case conferences shall show that effective interchange, reporting, and coordination of care occurs. An agency shall adopt, implement and enforce a policy on documentation of coordination of care.

(h) Administration of medication must be ordered by the client's practitioner. An agency shall adopt, implement, and enforce a policy on maintaining a current medication list and medication administration records. A current medication list and medication administration records shall be maintained and incorporated into the clinical record. A current medication list and medication administration records may be incorporated into one document. Notation will be made in clinical notes of medications not given and the reason. Any untoward action will be reported to a supervisor and documented.

(i) An agency shall provide at least one home health service. All services shall be rendered and supervised by qualified personnel. The appropriate health professional shall be available to supervise as needed, when services are provided.

(1) If nursing service is provided, a registered nurse shall be employed by or under contract with the agency to provide services or supervision.

(2) If physical therapy service is provided, a physical therapist shall be employed by or under contract with the agency to provide services or supervision.

(3) If occupational therapy service is provided, an occupational therapist shall be employed by or under contract with the agency to provide services or supervision.

(4) If speech-language pathology or audiology services are provided, a speech-language pathologist or audiologist shall be employed by or under contract with the agency to provide services or supervision.

(5) If medical social service is provided, a social worker shall be employed

by or under contract with the agency to provide services or supervision.

(6) If nutritional counseling is provided, a dietitian shall be employed by or under contract with the agency to provide services or supervision.

(7) If services are provided by unlicensed personnel, a qualified person shall be employed by or under contract with the agency to provide the service and a registered nurse shall be employed by or under contract with the agency to perform the initial assessment, prepare the client care plan, as appropriate, and supervise the unlicensed personnel.

(8) If respiratory therapy service is provided, a respiratory care practitioner shall be employed by or under contract with the agency to provide services

§115.23. Standards for Licensed and Certified Home Health Services.

(a) An agency providing licensed and certified home health services shall comply with the requirements of the Social Security Act and the federal regulations in Title 42 of the Code of Federal Regulations. Copies of the regulations adopted by reference in this section are indexed and filed in the Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

(b) An agency providing licensed and certified home health services that plans to implement a home health aide training and competency evaluation program shall meet the requirements in §115.61(d)-(f) of this title (relating to Home Health Aides).

(c) An agency providing licensed and certified home health services that plans to implement a competency evaluation program shall comply with §115.61(f) of this title (relating to Home Health Aides).

(d) An agency providing licensed and certified home health services may not use an individual as a home health aide unless:

(1) the individual has met the federal requirements under subsection (a) of this section;

(2) the individual qualifies as a home health aide on the basis of a:

(A) training and competency evaluation program, and the program meets the requirements of subsection (b) of this section; or

(B) competency evaluation program, and the program meets the requirements of subsection (c) of this section; or

(3) the individual is a licensed health care provider or a volunteer.

(e) Since the individual's most recent completion of a training and competency evaluation program or a competency evaluation program, if there has been a continuous period of 24 consecutive months during which the individual has not furnished home health services as defined by federal law, the individual shall not be considered as having completed a training and competency evaluation program or a competency evaluation program.

(f) If a person who is not an agency providing licensed and certified home health services desires to implement a home health aide training and competency evaluation program or a competency evaluation program, the person shall meet the requirements of this section in the same manner as set forth for an agency.

(g) If there is a conflict between the federal requirements under subsection (a) of this section and the requirements of subsections (b)-(e) of this section relating to home health aides in an agency providing licensed and certified home health services, the federal requirements shall apply.

§115.24. Standards for Home Dialysis Designation.

(a) An agency may only provide peritoneal dialysis and treatments provided by licensed personnel, but shall not provide other home dialysis services unless the agency is licensed and designated to provide home dialysis services. In order to receive a home dialysis designation, the agency shall meet the licensing standards specified in this section and the standards for home health services in accordance with §115.22 of this title (relating to Standards for Licensed Home Health Services) except for the standards §115.22(f)(1)(A) and (B), (g), and (i)(1)(7). In the event there is a conflict between the standards specified in this section and those specified in §115.22 of this title, the standards specified in this section shall apply to the home dialysis services.

(b) The agency shall have a governing body. The governing body shall appoint a medical director and the physicians who are on the agency's medical staff. The governing body shall annually approve the medical staff policies and procedures. Approval of new medical staff members and termination of current medical staff members shall be made on occurrence. The governing body on a biannual basis shall review and consider for approval continuing privileges of the agency's medical staff. The minutes from the governing body of the agency shall be on file in the agency office.

(c) Provisions concerning written agreements relating to hospital services are as follows.

(1) There must be an effective procedure for the immediate transfer to a local Medicare certified hospital for clients requiring emergency medical care. The agency must have a written transfer agreement with such a hospital, or all physician members of the agency's medical staff must have admitting privileges at such a hospital.

(2) An agency which supplies home staff assisted dialysis shall have a written affiliation agreement with a Medicare certified hospital based End Stage Renal Disease (ESRD) center for the provision of inpatient care and other hospital services. Similar agreements may be made with other hospitals if desired. This agreement must provide for the following:

(A) the responsibility of a client's care;

(B) ready acceptance of clients in emergency situations;

(C) timely acceptance and admission, when determined medically appropriate by the attending physician;

(D) medical information, including the long term program and client care plan, being transferred within one working day; and

(E) security and accountability for a client's personal effects.

(d) The agency which supplies home staff assisted dialysis shall have an agreement with a Medicare-certified ESRD center or facility to provide backup outpatient dialysis services.

(e) A home staff assisted dialysis agency must provide for the exchange of medical and other information necessary or useful in the care and treatment of clients transferred between treating facilities. This provision must also include the transfer of the client care plan and long term program.

(f) The agency shall ensure that the names of clients awaiting cadaveric donor transplantation are entered in a participating recipient registry program.

(g) There shall be routine testing to ensure detection of hepatitis in employees and clients. All direct client care employees shall have current CPR certification.

(h) The medical director must be a physician who is licensed in the State of Texas, is eligible for certification or is certified in internal medicine or pediatrics by a professional board, and has at least 12

months of experience or training in the care of clients at an ESRD facility.

(i) The medical director shall be responsible for:

(1) participating in the selection of a suitable treatment modality for all clients;

(2) assuring adequate training of nurses and technicians in dialysis techniques;

(3) assuring adequate monitoring of the client and the dialysis process; and

(4) assuring the development and availability of a client care policy and procedures manual and its implementation.

(j) All physicians, including the medical director, shall have on file the following:

(1) a curriculum vitae which documents undergraduate, medical school, and all pertinent post graduate training;

(2) evidence of current licensure, and evidence of current United States Drug Enforcement Administration certification, Texas Department of Public Safety registration, and eligibility to the appropriate board; and

(3) evidence of 12 months experience or training in the care of the renal client.

(k) Assessment of the client's residence shall be made to ensure a safe physical environment for the performance of dialysis. The initial admission assessment shall be performed by a qualified registered nurse.

(l) The agency shall develop a long term program for each client admitted to home dialysis. Criteria shall be defined in writing which shall guide the agency in the selection of clients suitable for home staff assisted dialysis and in noting changes in a client's condition which would require discharge from the program.

(m) If home staff assisted dialysis is selected, then the physician shall prepare orders outlining specifics of prescribed treatment. If these physician's orders are received verbally, they must be confirmed in writing within a reasonable time frame. An agency shall adopt, implement, and enforce a policy on the time frame for the timely countersignature of a physician's verbal orders. Medical orders for home staff assisted dialysis shall be revised as necessary but reviewed and updated at least every six months.

(n) The initial orders for home staff assisted dialysis must be received prior to the first treatment and shall cover all pertinent diagnoses, including mental status, prognosis, functional limitations, activities permitted, nutritional requirements, medica-

tions and treatments, and any safety measures to protect against injury. Orders for home staff assisted dialysis shall include frequency and length of treatment, dry weight, type of dialyzer, dialysate, heparin dosage, blood flow rate, and shall specify the level of preparation required for the care given (i.e. qualified dialysis technician, licensed vocational nurse, or registered nurse).

(o) The client care plan shall be developed after consultation with the client or the client's family by the interdisciplinary team. The plan shall implement the medical orders and shall include potential services to be rendered, such as the identification of problems, methods of intervention, and the assignment of health care personnel. The client care plan shall be personalized for the individual and reflect the ongoing psychological, social and functional needs of the client. The initial client care plan shall be completed by the interdisciplinary team within ten calendar days after the first home dialysis treatment. The plan for non-stabilized clients (e.g. change in modality, unacceptable laboratory work, uncontrolled weight changes, infections, and a change in family status) shall be reviewed at least monthly by the interdisciplinary team. For a stable client, the care plan shall be reviewed every six months. The long term program shall be revised as needed and reviewed annually.

(p) An agency shall provide to each client a statement of client's rights and responsibilities, which shall include the following:

(1) the right to be informed of all rules and regulations governing client conduct and responsibilities, services available in the facility, and the client's medical condition unless medically contraindicated;

(2) the opportunity to participate in planning his or her medical treatment and to be transferred only for medical reasons, the client's welfare or that of other clients, or nonpayment of fees. Clients shall be given advance notice to ensure orderly transfer or discharge;

(3) the right to be treated with consideration, respect, and full recognition of his or her individuality and personal needs;

(4) the right to confidential treatment of his or her personal and medical records; and

(5) the right to have assistance in understanding and exercising his or her rights. There shall be a written grievance mechanism under which a client can participate without fear of reprisal.

(q) Medications will be administered only if such medication is ordered by the client's physician. Qualified dialysis

technicians may administer only those medications routinely necessary for the performance of dialysis. Specifically, these medications are lidocaine, which must be administered subcutaneously, and heparin and normal saline, which must be administered intravenously. Such administration shall be in accordance with the provisions of the Medical Practice Act, Texas Civil Statutes, Article 4495b. The Act, §3.06(d)(1), specifically refers to delegation of medical acts by a licensed physician in the State of Texas. Upon request by a client or his family for assistance with medications, the RN may assign a dialysis technician to assist with administration of oral medications which are ordinarily self-administered. The request shall be documented in the client's clinical record. The record of the administration of drugs routinely given as part of dialysis treatment (e.g. lidocaine, heparin, and normal saline) shall be contained in the dialysis treatment record.

(r) An agency which provides home staff assisted dialysis shall, at a minimum, provide nursing service, nutritional counseling, and medical social service. These services shall be provided as necessary and appropriate at the client's home, by phone, or by a client's visit to the ESRD center or unit. A qualified registered nurse shall be available whenever dialysis treatments are in progress in a client's home. The agency administrator shall designate a qualified alternate to this registered nurse. A qualified social worker and a dietitian shall be employed by or under contract with the agency to provide services

(1) A qualified registered nurse is a person who is licensed as a registered nurse in Texas and has at least 12 months' experience in clinical nursing and an additional six months of experience in nursing care of a client with permanent kidney failure.

(2) A qualified social worker is a person who:

(A) is currently licensed under the laws of the State of Texas as a social worker and has a master's of science of social work (MSSW) from a graduate school of social work accredited by the Council on Social Work Education; or

(B) has served for at least two years as a social worker, one year of which was in a dialysis unit or transplantation program prior to September 1, 1976, and has established a consultative relationship with a certified MSSW.

(3) A qualified dietitian must meet the definition in §115.2 of this title (relating to Definitions) and have at least one year of experience in clinical nutrition.

(s) A qualified dialysis technician shall be employed by or under contract with the agency to provide dialysis care for a client in the home under the supervision of a qualified RN or a licensed physician and shall meet the following requirements.

(1) A qualified home dialysis technician shall have:

(A) a minimum of a high school education or GED and two years of full-time dialysis experience; or

(B) a minimum of a high school education or GED and one year full-time dialysis experience with one additional year of direct client care in a hospital.

(2) If the dialysis technician is performing peritoneal dialysis (e.g. intermittent peritoneal dialysis, continuous ambulatory peritoneal dialysis, or continuous cycles peritoneal dialysis), one of the two years of full-time experience shall be with peritoneal dialysis.

(3) A dialysis technician shall not:

(A) initiate hemodialysis via subclavian catheter administration;

(B) administer blood products, antibiotics, albumin, or insulin;

(C) perform non-access site venipuncture;

(D) draw arterial blood gases,

(E) administer deferoxamine mesylate,

(F) utilize the technique of tight heparinization; or

(G) initiate home education on dialysis procedures, diagnosis, safety, and medications.

(t) All personnel providing direct client care shall receive orientation and training and demonstrate knowledge of the following:

(1) anatomy and physiology of the normal kidney;

(2) fluid, electrolyte, and acid-base balance;

(3) pathophysiology of renal disease,

(4) acceptable laboratory values for the client with renal disease;

(5) theoretical aspects of dialysis;

(6) vascular access and maintenance of blood flow;

(7) technical aspects of dialysis;

(8) peritoneal dialysis catheter (tenckhoff) and peritoneal dialysis clearance, if applicable;

(9) the monitoring of clients during treatment (treatment initiation and termination);

(10) the recognition of dialysis complications, emergency conditions, and institution of the appropriate corrective action (emergency equipment is available and staff is trained in its use);

(11) psychological, social, financial, and physical complications of the long-term dialysis;

(12) care of the client with chronic renal failure;

(13) dietary modifications and medications for the uremic client ;

(14) alternative forms of treatment for ESRD;

(15) the role of renal health team members (physician, nurse, technician, social worker, and dietitian);

(16) performance of laboratory tests (hematocrit and blood glucose); and

(17) the theory of blood products and blood administration.

(u) Physician delegation of medical acts to a dialysis technician shall be as follows.

(1) The medical director shall attest that each dialysis technician demonstrates competency in subsection (t)(1)-(17) of this section. This evidence shall be documented in writing and maintained in each individual dialysis technician personnel file and updated at least annually.

(2) If a physician delegates a medical act to a technician not employed by the agency, the governing body of the agency shall delineate the dialysis technician's privileges according to approved medical staff policies and procedures

(3) The dialysis technician shall contact the registered nurse if there is a change in a client's condition. The registered nurse shall notify the physician of a client's status to obtain orders if necessary.

(v) The requirements concerning an orientation and training period are as follows.

(1) The agency shall develop an 80-hour written orientation program including classroom theory and direct observation

of the dialysis technician or nurse performing procedures on a client in the home. The orientation program shall be provided by a qualified registered nurse. A written skills examination or competency evaluation shall be administered to the dialysis technician or nurse at the conclusion of the orientation program and prior to the time the nurse or technician delivers independent client care.

(2) The nurse or dialysis technician shall complete the required theory of the classroom component as described in subsection (t)(1)-(5), (11) -(15), and (17) of this section and satisfactorily return demonstrate the skills described in subsection (t)(6)-(10) and (16) of this section. The orientation program may be waived by written examination as described in paragraph (1) of this subsection.

(3) A qualified registered nurse shall complete an orientation competency skills checklist relating to the dialysis technician or nurse in order to reflect the progression of learned skills, as described in subsection (t)(1)-(17) of this section.

(4) Prior to the delivery of independent client care, the qualified registered nurse shall directly supervise the dialysis technician or nurse for a minimum of three dialysis treatments and ensure satisfactory performance. Dependent upon the trainee's experience and accomplishments on the skills checklist, additional supervised dialysis treatments may be required.

(5) Continuing education for employees shall be quarterly. Performance evaluations shall be annually. The registered nurse shall directly (on-site) supervise the licensed vocational nurse and qualified dialysis technician monthly or more often if necessary.

(w) Records of home staff assisted dialysis clients shall include the following: a medical history and physical, clinical progress notes by the physician, qualified registered nurse, qualified dietitian, and qualified social worker, dialysis treatment records, laboratory reports, client care plan, long term program, and documentation of supervisory visits.

(x) The agency shall ensure that biohazardous waste (needles, syringes, artificial kidneys, arterial and venous lines, and any other blood contaminated material) is disposed according to state and local regulations and ordinances (i.e. incineration, Type 1 landfill, steam sterilization), as appropriate. An agency shall adopt, implement, and enforce policies and procedures for safe handling and disposal of biohazardous waste and materials.

(y) Water treatment for home dialysis shall be as follows.

(1) Water used for dialysis purposes shall be analyzed periodically and

treated as necessary to maintain a continuous water supply that is biologically and chemically compatible with acceptable dialysis techniques.

(2) Water used to prepare dialysate shall meet the requirements set forth in §3.2 and §4.2 of the American National Standards for Hemodialysis Systems, published by the Association for the Advancement of Medical Instrumentation (AAMI), approved March 16, 1992, 1909 North Fort Meyer Drive, Suite 602, Arlington, Virginia 22209, and approved by the American National Standards Institute, Inc. (ANSI). Additionally, frequency of monitoring water purity shall be in accordance with the suggestions in Appendix B, §B5 of the same standards. Copies of the standards are indexed and filed in the Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for public inspection during regular working hours.

(3) Records of test results and equipment maintenance shall be maintained at the agency.

(z) Preventive maintenance for home dialysis equipment shall be as follows.

(1) A planned program of preventive maintenance of dialysis equipment shall be established.

(2) Preventive maintenance of home dialysis equipment shall be in accordance with the machine manufacturer's suggestions and on an as needed basis. In the absence of specific manufacturer's recommendations, preventive maintenance shall be in accordance with the guidelines published by the Emergency Care Research Institute in Health Devices, July 1978, Volume 7, Number 9. Copies of the standards are indexed and filed in the Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

(3) In the event that the water used for dialysis purposes or home dialysis equipment is found not to meet safe operating parameters, and corrections can not be effected to ensure safe care promptly, the client shall be transferred to a medicare certified ESRD facility or center until such time as the water or equipment is found to be operating within safe parameters.

(aa) Reuse or reprocessing of disposable medical devices, including but not limited to, dialyzers, end-caps and blood lines shall be in accordance with the medicare conditions of participation for ESRD.

(bb) Provision of laboratory services shall be as follows.

(1) All laboratory services ordered for the client by a physician shall be performed by a laboratory approved according to the requirements of Federal Public Law 100-578, Clinical Laboratory Improvement Amendments of 1988 (CLIA 1988) and in accordance with a written arrangement or agreement with the agency.

(2) Copies of all laboratory reports shall be maintained in the client's medical record.

(3) Hematocrit and blood glucose tests may be performed at the client's home by the dialysis technician in accordance with §115.21(k) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies). Results of these tests shall be recorded in the client's medical record and signed by the technician. Maintenance, calibration and quality control studies shall be performed according to the equipment manufacturer's suggestions, and the results shall be maintained at the agency.

(4) Blood and blood products shall only be administered to dialysis clients in their homes by licensed personnel.

(cc) Supplies for home dialysis shall meet the following requirements.

(1) All drugs, biologicals, and legend medical devices shall be obtained for each client pursuant to a physician's prescription in accordance with applicable rules of the Texas Board of Pharmacy.

(2) In conjunction with the client's attending physician, it shall be the agency's responsibility to ensure that there are sufficient supplies maintained in the client's home to perform the scheduled dialysis treatments and to provide a reasonable number of back-up items for replacements, if needed, due to breakage contamination or defective products.

(A) All dialysis supplies, including medications shall be delivered directly to the client's home by a vendor of such products.

(B) Agency personnel may transport prescription items from a vendor's place of business to the client's home for the client's convenience, so long as the item is properly labeled with the client's name and direction for use. Agency personnel may transport medical devices for reuse.

(dd) The agency shall have policies and procedures for emergencies addressing fire, natural disaster, and medical emergencies, as follows.

(1) The agency personnel, the client, and his or her family must be familiar with the agency's procedures. Procedures shall be individualized for each client

to include the appropriate evacuation from the home and emergency telephone numbers. Emergency telephone numbers shall be posted at each client's home and shall include 911 if available, the number of the physician, the ambulance, the qualified registered nurse on call for home dialysis, and any other phone number deemed as an emergency number.

(2) The client or family must be familiar with the procedure disconnecting the dialysis equipment.

(3) The agency personnel and the client shall have knowledge of emergency call procedures.

(4) Home dialysis clients shall have a telephone for immediate access to communicate emergency situations.

(5) In the event of a medical emergency requiring transport to a hospital for care, the physician shall assure the following:

(A) the receiving hospital is given advance notice of the client's arrival;

(B) the receiving hospital is given a description of the client's health status; and

(C) the selection of personnel, vehicle, and equipment are appropriate to affect a safe transfer.

§115.25. Standards for Hospice Services.

(a) An agency providing hospice services shall meet the standards of this section.

(b) The hospice shall be primarily engaged in providing the care and services as described: nursing; medical social service; counseling; volunteer care; bereavement counseling; and coordination of short-term inpatient care. The hospice shall provide all other covered services which are available on a 24-hour basis to the extent necessary to meet the needs of clients for care that is reasonable and necessary for the palliation and management of terminal illness and related conditions.

(c) The hospice shall be primarily engaged in providing the care and services described in subsection (b) of this section, and shall also provide nursing services, physician services, and medications which are routinely available on a 24-hour basis. These services shall be provided in a manner consistent with accepted standards of practice.

(d) The hospice shall have a governing body that assumes full legal responsibility for determining, implementing and monitoring policies governing the hospice's

total operation. The governing body shall designate an individual who is responsible for the day to day management of the hospice program. The governing body shall ensure that all services provided are consistent with accepted standards of practice.

(e) The medical director shall be a hospice employee who is a doctor of medicine or osteopathy licensed in the State of Texas, who assumes overall responsibility for the medical component of the hospice's client care program.

(f) Subject to subsections (o) and (t) of this section, the hospice may arrange for another individual or entity to furnish services to the hospice clients. If services are provided under arrangement, the hospice shall meet the following standards.

(1) The hospice program shall assure the continuity of client and family care in home and outpatient and inpatient settings.

(2) The hospice shall have a legally binding written agreement for the provision of arranged services. The agreement shall be signed by authorized representatives of the hospice as well as the contracting party. The legally binding agreement shall include the following:

(A) identification of the services to be provided;

(B) a stipulation that services may be provided only with the express authorization of the hospice;

(C) the manner in which the contracted services are coordinated, supervised and evaluated by the hospice;

(D) the delineation of the role(s) of the hospice and the contractor in the admission process, client and family assessment, and the interdisciplinary team case conferences;

(E) requirements for documentation that services are furnished in accordance with the agreement; and

(F) the qualifications of the personnel providing the services.

(3) The hospice shall retain professional management responsibility for arranged services and ensure that they are furnished in a safe and effective manner by persons meeting the qualifications under these standards, and in accordance with the client's plan of care and the other requirements of this subsection.

(4) The hospice shall retain responsibility for payment for services.

(5) The hospice shall ensure that inpatient care is furnished only in a facility which meets the requirements of subsection (x) of this section, and the hospice's arrangement for inpatient care shall be described in a legally binding written agreement and shall meet the requirements of paragraph (2) of this subsection. The written agreement, at minimum, shall meet the following requirements:

(A) that the hospice furnishes to the inpatient provider a copy of the client's plan of care and specifies the inpatient services to be furnished;

(B) that the inpatient provider has established policies consistent with those of the hospice and agrees to abide by the client care protocols established by the hospice for its clients;

(C) that the medical record includes a record of all inpatient services and events, and that a copy of the discharge summary and, if requested, a copy of the medical record are provided to the hospice;

(D) the party responsible for implementation of the provisions of the agreement; and

(E) that the hospice retains responsibility for appropriate hospice care training of the personnel who provide the care under the agreement.

(g) A written plan of care shall be established and maintained for each client admitted to the hospice program, and the care provided to a client shall be in accordance with the plan.

(1) The plan shall be established by the attending physician, the medical director or physician designee and interdisciplinary team prior to providing care.

(2) The plan shall be reviewed and updated, at intervals specified in the plan, by the attending physician, the medical director or physician designee and interdisciplinary team. These reviews shall be documented.

(3) The plan shall include an assessment of the client's needs and identification of the services including the management of discomfort and symptom relief. The plan shall state in detail the scope and frequency of services needed to meet the client's and family's needs.

(h) The hospice shall not discontinue or diminish care provided to a client because of the client's inability to pay for that care.

(i) The hospice shall demonstrate respect for a client's rights by ensuring that

an informed consent form that specifies the type of care and services that may be provided as hospice care during the course of the illness has been obtained for every client, either from the client or representative (a person, who because of the client's mental or physical incapacity, is authorized in accordance with state law to execute or revoke an election for hospice care or terminate medical care on behalf of the terminally ill client). The client or representative shall sign or mark the consent form.

(j) The hospice shall provide a continuing systematic program for the training of its employees. The staff including volunteers shall be properly oriented to tasks performed, and these individuals are informed of changes in techniques, philosophies, goals and products, as it relates to the client's care.

(k) The hospice shall designate an interdisciplinary team or teams composed of individuals who provide or supervise the care and services offered by the hospice.

(1) The interdisciplinary team or teams shall include at least the following individuals who are employees of the hospice:

(A) a physician;

(B) a registered nurse;

(C) a social worker; and

(D) a pastor or counselor.

(2) The interdisciplinary team shall be responsible for:

(A) participation in the establishment of the plan of care;

(B) provision and supervision of hospice care and services;

(C) periodic reviews and updates of the plan of care for each client receiving hospice care; and

(D) establishment of policies governing the day to day provision of hospice care and services.

(3) If the hospice has more than one interdisciplinary team, the hospice shall designate in advance the team it chooses to execute the functions described in paragraph (2)(D) of this subsection.

(4) The hospice shall designate a registered nurse to coordinate the implementation of the plan of care for each client.

(l) The hospice shall use volunteers in defined roles under the supervision of a designated hospice employee.

(1) The hospice shall provide appropriate orientation and training that is consistent with acceptable standards of hospice practice.

(2) Volunteers shall be used in administrative and direct client care roles.

(3) The hospice shall document active and ongoing efforts to recruit and retain volunteers.

(4) The hospice shall document the cost savings achieved through the use of volunteers. Documentation shall include the following:

(A) the identification of necessary positions which are occupied by volunteers;

(B) the work time spent by volunteers occupying those positions; and

(C) estimates of the dollar costs which the hospice would have incurred if paid employees occupied the positions identified in subparagraph (A) of this paragraph for the amount of time specified in subparagraph (B) of this paragraph.

(5) The hospice shall provide volunteer activity at the level and in the manner described below.

(A) The hospice shall document and maintain a volunteer staff sufficient to provide administrative and direct client care in an amount that at a minimum, equals 5.0% of the total client care hours of all paid hospice employees and contract staff.

(B) The hospice shall document a continuing level of volunteer activity.

(C) The hospice shall record expansion of care and services achieved through the use of volunteers, including the type of services and the time worked.

(6) The hospice shall make reasonable efforts to arrange for visits of clergy and other members of religious organizations in the community to clients who request such visits and shall advise clients of this opportunity.

(m) The hospice and all its employees shall be currently licensed in accordance with applicable federal, state and local laws and regulations.

(n) In accordance with accepted principles of practice, the hospice shall es-

establish and maintain a clinical record for every client receiving care and services. Services provided to the client's family shall be documented in the clinical record. The record shall be complete, promptly and accurately documented, readily accessible and systematically organized to facilitate retrieval.

(1) Each clinical record shall contain a comprehensive compilation of information. Entries shall be made for all services provided. Entries shall be made and signed by the person providing the services. The record shall include all services whether furnished directly or under arrangements made by the hospice. Each client's record shall contain:

(A) the initial and subsequent assessments;

(B) the plan of care;

(C) identification data;

(D) consent and authorization and election forms;

(E) pertinent medical history; and

(F) complete documentation of all services and events (including evaluations, treatments and progress notes).

(2) The hospice shall safeguard the clinical record against loss, destruction and unauthorized use.

(o) The hospice shall ensure that substantially all the core services described in subsections (p)-(s) of this section are routinely provided directly by hospice employees. The hospice may use contracted staff if necessary to supplement its employees in order to meet the needs of clients during periods of peak client loads or under extraordinary circumstances. If contracting is used, the hospice shall maintain professional, financial, and administrative responsibility for the services and assure that the qualifications of staff and services provided meet the requirements specified in subsections (p)-(s) of this section.

(p) The hospice shall provide nursing care and services by or under the supervision of a registered nurse.

(1) Nursing services shall be directed and staffed to assure that the nursing needs of the clients are met.

(2) Client care responsibilities of nursing personnel shall be specified.

(3) Services shall be provided in accordance with recognized standards of practice.

(q) Medical social services shall be provided by a social worker under the direction of a physician.

(r) In addition to palliation and management of terminal illness and related conditions, physician employees of the hospice, including physician member(s) of the interdisciplinary team shall meet the general medical needs of the clients to the extent that these needs are not met by the attending physician.

(s) Counseling services shall be available to both the client and the family. Counseling includes bereavement counseling provided after the client's death as well as dietary, spiritual, and any other counseling services for the client and family provided while the client is enrolled in the hospice program.

(1) Bereavement counseling service shall be available to the family.

(A) There shall be an organized program for the provision of bereavement services under the supervision of a qualified professional. Bereavement counseling shall be supervised by the interdisciplinary team, social worker, a mental health professional, counselor, or other person with documented evidence of training and experience in dealing with bereavement and structured training in bereavement counseling. Persons providing bereavement counseling shall have documented evidence of training in personnel folders.

(B) The plan of care for these services shall reflect family needs, as well as a clear delineation of services to be provided and the frequency of service delivery (up to one year following the death of the client).

(2) Dietary counseling, when required, shall be provided by a qualified individual. Dietary counseling shall be planned by a registered or licensed dietitian, a person who is eligible for registration by the American Dietetic Association, or an individual who has documented equivalency in education or training. Dietary counseling shall meet specific client needs as described in the client's plan of care. Although a dietitian need not be a full-time employee, there shall be a record of this individual's credentials on file in the hospice.

(3) Spiritual counseling shall include notice to clients as to the availability of clergy as required under subsection (1)(6) of this section. Spiritual counseling may be conducted by a clergy of the client's choice

(4) Counseling may be provided by other members of the interdisciplinary team as well as by other qualified professionals as determined by the hospice Coun-

seling, other than bereavement, dietary, or spiritual shall be provided by qualified persons and in accordance with the client's plan of care. The counseling requirements do not preclude other members of the interdisciplinary team or other professionals from serving in the capacity of counselor. If the need is for hand holding, a nonprofessional volunteer may be utilized.

(t) The hospice shall ensure that the services described in subsections (u)-(x) of this section are provided directly by hospice employees or under arrangements made by the hospice as specified in subsection (f) of this section

(u) Physical therapy services, occupational therapy services, and speech-language pathology services shall be available, and when provided, shall be offered in a manner consistent with accepted standards of practice.

(v) Home health aide and home-maker services shall be available and adequate in frequency to meet the needs of the clients. A home health aide shall be a person who meets the training and competency evaluation requirements or the competency evaluation requirements as specified in §115.61(d)-(f) of this title (relating to Home Health Aides).

(1) A registered nurse shall visit the residence site at least every two weeks when aide services are being provided, and the visit shall include an assessment of the aide services. The aide need not be present each supervisory visit.

(2) Written instructions for client care shall be prepared by a registered nurse.

(w) Medical supplies and appliances, including medications, shall be provided as needed for the palliation and management of the terminal illness and related conditions.

(1) All medications shall be administered in accordance with accepted standards of practice.

(2) The hospice shall have and enforce a policy for the disposal of controlled medications maintained in the client's residence when those medications are no longer needed by the client.

(3) Medications shall be administered only by the following individuals:

(A) a licensed nurse or physician,

(B) a permitted home health medication aide;

(C) the client if his or her attending physician has approved; or

(D) another individual acting in accordance with applicable federal and state laws, or as specified in §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies).

(4) The persons who are authorized to administer medications shall be specified in the client's plan of care.

(x) The inpatient care shall be available for pain control, symptom management, and respite purposes and shall be provided in a nursing facility, as appropriate.

(1) Inpatient care for pain control and symptom management shall be provided by:

(A) a hospice that meets the requirements in subsection (y) of this section for providing inpatient care directly; or

(B) a hospital or a nursing facility that also meets the requirements specified in subsection (y)(1) and (5) of this section, regarding 24-hour nursing service and client areas.

(2) Inpatient care for respite purposes shall be provided by:

(A) a provider specified in paragraph (1) of this subsection; or

(B) a nursing facility that also meets the requirements specified in subsection (y)(1) and (5) of this section, regarding 24-hour nursing services and client areas.

(3) The total number of inpatient days used by clients who elect hospice coverage in any 12-month period preceding a survey in a particular hospice shall not exceed 20% of the total number of hospice days for clients receiving care.

(y) A freestanding hospice that provides inpatient care directly shall comply with the following standards.

(1) A freestanding hospice that provides inpatient care directly shall have on-site 24-hour nursing service provided by registered nurses and licensed vocational nurses.

(A) The facility shall provide 24-hour nursing services which are sufficient to meet total nursing needs and which are in accordance with the client's plan of care. Each client shall receive treatments, medications, and diet as prescribed, and shall be kept comfortable, clean, well-groomed, and protected from accident, injury and infection.

(B) Each shift shall include a registered nurse who provides and supervises direct client care.

(2) The hospice shall have a written plan, periodically rehearsed with staff, with procedures to be followed in the event of an internal or external disaster and for the care of casualties (clients and personnel) arising from such disasters.

(3) The hospice shall meet all federal, state, and local laws, regulations, and codes pertaining to health and safety, such as provisions regulating the following:

(A) construction, maintenance, and equipment for the hospice;

(B) sanitation;

(C) communicable and reportable diseases; and

(D) post-mortem procedures.

(4) Except as provided in this subsection, the hospice shall meet the health care occupancy provisions of the 1985 edition of the Life Safety Code of the National Fire Protection Association which is incorporated by reference.

(A) The department recognizes the Health Care Financing Administration (HCFA) waiver of specific provisions of the Life Safety Code required by this paragraph, for a certified hospice, for as long as it considers appropriate, if the waiver would not adversely affect the health and safety of the clients; and rigid application of specific provisions of the Code would result in unreasonable hardship for the hospice. The department may waive specific provisions of the Life Safety Code for a licensed hospice, if the waiver would not adversely affect the health and safety of the clients; and rigid application of specific provisions of the Code would result in unreasonable hardship for the hospice.

(B) Any facility of two or more stories that is not of fire-resistive construction and is participating on the basis of a waiver of construction type or height, may not house blind, nonambulatory, or physically disabled clients above the street-level floor unless the facility is one of the following construction types (as defined in the Life Safety Code):

(i) type II (1,1,1)-protected noncombustible;

(ii) fully-sprinklered Type II (0,0,0)-noncombustible;

(iii) fully-sprinklered Type III (2,1,1)-Type III (2,1,1)-protected ordinary;

(iv) fully-sprinklered Type V (1,1,1)-protected wood frame; or

(v) achieves a passing score on the Fire Safety Evaluation System (FSES).

(5) The hospice shall design and equip areas for the comfort and privacy of each client and family member. The hospice shall include the following:

(A) physical space for private client and family visiting;

(B) accommodations for family members to remain with the client throughout the night;

(C) accommodations for family privacy after a client's death;

(D) decor which is homelike in design and function; and

(E) accommodations where clients are permitted to receive visitors at any hour, including small children.

(6) Client rooms shall be designed and equipped for adequate nursing care and the comfort and privacy of clients. Each client's room shall:

(A) be equipped with or conveniently located near toilet and bathing facilities;

(B) be at or above grade level;

(C) contain a suitable bed for each client and other appropriate furniture;

(D) have closet space that provides security and privacy for clothing and personal belongings;

(E) contain no more than four beds;

(F) measure at least 100 square feet for a single room or 80 square feet for each client for a multienter room; and

(G) be equipped with a device for calling the staff member on duty.

(7) For an existing building, the department recognizes the HCFA waiver for the space and occupancy requirements of

paragraph (6)(E) and (F) of this subsection for a certified hospice, for as long as it is considered appropriate, if it finds that the requirements would result in unreasonable hardship on the hospice if strictly enforced, and the waiver serves the particular needs of the clients and does not adversely affect their health and safety. For an existing building, the department may waive the space and occupancy requirements of paragraph (6)(E) and (F) of this subsection for a licensed hospice for as long as it is considered appropriate, if it finds that the requirements would result in unreasonable hardship on the hospice if strictly enforced and the waiver serves the particular needs of the clients and does not adversely affect their health and safety.

(8) The hospice shall provide bathroom facilities. The bathroom facilities shall include the following:

(A) an adequate supply of hot water at all times for client use; and

(B) plumbing fixtures with control valves that automatically regulate the temperature of the hot water used by clients.

(9) The hospice shall have available at all times, a quantity of linen essential for the proper care and comfort of clients. Linens shall be handled, stored, processed and transported in such a manner as to prevent the spread of infection.

(10) The hospice shall make provisions for isolating clients with infectious diseases.

(11) The hospice shall provide and supervise meal service and menu planning. The hospice shall:

(A) serve at least three meals or their equivalent each day at regular times, with not more than 14 hours between a substantial evening meal and breakfast;

(B) procure, store, prepare, distribute, and serve all food under sanitary conditions;

(C) have a staff member trained or experienced in food management or nutrition if the staff member responsible for dietary services is not a dietitian. The person shall be a graduate of a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or shall be a graduate of a State-approved course that provided 90 or more hours of classroom instruction in food service supervision and shall have experience as a supervisor in a health care institu-

tion with consultation from a dietitian, or shall have training and experience in food service supervision and management in a military service equivalent in content to the program in this paragraph. This staff member shall be responsible for:

(i) planning menus that meet the nutritional needs of each client, following the orders of the client's physician and, to the extent medically possible, the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences (Recommended Dietary Allowances (10th ed., 1989 that is available from the Printing and Publications Office, National Academy of Sciences, Washington, D.C. 20418). The menus shall be approved by a dietitian. The hospice shall use written guidelines for substitutions that are approved by the dietitian; and

(ii) supervising the meal preparation and service that is conducted to ensure that the menu plan is followed; and

(D) have the menus for those clients who require medically prescribed special diets planned by a dietitian who monitors the preparation and serving of meals to ensure that the client accepts the special diet.

(12) The hospice shall provide appropriate methods and procedures for dispensing and administering medications. Whether medications are obtained from community or institutional pharmacists or stocked by the facility, the facility shall be responsible for medications for its clients, insofar as they are covered under the program, and for ensuring that pharmaceutical services are provided in accordance with accepted professional principles and appropriate federal and state laws.

(A) The hospice shall employ a licensed pharmacist or have a formal agreement with a licensed pharmacist to advise the hospice on ordering, storage, administration, disposal, and recordkeeping of medications.

(B) A physician shall order all medications for the client.

(C) If the medication order is verbal, the physician shall give it only to a licensed nurse, pharmacist, or another physician.

(D) If the medication order is verbal, the individual receiving the order shall record and sign it immediately and have the prescribing physician sign it in a manner consistent with good medical practice.

(E) Medications shall be administered only by one of the following individuals:

(i) a licensed nurse or physician;

(ii) a permitted home health medication aide or an employee as specified in §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies); or

(iii) the client if his or her attending physician has approved.

(F) The pharmaceutical service shall have procedures for control and accountability of all medications throughout the facility. Medications shall be dispensed in compliance with federal and state laws. Records of receipt and disposition of all controlled medications shall be maintained in sufficient detail to enable an accurate reconciliation. The pharmacist shall determine that medication records are in order and that an account of all controlled medications is maintained and reconciled.

(G) The labeling of medications shall be based on currently accepted professional principles, and shall include the appropriate accessory and cautionary instructions, as well as the expiration date when applicable.

(H) In accordance with state and federal laws, all medications shall be stored in locked compartments under proper temperature controls and only authorized personnel shall have access to the keys. Separately locked compartments shall be provided for storage of controlled medications listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 United States Code, §801 et seq and other medications subject to abuse, except under single-unit package medication distribution systems in which the quantity stored is minimal and a missing dose is readily detected. An emergency medication kit shall be kept readily available.

(I) Controlled medications no longer needed by the client shall be disposed of in compliance with state requirements. The pharmacist and registered nurse shall dispose medications and prepare a record of the disposal.

§115.26. Standards for Personal Assistance Services.

(a) An agency providing personal assistance services shall meet the standards of this section.

(b) Personal assistance services may be performed by an unlicensed person who is at least 18 years of age and is competent to perform the tasks assigned by the supervisor.

(c) Personal assistance services are designed to meet the needs of a person with functional disabilities and the person's family, allowing the person and the family to engage in activities of daily living. The following tasks may be performed under a personal assistance services category:

(1) personal care (feeding, preparing meals, transferring, toileting, ambulation and exercise, grooming, bathing, dressing, routine care of hair and skin, and assistance with medications that are normally self administered);

(2) health-related tasks which may be delegated by an RN in accordance with the agency's policy pursuant to §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies) except for nursing tasks that may not be delegated and nursing tasks that may not be routinely delegated; and

(3) health related tasks that are not the practice of professional nursing under the memorandum of understanding between the Texas Department of Health and the Board of Nurse Examiners.

(d) The agency shall develop organizational, operational, programmatic, and personnel policies consistent with the principles of individual and family choice and control, functional need, and accessible and flexible services.

(e) The agency shall have an individual or individuals who assume full legal responsibility for the overall conduct of the agency and are responsible for compliance with all applicable laws and rules of the department.

(1) The administrator of the agency will administratively supervise the provision of services. The administrator organizes and directs the agency's ongoing functions; employs qualified staff; ensures adequate education and evaluations; ensures the accuracy of public information materials and activities; and implements an effective budgeting and accounting system.

(2) A person who meets the qualifications of an administrator shall be authorized in writing by the administrator to act on his or her absence.

(f) The agency shall maintain a file for each client or family with all entries kept current, dated and signed by the recorder. The file shall include the following:

(1) application for services including, but not limited to: full name; sex; date of birth; name, address, and telephone

number of parent(s) of a minor child, or legal guardian, or other(s) as identified by the individual; physician's name and telephone numbers, including emergency numbers; and services requested;

(2) documentation that client or family has received a copy of the complaint procedures, and Human Resources Code, Chapter 102 (relating to Rights of the Elderly), for clients 55 years and older;

(3) documentation of determination of services based on an on-site visit by the supervisor where services will be primarily delivered;

(4) an individualized service plan developed, agreed upon, and signed by the client or family and the agency to include, but not limited to, the following:

(A) types of services, supplies, and equipment to be provided,

(B) locations of services;

(C) frequency and duration of services, including the planned date of service initiation;

(D) charges for services rendered if the charges will be paid in full or in part by the client or significant other(s), or on request; and

(E) plan of supervision; and

(5) documentation that the services have been provided according to the individualized service plan, and to include a medication record, if applicable.

(g) The agency shall provide services with personnel who meet the qualifications and competencies to perform requested and agreed upon services of the client or family. The agency is responsible for the following regarding personnel services:

(1) orientation of personnel to their job responsibilities including, but not limited to: the philosophy and values of community integration and consumer-driven care, report of abuse or neglect; and change in the client's health condition requiring emergency procedures or health services; and

(2) maintenance of documentation to demonstrate that an individual is competent in those services he or she performs.

(h) Personnel shall be supervised in accordance with the agency's policies and applicable laws

(1) The agency shall adopt, enforce, and implement a policy on supervi-

sion of personnel with input from the client or family on frequency of supervision.

(2) Supervisors must be licensed nurses or have completed two years of full-time study at an accredited college or university. Individuals with a high school diploma or general equivalence diploma (GED) may substitute one year of full-time employment in a supervisory capacity in a health care facility, agency, or community-based agency for each required year of college.

(3) Unlicensed persons performing health related tasks that fall within the practice of professional nursing shall be supervised by an RN.

§115.27. Standards for Branch Offices.

(a) A branch office providing licensed home health or personal assistance services shall comply with the requirements of the rules relating to the parent agency and the standards relating to the provided services.

(b) A branch office providing licensed and certified home health services shall comply with the standards for certified agencies in §115.23 of this title (relating to Standards for Licensed and Certified Home Health Services).

(c) A parent agency and a branch office providing home health or personal assistance services shall meet the following requirements.

(1) On-site supervision of the branch office shall be conducted by the parent agency at least monthly. More frequent supervision may be required considering the size of the service area and the scope of services provided by the parent agency. Supervision shall be provided by the administrator or licensed professional who is in a supervisory position. The supervisory visits must be documented and include the date of the visit, the content of the consultation, the individuals in attendance, and the recommendations of the staff.

(2) Original personnel files may be kept in any location, as determined by the agency. Original personnel files shall be accessible and readily retrievable for inspection by the department at the site of the survey.

(3) The clinical record shall be an original, a microfilmed copy, an optical disc imaging system copy, or a certified copy. If the clinical record is microfilmed or maintained on an optical disc imaging system, the microfilm and the equipment needed to read the record must be accessible at the time and at the office of the on-site survey of the agency. The clinical record may be kept at the branch or parent agency, as determined by the agency. Duplicate records are not required.

(d) The department shall issue to or renew a branch office license for applicants who meet the requirements of this section.

(e) A branch office may offer fewer health services or categories of services than the parent office but may not offer health services or categories of services that are not also offered by the parent agency.

§115.28. Standards for Alternate Delivery Sites.

(a) An alternate delivery site providing hospice services shall comply with the requirements of §115.25 of this title (relating to Standards for Hospice Services).

(b) An alternate delivery site shall independently meet §115.25(c), (f)(1), (g), and (n) of this title (relating to Standards for Hospice Services).

(c) A parent agency and an alternate delivery site providing hospice services shall meet the following requirements.

(1) On-site supervision of the alternate delivery site shall be conducted by the parent agency at least monthly. More frequent supervision may be required considering the size of the service area provided by the parent agency. Supervision shall be provided by the administrator or licensed professional who is in a supervisory position. The supervisory visits must be documented and include the date of the visit, the content of the consultation, the individuals in attendance, and the recommendations of the staff.

(2) Original personnel files may be kept in any location, as determined by the agency. Original personnel files shall be accessible and readily retrievable for inspection by the department at the site of the survey.

(3) The clinical record shall be an original, a microfilmed copy, an optical disc imaging system copy, or a certified copy. If the clinical record is microfilmed or maintained on an optical disc imaging system, the microfilm and the equipment needed to read the record must be accessible at the time and at the office of the on-site survey of the agency. The clinical record must be kept at the alternate delivery site office. Duplicate records are not required.

(d) The department shall issue to or renew an alternate delivery site license for applicants who meet the requirements of this section.

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.

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TRD-9438947

Susan K. Steeg
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Health

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For further information, please call: (512) 834-6650

◆ ◆ ◆
Subchapter D. Enforcement
• 25 TAC §§115.51-115.54

The new sections are adopted under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for the licensing of home and community support services agencies; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health.

§115.51. Surveys and Investigation Procedures.

(a) An on-site survey shall determine if the requirements of the statute and the rules are being met.

(1) The Texas Department of Health (department) or its authorized representatives may enter the premises of a license applicant or license holder at reasonable times to conduct an on-site survey incidental to the issuance of a license, and at other times as it considers necessary to ensure compliance with the statute and the rules adopted under the statute. A standard-by-standard evaluation is required before the initial annual license is issued unless waived in accordance with §115.13(a)(1)(B) of this title (relating to Change of Ownership or Services).

(2) At the discretion of the department, an on-site survey may be conducted for renewal of a license or issuance of a branch office or alternate delivery site license.

(b) Except for the investigation of complaints and initial surveys, an agency licensed by the department is not subject to additional surveys relating to home health, hospice, or personal assistance services while the agency maintains accreditation for the applicable services from the Joint Commission on Accreditation of Healthcare Organizations, the Community Health Accreditation Program, or other accreditation organizations that meet or exceed the standards adopted under this chapter.

(c) The department's authorized representative (surveyor) shall hold a conference with the person who is in charge of an agency prior to commencing the on-site survey or investigation for the purpose of explaining the nature and scope of the sur-

vey. The department's representative shall hold an exit conference with the person who is in charge of the agency when the survey is completed, and the department's representative shall identify any records that were duplicated. Any original agency records that are removed from an agency shall be removed only with the consent of the agency.

(d) The department's authorized representative shall hold an exit conference and fully inform the person who is in charge of the agency of the preliminary findings of the survey and shall give the person a reasonable opportunity to submit additional facts or other information to the department's authorized representative in response to those findings. The response shall be made a part of the survey for all purposes and must be received by the department within ten calendar days of receipt of the preliminary findings of the survey by the agency.

(e) After a survey or investigation of an agency, the department shall provide the person in charge of the agency specific and timely written notice of the findings of the survey including:

(1) the specific nature of the survey;

(2) any alleged violations of a specific statute or rule;

(3) the specific nature of any finding regarding an alleged violation or deficiency;

(4) if a deficiency is alleged, the severity of the deficiency; and

(5) if there are no deficiencies found, a statement indicating this fact.

(f) The surveyor shall:

(1) prepare a statement of deficiencies, if any;

(2) obtain a plan of correction for deficiencies which is provided by the agency either on-site or within ten calendar days and indicates the date(s) by which correction(s) will be made;

(3) obtain the signature of the person in charge of the agency acknowledging the receipt of the statement of deficiencies and plan of correction form. The person's signature does not indicate the person's agreement with deficiencies stated on the form; and

(4) obtain within ten calendar days of the survey or investigation written comments, if any, by the person in charge of the agency. Additional facts, written comments or other information provided by the agency in response to the findings shall be made a part of the record of the survey for all purposes.

(g) If deficiencies are cited and the plan of correction is not acceptable, the

department shall notify the agency in writing and request that the plan of correction be resubmitted no later than 30 calendar days of the agency's receipt of the department's written notice. Upon resubmission of an acceptable plan of correction, written notice will be sent by the department to the agency acknowledging same.

(h) The department will provide upon completion of the review and processing of the survey:

(1) information on the identity, including the signature, of each department representative conducting, reviewing, or approving the results of the survey and the date on which the department representative acted on the matter; and

(2) if requested by the agency, copies of all documents relating to the survey maintained by the department or provided by the department to any other state or federal agency that are not confidential under state law.

(i) If the survey relates to the issuance of the initial annual license, the agency shall come into compliance no later than 30 calendar days prior to the expiration of the temporary license. If evidence of compliance is not provided to the department prior to expiration of the temporary license, an initial annual license shall be denied to the applicant in accordance with §115.52 of this title (relating to Disciplinary Action).

(j) If the survey relates to the issuance of the renewal license or a complaint investigation, the agency shall come into compliance 30 calendar days prior to the expiration date of the license or no later than the dates designated in the plan of correction, whichever comes first. If evidence of compliance is not provided to the department, an annual license may be revoked, suspended, or denied, in accordance with §115.52 of this title.

(k) The Texas Department of Health (department) shall verify the correction of deficiencies by mail or by an on-site survey.

(l) If a subsequent survey results in evidence of further deficiencies, a plan of correction may be requested in accordance with the provisions of this section or the department may propose action to deny, suspend, or revoke the license.

(m) Even if a plan of correction is accepted and completed, the department may initiate disciplinary action if the deficiencies resulted in physical, mental or emotional harm to a client of the agency or if there is the potential for such harm.

(n) Except as provided by subsection (b) of this section, an on-site survey must be conducted within 18 months after a survey for an initial license. After that time, an on-site survey must be conducted at least every 36 months.

(o) If a person is renewing or applying for a license to provide more than one category of service under the statute, the required surveys for each of the services the license holder or applicant seeks to provide shall be completed during the same survey visit.

§115.52. Disciplinary Action.

(a) The Texas Department of Health (department) may deny, suspend, suspend on an emergency basis, or revoke a temporary, annual, branch office or alternate delivery site license issued to an applicant or agency if the applicant or agency:

(1) fails to comply with any provision of the statute;

(2) fails to comply with any provision of this chapter;

(3) has a provider agreement under the Social Security Act, Title XVIII, which has been terminated by the certifying body, Health Care Financing Administration, or if the agency withdraws its certification or its request for certification. An agency providing licensed and certified home health services that submits a request for a hearing as provided by this section is governed by the requirements of the statute and the rules relating to an agency providing licensed only home health services until suspension or revocation is finally determined by the department or, if the license is suspended or revoked, until the last day for seeking review of the department order or a later date fixed by order of the reviewing court;

(4) commits fraud, misrepresentation, or concealment of a material fact on any documents required to be submitted to the department or required to be maintained by the agency pursuant to this chapter;

(5) has aided, abetted or permitted the commission of an illegal act; or

(6) fails to comply with an order of the commissioner of health or another enforcement procedure under the statute.

(b) The department may deny a license (temporary or annual) if the applicant or licensee:

(1) fails to provide the required application or renewal information; or

(2) discloses any of the following actions against or by the applicant or the licensee or against or by affiliate(s), or manager(s) of the applicant or the licensee within the two-year period preceding the application:

(A) operation of an agency that has been decertified or had its contract cancelled under the Medicare or Medicaid program in any state;

(B) federal Medicare or state Medicaid sanctions or penalties;

(C) state or federal criminal convictions which imposed incarceration;

(D) federal or state tax liens;

(E) unsatisfied final judgment;

(F) eviction involving any property or space used by an agency in any state;

(G) unresolved state Medicaid or federal Medicare audit exceptions;

(H) denial, suspension, or revocation of an agency license or a license for any health care facility or agency in any state; or

(I) a court injunction prohibiting ownership or operation of an agency.

(c) The department may suspend or revoke an existing valid license or disqualify a person from receiving a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a licensed agency.

(1) In determining whether a criminal conviction directly relates, the department shall consider the provisions of Texas Civil Statutes, Article 6252-13c.

(2) The following felonies and misdemeanors directly relate because these criminal offenses indicate an inability or a tendency for the person to be unable to own or operate an agency. These offenses also relate to the holding of a home health medication aide permit or an entity approved under §115.62(o) of this title (relating to Home Health Medication Aides), to conduct a home health medication aide training program:

(A) a misdemeanor violation of the statute;

(B) a conviction relating to deceptive business practices;

(C) a misdemeanor or felony offense involving moral turpitude;

(D) the misdemeanor of practicing any health-related profession without a required license;

(E) a conviction under any federal or state law relating to drugs, dangerous drugs or controlled substances;

(F) an offense under the Texas Penal Code, Title 5, involving a client or client of a health care facility or agency;

(G) a misdemeanor or felony offense under various titles of the Texas Penal Code, as follows:

(i) Title 5, concerning offenses against the person;

(ii) Title 7, concerning offenses against property;

(iii) Title 9, concerning offenses against public order and decency;

(iv) Title 10, concerning offenses against public health, safety, and morals;

(v) Title 4, concerning offenses of attempting or conspiring to commit any of the offenses in clauses (i)-(iv) of this subparagraph; and

(vi) other misdemeanors and felonies which indicate an inability or tendency for the person to be unable to own or operate an agency, hold a permit, or receive program approval under §115. 62(o) of this title (relating to Home Health Medication Aides), if action by the department will promote the intent of the statute, this chapter, or Texas Civil Statutes, Article 6252-13c.

(3) Upon a licensee's felony conviction, felony probation revocation, revocation of parole, or revocation of mandatory supervision, the license shall be revoked.

(d) If the department proposes to deny, suspend, or revoke a license, the department shall notify the agency by certified mail, return receipt requested, or personal delivery of the reasons for the proposed action and offer the agency an opportunity for a hearing.

(1) The agency must request a hearing within 30 calendar days of receipt of the notice. Receipt of the notice is presumed to occur on the tenth day after the notice is mailed to the last address known to the department unless another date is reflected on a United States Postal Service return receipt.

(2) The request for a hearing must be in writing and submitted to the Director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(3) A hearing shall be conducted pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, and the department's formal hearing procedures in Chapter 1 of this title (relating to the Texas Board of Health).

(4) If the agency does not request a hearing in writing within 30 calendar days of receipt of the notice, the agency is deemed to have waived the opportunity for a hearing and the proposed action shall be taken.

(5) If the agency fails to appear or be represented at the scheduled hearing, the agency has waived the right to a hearing and the proposed action shall be taken.

(e) The department may suspend or revoke a license to be effective immediately when the health and safety of persons are threatened. The department shall immediately give the chief executive officer of the agency adequate notice of the action taken, the legal grounds for the action, and the procedure governing appeal of the action. The department shall also notify the agency of the emergency action including the legal grounds for the action and the procedure governing appeal of the action by certified mail, return receipt requested, or personal delivery of the notice and of the date of a hearing, which shall be within seven calendar days of the effective date of the suspension or revocation. The effective date of the emergency action shall be stated in the notice. The hearing shall be conducted pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, and the department's formal hearing procedures in Chapter 1 of this title (relating to the Texas Board of Health).

(f) If a person violates the licensing requirements of the Act, the department may petition the district court to restrain the person from continuing the violation.

(g) If a person operates an agency without a license issued under the Act, the person is liable for a civil penalty of not less than \$1,000 nor more than \$2,500 for each day of violation.

(h) A person who has had an agency license revoked under this section may not apply for an agency license for one year following the date of revocation.

(i) If the department suspends a license, the suspension shall remain in effect until the department determines that the reason for suspension no longer exists. An authorized representative of the department shall investigate prior to making a determination.

(1) During the time of suspension, the suspended license holder shall return the license to the department.

(2) If a suspension overlaps a renewal date, the suspended license holder

shall comply with the renewal procedures in this chapter; however, the department may not renew the license until the department determines that the reason for suspension no longer exists.

(j) If the department revokes or does not renew a license, a person may reapply for a license by complying with the requirements and procedures in this chapter at the time of reapplication. The department may refuse to issue a license if the reason for revocation or nonrenewal continues to exist.

(k) Upon revocation or nonrenewal, a license holder shall return the license to the department.

§115.53. Complaints.

(a) An agency shall provide to each person who receives home health, hospice, or personal assistance services a written statement that informs the consumer that a complaint against the agency may be directed to the Texas Department of Health (department). The statement shall be provided at the time of admission and shall direct the consumer to register complaints with the director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, 1-800-228-1570.

(b) A complaint containing allegations which are a violation of the statute or this chapter will be investigated by the department.

(c) A complaint containing allegations which are not a violation of the statute or this chapter will not be investigated by the department but shall be referred to law enforcement agencies or other agencies, as appropriate.

(d) The department shall inform in writing a complainant who identifies himself by name and address of the following information:

(1) the receipt of the complaint;

(2) whether the complainant's allegations allege potential violations of the statute or this chapter warranting an investigation;

(3) whether the complaint will be investigated by the department;

(4) whether and to whom the complaint will be referred; and

(5) the findings of the complaint investigation.

(e) Procedures concerning complaints about permitted home health medication aides, home health medication aide programs or another person shall be as follows.

(1) The initial notification of a complaint may be in writing or by tele-

phone. The complaint may be submitted to the Director, Health Facility Licensure and Certification Division, 1100 West 49th Street, Austin, Texas 78756-3183, 1-800-228-1570.

(2) Anonymous complaints may be investigated by the department if the complainant provides sufficient information.

(3) If the department determines that the complaint does not come within the department's jurisdiction, the department shall advise the complainant and, if possible, refer the complainant to the appropriate governmental agency for handling such a complaint.

(4) The department shall, at least as frequently as quarterly, notify the parties to the complaint of the status of the complaint until its final disposition.

(5) If the department determines that there are insufficient grounds to support the complaint, the complaint shall be dismissed and written notice of the dismissal shall be given to the home health medication aide permit holder or person against whom the complaint has been filed and the complainant.

(6) If the department determines that there are sufficient grounds to support the complaint, the department may propose to deny, suspend, emergency suspend, revoke, or not renew a home health medication aide permit or rescind a home health medication aide program approval.

§115.54. Criminal History Checks and Administrative Review.

(a) An agency must comply with the Health and Safety Code, Chapter 250, Nurse Aide Registry and Criminal History Checks of Employees and Applicants for Employment in Certain Facilities Serving the Elderly or Persons with Disabilities. Failure to comply shall be grounds for denial, suspension, or revocation of the agency's license.

(b) An agency may not employ a person in a position, the duties of which involve direct contact with a consumer, unless the agency has applied for a criminal history check on the applicant for employment and has received a response from the Texas Department of Health (department) unless there is an emergency situation or the 60 calendar days waiting period described in subsection (h) of this section has expired.

(1) The requirement to request a criminal history check only applies if the person to be employed will have direct contact with a consumer in the agency. This means that the person must have direct contact with a client of the agency, the client's family, or the client's visitors.

(2) A criminal history check is not required if the applicant for employment is licensed under Texas law and will be working within the scope of that license.

(3) Criminal history checks may be requested only for applicants for employment to whom an offer of employment is made or employees. Criminal history checks may not be requested for persons who will not be employed by the agency, such as volunteers or independent contractors. An employee or applicant for employment is a person for whom the agency is or will be required to issue a W-2 form on behalf of the person.

(4) A previous criminal history check on the person done under this section or through other means does not satisfy the requirements of the law or this section. A new criminal history check must be requested for any person each time an offer of employment is made to that person.

(c) An agency may employ an applicant prior to receiving a response to the request for a criminal history check only in an emergency situation requiring immediate employment.

(1) An emergency requiring immediate employment is a situation in which the urgent need to hire an individual exists as a result of a survey deficiency on staffing or the potential of the facility to fall below its desired staff, thus putting a client's health and safety at risk.

(2) The prospective employee must furnish to the agency a written statement stating that he or she has no conviction for an offense described in the Health and Safety Code, §250.005, which lists the types of offenses which bar employment.

(3) The written statements should be maintained in the agency personnel records at least until the 60 calendar days waiting period described in subsection (h) of this section has expired.

(4) The agency must request the criminal history check within 72 hours of employment for a person employed in an emergency situation.

(d) An agency shall file a request for a criminal history check on official forms of the department. The requests shall be forwarded to the designated representative of the department. The request must be completely filled out including the mailing address of the applicant or employee.

(e) An agency must inform each person that applies for employment that the agency is required to conduct a criminal history check before it may make an offer of employment to the applicant and that the agency will request a criminal history check on each applicant to whom an offer of employment is made.

(f) The department shall review the criminal history received from the Department of Public Safety (DPS) to determine if a conviction on the record bars the person from employment in an agency under the Health and Safety Code, §250.005 or §250.006.

(g) Convictions which are not reflected on the criminal history received from DPS do not trigger the requirements of this section or the Health and Safety Code, Chapter 250.

(h) If no response has been received by the agency from the department within 60 calendar days of submission of the request for a criminal history check, the agency may assume that it is likely that no conviction barring employment was found and that the person is employable by the agency.

(1) No notice will be sent by the department that the person is employable.

(2) Subsections (i) and (j) of this section shall apply to a criminal history received after the 60 calendar day period.

(i) If the department receives a criminal history from DPS that indicates that the person has been convicted of an offense under the Health and Safety Code, §250.005, which bars employment, the department shall notify the person who was the subject of the check and the agency requesting the check of the results.

(1) The notice shall be a preliminary finding that the person is unemployable.

(2) If the person believes that the conviction does not fall within the Health and Safety Code, §250.005, the person (not the agency) may object by filing a written request for informal review with the director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(3) The written request must be submitted to the department not later than 20 calendar days after the date the notice from the department is received by the person. That person is presumed to have received the notice on the tenth day after it was mailed to the person unless another date appears on the United States Postal Service return receipt.

(4) If the person makes a timely request for informal review, the department shall review the criminal history only to verify that the conviction falls within the Health and Safety Code, §250.005.

(A) If the conviction does fall within that section, the department shall issue a notice of a final finding to the

person and the agency that the person is unemployable by the agency.

(B) If the department finds that an error was made and that the person is employable, the department shall notify the person and the agency.

(C) If the department determines that the conviction does not fall under the Health and Safety Code, §250.005, but falls under the Health and Safety Code, §250.006, which makes the person potentially unemployable, the department shall follow the procedures in subsection (j) of this section relating to an administrative review panel.

(5) If the person fails to request an informal review, the department shall issue a notice of final finding that the person is unemployable. The notice shall be sent to the person and the agency.

(j) If the conviction is a potential bar to employment under the Health and Safety Code, §250.006, the department will notify the person and the agency of this preliminary finding.

(1) The notice shall allow the person who was the subject of the criminal history check the opportunity to appeal to an administrative review panel established by the department.

(2) The purpose of the panel will be to determine if mitigating circumstances existed at the time of the offense or whether the person has been substantially rehabilitated since that time. The panel will determine whether the person is likely to be a threat to clients, their families or their visitors.

(3) The person (not the agency) may request appeal to the administrative review panel by submitting a written request to the director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(4) One original and five copies of the request must be submitted to the department no later than 20 calendar days after the date the person receives the notice from the department. The person is presumed to have received the notice on the tenth day after it was mailed to the person unless another date appears on the United States Postal Service return receipt.

(5) The request must include six copies of any written documentation which the person wishes to have the administrative review panel consider. Such documentation may include information on the following:

(A) whether the conviction was a misdemeanor or felony;

(B) the person's age when the offense was committed;

(C) the length of time since the offense was committed;

(D) what the person did when he or she committed the offense;

(E) any court imposed punishment and whether the person has completed that punishment;

(F) any rehabilitation since the offense;

(G) any mitigating circumstances when the offense was committed;

(H) any other convictions since the time of the offense;

(I) the person's employment history, especially in a health care facility or agency, since the offense; and

(J) such other matters as the person may wish to submit.

(6) The criminal history received from DPS and the documentation submitted by the person shall be forwarded to the administrative review panel for its review. The panel shall determine whether the person remains potentially unemployable by the agency or is employable.

(A) If the panel decides that the person is now employable by the agency, the person and the agency will be notified of that decision in writing.

(B) If the panel determines that the person remains potentially unemployable by the agency, the person will be notified of the opportunity to personally appear before the panel. The notice shall include the date, time and place where the person can meet with the panel. After the opportunity for an appearance and if the panel determines that the person is unemployable by the agency, the department will notify the agency and the person of the final finding in writing.

(C) The person or the agency may not contact any member of the panel directly except at the personal appearance before the panel.

(D) Quorum of the panel is three members. Any decision of the panel must be by agreement of three members.

(E) Deliberations of the panel are not subject to the Open Meetings Act, Government Code, Chapter 551.

(7) If the person fails to request an administrative review panel after notice that the person is potentially unemployable or if the person fails to exercise his or her opportunity to personally appear before the panel, the department shall send a notice of unemployability to the agency and the person.

(8) If the person fails to appeal to the administrative review panel, the department shall issue a final finding of unemployability to the agency and the person.

(k) The initial notice to the person and the agency under subsection (i) and (j) of this section shall inform the person how corrections to the criminal history may be made by contacting DPS.

(1) Such corrections may include updating or making accurate the conviction information or clarifying that the conviction is actually the conviction of another person.

(2) The department cannot provide assistance in correcting a criminal history; however, the department will receive a copy of any corrected criminal history and will reevaluate the information received in the same manner that the original criminal history was evaluated.

(3) It is the responsibility of the applicant for employment or the employee to correct errors of fact or identity in the criminal history received from DPS. The person should contact DPS directly and provide whatever positive identification information may be required for a verification of the record and request a corrected criminal history.

(4) A person should request a review by the department under subsections (i) or (j) of this section of the finding of potentially unemployable or unemployable at the same time that a correction of the record by DPS is being requested.

(A) The request to the department should indicate that the person is seeking a correction of the records by DPS.

(B) The corrected criminal history should be presented to the department as part of the documentation submitted by the person.

(I) If an agency receives a preliminary finding under subsections (i) or (j) of this section on a person who is no longer employed by the agency or is no longer an applicant with an offer of employment, the agency shall immediately inform the department in writing of this fact.

For further information, please call: (512) 834-6650

(A) Since the Health and Safety Code, Chapter 250, and this section do not apply to a person who is not an employee of or an applicant with an offer of employment from the agency requesting the criminal history check, the department shall immediately cease all procedures under this section upon receiving notice from an agency pursuant to this subsection.

(B) The department shall notify the person who was the subject of the criminal history check and the agency of the cessation of procedures.

(m) The special provisions of the Health and Safety Code, Chapter 250, relating to nurse aides and the nurse aide registry do not apply to persons hired as home health aides.

(n) An agency must immediately discharge any employee in a position the duties of which involve direct contact with a client, a client's family, or a client's visitors if the criminal history reveals a conviction of a crime that bars employment as designated by the department in its letter to the person and the agency with a final finding (not a preliminary finding) of unemployability. The law does not require discharge of an employee when the finding is only preliminary.

(o) It is not necessary for the agency to notify the department of any actions taken in response to the results of the criminal history on any individual.

(p) The criminal history records are for the exclusive use of the department and the requesting agency. The criminal history records and the information they contain may not be released or otherwise disclosed to any person or entity except on court order or with the written consent of the person being investigated.

(1) An agency may not share information with another agency or other providers except with the written consent of the person who is the subject of the criminal history check.

(2) It is a criminal offense to release information in violation of the law.

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 April 11, 1994.

TRD-9438946 Susan K. Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

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**Subchapter E. Home Health
Aides and Medication Aides**

• 25 TAC §115.61, §115.62

The new sections are adopted under the Health and Safety Code, §142.012, which provides the Texas Board of Health (board) with authority to adopt rules to establish and enforce minimum standards for the licensing of home and community support services agencies; and §12.001, which provides the board with the authority to adopt rules for the performance of every duty imposed by law upon the board, the department and the commissioner of health. The new sections affect Health and Safety Code, §142.012.

§115.61. Home Health Aides.

(a) A home health aide may be used by an agency providing licensed home health services if the aide meets one of the following requirements:

(1) a minimum of one year full-time experience in direct client care in an institutional setting (hospital or nursing facility);

(2) one year full-time experience within the last five years in direct client care in an agency setting;

(3) satisfactorily completed a training and competency evaluation program which complies with the requirements of this section;

(4) satisfactorily completed a competency evaluation program which complies with the requirements of this section;

(5) submitted to the agency documentation from the director of programs or the dean of a school of nursing that states that the individual is a nursing student who has demonstrated competency in providing basic nursing skills in accordance with the school's curriculum; or

(6) be on the department's nurse aide registry with no finding against the aide relating to client abuse or neglect or misappropriation of client property.

(b) Tasks to be performed by a home health aide shall be assigned by and performed under the supervision of a registered nurse who shall be responsible for the client care provided by a home health aide.

(c) A home health aide may perform those tasks that are delegated and supervised by a registered nurse in accordance with §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies).

(d) The training portion of a training and competency evaluation program for home health aides must be conducted by or under the general supervision of a registered nurse who possesses a minimum of two years of nursing experience, at least one year of which must be in the provision of home health care. The training program may contain other aspects of learning, but shall contain the following:

(1) a minimum of 75 hours as follows:

(A) an appropriate number of hours of classroom instruction; and

(B) a minimum of 16 hours of clinical experience which will include in-home training and shall be conducted in a home, a hospital, a nursing home, or a laboratory;

(2) completion of at least 16 hours of classroom training before a home health aide begins clinical experience working directly with clients under the supervision of qualified instructors;

(3) if licensed vocational nurse instructors are used for the training portion of the program, the following qualifications and supervisory requirements apply:

(A) a licensed vocational nurse may provide the home health aide classroom training under the supervision of a registered nurse who has two years of nursing experience, at least one year of which must be in the provision of home health care;

(B) licensed vocational nurses, as well as registered nurses, may supervise home health aide candidates in the course of the clinical experience; and

(C) a registered nurse must maintain overall responsibility for the training and supervision of all home health aide training students; and

(4) an assessment that the student knows how to read and write English and carry out directions.

(e) The classroom instruction and clinical experience content of the training portion of a training and competency evaluation program must include, but is not limited to:

(1) communications skills;

(2) observation, reporting, and documentation of a client's status and the care or service furnished;

(3) reading and recording temperature, pulse, and respiration;

(4) basic infection control procedures and instruction on universal precautions;

(5) basic elements of body functioning and changes in body function that must be reported to an aide's supervisor;

(6) maintenance of a clean, safe and healthy environment;

(7) recognizing emergencies and knowledge of emergency procedures;

(8) the physical, emotional, and developmental needs of and ways to work with the populations served by the agency including, the need for respect for the client and his or her privacy and property;

(9) appropriate and safe techniques in personal hygiene and grooming that include:

(A) bed bath;

(B) sponge, tub, or shower bath;

(C) shampoo, sink, tub, or bed;

(D) nail and skin care;

(E) oral hygiene; and

(F) toileting and elimination;

(10) safe transfer techniques and ambulation;

(11) normal range of motion and positioning;

(12) adequate nutrition and fluid intake;

(13) any other task that the agency may choose to have the home health aide perform in accordance with §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies); and

(14) the rights of the elderly.

(f) This section addresses the requirements for the competency evaluation program or the competency evaluation portion of a training and competency evaluation program.

(1) The competency evaluation must be performed by a registered nurse.

(2) The competency evaluation must address each of the subjects listed in subsection (e)(2)-(13) of this section.

(3) Each of the areas described in subsection (e)(3) and (e)(9)-(11) of this section must be evaluated by observation of

the home health aide's performance of the task with a client or person.

(4) Each of the areas described in subsection (e)(2), (4)-(8), (12) and (13) of this section may be evaluated through written examination, oral examination, or by observation of a home health aide with a client.

(5) A home health aide is not considered to have successfully completed a competency evaluation if the aide has an unsatisfactory rating in more than one of the areas described in subsection (e) (2)-(13) of this section.

(6) If an aide receives an unsatisfactory rating, the aide shall not perform that task without direct supervision by a registered nurse or licensed vocational nurse until the aide receives training in the task for which he or she was evaluated as unsatisfactory and successfully completes a subsequent competency evaluation with a satisfactory rating on the task.

(7) If an individual fails to complete the competency evaluation satisfactorily, the individual shall be advised of the areas in which he or she is inadequate.

(g) If a person who is not an agency desires to implement a home health aide training and competency evaluation program or a competency evaluation program, the person shall meet the requirements of this section in the same manner as set forth for an agency.

§115.62. Home Health Medication Aides.

(a) General.

(1) A person may not administer medication to a client unless the person:

(A) holds a current license under state law which authorizes the licensee to administer medication;

(B) holds a current permit issued under this section and acts under the delegated authority of a registered nurse licensed by the Board of Nurse Examiners which authorizes the licensee to administer medication;

(C) performs duties of a qualified dialysis technician within the scope authorized under §115.24 of this title (relating to Standards for Home Dialysis Designation);

(D) administers a medication to a client of an agency in accordance with rules of the Board of Nurse Examiners that permit delegation of the administration of medication to a person not holding a permit under this section; or

(E) administers noninjectable medication under circumstances authorized by the memorandum of understanding between the Board of Nurse Examiners and the department.

(2) A home health medication aide may be utilized in an agency providing licensed and certified home health services, licensed home health services, hospice services, or personal assistance services. If there is a direct conflict between the requirements of this chapter and federal regulations, the requirements which are more stringent shall apply to the licensed and certified home health services agency.

(3) Other exemptions shall be as follows.

(A) A person may administer medication to a client of an agency without the license or permit as required in paragraph (1) of this subsection if the person is:

(i) a graduate nurse holding a temporary permit issued by the Board of Nurse Examiners;

(ii) a student enrolled in an accredited school of nursing or program for the education of registered nurses who is administering medications as part of the student's clinical experience;

(iii) a graduate vocational nurse holding a temporary permit issued by the Board of Vocational Nurse Examiners;

(iv) a student enrolled in an accredited school of vocational nursing or program for the education of vocational nurses who is administering medications as part of the student's clinical experience; or

(v) a trainee in a medication aide training program approved by the Texas Department of Health (department) under this chapter who is administering medications as part of the trainee's clinical experience.

(B) An exempt person described in subparagraph (A) of this paragraph shall be supervised as follows.

(i) A person described in:

(I) subparagraph (A)(i) of this paragraph shall be supervised by a registered nurse;

(II) subparagraph (A)(ii) or (iv) of this paragraph shall be supervised by the student's instructor, or

(III) subparagraph (A)(iii) of this paragraph shall be supervised by a registered nurse or licensed vocational nurse.

(ii) Supervision must be on-site.

(C) An exempt person described in this subsection may not be used in a supervisory or charge position.

(b) Required actions.

(1) If home health medication aide services are provided, a home health medication aide shall be employed by the agency to provide home health medication aide services, and a registered nurse shall be employed by or under contract with the agency to perform the initial assessment; prepare the client care plan; establish the medication list, medication administration record, and medication aide assignment sheet; and supervise the home health medication aide. The registered nurse shall be available to supervise the home health medication aide when services are provided.

(2) The clinical records of a patient utilizing a home health medication aide shall include a statement signed by the client or family acknowledging receipt of the list of permitted and prohibited acts of a home health medication aide.

(3) The registered nurse (RN) shall be knowledgeable regarding the rules of the department governing home health medication aides and shall assure that the home health medication aide is in compliance with the statute.

(4) A permit holder must:

(A) function under the supervision of a registered nurse;

(B) function in accordance with applicable law and this chapter relating to administration of medication and operation of the agency,

(C) comply with department rules applicable to personnel used in an agency; and

(D) comply with this section and §115.61 of this title (relating to Home Health Aides) if the person will be used as a home health aide and a home health medication aide.

(5) The RN shall make a supervisory visit while the medication aide is in the client's residence in accordance with §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies)

(c) Permitted actions. A permit holder is permitted to:

(1) observe and report to the agency's registered nurse and document in

the clinical note reactions and side effects to medication shown by a client;

(2) take and record vital signs prior to the administration of medication which could affect or change the vital signs;

(3) administer regularly prescribed medication which the permit holder has been trained to administer only after personally preparing (setting up) the medication to be administered. The medication aide shall document the administered medication in the client's clinical note;

(4) administer oxygen per nasal cannula or a non-sealing face mask only in emergency. Immediately after the emergency, the permit holder shall verbally notify the supervising registered nurse and appropriately document the action and notification;

(5) apply specifically ordered ophthalmic, otic, nasal, vaginal, topical, and rectal medication unless prohibited by subsection (d)(10) of this section; and

(6) administer medications only from the manufacturer's original container or the original container in which the medication had been dispensed and labeled by the pharmacy with all information mandated by the Texas State Board of Pharmacy.

(d) Prohibited actions. Permit holders shall not:

(1) administer a medication by any injectable route;

(2) administer medication used for intermittent positive pressure breathing (IPPB) treatment or any form of medication inhalation treatments;

(3) administer previously ordered pro re nata (PRN) medication unless authorization is obtained from the agency's registered nurse. If authorization is obtained, the permit holder must:

(A) document in the client's clinical notes symptoms indicating the need for medication and the time the symptoms occurred;

(B) document in the client's clinical notes that the agency's registered nurse was contacted, symptoms were described, and permission was granted to administer the medication and the time of contact;

(C) obtain permission to administer the medication each time the symptoms occur in the client; and

(D) insure that the client's clinical record is co-signed by the registered nurse who gave permission within seven

calendar days of incorporation of the notes into the clinical record;

(4) administer the initial dose of a medication that has not been previously administered to a client. Whether a medication has been previously administered shall be determined by the client's current clinical records;

(5) calculate a client's medication doses for administration except that the permit holder may measure a prescribed amount of a liquid medication to be administered or break a tablet for administration to a client provided the registered nurse has calculated the dosage. The client's medication administration record shall accurately document how the tablet must be altered prior to administration;

(6) crush medication unless authorization has been given in the original physician's order or obtained from the agency's registered nurse. The authorization to crush the specific medication shall be documented on the client's medication administration record;

(7) administer medications or feedings by way of a tube inserted in a cavity of the body except as specified in §115.21(m) of this title (relating to Licensure Requirements and Standards for All Home and Community Support Services Agencies);

(8) receive or assume responsibility for reducing to writing a verbal or telephone order from a physician, dentist or podiatrist;

(9) order a client's medication from a pharmacy;

(10) apply topical medications that involve the treatment of skin that is broken or blistered when a specified aseptic technique is ordered by the attending physician;

(11) administer medications from any container other than the manufacturer's original container or the original container in which the medication had been dispensed and labeled by the pharmacy with all information mandated by the Texas State Board of Pharmacy;

(12) steal, divert, or otherwise misuse medications;

(13) violate any provision of the statute or of this chapter;

(14) fraudulently procure or attempt to procure a permit;

(15) neglect to administer appropriate medications, as prescribed, in a responsible manner; or

(16) administer medications if the person is unable to do so with reasonable skill and safety to clients by reasons of drunkenness, excessive use of drugs, nar-

cotics, chemicals, or any other type of material.

(e) Applicant qualifications. Each applicant for a permit issued under the statute must complete a training program. Prior to enrollment in a training program and prior to application for a permit under this section, all persons:

(1) must be able to read, write, speak, and understand English;

(2) must be at least 18 years of age;

(3) must be free of communicable diseases and in suitable physical and emotional health to safely administer medications;

(4) must be a graduate of a high school or have an equivalent diploma or higher degree; and

(5) must have satisfactorily completed a home health aide training and competency evaluation program or a competency evaluation program under §115. 61 of this title (relating to Home Health Aides).

(f) Nursing graduates. A person who is a graduate of an accredited school of nursing and who does not hold a license to practice professional or vocational nursing meets the training requirements for issuance of a permit under this section; provided, however, the date of graduation from the nursing school must have been no earlier than January 1 of the year immediately preceding the year of application for a permit under this section.

(1) An official application form shall be submitted to the department by the applicant. The applicant must meet the requirements of subsection (e)(1)-(4) of this section.

(2) The application shall be accompanied by the permit application fee.

(3) The applicant must include an official transcript documenting graduation from an accredited school of nursing.

(4) The department shall acknowledge receipt of the application by forwarding to the applicant a copy of this chapter and the department's open book examination.

(5) The applicant shall complete the open book examination and return it within 45 calendar days to the department.

(6) The applicant shall complete the department's written examination. The site of the examination shall be determined by the department. Any applicant failing to schedule and take the examination within 45 calendar days of the examination notice may have his or her application voided.

(7) An open book or written examination shall not be retaken if the applicant fails.

(8) Upon successful completion of the two examinations, the department will evaluate all application documents submitted by the applicant.

(9) The department shall notify the applicant in writing of the examination results.

(g) Nursing students. A person who is attending or has attended an accredited school of nursing and who does not hold a license to practice professional or vocational nursing meets the training requirements for issuance of a permit under this section if the person:

(1) attended the nursing school no earlier than January 1 of the year immediately preceding the year of application for a permit under this section;

(2) successfully completed courses at the nursing school which cover the department's curriculum for a home health medication aide training program;

(3) submits a statement which is signed by the nursing school's administrator or other authorized individual and certifies that the person completed the courses specified under paragraph (2) of this subsection. The administrator is responsible for determining that the courses to which he or she certifies cover the department's curriculum. The statement shall be submitted with the person's application for a permit under this section; and

(4) complies with subsection (f)(1)-(2), and (f)(4)-(9) of this section.

(h) Reciprocity. A person who holds a valid license, registration, certificate, or permit as a home health medication aide issued by another state whose minimum standards or requirements are substantially equivalent to or exceed the requirements of this section in effect at the time of application, may request a waiver of the training program requirement.

(1) An official application form shall be submitted to the department by the graduate. The applicant must meet the requirements of subsection (e)(1)-(4) of this section.

(2) The application shall be accompanied by the permit application fee.

(3) The application must include a current copy of the rules of the other state governing its licensing and regulation of home health medication aides, a copy of the legal authority (law, act, code, section, or otherwise) for the state's licensing program, and a certified copy of the license or certificate by which the reciprocal permit is requested.

(4) The department shall acknowledge receipt of the application by forwarding to the applicant a copy of this chapter and of the department's open book examination.

(5) The department may contact the issuing agency to verify the applicant's status with the agency.

(6) The applicant shall complete the department's open book examination and return it within 45 calendar days to the department.

(7) The applicant shall complete the department's written examination. The site of the examination shall be determined by the department. Any applicant failing to schedule and take the examination within 45 calendar days of the examination notice may have his or her application voided.

(8) An open book or written examination shall not be retaken if the applicant fails.

(9) Upon successful completion of the two examinations, the department will evaluate all application documents submitted by the applicant.

(10) The department shall notify the applicant in writing of the examination results.

(i) Application by trainees. An applicant under subsection (e) of this section must submit to the department, no later than 30 calendar days after enrollment in a training program, all required information and documentation on official department forms.

(1) The department will not consider an application as officially submitted until the applicant submits the non-refundable combined permit application and examination fee payable to the Texas Department of Health. The fee required by subsection (n) of this section must accompany the application form.

(2) The general statement enrollment form shall contain the following application material which is required of all applicants:

(A) specific information regarding personal data, certain misdemeanor and felony convictions, work experience, education, and training;

(B) a statement that all of the requirements in subsection (e) of this section were met prior to the start of the program;

(C) a statement that the applicant understands that application fee submitted in the permit process is non-refundable;

(D) a statement that the applicant understands that materials submitted in the application process are not returnable;

(E) a statement that the applicant understands that it is a misdemeanor to falsify any information submitted to the department; and

(F) the applicant's signature which has been dated and notarized.

(3) A certified copy or a photocopy which has been notarized as a true and exact copy of an unaltered original of the applicant's high school graduation diploma or transcript or an equivalent GED diploma or higher degree shall be submitted unless the applicant is applying under subsection (f) of this section.

(4) The department will send a notice listing the additional materials required to an applicant who does not complete the application in a timely manner. An application not completed within 30 calendar days after the date of the notice shall be voided.

(5) Notice of application acceptance, disapproval, or deficiency shall be in accordance with subsection (q) of this section.

(j) Examination. A written examination shall be given by the department to each applicant at a site determined by the department.

(1) No final examination shall be given to an applicant until the applicant has met the requirements of subsections (e) and (i) of this section, and if applicable, subsections (f), (g), or (h) of this section.

(2) The applicant shall be tested on the subjects taught in the training program curricula and clinical experience. The examination shall cover an applicant's knowledge of accurate and safe drug therapy to an agency's clients.

(3) A training program shall notify the department at least four weeks prior to its requested examination date.

(4) The department shall determine the passing grade on the examination

(5) An applicant who fails the examination shall be notified in writing by the department.

(A) An applicant under subsection (e) of this section may be given a subsequent examination, without additional payment of a fee, upon the applicant's written request to the department.

(B) A subsequent examination shall be completed within 45 calendar

days from the date of the failure notification. The site of the examination shall be determined by the department.

(C) Another examination shall not be permitted if the student fails the subsequent examination unless the student enrolls and successfully completes another training program.

(6) An applicant who is unable to attend the applicant's scheduled examination due to unforeseen circumstances may be given an examination at another time without payment of an additional fee upon the applicant's written request to the department. The examination shall be completed within 45 calendar days from the date of the originally scheduled examination. The rescheduled examination shall be at a site determined by the department.

(7) An applicant, whose application for a permit will be disapproved under subsection (k) of this section is ineligible to take the examination.

(k) Determination of eligibility. The department shall receive and approve or disapprove all applications. Notices of application approval, disapproval or deficiency shall be in accordance with subsection (q) of this section.

(1) An application for a permit shall be disapproved if the person has:

(A) not met the requirements of subsections (e)-(i) of this section, if applicable;

(B) failed to pass the examination prescribed by the department as set out in subsection (j) of this section;

(C) failed to or refused to properly complete or submit any application form, endorsement, or fee, or deliberately presented false information on any form or document required by the department,

(D) violated or conspired to violate the statute or any provision of this chapter; or

(E) been convicted of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a permit holder as set out in subsection (r) of this section.

(2) If, after review, the department determines that the application should not be approved, the director shall give the applicant written notice of the reason for the proposed decision and of the opportunity for a formal hearing in accordance with subsection (r) of this section.

(l) Permit renewal. Home health medication aides shall comply with the following permit renewal requirements.

(1) When issued, a permit is valid for one year.

(2) A permit holder must renew the permit annually.

(3) The renewal date of a permit shall be the last day of the current permit.

(4) Each permit holder is responsible for renewing the permit before the expiration date. Failure to receive notification from the department prior to the expiration date of the permit shall not excuse failure to file for timely renewal.

(5) A permit holder must complete a seven clock hour continuing education program approved by the department prior to expiration of the permit in order to renew the permit. Continuing education hours are required for the first renewal.

(6) The department shall deny renewal of the permit of a permit holder who is in violation of the statute or this chapter at the time of application for renewal.

(7) Home health medication aide permit renewal procedures are as follows.

(A) At least 30 calendar days prior to the expiration date of a permit, the department will send to the permit holder at the address in the department's records, notice of the expiration date of the permit and the amount of the renewal fee due and a renewal form which the permit holder must complete and return with the required renewal fee.

(B) The renewal form shall include the preferred mailing address of the permit holder and information on certain misdemeanor and felony convictions. It must be signed by the permit holder

(C) The department shall issue a renewal permit to a permit holder who has met all requirements for renewal.

(D) A permit shall not be renewed if the permit holder does not complete the required seven-hour continuing education requirement. Successful completion shall be determined by the student's instructor. An individual who does not meet the continuing education requirement shall complete a new program, application, and examination in accordance with the requirements of this section.

(E) A permit shall not be renewed if renewal is prohibited by the

Texas Education Code, §57.491 relating to defaults on guaranteed student loans.

(F) If a permit holder fails to timely renew his or her permit, because the permit holder is or was on active duty with the armed forces of the United States of America serving outside the State of Texas, the permit holder may renew the permit pursuant to this subsection.

(i) Renewal of the permit may be requested by the permit holder, the permit holder's spouse, or an individual having power of attorney from the permit holder. The renewal form shall include a current address and telephone number for the individual requesting the renewal.

(ii) Renewal may be requested before or after the expiration of the permit.

(iii) A copy of the official orders or other official military documentation showing that the permit holder is or was on active military duty serving outside the State of Texas should be filed with the department along with the renewal form.

(iv) A copy of the power of attorney from the permit holder shall be filed with the department along with the renewal form if the individual having the power of attorney executes any of the documents required in this subsection.

(v) A permit holder renewing under this subsection shall pay the applicable renewal fee.

(vi) A permit holder is not authorized to act as a home health medication aide after the expiration of the permit unless and until the permit holder actually renews the permit.

(vii) A permit holder renewing under this subsection shall not be required to submit any continuing education hours.

(8) A person whose permit has expired for not more than two years may renew the permit by submitting to the department:

(A) the permit renewal form;

(B) all accrued renewal fees;

(C) proof of having earned, during the expired period, seven hours in an approved continuing education program for each year or part of a year that the permit has been expired; and

(D) proof of having earned, prior to expiration of the permit, seven hours in an approved continuing education

program as required in subsection (l)(5) of this section.

(9) A permit that is not renewed during the two years after expiration may not be renewed.

(10) Notices of permit renewal approval, disapproval, or deficiency shall be in accordance with subsection (q) of this section (relating to Processing Procedures).

(m) Changes.

(1) Notification of changes shall be reported to the department within 30 calendar days after a change of address or name.

(2) The department will replace a lost, damaged, or destroyed permit upon receipt of a completed duplicate permit request form and permit replacement fee.

(n) Fees.

(1) The schedule of fees is as follows:

(A) combined permit application and examination fee—\$25;

(B) renewal fee—\$15; and

(C) permit replacement fee—\$5.00.

(2) All fees are nonrefundable.

(3) An applicant whose personal check for the combined permit application and examination fee is not honored by the financial institution may reinstate the application by remitting to the department a money order or cashier's check for the amount within 30 calendar days of the date of the applicant's receipt of the department's notice. An application will be considered incomplete until the fee has been received and cleared through the appropriate financial institution.

(4) A permit holder whose personal check for the renewal fee is not honored by the financial institution shall remit to the department a money order or cashier's check within 30 calendar days of the date of the licensee's receipt of the department's notice. If proper payment is not received, the permit shall not be renewed. If a renewal card has already been issued, it shall be voided.

(o) Training program requirements.

(1) An educational institution accredited by the Texas Education Agency or Texas Higher Education Coordinating Board which desires to offer a training program shall file an application for approval on an official form. Programs sponsored by state agencies for the training and preparation of its own employees are ex-

empt from the accreditation requirement. An approved institution may offer the training program and a continuing education program.

(A) All signatures on official forms and supporting documentation must be originals.

(B) The application shall include:

(i) the anticipated dates of the program;

(ii) the location(s) of the classroom course(s);

(iii) the name of the coordinator of the program;

(iv) a list of instructors and any other person responsible for the conduct of the program. The list must include addresses and telephone numbers for each instructor; and

(v) an outline of the program content and curriculum if the curriculum covers more than the department's established curricula.

(C) The department may conduct an inspection of the classroom site.

(D) Notice of approval or proposed disapproval of the application will be given to the program within 30 calendar days of the receipt of a complete application. If the application is proposed to be disapproved due to noncompliance with the requirements of the statute or of this chapter the reasons for disapproval shall be given in the notice.

(E) An applicant may request a hearing on a proposed disapproval in writing within ten calendar days of receipt of the notice of the proposed disapproval. The hearing shall be in accordance with subsection (r) of this section and the Administrative Procedure Act, Texas Government Code, Chapter 2001. If no request is made, the applicant is deemed to have waived the opportunity for a hearing, and the proposed action may be taken.

(2) The program shall include, but shall not be limited to, the following instruction and training:

(A) procedures for preparation and administration of medications;

(B) responsibility, control, accountability, storage, and safeguarding of medications;

(C) use of reference material;

(D) documentation of medications in the client's clinical records, including PRN medications;

(E) minimum licensing standards for agencies covering pharmaceutical service, nursing service, and clinical records;

(F) federal and state certification standards for participation under the Social Security Act, Title XVIII (Medicare) pertaining to pharmaceutical service, nursing service, and clinical records;

(G) lines of authority in the agency, including agency personnel who are immediate supervisors;

(H) responsibilities and liabilities associated with the administration and safeguarding of medications;

(I) allowable and prohibited practices of permit holders in the administration of medication;

(J) drug reactions and side effects of medications commonly administered to home health clients;

(K) instruction on universal precautions; and

(L) the provisions of this chapter.

(3) The program shall consist of 140 hours: 100 hours of classroom instruction and training, 20 hours of return skills demonstration laboratory, ten hours of clinical experience including clinical observation and skills demonstration under the supervision of a registered nurse in an agency, and ten more hours in the return skills demonstration laboratory in the preceding order. A classroom or laboratory hour shall constitute 50 clock minutes of actual classroom or laboratory time.

(A) Class time shall not exceed four hours in a 24-hour period.

(B) The completion date of the program shall be a minimum of 60 calendar days and a maximum of 180 calendar days from the starting date of the program.

(C) Each program shall follow the curricula established by the department.

(4) At least seven calendar days prior to the commencement of each program, the coordinator shall notify the department in writing of the starting date, the ending date, the daily hours of the program, and the projected number of students.

(5) A change in any information presented by the program in an approved application including, but not limited to, location, instructorship, and content must be approved by the department prior to the program's effective date of the change.

(6) The program instructors of the classroom hours shall be a registered nurse and registered pharmacist.

(A) The nurse instructor shall have a minimum of two years of full-time experience in caring for the elderly, chronically ill, or pediatric clients or been employed full time for a minimum of two years with a home and community support services agency. An instructor in a school of nursing may request a waiver of the experience requirement.

(B) The pharmacist instructor shall have a minimum of one year of experience and be currently employed as a pharmacist.

(7) The coordinator shall provide clearly defined and written policies regarding each student's clinical experience to the student, the administrator, and the director of nursing of the agency used for the clinical experience.

(A) The clinical experience shall be counted only when the student is observing or involved in functions involving medication administration and under the direct, contact supervision of a registered nurse.

(B) The coordinator shall be responsible for final evaluation of the student's clinical experience.

(8) Each program shall issue to each student, upon successful completion of the program, a certificate of completion, which shall include the program's name, the student's name, the date of completion, and the signature of the program coordinator.

(9) Each program shall inform the department of the satisfactory completion for each student within 15 calendar days of completion of the course. The official department class roster form shall be used and signed by the coordinator.

(p) Continuing education. The continuing education training program is as follows.

(1) The program shall consist of at least seven clock hours of classroom instruction.

(2) The instructor shall meet the requirements in subsection (o)(6) of this section.

(3) Each program shall follow the curricula established by the department.

(4) Each program shall inform the department of the name of each permit holder who completes the course within 15 calendar days. The official department class roster form shall be used and signed by the coordinator.

(q) Processing procedures. The department shall comply with the following procedures in processing applications of home health medication aide permits and renewal of permits.

(1) The following periods of time shall apply from the date of receipt of an application until the date of issuance of a written notice that the application is complete and accepted for filing or that the application is deficient and additional specific information is required. A written notice stating that the application has been approved may be sent in lieu of the notice of acceptance of a complete application. The time periods are as follows:

(A) letter of acceptance of an application for a home health medication aide permit-14 working days; and

(B) letter of application or renewal deficiency-14 working days.

(2) The following periods of time shall apply from the receipt of the last item necessary to complete the application until the date of issuance of written notice approving or denying the application. The time periods for denial include notification of proposed decision and of the opportunity, if required, to show compliance with the law and of the opportunity for a formal hearing. An application is not considered complete until the required documentation and fee have been submitted by the applicant. The time periods are as follows:

(A) the issuance of an initial permit-90 calendar days;

(B) the letter of denial for a permit-90 calendar days; and

(C) the issuance of a renewal permit-20 calendar days.

(3) In the event an application is not processed in the time period stated in paragraphs (1) and (2) of this subsection, the applicant has the right to request reimbursement of all fees paid in that particular

application process. Request for reimbursement shall be made to the director of the Home Health Medication Aide Permit Program. If the director of the Home Health Medication Aide Permit Program does not agree that the time period has been violated or finds that good cause existed for exceeding the time period, the request will be denied.

(4) Good cause for exceeding the time period is considered to exist if the number of applications for initial home health medication aide permits and renewal permits exceeds by 15% or more the number of applications processed in the same calendar quarter of the preceding year; another public or private entity relied upon by the department in the application process caused the delay; or any other condition exists giving the department good cause for exceeding the time period.

(5) If a request for reimbursement under paragraph (3) of this subsection is denied by the director of the Home Health Medication Aide Permit Program, the applicant may appeal to the commissioner of the department for a timely resolution of any dispute arising from a violation of the time periods. The applicant shall give written notice to the commissioner at the address of the department that he or she requests full reimbursement of all fees paid because his or her application was not processed within the applicable time period. The director of the Home Health Medication Aide Permit Program shall submit a written report of the facts related to the processing of the application and of any good cause for exceeding the applicable time period. The commissioner shall provide written notice of the commissioner's decision to the applicant and the director of the Home Health Medication Aide Permit Program. An appeal shall be decided in the applicant's favor if the applicable time period was exceeded and good cause was not established. If the appeal is decided in favor of the applicant, full reimbursement of all fees paid in that particular application process shall be made.

(6) The time periods for contested cases related to the denial of initial home health medication aide permits or renewal permits are not included within the time periods stated in this subsection. The time period for conducting a contested case hearing runs from the date the department receives a written request for a hearing and ends when the decision of the department is final and appealable. A hearing may be completed within one to four months, but may extend for a longer period of time depending on the particular circumstances of the hearing.

(r) Denial, suspension, or revocation.

(1) The department may deny, suspend, emergency suspend, or revoke a

permit or program approval if the permit holder or program fails to comply with any provision of the statute or this chapter.

(2) The department may also take action under paragraph (1) of this subsection for fraud, misrepresentation, or concealment of material fact on any documents required to be submitted to the department or required to be maintained or complied by the permit holder or program pursuant to this chapter.

(3) The department may suspend or revoke an existing permit or program approval or disqualify a person from receiving a permit or program approval because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a home health medication aide or training program. In determining whether a conviction directly relates, the department shall consider the elements set forth in §115.52(c) of this title (relating to Disciplinary Action).

(4) If the department proposes to deny, suspend, or revoke a home health medication aide permit or to rescind a home health medication aide program approval, the director shall notify the permit holder or home health medication aide program by certified mail, return receipt requested, of the reasons for the proposed action and offer the permit holder or home health medication aide program an opportunity for a hearing.

(A) The permit holder or home health medication aide program must request a hearing within 30 calendar days of receipt of the notice. Receipt of notice is presumed to occur on the tenth calendar day after the notice is mailed to the last address known to the department unless another date is reflected on a United States Postal Service return receipt.

(B) The request must be in writing and submitted to the Director, Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756

(C) If the permit holder or home health medication aide program does not request a hearing, in writing, within 30 calendar days of receipt of the notice, the permit holder or home health medication aide program is deemed to have waived the opportunity for a hearing and the proposed action shall be taken.

(5) The department may suspend a permit to be effective immediately when the health and safety of persons are threatened. The department shall notify the permit holder of the emergency action by certified mail, return receipt requested, or personal delivery of the notice and of the

effective date of the suspension and the opportunity for the permit holder to request a hearing.

(6) All hearings shall be conducted pursuant to the Administrative Procedure Act; Texas Government Code, Chapter 2001, and the department's formal hearing procedures in Chapter 1 of this title (relating to the Texas Board of Health).

(7) If the permit holder or program fails to appear or be represented at the scheduled hearing, the permit holder or program has waived the right to a hearing and the proposed action shall be taken.

(8) If the department suspends a home health medication aide permit, the suspension shall remain in effect until the department determines that the reason for suspension no longer exists. The department shall investigate prior to making a determination.

(A) During the time of suspension, the suspended permit holder shall return his or her permit to the department.

(B) If a suspension overlaps a renewal date, the suspended permit holder may comply with the renewal procedures in this chapter, however, the department may not renew the permit until the department determines that the reason for suspension no longer exists.

(9) If the department revokes or does not renew a permit, a person may reapply for a permit by complying with the requirements and procedures in this chapter at the time of reapplication.

(A) The department may refuse to issue a permit if the reason for revocation or non-renewal continues to exist.

(B) Upon revocation or non-renewal, a permit holder shall return the license or permit to the department.

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 April 11, 1994.

TRD-9438945

Susan K Steeg
General Counsel, Office of
General Counsel
Texas Department of
Health

Effective date. June 1, 1994

Proposal publication date. December 7, 1993

For further information, please call: (512) 834-6650

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TITLE 30. ENVIRONMENTAL QUALITY

Part I. Texas Natural Resource Conservation Commission

Chapter 311. Watershed Protection

Subchapter E. Colorado River Watershed

• 30 TAC §311.43

The Texas Natural Resource Conservation Commission (Commission) adopts an amendment to §311.43, with changes to the proposed text as published in the December, 10, 1993, issue of the *Texas Register* (18 TexReg 9168). Section 311.43 relates to Effluent Requirements for All Tributaries of Segment 1428 of the Colorado River and Segment 1427, Onion, Creek, and Its Tributaries, of the Colorado River Basin.

A public hearing was held on January 4, 1994, at the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas. One comment was received by the City of Austin in support of the amendment but requesting that the proposed deadline of October 1, 1994 be extended to October 1, 1997. The Commission's staff has agreed to extend the deadline to October 1, 1997.

The amendment is adopted under the Texas Water Code, §§5.103, 5.105, and 5.120, which provides the Commission with the authority to promulgate rules as necessary to carry out its powers and duties under the Texas Water Code and other laws of the state and to establish and approve all general policies of the commission.

The proposed amendment will not affect any other codes, articles, or statutes.

§311.43. Effluent Requirements for All Tributaries of Segment 1428 of the Colorado River and Segment 1427, Onion Creek, and Its Tributaries, of the Colorado River Basin.

(a) (No change.)

(b) Subsection (a) of this section does not apply to any existing facilities which discharge treated domestic sewage effluent into tributaries of Segment 1428 of the Colorado River or Segment 1427, Onion Creek, and its tributaries, of the Colorado River Basin, so long as that facility remains at its permitted flow for the facility currently constructed. However, Subsection (a) of this section shall apply to all permitted facilities and phased facility expansions, not under substantial construction as of September 25, 1986, no later than June 1, 1990. This subsection shall not preclude the commission from imposing more stringent treatment levels to such facilities in the future if the results of water quality studies show that such is necessary.

(c) The City of Austin's Walnut Creek wastewater treatment facility, located

at the south side of FM Road 969, approximately one mile east of the intersection of FM Road 969 and United States Highway 183 in Travis County, Texas must by October 1, 1997 meet, at a minimum, the effluent treatment level in Subsection (a) of this section unless the discharge is relocated to the main stem of the Colorado River.

(d) (No change.)

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 April 8, 1994

TRD-9438891

Mary Ruth Holder
Director, Legal Division
Texas Natural Resource
Conservation
Commission

Effective date: April 29, 1994

Proposal publication date: December 10, 1993

For further information, please call: (512) 239-0653

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 9. Exploration and Leasing of Oil and Gas

• 31 TAC §9.7

The School Land Board adopts an amendment to §9.7, concerning the potential reduction of penalty and interest, with changes to the proposed text as published in the January 28, 1994, issue of the *Texas Register* (19 TexReg 573).

The School Land Board finds it necessary under its statutory authority to establish standards by which assessments of penalties and/or interest can be fairly reduced to encourage the payment of delinquent or underpaid royalties owed the Permanent School Fund.

This amendment will provide a standard for the School Land Board to reduce the penalty and/or interest assessed on outstanding sums due and owing the General Land Office for underpaid or delinquent royalties. This amendment is intended to encourage the prompt payment to the General Land Office of these sums.

Only one comment was received by the School Land Board. The first portion of the comment expressed concern that the language of the rule did not clearly show that the proposed rule would allow reduction of not only penalties and/or interest assessed under §52.131 of the Texas Natural Resources Code, but also other penalties and/or interest assessed by the Commissioner. As a result of this comment, the rule has been changed to more clearly encompass all situations where

penalties and/or interest may be assessed by the Commissioner.

The second portion of the comment posed a question concerning the meaning of the phrase "assessed by the Commissioner". The commenter was concerned that the term required a formal audit assessment before a reduction could be granted. The commenter is correct that the School Land board had not intended to require a formal audit as a precondition to a reduction. However, we do not agree that the rule as written requires a formal audit. The amounts due and owing will have to be calculated or assessed in some manner in order for the School Land Board to determine what amounts of penalties and/or interest to reduce, if any. The use of the phrase "assessed by the Commissioner" is the phrase used in the statute under which this rule is proposed. Based on the above, the phrase was not changed.

The amendment is adopted under the Texas Natural Resources Code, Title 2, Subtitle D, §52.131(j), which provides the School Land Board the authority to provide procedures and standards for reduction of penalties and interest assessed by the Commissioner relating to unpaid or delinquent royalties.

§9.7. Royalty and Reporting Obligations to the State.

(a) (No change.)

(b) Monetary royalties and reports.

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

(3) Penalties and interest.

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

(E) Reduction of Penalty and/or Interest. The School Land Board may reduce penalties and/or interest assessed under Texas Natural Resources Code, §52.131, and/or any other penalties or interest relating to delinquent or unpaid royalties that have been assessed by the Commissioner in the following circumstances.

(i) when a lessee brings a deficiency to the General Land Office's attention voluntarily; and/or

(ii) when a lessee and the General Land Office have reached an agreement regarding the reduction as part of a resolution of an outstanding audit issue.

(4)-(5) (No change.)

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 April 7, 1994.

TRD-9438722

Garry Mauro
Commissioner
General Land Office

Effective date: April 27, 1994

Proposal publication date: January 28, 1994
For further information, please call: (512) 305-9129

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**Chapter 10. Exploration and
Development of State
Minerals Other Than Oil
and Gas**

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• 31 TAC §10.8

The School Land Board adopts an amendment to §10.8, concerning the potential reduction of penalty and interest, with changes to the proposed text as published in the January 28, 1994, issue of the *Texas Register* (19 TexReg 573).

The School Land Board finds it necessary under its statutory authority to establish standards by which assessments of penalties and/or interest can be fairly reduced to encourage the payment of delinquent or underpaid royalties owed the Permanent School Fund.

This amendment will provide a standard for the School Land Board to reduce the penalty and/or interest assessed on outstanding sums due and owing the General Land Office for underpaid or delinquent royalties. This amendment is intended to encourage the prompt payment to the General Land Office of these sums.

No comments were received on this rule. However, one comment was received by the School Land Board on the identical companion rule found in §9.7 of this title (relating to Royalty and Reporting Obligations to the State). Section 10.8 has been changed to be consistent with §9.7 of this title (relating to Royalty and Reporting Obligations to the State).

The first portion of the comment on §9.7 of this title (relating to Royalty and Reporting Obligations to the State) expressed concern that the language of the rule did not clearly show that the proposed rule would allow reduction of not only penalties and/or interest assessed under Natural Resources Code, §52.131, but also other penalties and/or interest assessed by the Commissioner. As result of this comment, the rule has been changed to more clearly encompass all situations where penalties and/or interest may be assessed by the Commissioner.

The second portion of the comment on §9.7 of this title (relating to Royalty and Reporting Obligations to the State) posed a question concerning the meaning of the phrase "assessed by the Commissioner". The commenter was concerned that the term required a formal audit assessment before a reduction could be granted. The commenter is correct that the School Land Board had not intended to require a formal audit as a precondition to a reduction. However, we do not agree that the rule as written requires a formal audit. The amounts due and owing will have to be calculated or assessed in some manner in order for the School Land Board to determine what amounts of penalties and/or interest to reduce, if any. The use of the phrase "assessed by the Commissioner" is

the phrase used in the statute under which this rule is proposed. Based on the above, the phrase was not changed.

The amendment to §10.8 is adopted under the Texas Natural Resources Code, Title 2, Subtitle D, §52.131(i), which provides the School Land Board the authority to provide procedures and standards for reduction of penalties and interest assessed by the Commissioner relating to unpaid or delinquent royalties.

§10.8. Assignments Releases, Reports, Royalty Payments, Inspections, Forfeitures, and Reinstatements.

(a)-(d) (No change.)

(e) Reduction of Penalty and/or Interest. The School Land Board may reduce penalties and/or interest assessed under the Texas Natural Resources Code, §52.131, and/or any other penalties or interest relating to delinquent or unpaid royalties that have been assessed by the Commissioner in the following circumstances:

(1) when a lessee brings a deficiency to the General Land Office's attention voluntarily; and/or

(2) when a lessee and the General Land Office have reached an agreement regarding the reduction as part of a resolution of an outstanding audit issue.

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 April 7, 1994.

TRD-9438723 Garry Mauro
Commissioner
General Land Office

Effective date: April 27, 1994

Proposal publication date: January 28, 1994

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

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**TITLE 34. PUBLIC FI-
NANCE**

**Part I. Comptroller of
Public Accounts**

Chapter 3. Tax Administration

**Subchapter F. Motor Vehicle
Sales Tax**

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• 34 TAC §3.94

The Comptroller of Public Accounts adopts new §3.94, concerning filing motor vehicle reports, without changes to the proposed text as published in the January 28, 1994, issue of the *Texas Register* (19 TexReg 574).

The new section is necessary to inform certain sellers of their reporting responsibilities which were established by recent legislative changes.

No comments were received regarding adoption of the new section.

The new section is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

The new section implements the Tax Code, §152.047.

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 April 12, 1994

TRD-9439019 Martin E. Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: May 3, 1994

Proposal publication date: January 28, 1994

For further information, please call: (512) 463-4028

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**Subchapter O. State Sales and
Use Tax**

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• 34 TAC §3.316

The Comptroller of Public Accounts adopts an amendment to §3.316, concerning occasional sales, without changes to the proposed text as published in the December 14, 1993, issue of the *Texas Register* (18 TexReg 9264).

The addition of subsection (g) to the Tax Code, §151.304, provides that a person holding a permit who makes a purchase in a transaction on which the seller is not required to collect tax under §151.304(b)(1) must accrue tax on the transaction and remit the tax to the comptroller. The amendment to the Tax Code is effective September 1, 1993.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

The amendment implements the Tax Code, §151.304 and §151.055.

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 April 12, 1994

TRD-9438020 Martin E. Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Effective date: May 3, 1994

Proposal publication date: December 14, 1993

For further information, please call: (512) 463-4028

Chapter 5. Funds Management (Fiscal Affairs)

Claims Processing-Travel Vouchers

• 34 TAC §5.22

The Comptroller of Public Accounts adopts an amendment to §5.22, concerning incorporation by reference of the "State of Texas Travel Allowance Guide," without changes to the proposed text as published in the October 29, 1993, issue of the Texas Register (18 TexReg 7526).

The amendment is necessary so that a new edition of the "State of Texas Travel Allowance Guide" can be incorporated by reference as a section. The new edition reflects changes made by the 73rd Legislature, 1993, and includes more detailed information, requirements, and restrictions than was included in previous editions. The new edition should help state agencies and state employees avoid the incurrence of travel expenses that are not payable or reimbursable.

The General Services Commission (GSC) has provided two comments about the "State of Texas Travel Allowance Guide" (the Guide).

The GSC's first comment is that the second sentence of the first paragraph of §1.14 of the Guide is incorrect. The sentence says, "Institutions of higher education are required to participate in the commission's contracts for travel agency or other travel services only when purchased with general revenue funds or educational and general funds"

The comptroller believes that the sentence accurately reflects Texas Civil Statutes, Article 601b, §14.02(c). The statute says that state agencies in the executive branch of state government shall participate in the GSC's contracts for travel services. However, institutions of higher education are not required to participate in the "commission's contracts for travel agency services or other travel services purchased from funds other than general revenue funds or educational and general funds ."

However, that statute also authorizes the GSC to adopt rules to exempt state agencies from required participation. The GSC has recently adopted a rule that partially exempts institutions of higher education. The pertinent passage from the rule is as follows "[S]tate agencies in the executive branch of state government shall participate in the program and use the travel agency, charge card, rental car, airline, hotel, and other travel service contracts that are effective for at least a 12-month term. Institutions of higher education are not required to use the travel agency contracts, but are required to use all other contracts when such purchases are made using general revenue funds or educational and general funds as defined by the Educa-

tion Code, §51.009." (18 TexReg 9179, 1993, to be codified as an amendment to 1 TAC §125.19, concerning Participation by State Agencies).

Because the GSC clearly has statutory authority to adopt the preceding rule, the rule must be given full legal effect. Therefore, institutions of higher education are not required to use the GSC's travel agency contracts, regardless of the type of funding used to purchase travel services through travel agents.

The GSC's second comment was about the Guide's requirement for original passenger receipts to be attached to travel vouchers when state agencies request reimbursement or payment of commercial airline transportation. The GSC believes the requirement will considerably increase state agencies' burden when paying their commercial airline transportation bills. The GSC believes that photocopies of passenger receipts, copies of invoices and itineraries supplied by travel agencies, and facsimile copies of ticket charge forms from credit card issuers should be accepted instead of requiring original passenger receipts.

The comptroller disagrees with the GSC for the following reasons. The original receipt requirement should not increase the burden of state agencies because it is not a new requirement. It has been in effect since at least the 1972-1973 fiscal biennium. Therefore, state agencies should already be following procedures for gathering the original receipts. In addition, the original receipt requirement reflects the requirements of the General Appropriations Act, Article V, §14(3)(b). Therefore, the comptroller does not have discretion to routinely accept copies of receipts instead of originals.

The amendment is adopted under the Texas Government Code, §660.021, which requires the comptroller to adopt rules to administer the travel regulations of the Texas Government Code, Chapter 660, and of the General Appropriations Act. The amendment implements those travel regulations for the 1994-1995 fiscal biennium.

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 April 12, 1994

TRD-9439012 Martin E. Cherry, Chief, General Law Section, Comptroller of Public Accounts

Effective date May 3, 1994

Proposal publication date October 29, 1993

For further information, please call. (512) 463-4028

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part IX. Texas Commission on Jail Standards

Chapter 259. New Construction Rules

Temporary Emergency Housing-Buildings

• 37 TAC §§259.401-259.422

The Texas Commission on Jail Standards adopts repeal of §§259.401-259.422 concerning new construction rules without changes to the proposed text as published in the March 4, 1994, issue of the Texas Register (19 TexReg 1536).

Repeal of these rules allows for adoption of new rules for temporary housing.

The repeal functions to allow adoption of new rules which will allow counties to construct temporary facilities at reduced cost.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Government Code, §511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing standards for the construction, equipment, maintenance, and operation of county 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 April 4, 1994

TRD-9438814 Jack E. Crump, Executive Director, Texas Commission on Jail Standards

Effective date April 28, 1994

Proposal publication date March 4, 1994

For further information, please call. (512) 463-5505

Temporary Housing

• 37 TAC §§259.500-259.522, 259.600-259.622

The Texas Commission on Jail Standards adopts new §§259.500-259.522 and 259.600-259.622, concerning New Construction Rules, with changes to the proposed text as published in the March 4, 1994, issue of the Texas Register (19 TexReg 1536).

The new rules revise requirements for temporary tents and buildings to allow counties to construct the facilities at a reduced cost.

The new rules function to provide construction standards for temporary facilities that can be easily understood.

Two comments were received from the attorney general's office. To be consistent with other sections, the term high-risk was added.

under §259.606. To clarify square footage requirements, the phrase "allowed access at a specific time" was added to §259.508 and §259.608.

The new rules are adopted under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing standards for the construction, equipment, maintenance and operation of county jails.

§259.500. Qualifications for Use.

(a) The commission may approve the use of tents for the temporary housing of inmates when a need is clearly identified by the sheriff and commissioners court. The county shall submit a plan to the commission for approval indicating long range solutions with time frames for implementation.

(b) The commission may approve the use of tents for temporary housing of inmates in connection with specific correctional programs which include work camps, wilderness camps, forestry camps or boot camps. The county shall submit a plan outlining the specific correctional program and intended length of stay of inmates.

§259.501. Time Period. Tents used under authority of §259.500(a) of this title (relating to Qualifications for Use) shall not be used in excess of three years without review and approval by the commission.

§259.502. Classification. Inmates housed in tents shall be classified as low-risk as required by Chapter 271 of this title (relating to Classification and Separation of Inmates) or assigned to the specific correctional programs.

§259.503. Compound Security. A security perimeter should be provided around the tent compound area to deter inmate escapes and the introduction of contraband. Secure storage space shall be provided for disposition of weapons.

§259.504. Construction Approval. The county shall submit, for approval by the commission, drawings and specifications of the proposed tents in sufficient detail to demonstrate that the completed construction meets the requirements of §§259.500-259.522 of this title (relating to Temporary Housing).

§259.505. Site Requirements. The site shall be of sufficient size to provide for adequate spacing of tents and support structures to facilitate access of emergency and service vehicles and equipment. Site shall provide adequate drainage to maintain sanitary and safe conditions.

§259.506. Construction Materials. Tent fabric shall be of durable, waterproof, and fire-resistant material and shall be maintained in good condition. Tent supports shall be structurally sound and fire-resistant. Tent floors shall be constructed of fire-resistant solid material. Tent floors shall be raised or constructed to prevent site runoff water from entering tents. Tent construction shall incorporate measures which protect against the entrance and infestation of vermin.

§259.507. Sleeping Areas. Tents used for inmate sleeping areas shall provide a minimum of 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk.

§259.508. Day Rooms. All inmate living areas shall be provided with or allowed access to day rooms. Day rooms shall provide 40 square feet of clear floor space for one inmate plus 18 square feet of clear floor space for each additional inmate allowed access at a specific time. Day rooms may be contiguous with inmate sleeping areas.

§259.509. Dimensions. Minimum ridge height shall be seven feet above the floor. Distance between furnishings shall be three feet when used for exit path. Distance between tents shall be 16 feet, exclusive of any obstruction.

§259.510. Capacity. Maximum capacity of a tent shall not exceed 24 inmates unless operated as a direct supervision unit. Tents for direct supervision units shall not exceed a capacity of 48 inmates.

§259.511. Tent Openings. Entrances to tents shall be of adequate size to allow for passage of emergency medical equipment. Openings shall be capable of being fastened and provided with insect screens. Maximum distance from any point in a tent to an exit shall not exceed 50 feet.

§259.512. Furnishings. A fire-resistive bunk and mattress or cot not less than two feet-three inches wide and six feet-three inches long shall be provided for each inmate confined. Additional furnishings may be provided. Drinking water shall be provided in all inmate sleeping and day room areas. Day rooms shall be provided with fire-resistive table and seating to accommodate the number of inmates confined.

§259.513. Storage. Provisions shall be made for the storage of inmate property, uniforms, towels, bedding, linens, and janitorial supplies.

§259.514. Guard Stations. Guard stations shall be provided within sufficient proximity to inmate living and day room areas.

§259.515. Support Areas. Provisions shall be made for inmate services and activities to include:

- (1) food service;
- (2) laundry;
- (3) medical examination and treatment;
- (4) recreation and exercise;
- (5) public and attorney visitation;
- (6) inmate programs, activities, counseling and interviews;
- (7) telephone;
- (8) commissary;
- (9) correspondence;
- (10) religious services;
- (11) education; and
- (12) library.

§259.516. Sanitary Facilities. A shower, toilet and lavatory, which are accessible at all times, shall be provided for each group or increment of 12 inmates. Warm water shall be provided at all lavatories and showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. Sanitary facilities should be within the inmate living and day room areas. Sanitary facilities shall be within reasonable proximity to inmate living and day room areas and accessible by walkways which are protected from inclement weather, or accessible by other means which will protect inmates from inclement weather. A separate toilet should be available for staff.

§259.517. Temperature Control. Reasonable temperature levels shall be maintained. Heating equipment, if provided, shall be approved in writing by local or state fire officials.

§259.518. Medical Space and Equipment. Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment and convalescent care shall be provided or provisions contained in the medical services plan. Adequate secure storage for medical supplies and drugs shall be provided.

§259.519. Life Safety Equipment.

(a) Self alarming smoke detectors shall be provided for each inmate living and day room area.

(b) Plans and drills for emergencies shall be provided as required by §§263.40-263.44 of this title (relating to Life Safety).

(c) Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided at appropriate locations. Fire department connections in proximity to the tent as approved in writing by local fire official shall be provided.

§259.520. *Audible Communication.* Two-way voice communication shall be available at all times between inmates and corrections officers.

§259.521. *Lighting.* Normal lighting sufficient for reading, writing and other activities shall be provided in all inmate occupied areas. Night lights and emergency illumination shall be provided. Adequate exterior lighting shall be provided.

§259.522. *Electrical Wiring.* All electrical wiring shall be in suitable conduit and comply with local electrical codes or the National Electric Code.

§259.600. *Qualifications for Use.* The commission may approve the use of buildings for the temporary housing of inmates when a need is clearly identified by the sheriff and commissioners court. The county shall submit a plan to the commission for approval indicating long range solutions with time frames for implementation.

§259.601. *Time Period.* Buildings shall not be used in excess of three years without review and approval by the commission.

§259.602. *Classification and Separation.* Facilities shall provide separate cells and day rooms of capacities for inmates to provide adequate separation of different classifications of male and female inmates as required by Chapter 271 of this title (relating to Classification and Separation of Inmates). Temporary buildings may house high, medium, and low-risk inmates.

§259.603. *Security Requirements.*

(a) Buildings should protect inmates from one another, protect custodial personnel from inmates, and deter or prevent escapes. Separate secure storage space shall be provided for disposition of weapons.

(b) A low-risk facility need not be designed and maintained as a special security unit. It does not require a security perimeter. When built in conjunction with

other jail or lockup functions, the integrity of the security perimeter of the higher security facility shall not be compromised.

(c) A security perimeter to restrict the movement of inmates and unauthorized persons and to prevent the introduction of contraband into the facility shall be maintained in medium and high-risk facilities. Safety vestibules shall be provided for each inmate living area and day room used for confinement of three or more inmates within a medium or high-risk facility.

§259.604. *Construction Approval.* The county shall submit, for approval by the commission, drawings and specifications of the proposed building construction in sufficient detail to demonstrate that the completed building construction meets the requirements of §§259.600-259.622 of this title (relating to Temporary Housing).

§259.605. *Site Requirements.* The site shall be of sufficient size for the buildings and to facilitate access of emergency and service vehicles and equipment. Site shall provide adequate drainage to maintain sanitary and safe conditions.

§259.606. *Construction Materials and Methods.* Buildings shall be designed, constructed, and maintained in a manner to provide a safe, sanitary, secure, and structurally sound environment. Class A finishes are required on exterior and interior surfaces. Floor drains should be provided at wet areas. Building construction shall incorporate measures which protect against the entrance and infestation of vermin.

(1) Inmate housing areas and day rooms in low-risk facilities may be constructed of conventional construction materials. Plywood floors with a fire-retardant vinyl covering may be used for the building floor.

(2) Inmate housing areas and day rooms in medium and high-risk facilities may be constructed of conventional construction materials which are comparable to metal, masonry, or concrete. The purpose of a particular wall or partition and the type of security sought to be achieved shall determine the selection of appropriate materials.

§259.607. *Sleeping Areas.* Inmate sleeping areas shall provide a minimum of 40 square feet of clear floor space for the first bunk, plus 18 square feet of clear floor space for each additional bunk.

§259.608. *Day Rooms.* All inmate living areas shall be provided with or allowed access to day rooms. Day rooms shall provide 40 square feet of clear floor space for

one inmate plus 18 square feet of clear floor space for each additional inmate allowed access at a specific time. Day rooms may be contiguous with inmate sleeping areas.

§259.609. *Dimensions.* All cells and day rooms shall be not less than eight feet from finished floor to ceiling and five feet-six inches from wall to wall.

§259.610. *Capacity.* Maximum capacity of any living area shall not exceed 24 inmates unless operated as a direct supervision unit. A living area operated as a direct supervision unit shall not exceed a capacity of 48 inmates.

§259.611. *Openings.* All doors shall have commercial grade or detention hardware to provide the level of security sought to be achieved. All exit doors shall have a minimum width of 36 inches. Key override feature shall be available on all electric or mechanical locks. Maximum distance from any point in the building to an exit shall not exceed 150 feet. All swinging doors shall be installed to swing in the direction of exit traffic. Where provided, operable windows shall be equipped with insect screens. Adequate mechanical ventilation shall be provided when operable windows are not provided.

§259.612. *Furnishings.* A fire-resistive bunk not less than two feet-three inches wide and six feet-three inches long with a fire-resistive mattress shall be provided for each inmate confined. Additional furnishings may be provided. Drinking water shall be provided in all inmate sleeping and day room areas. Day rooms shall be provided with fire-resistive table and seating to accommodate the number of inmates confined. Furnishings shall be securely anchored in all areas that house inmates other than low-risk, except direct supervision housing areas.

§259.613. *Storage.* Provisions shall be made for the storage of inmate property, uniforms, towels, bedding, linens, and janitorial supplies.

§259.614. *Guard Stations.* Guard stations shall be provided within sufficient proximity to inmate living and day room areas. They should be so arranged that visibility into the housing areas is provided.

§259.615. *Support Areas.* Provisions shall be made for inmate services and activities to include:

- (1) food service;
- (2) laundry;

- (3) medical examination and treatment;
- (4) recreation and exercise;
- (5) public and attorney visitation;
- (6) inmate programs, activities, counseling, and interviews;
- (7) telephone;
- (8) commissary;
- (9) correspondence;
- (10) religious services;
- (11) education; and
- (12) library.

§259.616. Sanitary Facilities. A shower, toilet and lavatory, which are accessible at all times, shall be provided for each group or increment of 12 inmates. In housing areas other than low-risk or direct supervision, showers, toilets and lavatories shall be constructed in such manner and of such material so as to resist vandalism. Warm water shall be provided at all lavatories and showers. Warm water temperature shall be between 100 and 120 degrees Fahrenheit. Sanitary facilities should be within the inmate living and day room areas. Sanitary facilities shall be within reasonable proximity to inmate living and day room areas and accessible by walkways which are covered or other means provided which will protect inmates from inclement weather. A separate toilet should be available for staff.

§259.617. Temperature Control. Temperature level shall be reasonably maintained between 65 degrees Fahrenheit and 85 degrees Fahrenheit in all occupied areas.

§259.618. Medical Space and Equipment. Adequate space for first aid equipment shall be provided. Space and equipment for medical examination, treatment and convalescent care shall be provided or provisions contained in the medical services plan. Adequate secure storage for medical supplies and drugs shall be provided.

§259.619. Life Safety.

(a) Provisions shall be made for the rapid removal of occupants by such reliable means as the remote control of doors or by keying all locks to keys readily available to jail staff who are continually on duty and have undergone emergency drills. There shall be not less than two exits on each floor as remote as practicable from one another. Travel distance between any point on the floor of the facility to an exit shall not exceed 150 feet. Travel distance between any room door and an exit may be

increased by 50 feet in fully sprinklered facilities not to exceed 200 feet of total travel distance.

(b) Access to exits shall be marked by readily visible signs at all locations where the exit is not readily visible from outer cell doors.

(c) Interior stairways serving as emergency exits for new facilities and new additions shall be separated by a 2-hour fire rated enclosure and self-closing fire doors.

(d) Hazardous area protection shall be provided as required by §263.21 of this title (relating to Life Safety).

(e) Self alarming smoke detectors or smoke detectors which are part of an automatic fire detection and alarm system shall be provided for each inmate living and day room area in sufficient numbers to provide prompt warning to occupants and staff. The alarm systems should be tested in accordance with the manufacturer's recommendation, but shall be tested at least on calendar quarterly intervals and test results made a matter of record to include date and results of test, and signature of the person testing the equipment.

(f) Plans and drills for emergencies shall be provided as required by §§263.40-263.44 of this title (relating to Life Safety).

(g) A manually operated or automatic smoke removal system shall be provided. (Exception: Single story low-risk facility buildings which provide direct exiting to the exterior of the building from the inmate living and day room areas and whose exit doors are incapable of being locked are not required to provide a smoke removal system.)

(h) Fire extinguishers of adequate number and type to meet NFPA 10 shall be provided at appropriate locations. Fire department connections in proximity to the building as approved in writing by local fire official shall be provided. A standpipe and hose system with a one inch non-collapsible or one one-half inches collapsible hose utilizing a minimum of two inches domestic water system shall be provided

(i) All life safety equipment shall be out of reach of inmates, or otherwise secured from unauthorized tampering. At least one self-contained breathing apparatus shall be available and maintained in or near each facility control station. All jail staff shall be trained and quarterly drills conducted in the use of this equipment. A minimum of one unit shall be provided for each building or a multi-building facility. All life safety equipment shall be inspected, maintained and tested by persons qualified to do so (whether under vendor contract, by state or private agency or otherwise) in order that such equipment shall be safe, secure, and fully operative at all times.

(j) Records and reports shall be maintained as required by §263.70 and §263.71 of this title (relating to Life Safety).

§259.620. Audible Communication. Two-way voice communication shall be available at all times between inmates and corrections officers.

§259.621. Lighting. Normal lighting sufficient for reading, writing and other activities shall be provided in all inmate occupied areas. Night lights and emergency illumination shall be provided. All corridors, passages to exits, discharging stairways, other means of egress and exit signs shall be continuously illuminated. Adequate exterior lighting shall be provided.

§259.622. Electrical Power. All electrical wiring shall be in a suitable conduit and comply with local electrical codes or the National Electrical Code. Emergency power shall be provided, as applicable, for electrical door locks, smoke detection, smoke removal, emergency lighting, communication, and ventilation. A non-automatic start generator system may be used.

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 April 4, 1994.
 TRD-9438815 Jack E. Crump
 Executive Director
 Texas Commission on Jail Standards

Effective date: April 28, 1994
 Proposal publication date: March 4, 1994
 For further information, please call (512) 463-5505

◆ ◆ ◆
Temporary Emergency Housing-Tents

• 37 TAC §§259.501-259.524

The Texas Commission on Jail Standards adopts repeal of §§259.501-259.524, concerning new construction rules, without changes to the proposed text as published in the March 4, 1994, issue of the *Texas Register* (19 TexReg 1539).

Repeal of these rules allows for adoption of new rules for temporary housing.

The repeal functions to allow adoption of new rules which will allow counties to construct temporary facilities at reduced cost.

No comments were received regarding adoption of the repeals.

The repeals are adopted under the Government Code, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and pro-

cedures establishing standards for the construction, equipment, maintenance, and operation of county 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 April 4, 1994.

TRD-9438813 Jack E. Crump
Executive Director
Texas Commission on Jail
Standards

Effective date: April 28, 1994

Proposal publication date: March 4, 1994

For further information, please call: (512)
463-5505

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter KK. Support Documents

The Texas Department of Human Services (DHS) adopts the repeal of and new §3.3701, concerning Aid to Families with Dependent Children (AFDC) program standard budgetary allowances, without changes to the proposed text as published in the March 8, 1994, issue of the *Texas Register* (19 TexReg 1644).

The justification for the repeal and new section is to increase the budgetary needs allowances for cases certified effective March 1, 1994. The increase is in response to the Family Support Act of 1988 which requires states to evaluate the AFDC needs standard every three years, and adjust it accordingly.

The repeal and new section will function by extending AFDC benefits to more needy households and increasing the grants to currently eligible households.

No comments were received regarding adoption of the repeal and new section.

◆ ◆ ◆
• 40 TAC §3.3701

The repeal is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public and financial assistance programs.

The repeal implements the Human Resources Code, §22.001 and §31.003.

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 April 8, 1994.

TRD-9438849 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: May 1, 1994

Proposal publication date: March 8, 1994

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

◆ ◆ ◆
The new section is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public and financial assistance programs.

The new section implements the Human Resources Code, §22.001 and §31.003.

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 April 8, 1994

TRD-9438850 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: May 1, 1994

Proposal publication date: March 8, 1994

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

Subchapter G. Resources

◆ ◆ ◆
• 40 TAC §3.704

The Texas Department of Human Services (DHS) adopts an amendment to §3.704, concerning types of resources that are countable in determining eligibility of applicants for and recipients of Aid to Families with Dependent Children (AFDC) program benefits, without changes to the proposed text as published in the March 8, 1994, issue of the *Texas Register* (19 TexReg 1644).

The justification for the amendment is to exempt personal property, retained for business purposes, from consideration in determining AFDC eligibility. DHS is adopting the amendment in its Income Assistance Services rule chapter in response to a federal policy interpretation. This change will make the policy the same in the AFDC and Food Stamp programs.

The amendment will function by deleting conflicting resource policies in the AFDC and Food Stamp programs and simplifying the eligibility determination process.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 31, which provides the department with the authority to administer public and financial assistance programs.

The amendment implements the Human Resources Code, §22.001 and §31.003.

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 April 8, 1994.

TRD-9438848 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Effective date: May 1, 1994

Proposal publication date: March 8, 1994

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

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 Department on Aging

Tuesday, April 12, 1994, 9:30 a.m.

1949 South IH-35, Third Floor Large Conference Room

Austin

Emergency Revised Agenda

According to the complete agenda, the Area Agency on Aging (AAA) Operations Committee Public Hearing revised its agenda Item B to read: Chapter 270, General Service Requirements, and revised agenda Item C to include: Chapter 421, Long Term Care Coordinating Council; §421.1 and §421.2, General Provisions; §§423.1, 423.20, 423.30, and 423.40, Membership and Meetings; §425.1, Lead Agency Donations; §427.1, Grants and Donations; and §429.1, Amendments of Bylaws.

Reason for emergency: Board meeting schedule will not allow for timely approval if not included on the agenda.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: April 8, 1994, 10:27 a.m.

TRD-9438834

Texas Department of Agriculture

Monday, April 25, 1994, 1:30 p.m.

Texas Department of Agriculture, 1700 North Congress Avenue, Room 298B

Austin

According to the complete agenda, the Texas-Israel Exchange Fund Board will consider discussion of general functions, powers, and duties of the board; discussion and action on memorandum of intent with Israel; and discussion of draft rules for implementation of the TIE program.

Contact: V. A. Stephens, P.O. Box 12847, Austin, Texas 78711, (512) 463-7519.

Filed: April 12, 1994, 4:03 p.m.

TRD-9439025

Texas Commission on Alcohol and Drug Abuse

Monday, April 11, 1994, 4:00 p.m.

710 Brazos, Perry Brooks Building, Commission Meeting Room, Eighth Floor

Austin

Emergency Revised Agenda

According to the agenda summary, the Board of Commissioners considered appointment of executive director.

Reason for emergency: Needed to clarify previously stated agenda item.

Contact: David P. Tatum, 710 Brazos, Austin, Texas 78701-2576, (512) 867-8875.

Filed: April 11, 1994, 1:29 p.m.

TRD-9438960

Tuesday, April 12, 1994, 2:30 p.m.

710 Brazos, Perry Brooks Building, Commission Meeting Room, Eighth Floor

Austin

Emergency Meeting

According to the complete agenda, the Criminal Justice Issues Committee called to order; action on In-Prison Therapeutic Community and Substance Abuse Felony Punishment Facility Request for Proposals, and adjourn.

Reason for emergency: Needed to make immediate funding decisions to initiate development of the treatment programs under the Criminal Justice Initiative.

Contact: Reta Alexander, 710 Brazos, Austin, Texas 78701-2576, (512) 867-8835.

Filed: April 12, 1994, 10:52 a.m.

TRD-9438988

Texas Animal Health Commission

Tuesday, April 19, 1994, 8:30 a.m.

2105 Kramer Lane

Austin

According to the agenda summary, the Committee That Supervises Duties of Internal Auditor will discuss surveillance and control activities' reports; peer review recommendations; and fiscal year 1994 audit plan and other projects.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 719-0714.

Filed: April 8, 1994, 9:16 a.m.

TRD-9438828

Tuesday, April 19, 1994, 10:00 a.m.

2105 Kramer Lane

Austin

According to the agenda summary, the Finance Committee will discuss user fees.

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 719-0714.

Filed: April 8, 1994, 9:16 a.m.

TRD-9438829

Wednesday, April 20, 1994, 8:30 a.m.

2105 Kramer Lane

Austin

Revised Agenda

According to the agenda summary, the Texas Animal Health Commission will approve minutes of previous meeting, actions of executive director; present awards; reports and recommendation of EIA Advisory Committee for promulgating rules; and the committee that supervises the duties of the Internal Auditor; update on the Brucellosis Program; discussion on proposing field study project on the H. B. Zachary Ranch as a field test site; review and possible action on a proposal for decision; consideration for proposing amendments to the following chapters: Chapter 35 and Chapter 41, consideration for adopting amendments to Chapter 49, 51, and 36; public comment; and set date for next meeting

Contact: Jo Anne Conner, P.O. Box 12966, Austin, Texas 78711, (512) 719-0714.

Filed: April 11, 1994, 8.42 a m

TRD-9438930

◆ ◆ ◆
Texas Appraiser Licensing and Certification Board

Thursday, April 21, 1994, 10:00 a.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

According to the complete agenda, the Education Committee will call to order; consideration of the minutes of the December 16, 1993, Education Committee meeting; discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board concerning approval of courses for meeting qualifying (pre-licensure) education and appraiser education (ACE) requirements, discussion and possible recommendations to the Texas Appraiser Licensing and Certification Board on other education matters, and adjourn.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: April 13, 1994, 2:31 p.m.

TRD-9439110

Thursday, April 21, 1994, 1:00 p.m.

Executive Conference Room 235-A, 1101 Camino La Costa

Austin

According to the complete agenda, the Texas Appraiser Licensing and Certification Workshop will discuss and develop the 1995-1999 strategic plan for the Texas Appraiser Licensing and Certification Board.

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: April 13, 1994, 2:31 p.m.

TRD-9439111

Friday, April 22, 1994, 9:00 a.m.

Conference Room 235, 1101 Camino La Costa

Austin

According to the complete agenda, the Texas Appraiser and Licensing Certification Board will call to order; consideration of the minutes of the March 25, 1994, TALCB meeting; comments and presentation from visitors; discussion and possible action concerning a Code of Professional Conduct and Ethics and possible action to propose amendments to the Rules 22 TAC §153, relating to provisions of the Texas Appraiser Licensing and Certification Act, and §155, relating to standards of practice, and new §157, relating to professional conduct and ethics, discussion of proposed amendments to 22 TAC §§153.5, 153.9, and 153.20, concerning the elimination of payment of fees by cashier's check or money order and related disciplinary action, discussion and possible action concerning the 1995-1999 TALCB strategic plan; discussion and possible action concerning licensure and certification by reciprocity, discussion and possible action concerning the application, certification/licensing or other board procedures, policies, and interpretations; discussion and possible action concerning filed complaints; report from the Education Committee, discussion and possible action concerning recommendations from the Education Committee regarding approval of courses and other education matters, discussion and possible action concerning the operating budget and other fiscal matters; staff reports; selection of date of subsequent meetings; and adjourn

Contact: Renil C. Liner, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3950.

Filed: April 13, 1994, 2:31 p m

TRD-9439109

Advisory Board of Athletic Trainers

Saturday, April 16, 1994, 10:00 a.m.

Sports Medicine and Performance Institute of Texas, 7400 Fannin Street, Suite 600

Houston

Emergency Revised Agenda

According to the complete agenda, the Advisory Board of Athletic Trainers agenda was previously published in the April 8, 1994, issue of the *Texas Register* (19 TexReg 2553). The correct meeting site was Houston, Texas, and not Austin, as published in the notice. The agenda items were not affected.

Reason for emergency: The city for the meeting site was inadvertently listed as Austin.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6615. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 12, 1994, 4:00 p.m.

TRD-9439015

◆ ◆ ◆
The State Bar of Texas

Thursday, April 21, 1994, 1:30 p.m.

The Sheraton Inn, 100 Central Freeway

Wichita Falls

According to the agenda summary, the Executive Committee will call to order, roll call, reports of: chair of the board; president; president elect; Texas Young Lawyers Association president; Minority Representation Committee; Real Estate, Probate and Trust Section; executive director; Office of the General Counsel; closed executive session: discuss potential or pending litigation, personnel matters; public session: reports from board member, discussion re Fifth Circuit Judicial Conference, reports from: immediate past president, supreme court liaison, and adjourn. Consent agenda: reports from chair, president, Texas Young Lawyers Association president; executive director; State Bar Committees, sections, and divisions.

Contact: Pat Hiller, P.O. Box 12487, Austin, Texas 78711, (800) 204-2222.

Filed: April 13, 1994, 3.29 p m

TRD-9439119

◆ ◆ ◆
Texas Commission for the Blind

Friday, April 15, 1994, 8:00 a.m.

Royce Hotel, 3401 IH-35

Austin

Emergency Meeting

According to the complete agenda, the Board and Consumer Advisory Committee met for a joint work session on the agency's strategic plan.

Reason for emergency: Statewide consumer recommendations had been finished and needed to be formulated into a draft strategic plan prior to May 6 so that the board could take formal action before state deadlines.

Contact: Andrew Wier, 4800 North Lamar Boulevard, Austin, Texas 78756, (512) 459-2588.

Filed: April 8, 1994, 11:44 a.m.

TRD-9438856

Texas Bond Review Board

Wednesday, April 20, 1994, 10:00 a.m.

Capitol Extension, Room E2.026, 1400 North Congress Avenue

Austin

According to the agenda summary, the Texas Bond Review Board will call to order; approval of minutes; consideration of proposed issues; other business; and adjourn.

Contact: Albert L. Bacarisse, 300 West 15th, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: April 12, 1994, 4:03 p.m.

TRD-9439023

Texas Catastrophe Property Insurance Association

Tuesday, April 19, 1994, 9:00 a.m.

Wyndham Austin Hotel, 4140 Governor's Row

Austin

According to the complete agenda, the Board of Directors will call to order-reminder of antitrust statement, approval of minutes on March 15, 1994 board meeting, report of chairman of the board, discussion of relocation and memorandum of understanding, report of agent's commission, report of underwriting manager, report of claims manager, TCPIA first quarter budget results and 1994 forecast, Windstorm Inspection Program Budget discussion, any other business that may come before the Board and adjourn.

Contact: Charles F. McCullough, 2801

South Interregional, Austin, Texas 78741, (512) 444-7007.

Filed: April 7, 1994, 4:15 p.m.

TRD-9438817

Texas Board of Chiropractic Examiners

Friday, May 6, 1994, 8:00 a.m.

333 Guadalupe, Tower III, Suite 825

Austin

According to the complete agenda, the Enforcement Committee will meet to conduct informal conferences on cases #94-44, #94-18, #94-74, #94-79, #94-85, #94-75, #94-64, and #94-107, regarding possible violations by its licensees.

Contact: Patte B. Kent, 333 Guadalupe, Tower III, Suite 825, Austin, Texas 78701, (512) 305-6700.

Filed: April 12, 1994, 11:08 a.m.

TRD-9438994

Texas Commission for the Deaf and Hearing Impaired

Saturday, April 23, 1994, 9:00 a.m.

Stephen F. Austin Building, 1700 North Congress Avenue, Room 119

Austin

According to the complete agenda, the Strategic Planning/Programs Subcommittee will have a work session with agency staff to submit revisions to agency strategic plan.

Visitors wishing to observe should contact agency office during the work week prior to the meeting so their names can be submitted to building security.

Contact: Loyce Kessler, 4800 North Lamar Boulevard, #310, Austin, Texas 78756, (512) 451-8494.

Filed: April 13, 1994, 9:17 p.m.

TRD-9439042

Texas Office for Prevention of Developmental Disabilities

Wednesday, April 20, 1994, 10:00 a.m.

4900 North Lamar Boulevard

Austin

According to the complete agenda, the Statewide Bicycle Helmet and Safety Coalition will call to order, introductions, sub-

committees reports: Education, Data Collection, Helmet Distribution, Legislation; Bicycle Safety Grant report; Pediatric Society Auxiliary status; DPS Bicycle Education Program; new issues and discussion; meeting schedule; and adjournment.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78756, (512) 483-5042.

Filed: April 11, 1994, 1:28 p.m.

TRD-9438959

Texas Education Agency

Friday, April 22, 1994, 9:00 a.m.

Texas Planning Council for Developmental Disabilities, 4900 North Lamar Boulevard, Room 4501

Austin

According to the complete agenda, the Special Education Effectiveness Studies Project Advisory Committee will convene meeting; report on project activities from TEA staff; break; members provide input on decisions regarding draft final report; lunch break; continuation of input discussions, establish schedule for receipt of draft report, set next meeting date; and conclude.

Contact: Ron DiOrio, Hartland Plaza Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9414.

Filed: April 11, 1994, 4:29 p.m.

TRD-9438976

Monday, April 25, 1994, 10:00 a.m.

1701 North Congress Avenue

Austin

According to the complete agenda, the Academic Excellence Indicator System (AEIS) Parent/Family Report Card Advisory Committee will consider approval of minutes from March 28, 1994, meeting; review and discussion of elements and format of report card; review and discussion of draft commissioner's rules, and issues and options regarding support materials.

Contact: Cherry Kugle, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: April 13, 1994, 4:09 p.m.

TRD-9439124

Monday-Tuesday, May 2-3, 1994, 8:30 a.m.

Hyatt Regency Hotel on Town Lake, Panhandle Room, 208 Barton Springs Road

Austin

According to the complete agenda, the Committee on Teacher Appraisal/Assess-

ment will hear two guest speakers make presentations on the differences and similarities in beginning teachers, proficient teachers, and expert teachers. They will also discuss what teachers need to know and be able to do and how that can be assessed for each of the types of teachers. The committee will also be reviewing and finalizing the standards for developing a teacher appraisal system. In addition, the committee will discuss the progress and next steps in the development of a state appraisal system for teachers.

Contact: Nolan Wood, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: April 13, 1994, 11:05 a.m.

TRD-9439074

Thursday, May 5, 1994, 9:30 a.m.

Room 1-104, William B. Travis Building, 1701 North Congress Avenue

Austin

According to the complete agenda, the State Board of Education Task Force on the Education of Students with Disabilities will consider greetings, announcements, and approval of minutes for March 31, 1994, meeting; discussion of draft policy; remarks by commissioner of education relative to draft policy and recommendations; continued discussion of draft policy and recommendations; overview of process for producing the task force final report; and adjournment.

Contact: Susan Barnes, 1701 North Congress Avenue, Austin, Texas (512) 463-9701.

Filed: April 13, 1994, 4:09 p.m.

TRD-9439123

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**Advisory Commission on
State Emergency Commu-
nications**

Wednesday, April 21, 1994, 10:00 a.m.

John H. Reagan Building, Room 101, 15th Street and North Congress Avenue

Austin

According to the complete agenda, the Advisory Commission on State Emergency Communications will call to order and recognize guests; hear public comment; discussion and commission action on: strategic plan implementation and cost issues; reconsideration of attorney general's opinion on appraisal districts and addressing program; adoption of Proposed Poison Control Program Grant Rule; results of the Poison Control strategic planning session; consideration of approval of March meeting minutes; and adjourn.

Contact: Jim Goerke, 1101 Capital of Texas Highway South, B-100, Austin, Texas 78748, (512) 327-1911. Persons requesting interpreter services for the hearing and speech-impaired should contact Velia Williams at (512) 327-1911 at least two working days prior to the meeting.

Filed: April 13, 1994, 3:43 p.m.

TRD-9439120

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**Employees Retirement Sys-
tem of Texas**

Tuesday, April 19, 1994, 4:00 p.m.

Room 401, ERS Building, 18th and Brazos
Austin

According to the complete agenda, the ERS Audit Committee, ERS Board of Trustees will discuss state auditor's fiscal year 1993 financial opinion audit; report on ERS internal audit activities: status of fiscal year 1994 audit plan and status of fiscal year 1993 recommendations; future meeting date; and adjournment.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: April 11, 1994, 8:31 a.m.

TRD-9438928

Wednesday, April 20, 1994, 9:00 a.m.

Brown-Heatly Building, Public Hearing Room, 4900 North Lamar Boulevard

Austin

According to the agenda summary, the Board of Trustees will consider approval of minutes; appeals of contested cases; consideration of HealthSelect rates/administrative fees under Uniform Group Insurance Program for fiscal year 1995; consideration of HMO applications for services under the Uniform Group Insurance Program for fiscal year 1995; consideration of basic life/optional coverages and rates under Uniform Group Insurance Program for fiscal year 1995; dental carrier selection to provide dental indemnity coverage under Uniform Group Insurance Program for fiscal year 1995; firm selection as claim administrator to Flexible Benefits (Cafeteria Plan) Program; final adoption of amendments to Texflex Employee Benefit (Cafeteria Plan) and Trustee Rule 34 TAC §85.5, relating to Flexible Benefits (Cafeteria Plan) Program; final adoption of new Trustee Rule 34 TAC §63.17, relating to Advisory Committees under the Board of Trustees; internal audit status reports; executive director's report; next trustee meeting date; and adjournment.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: April 12, 1994, 8:50 a.m.

TRD-9438983

**Texas State Board of Regis-
tration for Professional
Engineers**

Monday, April 18, 1994, 1:15 p.m.

Omni Austin Hotel, Justice Room, 700 San Jacinto

Austin

According to the complete agenda, the Texas State Board of Registration for Professional Engineers meeting called to order; roll call; met with the Industry Advisory Committee to discuss the following items: proposal to National Science Foundation on pilot workshops for industry/agency leaders; plan pilot workshop dates; plan pilot workshop format and contents; development of a Continuing Education Program; and adjourned.

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 8, 1994, 10:59 a.m.

TRD-9438836

Tuesday, April 19, 1994, 8:00 a.m.

Omni Austin Hotel, Justice Room, 700 San Jacinto

Austin

According to the complete agenda, the Texas State Board of Registration for Professional Engineers will call to order; roll call; meet with the Education Advisory Committee to discuss the following items: status of the Industry activities; plan dates and content of follow-up workshops for faculty; continuing professional development; and adjourn.

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 8, 1994, 10:59 a.m.

TRD-9438837

Tuesday, April 19, 1994, 10:00 a.m.

1917 IH-35 South, Board Room

Austin

According to the complete agenda, the Ad Hoc Committee on Continuing Education meeting convened by Chairman Gloyna; roll call; discuss development of a Continuing Education Program; and adjourn.

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 8, 1994, 10:59 a.m.

TRD-9438838

Wednesday-Thursday, April 20-21, 1994, 8:30 a.m.

1917 IH-35 South, Board Room

Austin

According to the complete agenda, the Texas State Board of Registration for Professional Engineers will receive reports from board members and staff; interview applicants; take action on applications for registration; reading of communications; and other related business in accordance with the agenda.

Contact: Charles E. Nemir, 1917 IH-35 South, Austin, Texas 78741, (512) 440-7723.

Filed: April 8, 1994, 11:00 a.m.

TRD-9438839

Finance Commission of Texas

Friday, April 22, 1994, 8:30 a.m.

Finance Commission Building, 2601 North Lamar Boulevard

Austin

According to the agenda summary, the Finance Commission of Texas will review and discuss approval of the minutes of the previous meeting; receive reports from the Consumer Credit Commissioner, the Savings and Loan Commissioner, and the Banking Commissioner; discuss and vote on repeal of existing rules, publishing of proposed rules, adopting final rules affecting pawn shops, savings and loan associations, savings banks, banking and trust industries, prepaid funeral benefits industry, and perpetual care cemeteries industry; and meet in executive session to discuss pending litigation.

Contact: Randall S. James, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: April 12, 1994, 8:51 a.m.

TRD-9438984

General Land Office

Tuesday, April 19, 1994, 10:00 a.m.

1700 North Congress Avenue, Stephen F. Austin Building, Room 831

Austin

According to the complete agenda, the School Land Board will consider approval of previous board meeting minutes, pooling applications, Mariposa Field, Brooks County; applications to lease highway rights of way for oil and gas, Washington County and Fayette County; consideration of schedule and procedures for the October 4, 1994 oil, gas, and other minerals lease sale; direct

land sale, Edwards County; coastal public lands, commercial lease amendment, Laguna Madre, Cameron County; commercial lease renewals, Neches River, Jefferson County; Brazos River, Brazoria County; Tres Palacios Bay, Matagorda County; commercial lease termination, Galveston Bay, Chambers and Galveston Counties; lease application, Jones and West Galveston Bays, Galveston County; easement application, Hynes Bay, Calhoun County; structure (cabin) permit renewals, Laguna Madre, Kleberg County; Laguna Madre, Kenedy County; executive session-pending and proposed litigation; executive session-consideration of land acquisition/trade, Cameron County; open session-consideration of land acquisition/trade, Cameron County; executive session-consideration of land acquisition, Texas State Library lands, Travis County; Texas Youth Commission lands, Bell County and Hale County; open session, consideration of land acquisition, Texas State Library lands, Travis County; Texas Youth Commission lands, Bell County and Hale County; executive session-consideration of tracts, terms, and conditions for a June 7, 1994 sealed bid land sale; and open session-consideration of tracts, terms, and conditions for a June 7, 1994 sealed bid land sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: April 11, 1994, 4:29 p.m.

TRD-9438977

Tuesday, April 19, 1994, 3:00 p.m.

1700 North Congress Avenue, Stephen F. Austin Building, Room 831

Austin

Revised Agenda

According to the agenda summary, the Veterans Land Board will discuss approval of meeting minutes; consideration of a resolution regarding issuance and sale of State of Texas Veterans' Housing Bonds, Series 1994A-1, consideration of a resolution regarding issuance and sale of State of Texas Veterans' Housing Bonds, Series 1994A-2; consideration of a resolution authorizing matters in connection with Bonds, Series 1994A-2/B; consideration of bond counsel fees with respect to the State of Texas Veterans' Land Bonds, Series 1994 transaction; and consideration of a resolution regarding issuance of Bonds, Series 1994 in a amount not to exceed \$50 million.

Contact: Karen Pratt, 1700 North Congress Avenue, Room 700, Austin, Texas 78701, (512) 463-5171.

Filed: April 11, 1994, 8:42 a.m.

TRD-9438929

Wednesday, April 27, 1994, 1:00 p.m.

1700 North Congress Avenue, SFA Building, Room #831

Austin

According to the complete agenda, the Veterans Land Board will consider approval of the April 19, 1994, minutes of the Veterans Land Board meeting; and consideration of bids from the Forfeited Land Sale of April 26, 1994.

Contact: Karen Pratt, 1700 North Congress Avenue, Room 700, Austin, Texas 78701, (512) 463-5171.

Filed: April 14, 1994, 9:07 a.m.

TRD-9439152

Office of the Governor

Wednesday, April 20, 1994, 9:00 a.m.

Wyndham Hotel-Southpark, 4140 Governor's Row

Austin

According to the complete agenda, the Automobile Theft Prevention Authority will call to order, introductions, and approval of minutes of last meeting; discussion/approval of proposed Enforcement and Juvenile Justice grant awards and/or expenditures from Automobile Theft Prevention Fund, Article 4413(37), §8; report on statewide HEAT program, presented by Brenda Ivy, Department of Public Safety; committee reports; director's report; discussion/approval of director's recommendation on grantee contract review, Corpus Christi; discussion/approval of ATPA jointing the Camino Real Economic Alliance involving West Texas, New Mexico, and Chihuahua, Mexico, as presented by Mateele Rittgers; discussion/approval of proposed ATPA statewide marketing campaign theme, as presented by Susan Sampson; and adjournment.

Contact: Linda Young, 4000 Jackson Avenue, Austin, Texas 78779, (512) 467-3999.

Filed: April 12, 1994, 1:01 p.m.

TRD-9438998

Friday-Saturday, April 22-23, 1994, 9:00 a.m.

2222 West Loop South, Holiday Inn Crowne Plaza

Houston

According to the complete agenda, the Governor's Commission for Women will: Friday: consider approval of minutes; Women's History Month; appointments process; statewide report (surveys); lunch; regional reports from commissioner, area model programs; and adjourn. Saturday: discuss barriers (surveys); by-law amendments; and adjourn.

Contact: Janet Allen-Shapiro, P.O. Box 12428, Austin, Texas 78711, (512) 475-3232.

Filed: April 13, 1994, 3:19 p.m.

TRD-9439118

Monday, April 25, 1994, 9:00 a.m.

Insurance Annex Building, Conference Room, 221 East 11th Street

Austin

According to the agenda summary, the Governor's Drug Policy Advisory Board will be reviewing grant applications for the Texas Narcotics Control Program and making recommendations to the Governor for funding of these grants in fiscal year 1994.

Contact: Sharon Chesnutt, P.O. Box 12428, Austin, Texas 78711, (512) 463-1957.

Filed: April 13, 1994, 2:13 p.m.

TRD-9439108

◆ ◆ ◆
Texas Department of Health

Saturday, April 16, 1994, 10:30 a.m.

The Exchange Building, Room N-100, 8407 Wall Street

Austin

According to the complete agenda, the Texas Radiation Advisory Board Medical Committee discussed and possibly acted on: Appendix 41-E, Texas Regulations for Control of Radiation, regarding requirements for physician training and experience; update regarding Medical Physics Board guidelines; update on mammography quality assurance; and items not requiring board action.

Contact: Margaret Henderson, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6688. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 8, 1994, 2:28 p.m.

TRD-9438912

Tuesday, April 19, 1994, 9:00 a.m.

Texas Department of Health, Room T-607, 1100 West 49th Street

Austin

According to the complete agenda, the Drug Use Review Board will discuss approval of the minutes of the January 18, 1994, meeting, and discuss and possibly act on: special study on H₂ antagonists and related drugs; responses to 60-day Theophylline intervention letters and six month follow-up profiles; Stadol nasal spray criteria and profiles; antidepressant drugs criteria and

profiles; oral antidiabetic drugs criteria; annual Health Care Financing Administration report to the Department of Health and Human Services; exceptional patient profiles; update on on-line claims adjudication system and prospective drug use review; targeted drug for next profile review; and scheduling of the next meeting.

Contact: Curtis Burch, Jr., R.Ph., 1100 West 49th Street, Austin, Texas 78756-3199, (512) 338-6943. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 8, 1994, 2:29 p.m.

TRD-9438918

Thursday, April 21, 1994, 9:00 a.m.

Texas Department of Health, Room M-741, 1100 West 49th Street

Austin

According to the complete agenda, the Texas Board of Health, Board Briefing Committee will discuss and possibly act on: items for the April 22, 1994 meeting of the Texas Board of Health; and briefing by the commissioner on current activities of the Texas Department of Health.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 13, 1994, 4:29 p.m.

TRD-9439127

Thursday, April 21, 1994, 10:30 a.m.

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the complete agenda, the Texas Board of Health, Strategic Management Committee will discuss approval of the minutes from the March 25, 1994 meeting, and discuss and possibly act on: outline for the Texas Department of Health strategic plan, 1995-1999; report on tort reform in an era of health care reform; report on homeless issues; update concerning interagency work group on health reform; and the monthly update on the department's budget.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 13, 1994, 4:29 p.m.

TRD-9439129

Thursday, April 21, 1994, 1:00 p.m.

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the complete agenda, the Health and Clinical Services Committee will discuss approval of the minutes from the March 25, 1994 meeting; and discuss and possibly act on: continuing medical education mission statement; proposed rule concerning a memorandum of understanding between the Texas Department of Health and the Texas Funeral Service Commission relating to filing of death records; vital statistics reporting and funeral directors and embalming; final adoption of rules concerning newborn screening program; and final adoption of rules concerning screening and treatment for tuberculosis of employees, volunteers, and inmates in county jails and other correctional facilities.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 13, 1994, 4:29 p.m.

TRD-9439128

Thursday, April 21, 1994, 2:30 p.m.

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the complete agenda, the Texas Board of Health, Health Financing Committee will discuss approval of the minutes from the March 26, 1994 meeting, and discuss and possibly act on: recommendation to the State Medicaid director for final adoption of rules concerning exclusions and limitations on mental health services; and recommendation to the State Medicaid director for final adoption of rules concerning exclusions and limitations on Early and Periodic Screening, Diagnosis and Treatment Comprehensive Care Program provider type reimbursement.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 13, 1994, 4:29 p.m.

TRD-9439130

Friday, April 22, 1994, 9:30 a.m.

Texas Department of Health, Room M-739, 1100 West 49th Street

Austin

According to the complete agenda, the Texas Board of Health, Human Resources Committee will discuss approval of the

minutes of March 25, 1994 and discuss and possibly act on: proposed rules concerning the relationship of the Texas Department of Health (department) with private donors and private organizations which exist to further the duties and purposes of the department; and Senate Bill 383 review of Group I advisory committees.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484. For ADA assistance, call Richard Butler (512) 458-7695 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 13, 1994, 4:29 p.m.

TRD-9439126

Texas Health Benefits Purchasing Cooperative

Wednesday, April 20, 1994, 1:30 p.m.

Scottish Rite Hospital for Children, 2222 Welborn Street, Board Room

Dallas

According to the complete agenda, the Texas Health Benefits Purchasing Cooperative will review and adopt minutes of previous meeting; report of executive director; report of TIPA administrator; discussion of participating carrier bids; and discussion of agent issues.

Contact: Rebecca Lightsey, 1005 Congress Avenue, Suite 550, Austin, Texas 78701, (512) 472-3956.

TRD-9438966

Texas Higher Education Coordinating Board

Friday, April 15, 1994, 10:00 a.m.

Chevy Chase Office Complex Building, One Room 1.100, 7700 Chevy Chase Drive Austin

Revised Agenda

According to the agenda summary, the Universities Committee possibly met to consider matters relating to universities. This revised agenda replaces the agenda filed on March 28, 1994.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Capital Station, Austin, Texas 78711, (512) 483-6101.

Filed: April 7, 1994, 2:32 p.m.

TRD-9438805

Thursday, April 28, 1994, 9:00 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the agenda summary, the Community and Technical Colleges Committee will discuss consideration of matters relating to the Committee on Community and Technical Colleges.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:40 p.m.

TRD-9438868

Thursday, April 28, 1994, 9:30 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the complete agenda, the Joint Advisory Committee, Coordinating Board/State Board of Education, will discuss report of the February 9 meeting of the Joint Advisory Committee; and consideration and discussion of proposed issues on which the Joint Advisory Committee will focus.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:40 p.m.

TRD-9438869

Thursday, April 28, 1994, 9:45 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the agenda summary, the Campus Planning Committee will meet to discuss consideration of matters relating to campus planning.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:40 p.m.

TRD-9438870

Thursday, April 28, 1994, 11:00 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the agenda summary, the Board Meeting will meet for public hearing and consideration of the issuance of State of Texas College Student Loan Bonds, Series 1994, in the aggregate principal amount of \$75,000,000.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:42 p.m.

TRD-9438878

Thursday, April 28, 1994, 11:30 a.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the complete agenda, the Research Committee will meet to discuss consideration of the research expenditures report for fiscal year 1993.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:41 p.m.

TRD-9438871

Thursday, April 28, 1994, 1:00 p.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the complete agenda, the Technology Committee will meet to discuss consideration of the consultant's plan for the Tex-Share library resources project, staff recommendations, and authorizing the commissioner to implement the Tex-Share program; and report on activities related to making coordinating board information available electronically via the Internet.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:41 p.m.

TRD-9438872

Thursday, April 28, 1994, 1:30 p.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the agenda summary, the Universities Committee will meet to discuss consideration of matters relating to universities.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:41 p.m.

TRD-9438873

Thursday, April 28, 1994, 2:30 p.m.

Chevy Chase Office Complex, Building 1, Room 1.100, 7700 Chevy Chase Drive Austin

According to the agenda summary, the Health Affairs Committee will meet to discuss consideration of matters relating to health affairs.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:41 p.m.

TRD-9438874

Thursday, April 28, 1994, 3:00 p.m.

Chevy Chase Office Complex, Building 1,
Room 1.100, 7700 Chevy Chase Drive

Austin

According to the agenda summary, the Administration and Financial Planning Committee will discuss consideration of matters relating to administration and financial planning.

Contact: Dr Kenneth H Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101

Filed: April 8, 1994, 12 42 p.m.

TRD-9438875

Thursday, April 28, 1994, 4:00 p.m.

Chevy Chase Office Complex, Building 1,
Room 1.100, 7700 Chevy Chase Drive

Austin

According to the agenda summary, the Student Services Committee will discuss consideration of matters relating to student services.

Contact: Dr Kenneth H Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101

Filed: April 8, 1994, 12:42 p.m

TRD-9438876

Friday, April 29, 1994, 8:30 a.m.

Chevy Chase Office Complex, Building 1,
Room 1 100, 7700 Chevy Chase Drive

Austin

According to the agenda summary, the Board Meeting will discuss consideration of matters relating to the Continuing Board; to the committee on Community and Technical Colleges; the Joint Advisory Committee, Coordinating Board/State Board of Education; the committee on Campus Planning, the committee on Research, the committee on Technology; the committee on Universities, the committee on Health Affairs, the committee on Administration and Financial Planning; the committee on Student Services; and reports to the board.

Contact: Dr. Kenneth H. Ashworth, P.O. Box 12788, Austin, Texas 78711, (512) 483-6101.

Filed: April 8, 1994, 12:42 p.m.

TRD-9438877

◆ ◆ ◆
Texas Department of Human Services

Friday, April 15, 1994, 11:00 a.m.

701 West 51st Street, Public Hearing Room

Austin

According to the complete agenda, the Texas Board of Human Services considered approval of minutes of March 21, 1994, meeting; chairman's comments and announcements; rates for DAHS program; rates for CLASS waiver program; proposed reimbursement rules for ICF-MR Select Level V Children's Class; adoption of nursing facility waiver rule changes and additions; adoption of changes to the Medical Necessity Rules in LTC/NFR for Licensure for Medicaid Certification; budget adjustments for fiscal year 1993 and 1994; agency strategic plan; for commissioner's report.

Contact: Sherron Heinemann, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3048.

Filed: April 7, 1994, 12:00 p.m.

TRD-9438825

Thursday-Friday, April 21-22, 1994, 1:00 p.m. and 8:30 a.m. respectively

Joe C. Thompson Conference Center, U. T. of Austin, 26th at Red River

Austin

According to the complete agenda, the State Advisory Committee on Child Care Programs will: Thursday-welcome everyone; make introductions, approve minutes of January 18-19, 1994, meeting; discuss staff report, committee reports, and present proposed rule revisions regarding client eligibility/rights/responsibilities. Friday-welcome and introduce CCMS Advisory Committee participants; discuss child care and development block grant planning including an overview of CCDGB requirements, review of projects funded under the initial state plan, report on feedback received from the planning document, formulation of recommendations, and a discussion of public hearings, and adjourn.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: April 12, 1994, 3:02 p.m.

TRD-9439009

◆ ◆ ◆
Texas Incentive and Productivity Commission

Wednesday, April 27, 1994, 10:00 a.m.

Clements Building, Fifth Floor, Committee Room #5, 15th and Lavaca

Austin

According to the agenda summary, the Texas Incentive and Productivity Commission will call to order and members present; approval of minutes of previous meeting; consideration of employee suggestions for approval; consideration of revisions to State Employee Program rules for approval; con-

sideration of agency 1995-1999 strategic plan for approval; report on administrative matters; and adjournment.

Contact: M. Elaine Powell, P.O. Box 12492, Austin, Texas 78711, (512) 475-2393.

Filed: April 14, 1994, 9:07 a.m.

TRD-9439153

◆ ◆ ◆
Texas Department of Insurance

Monday, April 18, 1994, 9:00 a.m.

State Office of Administrative Hearings,
300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance considered the application of Kevin Craig LeSturgeon, San Antonio, Texas, for a Group I, Legal Reserve Life Insurance Agent's License.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 8, 1994, 4:15 p.m.

TRD-9438882

Tuesday, April 19, 1994, 9:00 a.m.

State Office of Administrative Hearings,
300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider the application of Donald Bert LeSturgeon, San Antonio, Texas, for a Group I, Legal Reserve Life Insurance Agent's License.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 8, 1994, 4:15 p.m.

TRD-9438881

Tuesday, April 19, 1994, 1:00 p.m.

State Office of Administrative Hearings,
300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider request by Engineered Foundation Repair for a hearing on additional premiums owed as a result of the payroll of Westcorp being included in the audit calculation on the 1992-1993 Policy-Facility Appeal.

Contact: Melissa Slusher, 333 Guadalupe

Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 8, 1994, 4:15 p.m.

TRD-9438880

Wednesday, April 20, 1994, 1:00 p.m.

State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Suite 408

Austin

According to the complete agenda, the Texas Department of Insurance will consider whether disciplinary action should be taken against Antarctica Insurance Agency, Inc. Bryan James Nowak, President, San Antonio, Texas, which holds a Corporate Local Recording Agent's License issued by the Texas Department of Insurance; and consider whether disciplinary action should be taken against Bryan James Nowak, San Antonio, Texas, which holds a Group I, Legal Reserve Life Insurance Agent's License and Local Recording Agent's License issued by the Texas Department of Insurance.

Contact: Melissa Slusher, 333 Guadalupe Street, Mail Code #113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: April 8, 1994, 4:15 p.m.

TRD-9438879

Commission on Jail Standards

Wednesday, April 13, 1994, 10:00 a.m.

John H. Reagan Building, Room 104, Congress Avenue & West 15th Street

Austin

Emergency Meeting

According to the agenda summary, the Commission will call to order, roll call of members, reading and approval of minutes of last meeting on March 24-25, 1994, executive session, administrative action: development of temporary housing for county inmates and payment for services.

The emergency meeting was due to unexpected development requiring the immediate attention of the commission.

Contact: Jack E. Crump, P.O. Box 12985, Austin, Texas 78711, (512) 463-5505

Filed: April 7, 1994, 4:23 p.m.

TRD-9438821

Texas Juvenile Probation Commission/Texas Youth Commission

Wednesday, April 20, 1994, 9:00 a.m.

Laurel Ridge Hospital, 17720 Corporate Wood Drive

San Antonio

According to the complete agenda, the Joint Sub-Committee will call to order; approval of meeting summary; joint TJPC/TYC juvenile justice discussions—model budget measures, prevention, parole; and adjourn.

Contact: Bernard Licarione, Ph.D., P.O. Box 13547, Austin, Texas 78711, (512) 443-2001.

Filed: April 12, 1994, 4:01 p.m.

TRD-9439016

Lamar University System, Board of Regents

Wednesday, April 13, 1994, 4:00 p.m.

John Gray Institute, Map Room, 855 Florida

Beaumont

According to the agenda summary, the Policy Manual Review Ad Hoc Committee met at 4:00 p.m. and Personnel/Academic Affairs Committee met in executive session at 5:00 p.m. Reconvened open meeting.

Contact: James A. (Dolph) Norton, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: April 8, 1994, 2:05 p.m.

TRD-9438861

Thursday, April 14, 1994, 9:00 a.m.

John Gray Institute, Map Room, 855 Florida

Beaumont

According to the agenda summary, the Lamar University System, Board of Regents called to order; chair's report; chancellor's report; executive session—held under provisions of Texas Civil Statutes, Article 6252-17, Paragraph 2(e)—confer with University Counsel on potential litigation; reconvene open meeting/recess for committee meetings: personnel committee, academic affairs committee, building and grounds committee, finance and audit committee, and advancement committee; reconvene board of regents meeting; and considered approval of committee reports, regents comments, and other reports.

Contact: James A. (Dolph) Norton, P.O. Box 11900, Beaumont, Texas 77710, (409) 880-2304.

Filed: April 8, 1994, 2:06 p.m.

TRD-9438862

Board of Law Examiners

Friday, April 22, 1994, 1:30 p.m.

Tom C. Clark Building, Suite 500, 205 West 14th Street

Austin

According to the complete agenda, the Hearings Panel will hold public hearings and conduct deliberations on character and fitness of applicants and/or declarants. (Character and fitness deliberations may be conducted in executive session, pursuant to §82.003(c), Texas Government Code.)

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: April 12, 1994, 9:39 a.m.

TRD-9438986

Saturday-Monday, April 23-25, 1994, 8:30 a.m.

Tom C. Clark Building, Suite 500, 205 West 14th Street

Austin

According to the agenda summary, the Board of Law Examiners will: determine quorum; consider members' request for excused absences; conduct public hearings and deliberations on moral character and fitness of applicants/declarants (deliberations may be conducted in executive session); approve minutes, financial reports, and investment reports; meet (in executive session) with legal counsel to discuss pending litigation; consider special requests; consider revision of subjects covered on bar exam; consider/act on reports presented by staff; consider/act on policy matters; meet with Supreme Court liaison; conduct Bar Admission Forum; hear communications from the public; and review (in executive session) bar exam questions.

Contact: Rachael Martin, P.O. Box 12486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: April 13, 1994, 4:33 p.m.

TRD-9439142

Legislative Budget Board

Tuesday, April 19, 1994, 11:00 a.m.

John H. Reagan Building, Room 101

Austin

According to the agenda summary, the Educational Economic Policy Committee (Choice/Charter Schools Subcommittee) will discuss the draft of the report on charter schools and discuss further research.

Contact: Nancy Frank, Third Floor, John H. Reagan Building, Austin, Texas 78701, (512) 463-1200.

Filed: April 11, 1994, 4:16 p.m.

TRD-9438974

Tuesday, April 19, 1994, Noon.

John H. Reagan Building, Room 101
Austin

According to the agenda summary, the Education Economic Policy Committee (Staff Development Subcommittee) will review a report on governor's initiative on teaching to a diversified classroom, review staff development survey, discuss preliminary analyses of staff development items on the effective schools survey from 1992, and receive an overview of the draft principal certification and development statements proposed by Texas Business and Education Coalition and the Sid Richardson Foundation Forum.

Contact: Nancy Frank, Third Floor, John H. Reagan Building, Austin, Texas 78701, (512) 463-1200.

Filed: April 11, 1994, 4:16 p.m.

TRD-9438975

Tuesday, April 19, 1994, 1:30 p.m.

John H. Reagan Building, Room 101
Austin

According to the agenda summary, the Educational Economic Policy Committee (Accountability Subcommittee) will review the Education Accountability System Management report for activities from August, 1993-March, 1994 from the Texas Education Agency, receive a report of staff site visits with TEA Texas Improvement Initiative Teams to Low-Performing Campuses, and update on effective schools survey project.

Contact: Nancy Frank, Third Floor, John H. Reagan Building, Austin, Texas 78701, (512) 463-1200.

Filed: April 11, 1994, 4:15 p.m.

TRD-9438972

Tuesday, April 19, 1994, 3:00 p.m.

John H. Reagan Building, Room 101
Austin

According to the agenda summary, the Education Economic Policy Committee will review reports on the subcommittees for Accountability Staff Development, and Choice/Charter Schools; approve charter schools report; receive an overview of the 1994 innovative education grant recommendations; receive a briefing on technology project activities; and discuss activities with regents and consortium universities.

Contact: Nancy Frank, Third Floor, John H. Reagan Building, Austin, Texas 78701, (512) 463-1200

Filed: April 11, 1994, 4:16 p.m.

TRD-9438973



Texas Department of Licensing and Regulation

Wednesday, April 27, 1994, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
Room 1012

Austin

According to the complete agenda, the Manufactured Housing Inspections and Investigations will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Carl Owen Gilbreath doing business as Big 7 Mobile Homes, Inc. for violation of the Texas Revised Civil Statutes, Annotated Article 5221f, §4(b), Article 9100, 16 TAC, §69.28(a) and §69.121(c), and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1994, 2:24 p.m.

TRD-9439003

Thursday, May 5, 1994, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
Third Floor

Austin

According to the complete agenda, the Manufactured Housing Inspections and Investigations will hold an administrative hearing to consider the application of Raul C. Benavides for a Manufactured Housing Salesperson license in accordance with the Texas Revised Civil Statutes, Annotated Article 5221f, Article 9100, 16 TAC, Chapter 69, and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1994, 2:24 p.m.

TRD-9439004

Tuesday, May 10, 1994, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
Third Floor

Austin

According to the complete agenda, the Manufactured Housing Inspections and Investigations will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Juan W. Erives, W.E. Manufactured Housing doing business as A-1 Mobile Homes for violation of the Texas Revised Civil Statutes, Annotated Article 5221f, §§4(b), 8(d), AND 14(e), Article 9100, 16 TAC, §69.121(c) and §69.132(a)(8), and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1994, 2:24 p.m.

TRD-9439005

Thursday, May 12, 1994, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
Third Floor

Austin

According to the complete agenda, the Air Conditioning Inspections and Investigations will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Jacl H. Townsend doing business as Walker County Air for violation of the Texas Revised Civil Statutes, Annotated Article 5221f, §3B and §4(e), Article 9100, 16 TAC, Chapter 75, and the Texas Government Code, Chapter 2001.

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1994, 2:25 p.m.

TRD-9439007

Thursday, May 19, 1994, 9:00 a.m.

920 Colorado, E.O. Thompson Building,
Third Floor

Austin

According to the complete agenda, the Manufactured Housing Inspections and Investigations will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension, or revocation of the license for Randy Jenkins for violation of the Texas Revised Civil Statutes, Annotated Article 5221f, §7(d), Article 9100, 16 TAC, §69.125(e) (1), and the Texas Government Code, Chapter 2001

Contact: Paula Hamje, 920 Colorado, E.O. Thompson Building, Austin, Texas 78701, (512) 463-3192.

Filed: April 12, 1994, 2:24 p.m.

TRD-9439006

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Texas Life, Accident, Health and Hospital Service Insurance Guaranty Association

Monday, April 18, 1994, 2:30 p.m.

301 Congress Avenue, Suite 500, Board
Room

Austin

According to the agenda summary, the Investment Committee considered and possi-

bly acted on: approval of minutes; disposition of available funds; financial reports; investment policies procedures, and guidelines; and next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 476-5101.

Filed: April 8, 1994, 11:44 a.m.

TRD-9438855

Tuesday, April 19, 1994, 9:00 a.m.

301 Congress Avenue, Suite 500, Board Room

Austin

According to the agenda summary, the Board of Directors will discuss consideration and possible action on: approval of minutes; Guaranty Association activities; executive session; matters discussed in executive session; financial reports; appointment to audit committee; report and recommendation form Investment committee; insolvency reforms proposed by Texas Insurance Commissioner; impaired/insolvent member insurers; self-insurance plan for Association and Association officers/directors; policy and procedures manual; developing a public relations policy for the association; approval to prepare an annual report; and next meeting date.

Contact: C. S. LaShelle, 301 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 476-5101.

Filed: April 8, 1994, 11:44 a.m.

TRD-9438854

Texas State Board of Medical Examiners

Wednesday, April 13, 1994, 1:00 p.m.

1812 Centre Creek Drive, Suite 203

Austin

Emergency Meeting

According to the complete agenda, the Texas State Board of Acupuncture Examiners called to order; roll call; review and confirmation of language of recommended rules relating to automatic licensure and auricular acupuncture previously passed by the Acupuncture Board at the Acupuncture Board meeting of March 25, 1994; consideration of a rule relating to grandfathering acupuncturists to be presented to the Texas State Board of Medical Examiners pursuant to §6.14(a) of the Medical Practice Act; and adjourned.

Reason for emergency: Information came to the attention of the agency and required prompt consideration.

Contact: Pat Wood, P.O. Box 149134,

Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: April 11, 1994, 1:58 p.m.

TRD-9438962

Friday-Saturday, April 15-16, 1994, 2:00 p.m. and 8:30 a.m. respectively

1812 Centre Creek Drive, Suite 300

Austin

Emergency Revised Agenda

According to the Agenda summary, the Texas State Board of Medical Examiners added additional agreed orders and termination/modification request orders, motion nunc pro tunc to agenda; and a request to practice in Texas was deleted.

Reason for emergency: Information came to the attention of the agency and required prompt consideration.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: April 14, 1994, 9:07 a.m.

TRD-9439150

Wednesday, April 20, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the complete agenda, the Physician Assistant Advisory Council will call to order; roll call; board member orientation; election of officers; discussion and appointment of committees; discussion, recommendations, and action of rulemaking, discipline, and long range planning; and scheduling of board meeting dates and agenda items for next meeting.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 834-7728, Ext. 402.

Filed: April 12, 1994, 3:02 p.m.

TRD-9439011

Friday, April 22, 1994, 9:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the Agenda summary, the Texas State Board of Acupuncture Examiners/Grandfathering, Reciprocity, and Application Committee will approve minutes, discuss rules related to grandfathering, reciprocity, and application forms, hear comments regarding grandfathering, reciprocity, and application concerns, and discussion and approval of application forms.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas, 78714-9134, (512) 834-7728, Ext. 402.

Filed: April 14, 1994, 9:06 a.m.

TRD-9439148

Friday, April 22, 1994, 11:00 a.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the Agenda summary, the Texas State Board of Acupuncture Examiners/Discipline and Ethics Committee will approve minutes, discuss implementation of recently proposed rules, and hear comments regarding discipline and ethics.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 934-7728, Ext. 402.

Filed: April 14, 1994, 9:06 a.m.

TRD-9439147

Friday, April 22, 1994, 1:30 p.m.

1812 Centre Creek Drive, Suite 203

Austin

According to the Agenda summary, the Texas State Board of Acupuncture Examiners will have board member orientation, approve minutes, hear and approve committee reports and recommendations, discuss rules, hear reports from Texas State Board of Medical Examiners' staff, hear comments from public regarding acupuncture concerns, appoint Education Committee, and discuss possible appointment of a board consultant.

Contact: Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134, (512) 934-7728, Ext. 402.

Filed: April 14, 1994, 9:06 a.m.

TRD-9439149

Texas Council on Offenders with Mental Impairments

Monday, April 18, 1994, 1:30 p.m.

Texas Department on Aging, Third Floor Board Room, 1949 IH-35 South

Austin

According to the complete agenda, the Full Council will call the meeting to order; hear introductions/roll call; public comments; approve minutes from the previous meeting; hear presentations on the National Institute of Corrections Continuity of Care Seminar; overview of Community Justice Councils/Task Forces; continuity of care report update; committee reports; executive director's report; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: March 11, 1994, 8:30 a.m.

TRD-9438927

Texas Natural Resource Conservation Commission

Friday, April 15, 1994, 9:00 a.m.

Frio Room (Lobby Level), Stouffer Austin Hotel, 9721 Arboretum Boulevard

Austin

According to the agenda summary, the Waste Reduction Advisory Committee had their second quarterly meeting for 1994. A public comment period was available at the beginning of the meeting. Sign up for the comment period began at 8:30 a.m.

Contact: Selma D'Mello, 1700 North Congress Avenue, Suite 237-1, Austin, Texas 78701, (512) 463-8794.

Filed: April 13, 1994, 2 05 p.m.

TRD-9439105

Friday, April 15, 1994, 10:00 a.m.

12188 North Interstate Highway 35, Building E, Room 201 South

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission considered and discussed items scheduled on the policy agenda: concept papers addressing the operations of Cement Kilns; approval of publication in the *Texas Register* of proposed amendments to 30 TAC Chapter 291, concerning water and wastewater rates; Air Quality Inspection and Maintenance Program; publication in *Texas Register* proposed amendments to 30 TAC Chapter 114 and a new 30 TAC §114.6, relating to air pollution from motor vehicles and for revisions to the vehicle inspection and maintenance SIP; publication in *Texas Register* of proposed amendments to 30 TAC Chapter 113, relating to hazardous organic national emissions standards; enforcement report for Air Quality Program; staff briefing on the implementation of state statutory and regulatory requirements of Subtitle D; approval for publication in *Texas Register*, Chapter 312, relating to the use, transportation, and disposal of water treatment sludge and to the temporary storage of sludge, grit and grease trap wastes, and septage. With regard to any item, the Commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: April 7, 1994, 10:19 a.m.

TRD-9438777

Wednesday, April 20, 1994, 9:00 a.m.

1700 North Congress Avenue, Stephen F. Austin State Building, Room 118

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission will consider approving the following matters: water utilities enforcement; hazardous waste enforcement; water quality enforcement; resolution; PST Remediation Fund; rules; executive session; in addition the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date and time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: April 11, 1994, 10:13 a.m.

TRD-9438952

Wednesday, April 20, 1994, 9:00 a.m.

1700 North Congress Avenue, Stephen F. Austin State Building, Room 118

Austin

According to the agenda summary, the Texas Natural Resource Conservation Commission will consider approving the following matters: Class 2 permit modification; water quality permit renewals; district matters; water utility matters; settled hearings; in addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7905.

Filed: April 11, 1994, 11.16 a.m.

TRD-9438955

Wednesday, April 20, 1994, 1:30 p.m.

6300 Ocean Drive, Texas A&M University Corpus Christi, Conrad Blucher Institute

Corpus Christi

According to the complete agenda, the Kick-Off Celebration Coordination Committee of the Corpus Christi Bay National Estuary Program will call to order/introduction/minutes; subcommittee reports; review of planning timeline; other items/next meeting date; and adjourn.

Contact: Richard Volk, TAMU-CC, Campus Box 290, Corpus Christi, Texas 78412, (512) 985-6767.

Filed: April 7, 1994, 4:34 p.m.

TRD-9438824

Tuesday, April 26, 1994, 9:00 a.m.

Town of South Padre Island Convention Centre, Theater Room, 7355 Padre Boulevard

South Padre

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a Hearings Examiner on an appeal by ratepayers concerning a sewer rate increase by Cameron County Fresh Water Supply District Number One in Cameron County, Texas; Docket Number 30346-W

Contact: Jim Bateman, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:31 p.m.

TRD-9439138

Monday, May 2, 1994, 10:00 a.m.

Building F, Room 31034, 12015 Park 35 Circle

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a Hearings Examiner on application for sale, transfer, or merger to amend and transfer Certificate of Convenience and Necessity Number 11837 from GRD Water, Inc. to S-Estates Water Supply Corporation. CCN Number 11837 authorizes the provision of water utility service in Parker County, Texas. The proposed utility area is located approximately four miles north of downtown Weatherford, Texas, and general bounded on the west by State Highway 51 and on the north by Green Branch Road. The total area being requested includes approximately 240 acres and 105 current customers. Docket Number 30059-S.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:31 p.m.

TRD-9439139

Thursday, May 5, 1994, 10:00 a.m.

Stephen F. Austin State Office Building, Room 211, 1700 North Congress Avenue

Austin

According to the agenda summary, the Office of Hearings Examiners will meet for a hearing before a hearings examiner on East Crawford Water Supply's fee for new connections for water service provided to service area in McLennan County, Texas. Docket Number 30348-X.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:30 p.m.

TRD-9439134

Monday, May 9, 1994, 10:00 a.m.

Stephen F. Austin State Office Building,
Room 1028A, 1700 North Congress Ave-
nue

Austin

According to the agenda summary, the Of-
fice of Hearings Examiners will meet for a
hearing before a hearings examiner on City
of Mesquite's appeal of the City of Gar-
land's city council decision to increase
wholesale sewer rates effective November
1, 1993, in Dallas County, Texas. Docket
Number 30370-A.

Contact: Linda Sorrells, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:30 p.m.

TRD-9439135

Monday, May 9, 1994, 10:00 a.m.

Building B, Room 201A, 12124 Park 35
Circle

Austin

According to the agenda summary, the Of-
fice of Hearings Examiners will meet for a
hearing before a hearings examiner on
Tanglewood Water Company, Inc.'s appeal
of the City of Pottsboro's city council deci-
sion to increase wholesale sewer rates effec-
tive May 11, 1994, in Grayson County.
Docket Number 30360-A.

Contact: Leslie Limes, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:30 p.m.

TRD-9439133

Friday, May 13, 1994, 10:00 a.m.

John H. Reagan State Office Building,
Room 101, 105 West 15th Street

Austin

According to the agenda summary, the Of-
fice of Hearings Examiners will meet for a
hearing before a hearings examiner on a
water rate increase by Texas Operating Cor-
poration doing business as Glenwood Acres
Water System in Upshur County, Texas;
Docket Number 30255-G.

Filed: April 13, 1994, 4:31 p.m.

TRD-9439136

Friday, May 13, 1994, 11:00 a.m.

Madison County Courthouse, County
Courtroom, Highway 21

Madisonville

According to the agenda summary, the Of-
fice of Hearings Examiners will meet for a
hearing before a hearings examiner on a
water rate increase by Settlers Water Sys-
tem in Madison County, Texas; Docket
Number 30362-G.

Contact: Joe O'Neal, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:31 p.m.

TRD-9439137

Monday, May 16, 1994, 10:00 a.m.

Stephen F. Austin State Office Building,
Room 1028A, 1700 North Congress Ave-
nue

Austin

According to the agenda summary, the Of-
fice of Hearings Examiners will meet for a
hearing before a hearings examiner on a
water rate increase by Jack Neeley, Jr. do-
ing business as Heights Water Company in
Smith County, Texas; Docket Number
30320-G.

Contact: Sylvia McClellan, P.O. Box
13087, Austin, Texas 78711-3087, (512)
463-7875.

Filed: April 13, 1994, 4:30 p.m.

TRD-9439131

Thursday, May 19, 1994, 10:00 a.m.

Stephen F. Austin State Office Building,
Room 1028A, 1700 North Congress Ave-
nue

Austin

According to the agenda summary, the Of-
fice of Hearings Examiners will meet for a
hearing before a hearings examiner on a
water rate increase by Big Eddy Water Sys-
tem in Smith County, Texas; Docket Num-
ber 30334-R.

Contact: Pat Robards, P.O. Box 13087,
Austin, Texas 78711-3087, (512) 463-7875.

Filed: April 13, 1994, 4:30 p.m.

TRD-9439132

Board of Nurse Examiners

Thursday, April 14, 1994, 9:00 a.m. (Re-
scheduled from Thursday, April 14, 1994,
11:00 a.m.)

9101 Burnet Road, Suite 104

Austin

Emergency Revised Agenda

According to the agenda summary, the Eli-
gibility and Disciplinary Committee re-
ceived the minutes from the February 22,
1994, meeting; and considered action on ten
Declaratory Order petitions, eight ALJ Pro-
posals for Decision, and 19 Agreed Orders.

Reason for emergency: A scheduling con-
flict with members of the committee re-
quired the committee to convene at 9:00
a.m. rather than the previously posted 11:00
a.m.

Contact: Erlene Fisher, Box 140466,
Austin, Texas 78714, (512) 835-8675.

Filed: April 11, 1994, 11:58 a.m.

TRD-9438957

Texas Parks and Wildlife Department

Friday, April 22, 1994, 10:00 a.m.

4200 Smith School Road, Commission
Hearing Room

Austin

According to the agenda summary, the
Texas Parks and Wildlife Department will
review strategic direction for Parks and
Wildlife; and discuss constituent and em-
ployee comments received at agency strate-
gic planning meetings held in March.

Contact: Andrew Sansom, 4200 Smith
School Road, Austin, Texas 78744, (512)
389-4802.

Filed: April 14, 1994, 9:46 a.m.

TRD-9439160

State Pension Review Board

Wednesday, April 27, 1994, 9:00 a.m.

300 West 15th, William P. Clements Build-
ing, Fourth Floor, Room 406

Austin

According to the complete agenda, the State
Pension Review Board will call to order;
roll call; reading and adoption of minutes of
previous meeting; executive director's re-
port; interview with four actuarial finalists;
discussion and possible action concerning
actuarial contract; discussion and possible
action on old business; announcements and
invitation for audience participation; ad-
journment and announce date of next meet-
ing.

Contact: Lynda Baber, P.O. Box 13498,
Austin, Texas 78711, (512) 463-1736.

Filed: April 13, 1994, 8:55 a.m.

TRD-9439040

Texas Public Finance Au- thority

Wednesday, April 20, 1994, 10:00 a.m.

15th Street at Congress Avenue, Capitol
Extension, E2.030

Austin

According to the complete agenda, the
Board Meeting will call to order; approval
of minutes of March 16, 1994, board meet-
ing; select bidder and consider a resolution
authorizing the issuance of bonds to finance
projects for the Texas Department of Crimi-
nal Justice, the execution of documents in
connection therewith and the taking of ac-
tion to effect the sale and delivery of the
bonds, and resolving related matters; con-

sider a request for financing from the Texas Department of Criminal Justice for \$143,101,083; consider a report regarding certain legal issues pertaining to general obligation authorization and interest rate swaps and referring same for attorney general review; other business; set date and time for next meeting of Board of Directors; and adjourn.

Persons with disabilities, who have special communication or other needs, who are planning to attend the meeting should contact Brett Larson or Michell Conner at (512) 463-5544. Request should be made as far in advance as possible.

Contact: Michell Conner, 300 West 15th, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: April 12, 1994, 10:01 a.m.

TRD-9438987

◆ ◆ ◆
Public Utility Commission of Texas

Friday, April 15, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the agenda summary, the Administrative discussed: reports, discussed and acted on PI goals, strategies and press policy; consultant to review the STP outage; audit of entergy; TUEC Service Area Advisory Group meeting; federal telecommunications legislation; consumer protection package for information superhighway; Commissioner Rabago's visits to Piedras Negras and Laredo; interim legislative committees and/or Sunset commission; special counsel responsibilities; 1994 internal audit plan; budget and fiscal matters; adjournment for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting; and final adjournment.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 7, 1994, 4:20 p.m.

TRD-9438818

Friday, April 22, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a prehearing conference in Docket Number 12901-application of Houston Lighting and Power Company, Inc. for approval of tariff for economic improvement service-Rate Schedule EIS.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 11, 1994, 3:27 p.m.

TRD-9438969

Friday, July 15, 1994, 1:30 p.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a prehearing conference in Docket Number 12842: petition of the Ben Hur Exchange for extended area service to the Waco Exchange.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 8, 1994, 10:05 a.m.

TRD-9438832

Tuesday, July 26, 1994, 10:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division has scheduled a hearing in Docket Number 12855-application of Southwestern Electric Power Company to reconcile fuel costs and request for accounting order.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 13, 1994, 2:04 p.m.

TRD-9439104

Monday, August 1, 1994, 9:00 a.m.

7800 Shoal Creek Boulevard

Austin

According to the complete agenda, the Hearings Division will hold a hearing on the merits in Docket Number 12857-application of Southwestern Electric Cooperative, Inc. for permission to keep its records outside of the State of Texas.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 12, 1994, 3:02 p.m.

TRD-9439010

◆ ◆ ◆
Railroad Commission of Texas

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the Personnel Division director's report on division administrations, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline, and/or dismissal of personnel. The following matters will be taken up for consideration and/or decision by the commission: commission budget, fiscal, administrative or procedural matters, strategic planning, personnel and staffing, including restructuring or transferring the Oil Field Theft Division.

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7009.

TRD-9438840

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the agency budget, fiscal and administrative matters, and the Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: April 8, 1994, 11:00 a.m.

TRD-9438842

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the division director's report on budget, personnel, and policy matters related to operation of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: April 8, 1994, 11:00 a.m.

TRD-9438842

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710.

Filed: April 8, 1994, 11:00 a.m.

TRD-9438843

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor
Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin B. Hodgkiss, P.O. Box 12967, Austin, Texas 78711, (512) 463-6901.

Filed: April 8, 1994, 11:01 a.m.

TRD-9438844

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor
Conference Room 1-111

Austin

According to the complete agenda, the Railroad Commission of Texas considered and acted on the Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters. The commission consider and act on the Information Resource manager's report on information resource planning documents.

Contact: Bob Kmetz, P.O. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: April 8, 1994, 11:01 a.m.

TRD-9438845

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor
Conference Room 1-111

Austin

According to the agenda summary, the Railroad Commission of Texas considered various applications and other matters within the jurisdiction of the agency including oral arguments. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

The commission may meet in executive session on any items listed above as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: April 8, 1994, 11:01 a.m.

TRD-9438846

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor

Conference Room 1-111

Austin

Revised Agenda

According to the agenda summary, the Railroad Commission of Texas considered comments on proposed management program rules.

Contact: Lori Wrotenberry, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-6810.

Filed: April 8, 1994, 11:43 a.m.

TRD-9438852

Monday, April 18, 1994, 9:30 a.m.

1701 North Congress Avenue, First Floor
Conference Room 1-111

Austin

Revised Agenda

According to the agenda summary, the Railroad Commission of Texas considered discussion of proposed conference on natural gas regulatory issues.

Contact: Mary Ross McDonald, P.O. Box 12967, Austin, Texas 78711, (512) 463-7017.

Filed: April 8, 1994, 12:05 p.m.

TRD-9438860

Center for Rural Health Initiatives

Tuesday, April 19, 1994, 1:30 p.m.

Southwest Towers Building, Fourth Floor
Conference Room, 211 East Seventh Street

Austin

According to the complete agenda, the Executive Committee will meet to discuss and possibly act on: minutes from the December 8, 1993, meeting; introduction and recognition of new Executive and Advisory Committee members; election of officers; proposal for Rural Telemedicine Network Project; executive director's report including update on the Rural Health Network Development contracts project, budget items, center grant requests for outside funding, and health care reform activities; update on PA Loan Reimbursement Program and House Bill 18 indemnification study; HealthFind update; PA/NP/CNM Registry update; Community Scholarship Program rules and update on program implementation; Outstanding Rural Scholar Recognition Program update; update on Relief Services Program; Advisory Committee Reports; executive session for deliberations on matters related to officers and membership of the Executive Committee; schedule next meeting; and adjourn.

Contact: Laura M. Jordan, 211 East Seventh Street #915, Austin, Texas 78701, (512) 479-8891.

Filed: April 8, 1994, 3:05 p.m.

TRD-9438921

Texas Savings and Loan Department

Monday, May 2, 1994, 9:00 a.m.

300 West 15th Street, Room 408

Austin

According to the agenda summary, the Texas Savings and Loan Department will hold a hearing to accumulate a record of evidence in regard to the application of FirstBanc Savings Association of Texas, Missouri City, Fort Bend County, Texas, to consolidate with Kingwood Bank, N.A., Kingwood, Montgomery County, Texas, in to FirstBanc, N.A., Missouri City, Texas, from which record the commissioner will determine whether to grant or deny the application.

Contact: Teresa Scarborough, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: April 8, 1994, 12:20 p.m.

TRD-9438865

Monday, May 2, 1994, 10:00 a.m.

300 West 15th Street, Room 408

Austin

According to the complete agenda, the Texas Savings and Loan Department will hold a hearing to accumulate a record of evidence in regard to the application of Coastal Banc Savings Association, Houston, Texas, to reorganize under holding company from which record the commissioner will determine whether to grant or deny the application.

Contact: Teresa Scarborough, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: April 8, 1994, 12:20 p.m.

TRD-9438864

Friday, May 6, 1994, 10:00 a.m.

300 West 15th Street, Room 408

Austin

According to the agenda summary, the Texas Savings and Loan Department will meet to accumulate a record of evidence in regard to the application of Coastal Banc Savings Association, Houston, Texas, to reorganize into holding company form of ownership from which record the commissioner will determine whether to grant or deny the application.

Contact: Teresa Scarborough, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 475-1350.

Filed: April 12, 1994, 3:03 p.m.

TRD-9439014

◆ ◆ ◆
Texas Senate

Friday, April 22, 1994, 9:00 a.m.

900 Bagby, City Council Chambers

Houston

According to the agenda summary, the Joint Select Committee to review the Central Education Agency will call to order; invited testimony on issues related to previous hearings; invited testimony on the number and effectiveness of TEA and State Board of Education Advisory Committees (Committee Charge Number 3); invited testimony on the adequacy, validity, and timeliness of peims data (Committee Charge Number 5); public testimony; discussion of preliminary committee recommendations; update from commission memo on the revision of the Education Code; report from staff on Senate Bill 7 court proceedings and implementation; and adjournment.

Contact: Pat Hicks, P.O. Box 12068, Austin, Texas 78711, (512) 463-0355.

Filed: April 13, 1994, 4:50 p.m.

TRD-9439143

◆ ◆ ◆
**State Board of Examiners
for Speech-Language Pathology and Audiology**

Friday, April 22, 1994, 9:00 a.m.

The Exchange Building, Room S-400, 8407 Wall Street

Austin

According to the agenda summary, the State Board of Examiners for Speech-Language Pathology and Audiology will discuss approval of the minutes of January 21, 1994, and discuss and possibly act on: standing committee reports (complaints; rule changes; fees/budget; public relations; continuing education; application/renewals; agenda/meeting arrangements; correspondence; related standards/regulations; legislative review; and exemptions to Act); Ad Hoc Committee (supportive personnel guidelines; role of supervisor; ethics; Sunset review; and scope of practice); appointment of board members to standing and ad hoc committees; executive secretary's report; establish board policy as required by §5(i)-(k) of Article 4512j; and other matters relating to the licensing and regulation of speech-language pathologists and audiologists not requiring board action.

Contact: Dorothy Cawthon, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6627. For ADA assistance, call Richard Butler (512) 458-7695 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: April 8, 1994, 2:29 p.m.

TRD-9438914

◆ ◆ ◆
**Structural Pest Control
Board**

Monday, April 25, 1994, 9:00 a.m.

Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 1.122

Austin

According to the complete agenda, the Termite Task Force Meeting will consider public comment; discuss definition of: full treatment, spot treatment, partial treatment, and retreatment; discuss wood destroying insect (WDI) report form; and review Elements of Consumer Disclosure Statement.

Contact: Benny M. Mathis, Jr., 9101 FM 1325, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: April 11, 1994, 2:15 p.m.

TRD-9438965

◆ ◆ ◆
**Board of Tax Professional
Examiners**

Wednesday, April 20, 1994, 10:00 a.m.

333 Guadalupe, Texas Department of Insurance, Hearing Room 102

Austin

According to the agenda summary, the Board of Tax Professional Examiners will call to order, roll call of board members, announcement of a quorum and public notice of meeting was published and posted, discussion of the board's education program, strategic plan and fiscal year 1996-1997 budget, public comment, and adjournment.

Contact: Pete Stone, 333 Guadalupe, Tower II #520, Austin, Texas 78701, (512) 305-7301.

Filed: April 12, 1994, 4:02 p.m.

TRD-9439022

Wednesday, April 20, 1994, 1:00 p.m.

333 Guadalupe Street, Texas Department of Insurance, Hearing Room 102

Austin

According to the agenda summary, the Board of Tax Professional Examiners will call to order, roll call of board members,

announcement of a quorum and public notice of meeting was published and posted, approval of minutes of the February 15, 1994, meeting, discussion and appropriate action on certification, recertification, and reclassification of registrants, discussion and appropriate action regarding an amendment to the board's rules that would require Course 235-Texas' Property Texas Assessment to be a required course, report from the chair of the Professional Standards Committee, discussion and appropriate action on the use of titles, executive director's report, public comment, executive session under the authority of §551.074 of the Government Code for the purpose of discussing board personnel matters, reconvene open meeting for discussion and/or decision on matters consider in executive session, and adjournment.

Contact: Pete Stone, 333 Guadalupe, Tower II #520, Austin, Texas 78701, (512) 305-7301.

Filed: April 12, 1994, 4:02 p.m.

TRD-9439021

◆ ◆ ◆
**The Texas A&M University
System, Board of Regents**

Thursday, April 14, 1994, 1:00 p.m.

Hirshfeld-Moore House, 814 Lavaca, Second Floor Conference Room

Austin

According to the complete agenda, the purpose of this meeting was to consider any and all things leading to the selection of the President for Texas A&M University including any action the Board deems necessary and appropriate. In addition, received reports from System and University Administration; consulted with System attorneys; and discussed negotiated contracts for prospective gifts or donations.

Contact: Vickie Running, The Texas A&M University System, College Station, Texas 77843, (409) 845-9600.

Filed: April 8, 1994, 4:52 p.m.

TRD-9438923

◆ ◆ ◆
Texas Turnpike Authority

Tuesday, April 19, 1994, 10:45 a.m.

Guest Quarters Suite Hotel, 303 West 15th Street

Austin

According to the complete agenda, the Board of Directors will consider roll call of directors; introduction of guests; progress report on the selection of an executive director; executive session-pursuant to Article

6252-17, Vernon's Revised Civil Statutes, §2(g)-discussion of personnel matters related to the vacancy pending at the executive director position; interview candidates for the position of executive director; and consider a recommendation to the Board of Directors for the retention of a new executive director.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: April 11, 1994, 3:18 p.m.

TRD-9438967

Wednesday, April 20, 1994, 10:00 a.m.

Guest Quarters Suite Hotel, 303 West 15th Street

Austin

According to the agenda summary, the Board of Directors will consider approval of minutes of prior board and committee meetings; request from a Bridge Board for traffic study; South Texas Study Report; adopt 1993 TxDot Specs.; adopt Public Records Policy; consider retaining executive director; execution session; with respect to the Dallas North Tollway, award of contracts, approval of supplemental agreements to contracts, construction report, real estate purchases, and refinancing of DNT Series 1989 Bonds; with respect to Addison Toll Tunnel, consider retaining investment banking team, retaining bond counsel, general counsel assignment, and interlocal agreement; consider legislative matters; funding and guidelines for TTA Revolving Fund; and reports from committee chairpersons, and other board members.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: April 12, 1994, 3:02 p.m.

TRD-9439008

University of Houston

Monday, April 18, 1994, 2:00 p.m.

S&RII Building, Room 201, University of Houston, 4800 Calhoun Boulevard

Houston

According to the agenda summary, the Animal Care Committee met to discuss and/or act upon the following: approval of March minutes; renewal protocols; and review of new protocols forms.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 743-9222.

Filed: April 12, 1994, 11:03 p.m.

TRD-9438992

University of Houston System, Board of Regents

Wednesday, April 20, 1994, 8:00 a.m.

Conrad Hilton College Building, Shamrock Room, University of Houston, 4800 Calhoun

Houston

According to the agenda summary, the University of Houston System, Board of Regents will meet to discuss and/or approve the following: executive session: memorial resolution; minutes; board calendar of meetings; honorary degrees distinguished professorships; pharmacy degree; dual employment; faculty Emeritus appointments; promotion in academic rank; various reports; personnel recommendations; sewer easement; investment manager for endowment fund; amendment to custodian agreement; various contracts; tuition and fee changes; appointment of bond and co-bond counsel; disposition of property; and consent docket.

Contact: Peggy Cervenka, 1600 Smith, #3400, Houston, Texas 77002, (713) 754-7444.

Filed: April 14, 1994, 9:08 a.m.

TRD-9439155

University Interscholastic League

Wednesday, April 13, 1994, 10:00 a.m.

Wyndham Hotel, Ben White Boulevard at IH-35

Austin

According to the agenda summary, the Waiver Review Board heard request for waiver of Parent Resident Rule by Craig Hall of Ray High School, and request for waiver of Parent Resident Rule by Kris Lieber of McArthur High School.

Contact: George Carlisle, 3001 Lake Austin Boulevard, Austin, Texas 78703, (512) 471-5883.

Filed: April 8, 1994, 11:32 a.m.

TRD-9438851

University of Texas Health Science Center at San Antonio

Wednesday, April 27, 1994, 3:00 p.m.

Medical School Building, Room 422A, President's Conference Room, 7703 Floyd Curl Drive

San Antonio

According to the agenda summary, the Institutional Animal Care and the Committee will consider approval of minutes; protocols for review; subcommittee reports, and other business.

Contact: Molly Greene, 7703 Floyd Curl Drive, San Antonio, Texas 78274-7822, (512) 567-3717.

Filed: April 13, 1994, 2:11 p.m.

TRD-9439106

The University of Texas System, Board of Regents

Friday, April 22, 1994, 9:00 a.m.

Regents' Meeting Room, Ashbel Smith Hall, Ninth Floor, 201 West Seventh Street
Austin

According to the complete agenda, the University of Texas System, Board of Regents will convene in open session for the sole purpose of recessing to executive session in accordance with the Texas Government Code, Chapter 551, Article 551 074, to interview the finalist candidates for the presidency of U. T. Dallas. These interviews in executive session are scheduled to conclude at approximately 4:30 p.m. at which time the board will reconvene in open session to take formal action regarding the possible election and employment of a president for UT Dallas.

Contact: Arthur H. Dilly, P.O. Box N, Austin, Texas 78713-7328, (512) 499-4402.

Filed: April 13, 1994, 2:11 p.m.

TRD-94391079

Texas Water Development Board

Wednesday, April 20, 1994, 3:00 p.m.

Stephen F Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

According to the complete agenda, the Audit Committee will consider for approval of the minutes of the February 16, 1994, meeting, be briefed on external audit activities of the Development Fund Audit Section, be briefed on current internal projects in progress; and may discuss items on the agenda of the April 21, 1994, board or Texas Water Resources Finance Authority meeting.

Contact: Craig D Pedersen, P.O. Box 13231, Texas 78711, (512) 463-7847.

Filed: April 12, 1994, 4:01 p.m.

TRD-9439018

Wednesday, April 20, 1994, 4:00 p.m.

Stephen F. Austin Building, Room 513-F, 1700 North Congress Avenue

Austin

According to the agenda summary, the Policy and Finance Committee will consider: approval of the minutes of the meeting of March 16, 1994; financial assistance applications from the City of Pharr, City of Alton, City of Edinburg for the Faysville Project, the El Paso Water Utilities Public Service Board for the El Paso County Water Control and Improvement District-Westway Project; items on the agenda of the April 21, 1994 Board or TWRFA meeting; briefing and discussion of the results of the post-sale evaluation surveys recently completed by syndicate members on the following bond issues: \$125,000,000 State Revolving Fund Senior Lien Revenue Bonds, Series 1993, \$38,000,000 General Obligation Bonds, Series 1993G, I, and J, and \$7,000,000 Agricultural Water Conservation Bonds, Taxable Series 1994A; the results of the \$7,000,000 State of Texas Agricultural Water Conservation Bonds, Taxable Series 1994-A, senior managed by Estrada Hinojosa and Company; present and future EDAP projects; proposed new rule §§353.80-353.93, regarding the relationship between the board and private organizations or donors; and provide guidance to staff on procedures for unsolicited financial product and transaction proposals received by staff.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: April 12, 1994, 4:01 p.m.

TRD-9439017

Thursday, April 21, 1994, 8:30 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

According to the agenda summary, the Texas Water Development Board will receive a book commemorating the first 100 years of Freese and Nichols; will consider: minutes; resolution supporting Bay Day Weekend; executive, financial, committees reports; extensions to loan commitments for Cities of Mission, Brownsville, and Sebastain Municipal Utility District; financial assistance for Cities of Jefferson, Copperas Cove, La Salle County for City of Encinal, El Paso Water Utilities/PSB, Presidio County, and Lavaca-Navidad River Authority for Phase II studies for the South-Central area of the Trans-Texas Water Program; revision to Sources and Uses of Funds for Mineral Wells; contract to conduct wastewater facility planning for selected areas under the EPA-funded CWTAP; future actions for water-related research assistance; contract amendment to continue Major Rivers Education Program;

proposed §§359.1-359.14, pertaining to the water bank; executive administrator's salary and Arcola litigation in executive session; and agency strategic planning.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: April 13, 1994, 3:07 p.m.

TRD-9439116

Texas Water Resources Finance Authority

Thursday, April 21, 1994, 9:30 a.m.

Stephen F. Austin Building, Room 118, 1700 North Congress Avenue

Austin

According to the complete agenda, the Texas Water Resources Finance Authority will consider approval of the minutes of the meeting of March 17, 1994; and consider directing staff in advising political subdivisions on upcoming requests to amend collateral documents to allow for early redemption of bonds at any time following their initial call date.

Contact: Craig D. Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: April 13, 1994, 3:07 p.m.

TRD-9439117

Texas Council on Workforce and Economic Competitiveness

Thursday, April 21, 1994, 9:00 a.m.

816 Congress Avenue, 13th Floor, Conference Room

Austin

According to the complete agenda, the Executive Committee will call to order; announcements; public comment; briefing item: recommendations for the consolidation process; action item: approval of the amended fiscal year 1994 operating budget, briefing item: state agency strategic planning discussion; working lunch; briefing item continued: state agency strategic planning discussion, briefing item: update on federal legislation initiatives; and adjourn.

Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, or persons who need assistance in having English translated into Spanish, should contact Alexa Ray, (512) 305-7007 (or Relay Texas, (800) 735-2988), at least two days before this meeting so that appropriate arrangements can be made

Contact: Alexa Ray, P.O. Box 2241, Austin, Texas 78768, (512) 305-7007.

Filed: April 8, 1994, 10:04 a.m.

TRD-9438830

Regional Meetings

Meetings Filed April 7, 1994

The Austin-Travis County MHMR Center Board of Trustees, Human Resources Committee met at 1430 Collier Street, Board Room, Austin, April 13, 1994, at 4:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 440-4031. TRD-9438778.

The Bi-County Water Supply met at Bi-County WSC Office, FM Road 2254, Austin, Pittsburgh, April 12, 1994, at 7:00 p.m. Information may be obtained from Freeman Phillips, P.O. Box 848, Pittsburgh, Texas 75686, (903) 856-5840. TRD-9438819.

The Coleman County Water Supply Corporation Annual Membership met at the Hospitality Room in the First Coleman, National Bank, 100 Commercial, Coleman, April 12, 1994, at 2:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9438794.

The Coleman County Water Supply Corporation Board of Directors met at the Corporation office, 214 Santa Anna Avenue, Coleman, April 12, 1994, at 3:30 p.m. Information may be obtained from Davey Thweatt, 214 Santa Anna Avenue, Coleman, Texas 76834, (915) 625-2133. TRD-9438793.

The Hays County Appraisal District Board of Directors, met at 21001 North IH-35, Kyle, April 14, 1994, at 3:30 p.m. Information may be obtained from Lynnell Sedlar, 21001 North IH-35, Kyle, Texas, 78640, (512) 268-2522. TRD-9438826.

The Lometa Rural Water Supply Corporation Board of Directors met at Lometa Rural Water Supply Corporation Office, 506 West Main, P.O. Box 158, Lometa, April 11, 1994, at 7:00 p.m. Information may be obtained from Levi G. Cash or Tina L. Hodge, P.O. Box 158, Lometa, Texas 76853, (512) 752-3505. TRD-9438779.

The Lower Colorado River Authority Planning and Public Policy Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Conference Room, Austin, April 12, 1994, at 10:00 a.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3287. TRD-9438807.

The Lower Colorado River Authority Retirement Benefits Committee met at 3701 Lake Austin Boulevard, Hancock Building, Board Room, Austin, April 12, 1994, at 1:00 p.m. Information may be obtained from Glen E. Taylor, P.O. Box 220, Austin, Texas 78767, (512) 473-3283. TRD-9438806.

The Nortex Regional Planning Commission Executive Committee will meet at 4309 Jacksboro Highway, The Galaxy Center, Suite 200, Wichita Falls, April 21, 1994, at noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281, Fax (817) 322-6743. TRD-9438820.

The Region One Education Service Center Board of Directors met at 1900 West Schunior, Edinburg, April 12, 1994, at 7:00 p.m. Information may be obtained from Laura R. Guerro, 1900 West Schunior, Edinburg, (210) 383-5611 TRD-9438823.

The Rusk County Appraisal District Appraisal Review Board met at the Administrative Office, 107 North Van Buren, Henderson, April 14, 1994, at 10:00 a.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75653-0007, (903) 657-9697 TRD-9438798.

The South Plains Association of Governments Executive Committee met at 1323 58th Street, Lubbock, April 12, 1994, at 9:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9438801.

The South Plains Association of Governments Board of Directors met at 1323 58th Street, Lubbock, April 12, 1994, at 10:00 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9438802.

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Meetings Filed April 8, 1994

The Dallas Area Rapid Transit Committee-of-the-Whole met in Conference Room "C", 1401 Pacific Avenue, Dallas, April 12, 1994, at 1:00 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371. TRD-9438889

The Dallas Area Rapid Transit Board met in the Board Room, 1401 Pacific Avenue, Dallas, April 12, 1994, at 6:30 p.m. Information may be obtained from Vanessa A. Knight, P.O. Box 660163, Dallas, Texas 75266-0163, (214) 749-3371 TRD-9438888

The Denton Central Appraisal District Appraisal Review Board Meeting will meet at 3911 Morse Street, Denton, April 20, 1994, at 9:00 a.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76202, (817) 566-0904. TRD-9438859.

The Gonzales County Appraisal District Board of Directors met at 928 St. Paul Street, Gonzales, April 14, 1994, at 6:00 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9438890.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2005 South Bridge Street, Brady, April 14, 1994, at 7:00 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9438853.

The Hockley County Appraisal District Board of Directors met at 1103-C Houston Street, Levelland, April 11, 1994, at 7:00 p.m. Information may be obtained from Nick Williams, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654 TRD-9438922.

The Hunt County Appraisal District Board of Directors met in the Hunt County Appraisal District Boardroom, 4801 King Street, Greenville, April 14, 1994, at noon. Information may be obtained from Mildred Compton, 4801 King Street, Greenville, Texas 75401, (903) 454-3510 TRD-9438887.

The Jack County Appraisal District Agriculture Advisory Committee met at 210 North Church Street, Jacksboro, April 14, 1994, at 6:30 p.m. Information may be obtained from Gary L. Zeitler or Vicky L. Easter, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9438883.

The Manville Water Supply Corporation Board of Directors met at the Manville Office, Off Highway 95 on Spur 277, Coupland, April 14, 1994, at 7:00 p.m. Information may be obtained from Laverne Rohlack, P.O. Box 248, Coupland, Texas 78615, (512) 272-4044. TRD-9438867.

The Middle Rio Grande Development Council Executive Committee met in the MRGDC Operations Conference Room, 209 North Getty, Uvalde, April 13, 1994, at 3:30 p.m. Information may be obtained from Paul Edwards, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9438831.

The Region III Education Service Center Board of Directors met at the Ramada Inn, 3901 Houston Highway, Victoria, April 18, 1994, at 11:30 a.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731 TRD-9438858

The Region III Education Service Center Board of Directors met at 1905 Leary Lane, Victoria, April 18, 1994, at 1:30 p.m. Information may be obtained from Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731 TRD-9438857.

The Region IV Education Service Center Board of Directors met in the Board Room, Region IV Education Service Center, 7145 West Tidwell, Houston, April 12, 1994, at 6:00 p.m. Information may be obtained from W. L. McKinney, 7145 West Tidwell, Houston, Texas 77092-2096, (713) 744-6534. TRD-9438919.

The Sabine Valley Center Personnel Committee met at the Administration Building, 107 Woodbine Place, Judson Road, Longview, April 14, 1994, at 5:00 p.m. Information may be obtained from Mack O Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9438886

The Sabine Valley Center Finance Committee met at the Administration Building, 107 Woodbine Place, Judson Road, Longview, April 14, 1994, at 6:30 p.m. Information may be obtained from Mack O Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9438885.

The Sabine Valley Center Board of Trustees met at the Administration Building, 107 Woodbine Place, Bramlette Lane, Longview, April 14, 1994, at 7:00 p.m. Information may be obtained from Mack O. Blackwell or LaVerne Moore, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9438884

The Texas Municipal Power Agency (TMPA) Board of Directors met at Citijet, Main Terminal, Dallas Room, Second Floor, 8001 Lemmon Avenue at Lovers Lane, Dallas, April 12, 1994, at 6:30 p.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9438918.

The Texas Municipal Power Agency (TMPA) Board of Directors met at Citijet, Main Terminal, Dallas Room, Second Floor, 8001 Lemmon Avenue at Lovers Lane, Dallas, April 13, 1994, at 5:00 p.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9438917

The Texas Municipal Power Agency (TMPA) Board of Directors met at Citijet, Main Terminal, Dallas Room, Second Floor, 8001 Lemmon Avenue at Lovers Lane, Dallas, April 13, 1994, at 6:30 p.m. Information may be obtained from Carl J. Shahady, P.O. Box 7000, Bryan, Texas 77805, (409) 873-2013. TRD-9438916.

Meetings Filed April 11, 1994

The Austin-Travis County MHMR Center Planning and Operations Committee met in the Board Room, 1430 Collier Street, Austin, April 15, 1994, at Noon. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9438953.

The Blanco County Central Appraisal District (Emergency Meeting.) 1994 Board of Directors met at the Blanco County Courthouse Annex, Avenue G and Seventh Street, Johnson City, April 12, 1994, at 5:00 p.m. (Reason for emergency: Had to pay bills.) Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9438940.

The Brazos Valley Development Council Executive Committee Meeting met in the Council Conference Room, 1706 East 29th Street, Bryan, April 14, 1994, at 1:30 p.m. Information may be obtained from Tom Wilkinson, Jr., P.O. Box Drawer 4128, Bryan, Texas 77805-4128, (409) 775-4244. TRD-9438937.

The Brown County Appraisal District Agricultural Advisory met at 403 Fisk Avenue, Brownwood, April 14, 1994, at 9:00 a.m. Information may be obtained from Doran E. Lemke, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9438931.

The Callahan County Appraisal District Board of Directors Meeting met at the Callahan County Appraisal District Office, 3030-A West Fourth Street, Baird, April 18, 1994, at 8:00 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165. TRD-9438942.

The Central Appraisal District of Nolan County Board of Directors met at the Nolan County Courthouse, Third Floor, 100 East Third Street, Sweetwater, April 15, 1994, at 7:00 a.m. Information may be obtained from Ansa Lee Lane, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9438934.

The Coastal Bend Quality Work Force Planning Association will meet at the McConnell Unit-Beeville, 3001 South Emily Drive, Beeville, April 20, 1994, at 1:00 p.m. Information may be obtained from Baldomero Garcia, 1616 Martin Luther King, Corpus Christi, Texas 78401, (512) 889-5300. TRD-9438944.

The Deep East Texas Private Industry Council Inc. Worker Adjustment Committee will meet at the Lufkin City Hall, Room 102, corner of Shepherd and Third Streets, Lufkin, April 19, 1994, at 1:45 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9438971.

The Deep East Texas Private Industry Council Inc. will meet at the Lufkin City Hall, corner of Shepherd and Third Streets, Lufkin, April 19, 1994, at 2:30 p.m. Information may be obtained from Charlene Meadows, P.O. Box 1423, Lufkin, Texas 75901, (409) 634-4432. TRD-9438970.

The Eastland County Appraisal District Board of Directors will meet in the Commissioners' Courtroom, Second Floor, Eastland County Courthouse, Eastland, April 20, 1994, at 1:00 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448, (817) 629-8597. TRD-9438939.

The Eastland County Appraisal District Appraisal Review Board will meet in the Commissioners' Courtroom, Second Floor, Eastland County Courthouse, Eastland, April 21, 1994, at 10:00 a.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 75448, (817) 629-8597. TRD-9438935.

The Education Service Center, Regional XVI Board of Directors met in Conference Room 103, 1601 South Cleveland, Amarillo, April 15, 1994, at 9:00 a.m. Information may be obtained from Jim Holmes, P.O. Box 30600, Amarillo, Texas 79120, (806) 376-5521. TRD-9438958.

The Elm Creek WSC Board met at the Willow Grove Baptist Church, Moody, April 11, 1994, at 7:00 p.m. Information may be obtained from Paulette Richardson, Route 1, Box 564, Moody, Texas 76557, (817) 853-2339. TRD-9438936.

The Garza County Appraisal District (Revised Agenda.) Board of Directors met at the Appraisal District Office, 124 East Main, Post, April 14, 1994, at 8:00 a.m. Information may be obtained from Billie Y. Windham, P.O. Drawer F, Post, Texas 79356, (806) 495-3518. TRD-9438954.

The Jasper County Appraisal District Board of Directors will meet at the administrative offices of the Jasper County Appraisal District, 137 North Main, Jasper, April 28, 1994, at 7:00 p.m. Information may be obtained from David W. Luther, 137 North Main, Jasper, Texas 75951, (409) 384-2544. TRD-9438963.

The Kendall Appraisal District Appraisal Review Board will meet at 121 South Main Street, Boerne, April 26, 1994, at 9:00 a.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9438943.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, April 21, 1994, at 9:30 a.m. Information may be obtained from Sherry Greak, 315 Main Street, Liberty, Texas 77575, (409) 336-5722. TRD-9438951.

The Middle Rio Grande Service Delivery Area MRG-Private Industry Council will meet at the Frio Canyon Restaurant, Highway 83, Leakey, April 20, 1994, at 1:00 p.m. Information may be obtained from Paul Edwards, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9438964.

The Sabine River Authority Joint Operating Board will meet at the Dam Site Office, Burkeville, April 19, 1994, at 10:00 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 745-3200. TRD-9438956.

The San Antonio River Authority Board of Directors will meet in the Boardroom, 100 East Guenther Street, San Antonio, April 20, 1994, at 2:00 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9438932.

The San Antonio River Authority Salary Review and Personnel Committee will meet in the Boardroom, 100 East Guenther Street, San Antonio, April 20, 1994, at 3:30 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 830027, San Antonio, Texas 78283-0027, (210) 227-1373. TRD-9438933.

The South East Texas Regional Planning Commission Executive Committee will meet in the City of Beaumont Council Chambers, Beaumont, April 20, 1994, at 7:00 p.m. Information may be obtained from Jackie Vice, P.O. Drawer 1387, Nederland, Texas 77627, (409) 727-2384. TRD-9438941.

Meetings Filed April 12, 1994

The Brazos River Authority Board of Directors will meet at 4400 Cobbs Drive, Waco, April 18, 1994, at 9:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9439024

The Central Texas MHMR Center Board of Trustees met at 408 Mulberry Drive, Brownwood, April 18, 1994, at 5:00 p.m. Information may be obtained from Saul Pullum, P.O. Box 250, Brownwood, Texas 76804, (915) 646-9574, Extension 102. TRD-9438996.

The Dewitt County Appraisal District Board of Directors will meet at 103 Bailey, Cuero, April 19, 1994, at 7:30 p.m. Information may be obtained from Kay Rath, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753. TRD-9438985.

The Education Service Center Region XV Regional Advisory Committee will meet at the ESC Region XV, 612 South Irene Street, Conference Room #1, San Angelo,

April 19, 1994, at 10:00 a.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9438995.

The Education Service Center Region XV Board of Directors will meet at the ESC Region XV, 612 South Irene Street, Conference Room #1, San Angelo, April 19, 1994, at 1:30 p.m. Information may be obtained from Clyde Warren, P.O. Box 5199, San Angelo, Texas 76902, (915) 658-6571. TRD-9438995.

The Guadalupe-Blanco River Authority Board of Directors will meet at 933 East Court Street, Seguin, April 20, 1994, at 10:00 a.m. Information may be obtained from W. E. West Jr., P.O. Box 271, Seguin, Texas 78156-0271, (210) 379-5822. TRD-9439000.

The Appraisal District of Jones County Board of Directors will meet at the district's office, 1137 East Court Plaza, Anson, April 21, 1994, at 8:30 a.m. Information may be obtained from Susan Holloway, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422. TRD-9439001.

The Nortex Regional Planning Commission (Revised Agenda.) Executive Committee will meet at 4309 Jacksboro Highway, the Galaxy Center, Suite 200, Wichita Falls, April 21, 1994, at noon. Information may be obtained from Dennis Wilde, P.O. Box 5144, Wichita Falls, Texas 76307-5144, (817) 322-5281, Fax: (817) 322-6743. TRD-9438990.

The Red River Authority of Texas Board of Directors will meet at the Wichita Club, Royal Room, Oil and Gas Building, Eighth and Lamar, Wichita Falls, April 20, 1994, at 9:30 a.m. Information may be obtained from Ronald J. Glenn, 900 Eighth Street, Suite 520, Wichita Falls, Texas 76301-6894, (817) 723-8697. TRD-9438991.

The Region 14 Deep East Texas Quality Work Force will meet at Highway 59 South, Angelina College, Lufkin, (will be in the cafeteria of Student Center) April 21, 1994, at 12:15 p.m. Information may be obtained from Jerry Whitaker, P.O. Box 1768, Lufkin, Texas 75902, (409) 633-5370. TRD-9439002.

The Trinity River Authority of Texas Utility Services Committee will meet at 5300 South Collins, Arlington, April 19, 1994, at 10:00 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9439013

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— Meetings Filed April 13, 1994

— The Ark-Tex Council of Governments
Ark-Tex Private Industry Council Planning

and Worker Adjustment Committees met at the Region VIII Education Service Center, 2230 North Edwards Avenue, Mount Pleasant, April 15, 1994, at 10:30 a.m. Information may be obtained from Cindy Wright, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9439078.

The Ark-Tex Council of Governments Private Industry Council met at the Region VIII Education Service Center, 2230 North Edwards Avenue, Mount Pleasant, April 15, 1994, at 1:30 p.m. Information may be obtained from Cindy Wright, P.O. Box 5307, Texarkana, Texas 75505, (903) 832-8636. TRD-9439079.

The Burnet County Appraisal District Board of Directors will meet at 110 Avenue H, Suite #106, Marble Falls, April 21, 1994, at Noon. Information may be obtained from Barbara Ratliff, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291. TRD-9439039.

The Cash Water Supply Corporation Board of Directors met at the Corporation Office, FM 1564 at Highway 34 South, Greenville, April 18, 1994, at 7:00 p.m. Information may be obtained from Eddy W. Daniel, P.O. Box 8129, Greenville, Texas 75404, (903) 883-2695. TRD-9439140.

The Dallas Central Appraisal District Board of Directors Public Hearing will meet at 2949 North Stemmons Freeway, Second Floor Community Room, Dallas, May 4, 1994, at 7:00 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons, Dallas, Texas 75247, (214) 631-0520. TRD-9439122

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, April 28, 1994, at 3:00 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76202, (817) 566-0904. TRD-9439112

The Education Service Center, Region XIII Board of Directors met in the ESC, Region XIII-ESC Conference Room 202/203, 5701 Springdale Road, Austin, April 18, 1994, at 12:30 p.m. Information may be obtained from Dr Roy C Benavides, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300. TRD-9439070

The Education Service Center-Region 17 Board of Directors will meet in the Board Room, 1111 West Loop 289, Lubbock, May 4, 1994, at 1:00 p.m. Information may be obtained from Virgil E. Flathouse, 1111 West Loop 289, Lubbock, Texas 79416, (806) 793-4854. TRD-9439057

The Fort Bend Parkway Association Board will meet at 11111 Brooklet Drive, Suite 100, Houston, April 21, 1994, at 6:00 p.m. Information may be obtained from Robert R. Randolph, 2701 First City Tower, 1001 Fannin, Houston, Texas 77002-6760, (713) 758-2380. TRD-9439102

The Gulf Bend MHMR Center Local Interagency Community Management Team will meet at 1404 Village Drive, Victoria, April 20, 1994, at noon. Information may be obtained from Judy Bolton, 1404 Village Drive, Victoria, Texas 77901, (512) 575-0611. TRD-9439121.

The Henderson County Appraisal District Board of Directors met at 1751 Enterprise, Athens, April 18, 1994, at 7:00 p.m. Information may be obtained from Lori Fetterman, 1751 Enterprise, Athens, Texas 75751, (903) 675-9296. TRD-9439081.

The Houston-Galveston Area Council Projects Review Committee will meet in Conference Room A, 3555 Timmons Lane, Second Floor, Houston, April 19, 1994, at 8:15 a.m. Information may be obtained from R. Ballas, P.O. Box 22777, Houston, Texas 77227-2777, (713) 993-4555. TRD-9439072.

The Houston-Galveston Area Council Board of Directors will meet in Conference Room A, Second Floor, 3555 Timmons Lane, Houston, April 19, 1994, at 10:00 a.m. Information may be obtained from Cynthia Marquez, P.O. Box 22777, Houston, Texas 77227, (713) 627-3200. TRD-9439071.

The Lamar County Appraisal District Regular Board Meeting will meet at the Lamar County Appraisal District Office, 521 Bonham Street, Paris, April 19, 1994, at 4:00 p.m. Information may be obtained from Joe Welch, 521 Bonham Street, Paris, Texas 75460, (903) 785-7822. TRD-9439103

The Limestone County Appraisal District Board of Directors will meet in the Board Room, Ground Floor, Limestone County Courthouse, Groesbeck, April 19, 1994, at 1:00 p.m. Information may be obtained from Karen Wietzikoski, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009. TRD-9439101

The Lower Neches Valley Authority Board of Directors will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, April 19, 1994, at 10:30 a.m. Information may be obtained from A T Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704, (409) 892-4011. TRD-9439065

The Texas Municipal Asset Pool Board of Directors will meet at the Riverway Bank, Board Room, Second Floor, Five Riverway, Houston, April 20, 1994, at 8:00 a.m. Information may be obtained from Jamie D Hall, P.O. Box 56572, Houston, Texas 77256, (713) 552-2618. TRD-9439115

The Texas Natural Resource Conservation Commission Galveston Bay National Estuary Program Policy Committee met at the Houston-Galveston Area Council Build-

ing, Second Floor, Conference Room A, 3555 Timmons Lane, Houston, April 18, 1994, at 9:30 a.m. Information may be obtained from Judy Eernisse, 711 Bay Area Boulevard, Suite 210, Webster, Texas 77598, (713) 332-9937. TRD-9439073.

The North Texas Private Industry Council Nortex Regional Planning Commission will meet at 4309 Jacksboro Highway, Suite 200, Wichita Falls, April 27, 1994, at 12:15 p.m. Information may be obtained from Earl Nunneley, 601 West Cedar, Nocona, Texas 76255, (817) 825-3222. TRD-9439141.

The Palo Pinto Appraisal District Board of Directors will meet at the Palo Pinto County Courthouse, Palo Pinto, April 20, 1994, at 3:00 p.m. Information may be obtained from Carol Holmes, P.O. Box 250, Palo Pinto, Texas 76484, (817) 659-1208. TRD-9439058.

The Texas Political Subdivisions Board of Trustees will meet at the Doubletree Hotel, 1590 LBJ Freeway, Dallas, April 21-22, 1994, at 6:30 p.m. and 8:30 a.m. respectively. Information may be obtained from Caryl Piper, P.O. Box 803356, Dallas, Texas 75380, (800) 588-0013. TRD-9439080.

The San Antonio-Bexar County Metropolitan Planning Organization Intermodal Terminal Planning and Feasibility Study Oversight Committee met in the Convention Center Conference Room, Corner of Alamo and Market, San Antonio, April 15, 1994, at 2:00 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (210) 227-8651. TRD-9439041.

The Trinity River Authority of Texas Legal Committee will meet at 5300 South Collins, Arlington, April 20, 1994, at 10:30 a.m. Information may be obtained from James L. Murphy, 5300 South Collins, Arlington, Texas 76018, (817) 467-4343. TRD-9439056.

The Trinity River Industrial Development Authority Board of Directors will meet at 5300 South Collins, Arlington, April 20, 1994, at 1:00 p.m. Information may be obtained from Ramona A. Winer, 5300 South Collins, P.O. Box 60, Arlington, Texas 76004. TRD-9439125.

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Meetings Filed April 14, 1994

The Harris County Appraisal District Board of Directors will meet at 2800 North

Loop West, Eighth Floor, Houston, April 20, 1994, at 9:30 a. m. Information may be obtained from Margie Hillard, P.O. Box 920975, Houston, Texas 77292-0975, (713) 957-5291. TRD-9439156.

The Lower Neches Valley Authority Industrial Development Corporation will meet at the LNVA Office Building, 7850 Eastex Freeway, Beaumont, April 19, 1994, at 10:00 a.m. Information may be obtained from A. T. Hebert, Jr., P.O. Drawer 3464, Beaumont, Texas 77704. TRD-9439157.

The Region IX Education Service Center Board of Directors will meet at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, April 27, 1994, 12:30 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9439151

The Tax Appraisal District of Bell County Board of Directors will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, April 20, 1994, at 7:00 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, Ext. 29. TRD-9439154.

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.

State Banking Board Notice of Cancellation of Hearing

As no opposition has been noted in the application for the Bank of the West, N.A., Odessa, Texas, to convert to a state charter under the name of Bank of the West, the hearing previously scheduled for Tuesday, April 12, 1994, has been canceled.

Issued in Austin, Texas, on April 5, 1994.

TRD-9438803 Lynda A. Drake
Director of Corporate Activities
Texas Department of Banking

Filed: April 7, 1994, 2:30 p.m.

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Texas Bond Review Board Bi-Weekly Report on the 1994 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of March 26, 1994-April 8, 1994.

<u>ISSUER</u>	<u>USER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1) Veterans Land Board	Eligible Borrowers	Veterans Land Bonds	\$50,000,000
2) San Antonio HFC	Atrium One L.P.	Residential Rental Atrium One Apts	\$ 8,500,000
3) Southeast Texas HFC	Vista Accom- modated Living Ltd.	Residential Rental	\$ 4,300,000

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from March 26, 1994-April 8, 1994:

Total amount of state ceiling remaining unreserved for the \$252,434,000 subceiling for qualified mortgage bonds under the Act as of April 8, 1994: \$97,016,750.

Total amount of state ceiling remaining unreserved for the \$157,771,250 subceiling for state-voted issues under the Act as of April 8, 1994: \$107,771,250.

Total amount of state ceiling remaining unreserved for the \$67,616,250 subceiling for qualified small issues under the Act as of April 8, 1994: \$57,216,250.

Total amount of state ceiling remaining unreserved for the \$45,077,500 subceiling for residential rental project under the Act as of April 8, 1994: \$8,702,500.

Total amount of state ceiling remaining unreserved for the \$378,651,000 subceiling for all other bonds requiring an allocation under the Act as of April 8, 1994: \$23,651,000.

Total amount of the \$901,550,000 state ceiling remaining unreserved as of April 8, 1994: \$294,357,750.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from March 26, 1994-April 8, 1994:

<u>ISSUER</u>	<u>USER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
1) San Antonio HFC	Texas Barrington Ltd.	Residential Rental Barrington Oaks Apts	\$10,000,000
2) Southeast Texas HFC	Hearthstone at Bay City, Ltd.	Residential Rental Hearthstone at Bay City Apts	\$4,200,000
3) Southeast Texas HFC	Hearthstone at Huntsville, Ltd.	Residential Rental Hearthstone at Huntsville Apts.	\$4,200,000

Issued in Austin, Texas, on April 11, 1994.

TRD-9439026 Albert L. Bacarisse
Executive Director
Texas Bond Review Board

Filed: April 12, 1994

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Comptroller of Public Accounts
Notice of Consultant Contract Award

In accordance with the provisions of Chapter 2254, Subchapter B of the Texas Government Code, the Comptroller of Public Accounts announces this notice of consultant contract award.

The consultant proposal request was published in the February 11, 1994, issue of the *Texas Register* (19 TexReg 1062).

The consultant will perform a management and performance review of the University Interscholastic League (UIL), and will produce periodic progress reports and a final report containing the consultant's conclusions and recommendations. These reports shall include analyses and recommendations relating to the effectiveness and efficiency of the financial, program, and management policies of the UIL. The successful proposer will be expected to begin performance of the contract on or about April 11, 1994.

The contract is awarded to Neal and Associates, 4702 Fieldstone Drive, Austin, Texas 78735-6310. The total dollar value of the contract is not to exceed \$74,720. The contract was executed April 11, 1994, and extends through August 31, 1994. Neal and Associates is to present a final report on or about July 1, 1994, on conclusions reached from the services performed under said contract.

Issued in Austin, Texas, on April 13, 1994.

TRD-9439055 Arthur F. Lorton
Senior Legal Counsel, General Law
Section
Comptroller of Public Accounts

Filed: April 13, 1994

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Office of Consumer Credit
Commissioner
Notice of Rate Ceilings

The Consumer Credit Commissioner has ascertained the following rate ceilings by use of the formulas and methods described in Article 1.04, Title 79, Revised Civil Statutes of Texas, as amended (Article 5069-1.04, Vernon's Texas Civil Statutes).

<u>Types of Rate Ceilings</u>	<u>Effective Period</u> <u>(Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/</u> <u>Commercial (2) thru \$250,000</u>	<u>Commercial(2)</u> <u>over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	04/11/94-04/17/94	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose

Issued in Austin, Texas, on April 4, 1994.

TRD-9438799 Al Endsley
Commissioner
Office of Consumer Credit Commissioner

Filed: April 7, 1994

Texas Commission for the Deaf and Hearing Impaired

Request for Proposals

In compliance with Texas Civil Statutes, Article 6252-11c, the Texas Commission for the Deaf and Hearing Impaired (TCDHI) is requesting proposals for the provision of services to eligible individuals who are deaf or hearing impaired. Services to be delivered by contract may include interpreter services (IS), information and referral services (I/R), and/or services to older hearing impaired Texans (SOHIT). These services are for the 1995 Fiscal Year which begins September 1, 1994.

Contact Person. Further information regarding the provision of the above-stated services and requests for application packets may be directed to Billy Collins, Director of Service Programs, Texas Commission for the Deaf and Hearing Impaired, (512) 451-8494.

Deadline for Submittal of Proposals. Deadline for the receipt of proposals in the offices of the Texas Commission for the Deaf and Hearing Impaired is 5:00 p.m., June 3, 1994. Proposals received after the established deadline cannot be considered for selection. Proposals are to be addressed to Billy Collins, Director of Service Programs, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904.

Guidelines for Submitting Proposals. Each contractor will, as a minimum:

- (A) be an agency, organization, or individual who is willing to provide services to persons who are deaf or hearing impaired in a specified geographical region;
- (B) provide a location and description of the intended headquarters to be used for the coordination and delivery of services;
- (C) provide an anticipated number of persons that will utilize the services;
- (D) be willing to cooperate with the Commission regarding its goals, standards, requirements, and recommendations;
- (E) select the services most needed, and submit a fiscally conservative budget for the provision of these services to the Commission for review;
- (F) possess the necessary skills, knowledge, and expertise for the planning, development, and implementation of needed services;
- (G) designate a service provider for the activity;
- (H) utilize, to the highest degree possible, local community and other resources;
- (I) maintain records of services provided and furnish the Commission with reports, as required, in the format prescribed by the Commission;
- (J) establish and maintain a method to maintain the confidentiality of records and services relating to clients in accordance with any and all applicable state and federal rules, laws, and regulations;
- (K) provide acknowledgement of TCDHI funding on publications, letterhead, materials, etc. (artwork will be supplied).

(L) provide anticipated involvement of deaf or hard of hearing individuals in the provision and oversight of services.

Proposal Evaluation Criteria. Proposals will be evaluated by the Commission on the following basis:

- (A) submission of the proposal on or before the established deadline;
- (B) the proposal addresses all required areas;
- (C) respondents program plan;
- (D) operations of the program are within Commission authority;
- (E) respondent's ability to provide a high-quality program aimed at meeting the individual needs of the client;
- (F) letters of endorsement and/or cooperation especially from individuals and organizations in the consumer communities; and
- (G) ability to implement program upon receiving notification from the Commission on award of contract.

Contract Award and Allocation Procedures. Final selection will be made by the Commission, using the previously mentioned evaluation procedures. Award will not necessarily be made to the contractor or applicant offering the lowest cost. Close consideration will be given to the ability to provide quality direct services based on the Commission's evaluation criteria.

The Commission reserves the right to accept or reject any or all proposals submitted as well as to refuse any or all renewals with previous contractors.

The Commission is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the materials provided only as a means of identifying the various elements which the Commission considers basic to the delivery of direct services. The Commission will base its choice on demonstrated competence, qualifications, and evidence of superior conformance to established criteria. This request does not commit the Commission to pay any costs incurred prior to execution of a contract.

The Commission will announce the contracts awards for FY 1995 in the Commission's last open meeting prior to September 1, 1994. The contracted services shall begin on September 1, 1994.

Contracts include the possibility for amendments to permit additional funds, if such funds become available, or re-allocation of funds during the contract period if determined necessary by the Commission.

Funding will be determined by using a Commission-approved formula in the distribution of monies among selected and approved contractors by region.

Conditions for Termination of Contract Failure to comply with contract requirements may result in the termination of the contract.

Issued in Austin, Texas, on April 8, 1994.

TRD-9438716 David W. Myers
Executive Director
Texas Commission for the Deaf and
Hearing Impaired

Filed April 6, 1994

Texas Education Agency Correction of Errors

The Education Agency submitted a miscellaneous document titled "Request for Information". The document was published in the March 4, 1994, *Texas Register* (19 TexReg 1561).

The last sentence on page 1561, beginning "Publishers are asked...", and what follows on page 1562 are missing text. The information is part of two complete sentences that should read: "Publishers are asked to submit the information as soon as possible so that approval by the SBOE can be requested at the earliest meeting possible. For additional information about this request, contact Keith Cruse, Division of Student Assessment, (512) 463-9536."



The Texas Education Agency submitted a miscellaneous document titled "Request for Applications #701-94-015". The document appeared in the March 29, 1994, *Texas Register* (19 TexReg 2235).

Several errors appear in the Request for Applications #701-94-015.

In the third sentence of paragraph four, the word "or" in the phrase "...or technology delivery of instruction..." should be "of".

In the second sentence of paragraph six, the word "for" in the phrase "... fund work for force..." should be deleted.

Between paragraphs six and seven, a paragraph was omitted. The paragraph should read: "Family literacy technical assistance initiative. One project will be funded to establish a technical assistance resource to assist school districts and other eligible grant recipients in developing and implementing family literacy programs. Family literacy programs emphasize the acquisition of literacy behaviors by undereducated parents and their children. In family literacy, parents and children learn together to acquire literacy behaviors that foster school success in children and permit parents to model these behaviors. The total amount available for this project is \$150,000."

In the last sentence of paragraph nine, the word "two-" in the phrase "... completion of first two-year project..." should be deleted.



Request for Application

RFA #701-94-024. This request for applications is filed in accordance with the Stewart B. McKinney Homeless Assistance Act, Public Law 100-77 and Public Law 101-645, as amended, Subtitle VII-B.

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications (RFA #701-94-024) from school districts, cooperatives of school districts, and education service centers in Texas for the development of programs to provide comprehensive educational services (beyond those provided in the general education program) to facilitate the enrollment, attendance, and school success of homeless children and youth.

Description. Applicants should describe plans to provide tutoring and other academic assistance (at least 50% of each grant award), and other related services (at least 35%

of each grant award) that might improve the access of homeless children and youth to a free and appropriate public education. Project evaluations will include input from shelter personnel, homeless parents, and school personnel on the impact of the project on the enrollment, school attendance, and academic success of homeless students.

Dates of Project. The Comprehensive and Educational Services for Homeless Children and Youth Project will begin no earlier than September 15, 1994, and will end no later than August 31, 1995.

Project Amount. Funding will be provided for an unspecified number of projects; the number of projects will depend upon the amounts for which applicants apply. Each project will receive funding at a level not to exceed \$175,000 per grant award. This project is funded 100% from Stewart B. McKinney federal funds (approximately \$1.77 million).

Selection Criteria. Applications will be approved based upon the ability of each applicant to carry out all requirements contained in the request for applications. The TEA reserves the right to select from the highest-ranking applications those that will provide the most effective comprehensive educational services to homeless students.

The TEA is under no obligation to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit the TEA to pay any costs incurred prior to the approval of an application. The issuance of this RFA in no way obligates the TEA to award a grant or to pay any costs incurred in the preparation of a response.

Requesting the Application. A copy of the complete request for application (RFA #701-94-024) 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 78701-1494, or by calling (512) 463-9304. Please refer to the RFA number in your request.

Further Information. For clarifying information about this request, contact Barbara Wand, Division of Accelerated Instruction, Texas Education Agency, (512) 463-9694.

Deadline for Receipt of Applications The deadline for receiving an application in the Document Control Center of the Texas Education Agency is 5:00 p.m., Friday, June 17, 1994.

Issued in Austin, Texas, on April 12, 1994.

TRD-9439062
Lionel R. Meno
Commissioner of Education
Texas Education Agency

Filed: April 13, 1994



Request for Proposal, Evaluation Study of the Bexar County Summer Academy

Authorization. This request for proposals is authorized by Texas Education Code, §11.32(e).

Eligible Proposers. On behalf of the nine districts participating in the Bexar County Summer Academy, the Region XX Education Service Center is requesting proposals from nonprofit organizations, institutions of higher education,

education service centers, foundations, public or private companies, or individuals for the purpose of conducting an evaluation study of the Bexar County Summer Academy.

Description. The Bexar County Summer Academy (BCSA) is an academically accelerated extended year program being offered in nine school districts in Bexar County during the summer of 1994. The program will provide up to 30 additional days (four hours per day) of instruction for students who are experiencing academic difficulty in kindergarten through third grade. A primary goal of the BCSA is to reduce student retention in these early grades by providing students with extended learning time.

The study will evaluate the overall effectiveness of the BCSA. Services to be provided by the proposer include developing the evaluation design, making site visits in schools, analyzing qualitative and quantitative data, and preparing reports of findings, conclusions, and recommendations.

Dates of Project. Proposers should plan for a starting date of no earlier than May 27, 1994, and an ending date of no later than September 29, 1995.

Project Amount. Funding will be provided for one project. Funding for this project will not exceed \$67,160

Selection Criteria. A proposal will be selected based on the ability of the proposer to carry out all requirements contained in the request for proposal. Selection will be based on, among other things, demonstrated competence and qualifications of the proposer. As the facilitator of the BCSA, the Region XX Education Service Center reserves the right to select from the highest-ranking proposals the one that addresses all requirements in the request for proposal.

As the facilitator of the BCSA, the Region XX Education Service Center is under no obligation to execute a resulting contract, provide funds, or endorse any proposal that is submitted in response to this request for proposals. This request for proposals does not commit the Region XX Education Service Center nor the nine participating districts to pay any costs incurred prior to the execution of a contract. The issuance of this request for proposals in no way obligates the Region XX Education Service Center nor the nine participating districts to award a contract or to pay any costs incurred in the preparation of a response.

Requesting the Proposal. A copy of the complete request for proposal may be obtained by writing to Dr. Millie Klein, Office of the Executive Director, Region XX Education Service Center, 1314 Hines Avenue, San Antonio, Texas 78208, or by calling (210) 224-3148

Further Information For clarifying information about the request for proposal, contact Dr. Millie Klein, Office of the Executive Director, Region XX Education Service Center, (210) 224-3148

Deadline for Receipt of Proposals. Proposals must be received in the Office of the Executive Director of the Region XX Education Service Center by 5:00 p.m., Wednesday, May 18, 1994, in order to be considered

Issued in San Antonio, Texas, on April 13, 1994

TRD-9439063 Judy Castleberry
Executive Director
Region XX Education Service Center

Filed: April 13, 1994

Texas Employment Commission Request for Proposals

I. GENERAL INFORMATION. This packet is designed to assist eligible applicant organizations in applying to the Texas Employment Commission (TEC) for Dependent Care Development Grant (DCDG) funds.

A. Authorization of Funding. The funds are authorized by Public Law 98-558, the Human Services Reauthorization Act of 1984, as amended by Public Law 101-105, the Augustus F. Hawkins Human Services Reauthorization Act of 1990. The funds are administered by the United States Department of Health and Human Services (U.S. Department HHS)

B. Scope of Work. These grant funds may be used only for the planning, development, establishment, operation, expansion, and/or improvement of programs to furnish school-age child care services before and after school in public or private school facilities or in community centers in communities where school facilities are not available.

Proposals to be considered for funding under this request will be those that provide.

School-Age Child Care Services in the following major urban areas: Austin, Dallas, Houston, El Paso, Fort Worth, or San Antonio. Eligible applicants should be located in and/or serve one or more of these major urban areas. Programs located outside the major urban areas and not serving the above specified cities may apply for funding under a separate RFP.

Note: A school district awarded a grant under the School Child Care Services Fund Program may not also be awarded a grant under the Dependent Care Development Grant Program during the same fiscal year. (See II, B. Eligible Applicants for eligibility criteria.)

A proposal addressing the school-age child care services component of the DCDG program shall include a written narrative detailing information on the planning, development, establishment, operation, expansion, and/or improvement of programs to furnish school-age child care services before school, after school, during holidays, during vacations, or any combination. Operating funds for child care services shall be used to enable low-income families to participate in before and after-school programs.

A proposal addressing school-age child care shall also include in the written narrative a strategy to obtain program information on the following topics listed:

1. The total number of children served on a monthly basis;
2. The age, ethnic and gender breakdown of the total number of children served on a monthly basis;
3. The number of special needs children served on a monthly basis;
4. An identification of family-types served on a monthly basis, including two parent, single parent/female head, single parent/male head, other relative, guardian, or other;
5. A description of the income capacity of families served on a monthly basis, primarily percent of poverty by federal guidelines, etc.; and
6. A brief description of program staff on a monthly basis, including salary levels and list of benefits offered.

Proposals must also include a strategy for networking and collaborating with other school-age child care services within the community, region, and/or statewide, in order to avoid duplication of efforts in a single community and to provide more seamless services.

Applicants for this RFP should be aware that future contractors may be requested to participate in an assessment of the DCDG programs. Detailed information and reporting instructions on this subject will be supplied during the contract negotiation phase for funded programs.

A school-age child is defined as a child aged four through thirteen. (See the April 28, 1986 *Federal Register*, Page 15862 for the definition of school-age child from five to thirteen. See House Bill 72 of the 68th Texas Legislature for information regarding the inclusion of four year old children eligible for free public education in this definition of school age child.)

C. Length of Contract. The contract period is 12 months beginning October 1, 1994 or as soon thereafter as contracts can be executed. Applicants already receiving funding from the DCDG Program will be required to conclude their current contracts before beginning a new contract using these funds. All 1994-1995 DCDG contracts follow the federal fiscal year, and must end no later than September 30, 1995.

D. Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by no later than June 30, 1994. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when TEC deems such variances and/or amendments are in the best interest of the State of Texas.

E. Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Ernestine Sunderland at (512) 502-3773 or Grace Windbigler at (512) 502-3771.

II. APPLICATION INFORMATION.

A. Due Date. The deadline for receipt and consideration of a DCDG proposal is the close of business (5:00 p.m.) June 7, 1994. Applications postmarked on or before June 4, 1994 and mailed through the United States Postal Service will be considered timely. In order to be eligible, mailed proposals must include a legible United States Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless it also includes an acceptable United States Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at TEC's Work and Family Clearinghouse office by the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, Attention: Grants Staff.

B. Eligible Applicants. Eligible applicant organizations submitting proposals for School-Age Child Services include public agencies and private nonprofits located in and serving one or more of the major urban areas of Austin, Dallas, Houston, El Paso, Fort Worth, and/or San Antonio. Eligible organizations may receive only one DCDG contract per fiscal year; therefore, applicants receiving awards

will not be eligible to apply for other DCDG funds. Applicants receiving School Child Care Services Fund (SCCSF) awards will not be eligible to apply for other DCDG funds.

C. Format for Submission. Proposals must be typed—double spaced—on standard 8 1/2 inches times 11 inch paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents. All pages should be numbered.

Proposals shall be limited to ten pages excluding the required title page, table of contents, performance statement, budget forms, certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips or staples.

An original and three complete copies of each application must be submitted. The proposal must be reproduced or printed on the front side of each sheet only. (See also Section TWO: Proposal Application Packet for additional information on program narrative and proposal format.)

D. Budget Information. The total funding available for local contractors is approximately \$360,000. Proposals for School-Age Child Care Services may request a maximum of \$30,000.

Each proposal must include a 25% matching share from the applicant organization. The minimum matching share shall not be less than 25% of the combined total of Federal and match funds. For example, a proposal requesting the maximum funding of \$30,000 will require minimum matching funds of \$10,000.

TEC's prior written approval for purchase or lease of equipment with acquisition cost of \$5,000 or more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by TEC. DCDG funds may not be used for partial purchases of equipment. The purchase must be made entirely with DCDG funds to allow TEC to obtain clear title to items.

Examples of allowable and non-allowable costs are outlined as follows.

ALLOWABLE.

Meeting/conference room expenses, staff travel directly associated with grant purposes, salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/ reproduction costs, pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs, indirect costs—if in accordance with currently approved indirect cost rate plan, purchase of equipment, supplies or materials that facilitates the planning, development, establishment, expansion, or improvement of school age child care services.

NON-ALLOWABLE.

Client/recipient payments, construction costs; renovation costs; matching for federal funds; lobbying costs, food/entertainment costs, consultant costs for proposal development.

Federal funds made available under the Act will be used to supplement and increase the level of State, Local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided and will in no

event supplant such State, Local, and other non-Federal funds.

E. Assurances. Any eligible organization applying for and accepting Dependent Care Development Grant (DCDG) funds shall:

1. Assure that funds allotted under Section 670B shall be used in accordance with the requirements of the Dependent Care Development Grant Act, Public Law 98-588, as amended by Public Law 101-501.

2. Assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement of and accounting for federal funds received under the Act.

3. Assure that audits of this program shall be conducted in accordance with federal provisions of the 45 Code of Federal Regulation Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission.

4. Assure compliance with reporting requirements as required by the U.S. Department HHS and TEC.

F. Review and Rating of Proposals. Information on planned performances in each proposal will be significant in proposal grading and ranking. The DCDG Program attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding or improving projects in a geographic area or region not adequately targeted or funded.

Proposals from organizations receiving DCDG funds two or more years consecutively from the TEC will be reviewed separately to determine: previous contractual compliance; demonstrated efforts towards financial self-sufficiency; and the justification for continuing to fund the project. Significant in the rating process for continuing contractors are new or innovative approaches to a component already undertaken, or the expansion of a component into a larger or different geographical area or different target group.

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section TWO: Application Packet for more information on proposal components. Proposals accepted for review will be rated on the following criteria in order of importance:

1. Program Narrative and discussion of program background, significance or level of need, project aims, and plans for project continuation;

2. Strength of the program evaluation component in determining program and client service effectiveness, including the evaluation methodology, data collection and reporting procedures, the background and experience of the person responsible for the evaluation, a timeline for the evaluation process, and a description of how the data and analysis will be incorporated back into the program for continuous improvement;

3. Experience in interagency coordination and collaboration, and community support and participation in the project;

4. Budget preparation, program accountability, financial reporting capabilities, and demonstration of efforts towards or plans for financial self-sufficiency;

5. Program operations and staffing responsibilities, including qualifications and experience of the principal contractor, subcontractor(s), collaborator(s), consultant(s) and staff, particularly in the area of proposed activities, and

6. Organization, complete documentation, and content according to RFP packet instructions, (a Table of Contents is required)

G. Inquiries. In the interest of fairness and to ensure that all interested organizations have access to the same information, responses to inquiries related to missing pages, time frames, and other logistical items related to this packet will be published in the *Texas Register*. All questions must be submitted in writing no later than Monday, May 2, 1994. Questions should be mailed to Grants Staff, Work and Family Clearinghouse, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637. Responses to appropriate questions will be published in the *Texas Register* on Friday, May 13, 1994.

Issued in Austin, Texas, on April 12, 1994.

TRD-9438981

C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed April 12, 1994



I. GENERAL INFORMATION. This packet is designed to assist eligible applicant organizations in applying to the Texas Employment Commission (TEC) for Dependent Care Development Grant (DCDG) funds

A. Authorization of Funding. The funds are authorized by Public Law 98-558, the Human Services Reauthorization Act of 1984, as amended by Public Law 101-105, the Augustus F. Hawkins Human Services Reauthorization Act of 1990. The funds are administered by the United States Department of Health and Human Services (U.S. Dept. HHS)

B. Scope of Work. These grant funds may be used only for the planning, development, establishment, operation, expansion, and/or improvement of local dependent care information and resource and referral systems.

Proposals to be considered for funding under this request will be those that provide

Information/Resource and Referral Services in the following major urban areas: Austin, Dallas, Fort Worth, Houston, San Antonio, and El Paso. Eligible applicants should be located in and/or serve one or more of these major urban areas. Programs located outside the major urban areas and not serving the above specified cities may apply for funding under a separate RFP (See II, B. Eligible Applicants for eligibility criteria.)

A proposal addressing dependent care information/resource and referral shall include a written narrative on the strategy to obtain information on the following topics listed (at a minimum) for a specified geographical area of the state and a specified dependent group or groups and how the information will be shared with the community.

1. The types of dependent care services available, including services provided by public and private entities;

2. The cost of available dependent care services;

3. Location of available dependent care services;

4. The forms of transportation available to such location,

5. The hours during which such dependent care services are available;

6. Eligibility requirements for dependent care services. Note that "Dependent" is defined as:

An individual who has not attained the age of 17 years;
An individual who has attained the age of 55 years; or
A person with a developmental disability.

The narrative must also describe a strategy to obtain the following program information on a monthly basis:

1. The total number of clients served; and

2. The types of questions, information, or services requested. Proposals must include a strategy for networking and collaborating with other information/resource and referral services within the community, region, and/or statewide, in order to avoid duplication of efforts in a single community and to provide more seamless services.

C. Length of Contract. The contract period is 12 months beginning October 1, 1994 or as soon thereafter as contracts can be executed. Applicants already receiving funding from the DCDG Program will be required to conclude their current contracts before beginning a new contract using these funds. All 1994-1995 DCDG contracts follow the federal fiscal year, and must end no later than September 30, 1995.

D. Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by no later than June 30, 1994. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when TEC deems such variances and/or amendments are in the best interest of the State of Texas.

E. Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Ernestine Sunderland at (512) 502-3773 or Grace Windbigler at (512) 502-3771.

II. APPLICATION INFORMATION.

A. Due Date. The deadline for receipt and consideration of a DCDG proposal is the close of business (5:00 p.m.) June 7, 1994. Applications postmarked on or before June 4, 1994 and mailed through the United States Postal Service will be considered timely. In order to be eligible, mailed proposals must include a legible United States Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless it also includes an acceptable United States Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at TEC's Work and Family Clearinghouse office by the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, Attention: Grants Staff.

B. Eligible Applicants. Eligible applicant organizations submitting proposals for Dependent Care Information/Resource and Referral Services include public agencies and private nonprofits serving one or more of these major urban areas: Austin, Dallas, Fort Worth, Houston, San Antonio, and El Paso. Eligible organizations may receive

only one DCDG contract per fiscal year; therefore, applicants receiving awards will not be eligible to apply for other DCDG funds.

C. Format for Submission. Proposals must be typed—double spaced—on standard 8 1/2 inches times 11 inch paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents. All pages should be numbered.

Proposals shall be limited to ten pages excluding the required title page, table of contents, performance statement, budget forms, certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips or staples.

An original and three complete copies of each application must be submitted. The proposal must be reproduced or printed on the front side of each sheet only. (See also Section TWO: Proposal Application Packet for additional information on program narrative and proposal format.)

D. Budget Information. The total funding available for local contractors is approximately \$240,000. Proposals for Information/Resource and Referral may request a maximum of \$30,000.

Each proposal must include a 25% matching share from the applicant organization. The minimum matching share shall not be less than 25% of the combined total of Federal and match funds. For example, a proposal requesting the maximum funding of \$30,000 will require minimum matching funds of \$10,000.

TEC's prior written approval for purchase or lease of equipment with acquisition cost of \$5,000 or more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by TEC. DCDG funds may not be used for partial purchases of equipment. The purchase must be made entirely with DCDG funds to allow TEC to obtain clear title to items.

Examples of allowable and non-allowable costs are outlined as follows.

ALLOWABLE.

Meeting/conference room expenses; staff travel directly associated with grant purposes; salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/ reproduction costs; pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs; indirect costs—if in accordance with currently approved indirect cost rate plan; and purchase of equipment, supplies or materials that facilitate the planning, development, establishment, expansion, or improvement of dependent care information/resource and referral services.

NON-ALLOWABLE.

Client/recipient payments; construction costs; renovation costs; matching for federal funds; lobbying costs; food/entertainment costs; or consultant costs for proposal development.

Federal funds made available under the Act will be used to supplement and increase the level of State, Local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided and will in no

event supplant such State, Local, and other non-Federal funds.

E. Assurances. Any eligible organization applying for and accepting Dependent Care Development Grant (DCDG) funds shall:

1. Assure that funds allotted under Section 670B shall be used in accordance with the requirements of the Dependent Care Development Grant Act, Public Law 98-588, as amended by Public Law 101-501.

2. Assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement and accounting for federal funds received under the Act.

3. Assure that audits of this program shall be conducted in accordance with federal provisions of the 45 Code of Federal Regulation Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission.

4. Assure compliance with reporting requirements as required by the U.S. Department HHS and TEC.

F. Review and Rating of Proposals. Information on planned performances in each proposal will be significant in proposal grading and ranking. The DCDG Program attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding or improving projects in a geographic area or region not adequately targeted or funded.

Proposals from organizations receiving DCDG funds two or more years consecutively from the TEC will be reviewed separately to determine previously contractual compliance; demonstrated efforts towards financial self-sufficiency; and the justification for continuing to fund the project. Significant in the rating process for continuing contractors are new or innovative approaches to a component already undertaken, or the expansion of a component into a larger or different geographical area or different target group.

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section TWO. Application Packet for more information on proposal components. Proposals accepted for review will be rated on the following criteria in order of importance:

1. Program Narrative and discussion of program background, significance or level of need, project aims, and plans for project continuation,

2. Strength of the program evaluation component in determining program and client service effectiveness, including the evaluation methodology, data collection and reporting procedures, the background and experience of the person responsible for the evaluation, a timeline for the evaluation process, and a description of how the data and analysis will be incorporated back into the program for continuous improvement;

3. Experience in interagency coordination and collaboration, and community support and participation in the project;

4. Budget preparation, program accountability, financial reporting capabilities, and demonstration of efforts towards or plans for financial self sufficiency,

5. Program operations and staffing responsibilities, in-

cluding qualifications and experience of the principal contractor, subcontractor(s), collaborator(s), consultant(s) and staff, particularly in the area of proposed activities; and

6. Organization, complete documentation, and content according to RFP packet instructions, (a Table of Contents is required).

G. Inquiries. In the interest of fairness and to ensure that all interested organizations have access to the same information, responses to inquiries related to missing pages, time frames, and other logistical items related to this packet will be published in the *Texas Register*. All questions must be submitted in writing no later than Monday, May 2, 1994. Questions should be mailed to Grants Staff, Work and Family Clearinghouse, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637. Responses to appropriate questions will be published in the *Texas Register* on Friday, May 13, 1994.

Issued in Austin, Texas, on April 12, 1994.

TRD-9438980

C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed: April 12, 1994



I. GENERAL INFORMATION. This packet is designed to assist eligible applicant organizations in applying to the Texas Employment Commission (TEC) for Dependent Care Development Grant (DCDG) funds

A. Authorization of Funding. The funds are authorized by Public Law 98-558, the Human Services Reauthorization Act of 1984, as amended by Public Law 101-105, the Augustus F Hawkins Human Services Reauthorization Act of 1990. The funds are administered by the United States Department of Health and Human Services (U.S Dept HHS)

B. Scope of Work. These grant funds may be used only for the planning, development, establishment, operation, expansion, and/or improvement of programs to furnish school-age child care services before and after school in public or private school facilities or in community centers in communities where school facilities are not available

Proposals to be considered for funding under this request will be those that provide

School-Age Child Care Services outside of the major urban areas of Austin, Dallas, Houston, El Paso, Fort Worth, and San Antonio. Programs providing services in rural areas are encouraged. Programs located in or serving the major urban areas of Austin, Dallas, Houston, El Paso, Fort Worth, and San Antonio will be considered under a separate RFP

Note A school district awarded a grant under the School Child Care Services Fund Program may not also be awarded a grant under the Dependent Care Development Grant Program during the same fiscal year (See II, B. Eligible Applicants for eligibility criteria)

A proposal addressing the school-age child care services component of the DCDG program shall include a written narrative detailing information on the planning, development, establishment, operation, expansion, and/or improvement of programs to furnish school-age child care services before school, after school, during holidays, during vacations, or any combination. Operating funds for child care services shall be used to enable low-income

families to participate in before and after-school programs.

A proposal addressing school-age child care shall also include in the written narrative a strategy to obtain program information on the following topics:

1. The total number of children served on a monthly basis;
2. The age, ethnic and gender breakdown of the total number of children served on a monthly basis;
3. The number of special needs children served on a monthly basis;
4. An identification of family-types served on a monthly basis, including two parent, single parent/female head, single parent/male head, other relative, guardian, or other;
5. A description of the income capacity of families served on a monthly basis, primarily percent of poverty by federal guidelines, etc.; and
6. A brief description of program staff on a monthly basis, including salary levels and list of benefits offered.

Proposals must also include a strategy for networking and collaborating with other school-age child care services within the community, region, and/or statewide, in order to avoid duplication of efforts in a single community and to provide more seamless services.

Applicants for this RFP should be aware that future contractors may be requested to participate in an assessment of the DCDG programs. Detailed information and reporting instructions on this subject will be supplied during the contract negotiation phase for funded programs.

A school-age child is defined as a child aged four through thirteen. (See the April 28, 1986 *Federal Register*, Page 15862 for the definition of school-age child from five to thirteen. See House Bill 72 of the 68th Texas Legislature for information regarding the inclusion of four year old children eligible for free public education in this definition of school age child.)

C. Length of Contract. The contract period is 12 months beginning October 1, 1994 or as soon thereafter as contracts can be executed. Applicants already receiving funding from the DCDG Program will be required to conclude their current contracts before beginning a new contract using these funds. All 1994-1995 DCDG contracts follow the federal fiscal year, and must end no later than September 30, 1995.

D. Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by no later than June 30, 1994. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when TEC deems such variances and/or amendments are in the best interest of the State of Texas.

E. Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Ernestine Sunderland at (512) 502-3773 or Grace Windbigler at (512) 502-3771.

II. APPLICATION INFORMATION.

A. Due Date. The deadline for receipt and consideration of a DCDG proposal is the close of business (5:00 p.m.) June 7, 1994. Applications postmarked on or before June 4, 1994 and mailed through the United States Postal

Service will be considered timely. In order to be eligible, mailed proposals must include a legible United States Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless it also includes an acceptable United States Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at TEC's Work and Family Clearinghouse office by the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, Attention: Grants Staff.

B. Eligible Applicants. Eligible applicant organizations submitting proposals for School-Age Child Services include public agencies and private nonprofits located outside of the major urban areas of Austin, Dallas, Houston, El Paso, Fort Worth, and/or San Antonio. Eligible organizations may receive only one DCDG contract per fiscal year; therefore, applicants receiving awards will not be eligible to apply for other DCDG funds. Applicants receiving School Child Care Services Fund (SCCSF) awards will not be eligible to apply for other DCDG funds.

C. Format for Submission. Proposals must be typed—double spaced—on standard 8 1/2 inches times 11 inch paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents. All pages should be numbered.

Proposals shall be limited to ten pages excluding the required title page, table of contents, performance statement, budget forms, certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips or staples

An original and three complete copies of each application must be submitted. The proposal must be reproduced or printed on the front side of each sheet only. (See also Section TWO, Proposal Application Packet for additional information on program narrative and proposal format.)

D. Budget Information. The total funding available for local contractors is approximately \$360,000. Proposals for School-Age Child Care Services may request a maximum of \$30,000

Each proposal must include a 25% matching share from the applicant organization. The minimum matching share shall not be less than 25% of the combined total of Federal and match funds. For example, a proposal requesting the maximum funding of \$30,000 will require minimum matching funds of \$10,000

TEC's prior written approval for purchase or lease of equipment with acquisition cost of \$5,000 or more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by TEC. DCDG funds may not be used for partial purchases of equipment. The purchase must be made entirely with DCDG funds to allow TEC to obtain clear title to items.

Examples of allowable and non-allowable costs are outlined below.

ALLOWABLE.

Meeting/conference room expenses; staff travel directly associated with grant purposes; salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/reproduction costs; pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs; indirect costs-if in accordance with currently approved indirect cost rate plan; purchase of equipment, supplies or materials that facilitates the planning, development, establishment, expansion, or improvement of school age child care services.

NON-ALLOWABLE.

Client/recipient payments; construction costs; renovation costs; matching for federal funds; lobbying costs; food/entertainment costs; consultant costs for proposal development.

Federal funds made available under the Act will be used to supplement and increase the level of State, Local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided and will in no event supplant such State, Local, and other non-Federal funds.

E. Assurances. Any eligible organization applying for and accepting Dependent Care Development Grant (DCDG) funds shall.

1. Assure that funds allotted under Section 670B shall be used in accordance with the requirements of the Dependent Care Development Grant Act, Public Law 98-588, as amended by Public Law 101-501.

2. Assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement of and accounting for federal funds received under the Act.

3. Assure that audits of this program shall be conducted in accordance with federal provisions of the 45 Code of Federal Regulation Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission.

4. Assure compliance with reporting requirements as required by the U.S. Department HHS and TEC.

F. Review and Rating of Proposals. Information on planned performances in each proposal will be significant in proposal grading and ranking. The DCDG Program attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding or improving projects in a geographic area or region not adequately targeted or funded.

Proposals from organizations receiving DCDG funds two or more years consecutively from the TEC will be reviewed separately to determine previous contractual compliance; demonstrated efforts towards financial self-sufficiency; and the justification for continuing to fund the project. Significant in the rating process for continuing contractors are new or innovative approaches to a component already undertaken, or the expansion of a component into a larger or different geographical area or different target group

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section TWO Application Packet for more information on proposal components. Proposals ac-

cepted for review will be rated on the following criteria in order of importance:

1. Program Narrative and discussion of program background, significance or level of need, project aims, and plans for project continuation;

2. Strength of the program evaluation component in determining program and client service effectiveness, including the evaluation methodology, data collection and reporting procedures, the background and experience of the person responsible for the evaluation, a timeline for the evaluation process, and a description of how the data and analysis will be incorporated back into the program for continuous improvement;

3. Experience in interagency coordination and collaboration, and community support and participation in the project;

4. Budget preparation, program accountability, financial reporting capabilities, and demonstration of efforts towards or plans for financial self sufficiency,

5. Program operations and staffing responsibilities, including qualifications and experience of the principal contractor, subcontractor(s), collaborator(s), consultant(s) and staff, particularly in the area of proposed activities, and

6. Organization, complete documentation, and content according to RFP packet instructions, (a Table of Contents is required).

G. Inquiries. In the interest of fairness and to ensure that all interested organizations have access to the same information, responses to inquiries related to missing pages, time frames, and other logistical items related to this packet will be published in the *Texas Register*. All questions must be submitted in writing no later than Monday, May 2, 1994. Questions should be mailed to Grants Staff, Work and Family Clearinghouse, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637. Responses to appropriate questions will be published in the *Texas Register* on Friday, May 13, 1994.

Issued in Austin, Texas, on April 12, 1994

TRD-9438979

C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed: April 12, 1994

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I. GENERAL INFORMATION. This packet is designed to assist eligible applicant organizations in applying to the Texas Employment Commission (TEC) for Dependent Care Development Grant (DCDG) funds

A. Authorization of Funding. The funds are authorized by Public Law 98-558, the Human Services Reauthorization Act of 1984, as amended by Public Law 101-105, the Augustus F Hawkins Human Services Reauthorization Act of 1990. The funds are administered by the United States Department of Health and Human Services (U.S. Dept. HHS)

B. Scope of Work. These grant funds may be used only for the planning, development, establishment, operation, expansion, and/or improvement of local dependent care information and resource and referral systems.

Proposals to be considered for funding under this request will be those that provide.

Information/Resource and Referral Services outside of the major urban areas of Austin, Dallas, Fort Worth, Houston, San Antonio, and El Paso. Programs providing services in rural areas are encouraged. Programs located in or serving the major urban areas of Austin, Dallas, Fort Worth, Houston, San Antonio, and El Paso will be considered under a separate RFP.

A proposal addressing dependent care information/resource and referral shall include a written narrative on the strategy to obtain information on the following topics listed (at a minimum) for a specified geographical area of the state and a specified dependent group or groups and how the information will be shared with the community

- 1 The types of dependent care services available, including services provided by public and private entities,
- 2 The cost of available dependent care services,
- 3 Location of available dependent care services,
4. The forms of transportation available to such location,
- 5 The hours during which such dependent care services are available,
6. Eligibility requirements for dependent care services. Note that "Dependent" is defined as.

An individual who has not attained the age of 17 years,
An individual who has attained the age of 55 years, or
A person with a developmental disability

The narrative must also describe a strategy to obtain the following program information on a monthly basis

1. The total number of clients served, and
- 2 The types of questions, information or services requested. Proposals must include a strategy for networking and collaborating with other information/resource and referral services within the community, region, and/or statewide, in order to avoid duplication of efforts in a single community and to provide more seamless services

C. Length of Contract. The contract period is 12 months beginning October 1, 1994 or as soon thereafter as contracts can be executed. Applicants already receiving funding from the DCDG Program will be required to conclude their current contracts before beginning a new contract using these funds. All 1994-1995 DCDG contracts follow the federal fiscal year, and must end no later than September 30, 1995

D. Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by no later than June 30, 1994. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when TEC deems such variances and/or amendments are in the best interest of the State of Texas

E. Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Ernestine Sunderland at (512) 502-3773 or Grace Windbigler at (512) 502-3771

II. APPLICATION INFORMATION.

A. Due Date. The deadline for receipt and consideration of a DCDG proposal is the close of business (5:00 p.m.) June 7, 1994. Applications postmarked on or before June

4, 1994 and mailed through the United States Postal Service will be considered timely. In order to be eligible, mailed proposals must include a legible United States Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless it also includes an acceptable United States Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at TEC's Work and Family Clearinghouse office by the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, Attention: Grants Staff

B. Eligible Applicants. Eligible applicant organizations submitting proposals for Dependent Care Information/Resource and Referral Services include public agencies and private nonprofits located outside of the major urban areas of Austin, Dallas, Fort Worth, Houston, San Antonio, and El Paso. Eligible organizations may receive only one DCDG contract per fiscal year, therefore, applicants receiving awards will not be eligible to apply for other DCDG funds

C. Format for Submission. Proposals must be typed—double spaced—on standard 8 1/2 inches x 11 inches paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents. All pages should be numbered

Proposals shall be limited to ten pages excluding the required title page, table of contents, performance statement, budget forms, certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips or staples

An original and three complete copies of each application must be submitted. The proposal must be reproduced or printed on the front side of each sheet only (See also Section TWO, Proposal Application Packet for additional information on program narrative and proposal format)

D. Budget Information. The total funding available for local contractors is approximately \$240,000. Proposals for Information/Resource and Referral may request a maximum of \$30,000

Each proposal must include a 25% matching share from the applicant organization. The minimum matching share shall not be less than 25% of the combined total of Federal and match funds. For example, a proposal requesting the maximum funding of \$30,000 will require minimum matching funds of \$10,000

TEC's prior written approval for purchase or lease of equipment with acquisition cost of \$5,000 or more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by TEC. DCDG funds may not be used for partial purchases of equipment. The purchase must be made entirely with DCDG funds to allow TEC to obtain clear title to items

Examples of allowable and non-allowable costs are outlined as follows

ALLOWABLE.

Meeting/conference room expenses; staff travel directly associated with grant purposes; salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/reproduction costs; pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs; indirect costs-if in accordance with currently approved indirect cost rate plan, and purchase of equipment, supplies or materials that facilitate the planning, development, establishment, expansion, or improvement of dependent care information/resource and referral services.

NON-ALLOWABLE.

Client/recipient payments; construction costs; renovation costs; matching for federal funds; lobbying costs; food/entertainment costs; or consultant costs for proposal development.

Federal funds made available under the Act will be used to supplement and increase the level of State, Local and other non-Federal funds that would, in the absence of such Federal funds, be made available for the programs and activities for which funds are provided and will in no event supplant such State, Local, and other non-Federal funds.

E. Assurances. Any eligible organization applying for and accepting Dependent Care Development Grant (DCDG) funds shall:

1. Assure that funds allotted under Section 670B shall be used in accordance with the requirements of the Dependent Care Development Grant Act, Public Law 98-588, as amended by Public Law 101-501.

2. Assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement of and accounting for federal funds received under the Act

3. Assure that audits of this program shall be conducted in accordance with federal provisions of the 45 Code of Federal Regulation Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission.

4. Assure compliance with reporting requirements as required by the U.S Dept. HHS and TEC

F. Review and Rating of Proposals Information on planned performances in each proposal will be significant in proposal grading and ranking. The DCDG Program attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding or improving projects in a geographic area or region not adequately targeted or funded.

Proposals from organizations receiving DCDG funds two or more years consecutively from the TEC will be reviewed separately to determine previous contractual compliance; demonstrated efforts towards financial self-sufficiency, and the justification for continuing to fund the project. Significant in the rating process for continuing contractors are new or innovative approaches to a component already undertaken, or the expansion of a component into a larger or different geographical area or different target group.

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section TWO Application Packet for

more information on proposal components. Proposals accepted for review will be rated on the following criteria in order of importance:

1. Program Narrative and discussion of program background, significance or level of need, project aims, and plans for project continuation;

2. Strength of the program evaluation component in determining program and client service effectiveness, including the evaluation methodology, data collection and reporting procedures, the background and experience of the person responsible for the evaluation, a timeline for the evaluation process, and a description of how the data and analysis will be incorporated back into the program for continuous improvement;

3. Experience in interagency coordination and collaboration, and community support and participation in the project;

4. Budget preparation, program accountability, financial reporting capabilities, and demonstration of efforts towards or plans for financial self sufficiency;

5. Program operations and staffing responsibilities, including qualifications and experience of the principal contractor, subcontractor(s), collaborator(s), consultant(s) and staff, particularly in the area of proposed activities; and

6. Organization, complete documentation, and content according to RFP packet instructions, (a Table of Contents is required)

G. Inquiries. In the interest of fairness and to ensure that all interested organizations have access to the same information, responses to inquiries related to missing pages, time frames, and other logistical items related to this packet will be published in the *Texas Register*. All questions must be submitted in writing no later than Monday, May 2, 1994. Questions should be mailed to Grants Staff, Work and Family Clearinghouse, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637. Responses to appropriate questions will be published in the *Texas Register* on Friday, May 13, 1994.

Issued in Austin, Texas, on April 12, 1994.

TRD-9438982 C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed April 12, 1994



I. GENERAL INFORMATION. This packet is designed to assist eligible school districts in applying to the state of Texas for School Child Care Services Funds (SCCSF).

A. Authorization of Funding. The funds are authorized by Senate Bill 913 passed by the 71st Texas Legislature. Funds allotted for the School Child Care Services Fund in SB913 (the Act; now the Texas Education Code, §21.928(d)) must be used in accordance with the requirements of this Act.

B. Scope of Work. Proposals to be considered for funding under this request will be those that relate to the planning, development, establishment, expansion, or improvement of school-age child care services and reasonable start-up costs. A school-age student is defined as a child enrolled in prekindergarten through grade seven. See also SB913 passed during the 71st Texas Legislature.

A proposal addressing school-age child care shall also include in the written narrative a strategy to obtain information on the following topics listed:

1. The total number of children served on a monthly basis;
2. The age, ethnic and gender breakdown of the total number of children served on a monthly basis;
3. The number of special needs children served on a monthly basis;
4. An identification of family-types served on a monthly basis, including two parent, single parent/female head, single parent/male head, other relative, guardian, or other;
5. A description of the income capacity of families served on a monthly basis, primarily percent of poverty by federal guidelines, etc.; and
6. A brief description of program staff on a monthly basis, including salary levels and list of benefits offered.

Proposals must also include a strategy for networking and collaborating with other school-age child care services within the community, region, and/or statewide, in order to avoid duplication of efforts in a single community and to provide more seamless services.

Applicants for this RFP should be aware that future contractors may be requested to participate in an assessment of the SCCSF programs. Detailed information and reporting instructions on this subject will be supplied during the contract negotiation phase for funded programs.

Note: A school district awarded a grant under the Dependent Care Development Grant Program may not also be awarded a grant under the School Child Care Services Fund Program during the same fiscal year. (See II, B. Eligible Applicants for eligibility criteria.)

C. Length of Contract. The contract period is 12 months beginning September 1, 1994 or as soon thereafter as contracts can be executed. Applicants already receiving funding from the SCCSF Program will be required to conclude their current contracts before beginning a new contract using these funds. All 1994-1995 SCCSF contracts follow the state fiscal year and must end no later than August 31, 1995.

D. Selection, Notification, and Negotiation Process. The Texas Employment Commission anticipates completing the selection process by no later than June 30, 1994. Any negotiations deemed necessary by TEC will be conducted prior to the first day of the contract period. TEC reserves the right to vary all provisions of this RFP prior to the execution of a contract and to execute amendments to contracts when the Agency deems such variances and/or amendments are in the best interest of the State of Texas.

E. Agency Contact. Any questions or clarification requests pertaining to the contents of the RFP packet are to be directed to Ernestine Sunderland at (512) 502-3773 or Grace Windbigler at (512) 502-3771.

II. APPLICATION INFORMATION.

A. Due Date. The deadline for receipt and consideration of a SCCSF proposal is the close of business (5:00 p.m.) June 7, 1994. Applications postmarked on or before June 4, 1994 and mailed through the United States Postal Service will be considered timely. In order to be eligible, mailed proposals must include a legible United States Postal Service postmark showing a date and time on or before the deadline. Metered mail is not acceptable unless

it also includes an acceptable United States Postal Service postmark.

Applications delivered by any other type of mail services or hand delivered must arrive at TEC's Work and Family Clearinghouse office by the specified date and time. Applications may be mailed or delivered in person or by special delivery to the following address: Texas Work and Family Clearinghouse, Texas Employment Commission, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637, attention: Grants Staff.

B. Eligible Applicants. Eligible applicants include school districts currently accredited by the Texas Education Agency (TEA). See also SB913 passed by the 71st Texas Legislature. A school district awarded a grant under the Dependent Care Development Grant (DCDG) Program may not also be awarded a grant under the School Child Care Services Fund, during the same fiscal year. Eligible organizations may receive only one SCCSF contract per fiscal year; applicants receiving awards will not be eligible to apply for other DCDG funds.

C. Format for Submission. Proposals must be typed—double spaced—on standard 8 1/2 inches by 11 inches paper, and have consecutively numbered pages. The Title Page should be attached to the front of the proposal, followed by the Table of Contents. All pages should be numbered.

Proposals shall be limited to ten pages excluding the required title page, table of contents, performance statement, budget forms, certification of eligibility documents and assurances. Proposals which exceed the page limitations will be disqualified. Proposals should not be elaborately bound but should be clipped at the top with binder clips or staples.

An original and three complete copies of each application must be submitted. The proposal must be reproduced or printed on the front side of each sheet only. (See also Section TWO: Application Packet for further information on program narrative and proposal format.)

D. Budget Information. The total funding available is approximately \$400,000. The state plans to fund projects ranging from a minimum of \$10,000 to a maximum of \$40,000.

TEC's prior written approval for purchase or lease of equipment with acquisition costs of \$1,000 or more per unit is required. Approval of a completed proposal or contract budget does not constitute prior approval. Title to items with an acquisition cost of \$1,000 or more shall be retained by the Texas Employment Commission

Examples of allowable and non-allowable costs are outlined as follows.

ALLOWABLE.

Meeting/conference room expenses; staff travel directly associated with grant purposes; salary/fringe benefits costs for assigned project staff; pro-rated telephone costs; printing/reproduction costs; pro-rated rental/or purchase costs for visual aids or other office equipment; program advertising; auditing costs; indirect costs—if in accordance with currently approved indirect cost rate plan; and purchase of equipment, supplies or materials that facilitates the planning, development, establishment, expansion, or improvement of school age child care services.

NON-ALLOWABLE.

Client/recipient payments; construction costs; renovation costs; matching for federal funds; lobbying costs, food/en-

tainment costs; consultant costs for proposal development; or operating costs.

E. Assurances. Any eligible school district applying for and accepting School Child Care Services Funds shall:

1. Assure that state funds made available under the Act for any period will be used to supplement and increase the level of other funds that would, in the absence of such state funds, be made available for the programs and activities for which funds are provided and will in no event supplant such funds.

2. Assure that fiscal control and fund accounting exists as may be necessary to assure the proper disbursement and accounting for federal funds received under the Act

3. Assure that audits of this program shall be conducted in accordance with the federal provisions of the 45 Code of Federal Regulation Part 74.62. Audits shall be conducted annually by independent auditors based on generally accepted government auditing standards. Results shall be submitted to the Texas Employment Commission.

4. Assure compliance with reporting requirements as required by the state and TEC.

5. Assure that projects or programs supported with funds under this program shall, to the maximum extent feasible, not duplicate any services which, prior to the date of enactment of the Act, were provided by the state or locality which will be served by this system.

6. Assure that adequate space and facilities will be available for the provision of before and/or after school child care services, which may include use during holidays and vacation periods.

7. Assure that such space and facilities will have priority use by the child care services program during the period of time each day when the program is in operation.

8. Assure that written agreement will govern allocation of space and facilities; identification and implementation of restrictions, if any, on the use of such space and facility; and the specific times when such space or facilities will be available for use.

9. Assure that child care programs planned, developed, established, expanded, or improved with SCCS Funds will offer a variety of age-appropriate activities, with a balance between recreation and academics.

10. Assure that the parents of school-age children will be involved in the development and implementation of the program.

11. Assure that the program is able and willing to seek to enroll racially, ethnically, and economically diverse, as well as disabled school-age children in the child care service program.

12. Assure that child care programs planned, developed, established, expanded, or improved with SCCS Funds are or will be in compliance with State and local child care licensing laws and regulations governing day care services for school age children to the extent that such regulations are appropriate to the age group served.

F. Review and Rating of Proposals. Information on planned performances in each proposal will be significant in proposal grading and ranking. The SCCSF Program

attempts to distribute funds equally across the state. Special consideration may be given to a proposal for planning, developing, establishing, expanding, or improving projects in a geographic area or region not adequately targeted or funded.

Proposals from districts receiving SCCS Funds two or more years consecutively from the TEC will be reviewed separately to determine: previous contractual compliance; demonstrated efforts towards financial self-sufficiency; and the justification for continuing to fund the project. Significant in the rating process for continuing contractors are new or innovative approaches to a component already undertaken, or the expansion of a component into a larger or different geographical area or different target group.

No review of a proposal will be initiated unless all applicant information and documentation specified in this RFP is submitted. See Section TWO: Application Packet for more information on proposal components. Proposals accepted for review will be rated on the following criteria in order of importance:

1. Program Narrative and discussion of program background, significance or level of need, project aims, and plans for project continuation;

2. Strength of the program evaluation component in determining program and client service effectiveness, including the evaluation methodology, data collection and reporting procedures, the background and experience of the person responsible for the evaluation, a timeline for the evaluation process, and a description of how the data and analysis will be incorporated back into the program for continuous improvement;

3. Experience in interagency coordination and collaboration, and community support and participation in the project;

4. Budget preparation, program accountability, financial reporting capabilities, and demonstration of efforts towards or plans for financial self sufficiency;

5. Program operations and staffing responsibilities, including qualifications and experience of the principal contractor, subcontractor(s), collaborator(s), consultant(s) and staff, particularly in the area of proposed activities; and

6. Organization, complete documentation, and content according to RFP packet instructions, (a Table of Contents is required).

G. Inquiries. In the interest of fairness and to ensure that all interested organizations have access to the same information, responses to inquiries related to missing pages, time frames, and other logistical items related to this packet will be published in the Texas Register. All questions must be submitted in writing no later than Monday, May 2, 1994. Questions should be mailed to Grants Staff, Work and Family Clearinghouse, 3520 Executive Center Drive, Suite 209, Austin, Texas 78731-1637. Responses to appropriate questions will be published in the *Texas Register* on Friday, May 13, 1994.

Issued in Austin, Texas, on April 12, 1994.

TRD-9438978

C Ed Davis
Deputy Administrator for Legal Affairs
Texas Employment Commission

Filed. April 12, 1994

**General Services Commission
Request for State First Class Mail
Presort/Bar-Code Preparation Services**

The Texas State Council on Competitive Government is issuing a request for bids for First Class Mail Presort/Bar-Code preparation services for selected state agencies in Travis County, Texas. The scope of work will require the vendor to collect an estimated 50 million pieces of first class mail per year from selected agencies, presort and bar-code the mail, and dispatch the mail to the United States Postal Service.

To obtain a copy of the request for bids you may contact the General Services Commission, Attention: Mr. Charlie Bertero, P.O. Box 13047, Austin, Texas 78701-3047, or at (512) 463-3448.

Issued in Austin, Texas, on April 8, 1994

TRD-9438863 Judith M. Porras
 General Counsel
 General Services Commission

Filed: April 8, 1994

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**Office of the Governor, Budget and
Planning**

Budget Execution Proposal

Pursuant to Texas Government Code, §317.002, relating to budget execution authority, I make the following budget execution proposal.

The Texas Department of Criminal Justice requests authority to transfer funds across items of appropriation. Appropriations made to the Department under the General Appropriations Act (Senate Bill 5, Acts of the 73rd Legislature, Regular Session, 1993) will be affected.

I find that the significant increase in the backlog of offenders confined in the county jails awaiting transfer to

state prisons, raising the threat of riots and public calamity, creates an emergency, and requires the addition of 7,500 temporary beds. These beds include both state and county-based facilities.

I therefore propose that during the 1994-1995 biennium, notwithstanding Rider 9 and Rider 51 for the Department in the General Appropriations Act, the Department may make transfers among items of appropriation, including the transfer of appropriations from one fiscal year to another, for the purposes necessary to meet this emergency. Not less than 20 days prior to executing any of these transfers, the Department shall provide written notice to the Legislative Budget Office and the Governor's Office of Budget and Planning detailing the amount and purpose of the transfer as it relates to this emergency.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

The Secretary of State shall publish this proposal in the *Texas Register*.

Issued in Austin, Texas, on April 13, 1994

TRD-9439059 Ann W. Richards
 Governor
 Office of the Governor

Filed April 13, 1994

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**Texas Department of Health
Licensing Actions for Radioactive
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Houston	Champions MRI & Diagnostic Center	L04745	Houston	0	03/24/94
Texarkana	Minakshi J. Patel, M.D.	L04738	Texarkana	0	03/25/94
Throughout Texas	C & M Wireline Service, Inc.	L04695	Snyder	0	03/16/94
Throughout Texas	Gee Consultants Inc.	L04766	Dallas	0	03/17/94
Throughout Texas	B & W Equipment Sales and Mfg., Inc.	L04762	Odessa	0	03/21/94
Throughout Texas	Safety Railway Service	L04761	Victoria	0	03/29/94
Throughout Texas	Redland Stone Products Company	L04768	San Antonio	0	03/29/94
Throughout Texas	T.S.I. Laboratories	L04767	Victoria	0	03/29/94

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Allen	ERMI Environmental Laboratories	L04538	Allen	3	03/31/94
Azle	Harris Methodist Northwest	L03230	Azle	14	03/30/94
Jaytown	Miles, Incorporated	L01577	Baytown	37	03/28/94
Brownwood	Brownwood Regional Medical Center	L02322	Brownwood	22	03/22/94
Bryan	Elf Atochem North America, Inc.	L04202	Bryan	3	03/21/94
Carrollton	Merico, Inc.	L04401	Carrollton	3	03/28/94
College Station	Galen Hospitals of Texas, Inc.	L02559	College Station	17	03/30/94
Conroe	Texaco Chemical Company	L04626	Conroe	2	03/28/94
Corpus Christi	Doctors Regional Medical Center	L02816	Corpus Christi	31	03/10/94
Corpus Christi	Syncor International Corporation	L04043	Corpus Christi	10	03/08/94
Dallas	Medical City Hospital Dallas	L01976	Dallas	82	03/29/94
Deer Park	Akzo Chemicals Inc.	L04372	Deer Park	3	03/21/94
Denton	Denton Regional Medical Center	L02764	Denton	26	03/22/94
Denton	Denton Community Hospital	L04003	Denton	10	03/24/94
El Paso	Syncor International Corporation	L01999	El Paso	78	03/22/94
El Paso	Isomedix, Inc.	L04268	El Paso	6	03/23/94
El Paso	The University of Texas at El Paso	L00159	El Paso	31	03/24/94
Fort Worth	Cook-Fort Worth Children's Medical Center	L04518	Fort Worth	4	03/29/94
Fort Worth	Huguley Memorial Medical Center	L02920	Fort Worth	14	03/29/94
Granbury	Terra Analytics Laboratory	L04714	Granbury	1	03/21/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Greenville	Presbyterian Hospital of Greenville	L01695	Greenville	22	03/15/94
Greenville	Presbyterian Hospital of Greenville	L01695	Greenville	23	03/30/94
Houston	City of Houston	L02175	Houston	8	03/18/94
Houston	Lyndon B. Johnson General Hospital	L04412	Houston	9	03/25/94
Houston	Hermann Hospital	L00650	Houston	44	03/25/94
Houston	General Welding Works, Inc.	L02895	Houston	26	03/25/94
Houston	Sunbelt Regional Medical Center	L03306	Houston	14	03/30/94
Jewett	Nucor Steel Corporation	L02504	Jewett	8	03/28/94
Kerrville	Sid Peterson Memorial Hospital	L01722	Kerrville	16	03/10/94
Laredo	DIP Technologies, Inc.	L04461	Laredo	1	03/28/94
Mauriceville	S & T International, Inc.	L03652	Mauriceville	22	03/23/94
Midland	West Texas Nuclear Pharmacy, Partners	L04573	Midland	7	03/30/94
Nacogdoches	AMI Nacogdoches Medical Center Hospital	L02853	Nacogdoches	10	03/25/94
Pasadena	Pasadena Bayshore Medical Center	L00153	Pasadena	45	03/24/94
Pasadena	ZENECA, Inc.	L02216	Pasadena	19	03/31/94
Plano	Presbyterian Hospital of Plano	L04467	Plano	4	03/16/94
Rusk	East Texas Medical Center - Rusk	L03282	Rusk	9	03/21/94
San Antonio	Nuclear Cardiology of San Antonio, Inc.	L03833	San Antonio	11	03/16/94
San Antonio	Southwest General Hospital	L02689	San Antonio	14	03/22/94
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	108	03/24/94
San Antonio	K. O. Steel Company	L04480	San Antonio	5	03/23/94
San Antonio	St. Luke's Lutheran Hospital	L03309	San Antonio	26	03/24/94
San Antonio	The U.T. Health Science Center at San Antonio	L01279	San Antonio	64	03/29/94
San Antonio	Santa Rosa Northwest Hospital	L03983	San Antonio	17	03/30/94
Seadrift	Union Carbide Corporation	L03105	Port Lavaca	9	03/28/94
Sugar Land	Stillmeadow, Inc.	L04497	Sugar Land	3	03/22/94
Texarkana	Wadley Regional Medical Center	L02486	Texarkana	19	03/25/94
Throughout Texas	Goolsby Testing Laboratories Inc.	L03115	Humble	41	03/15/94
Throughout Texas	Production Logging, Inc.	L02698	Snyder	17	03/16/94
Throughout Texas	Bandy & Associates	L04296	Houston	3	03/16/94
Throughout Texas	Southwestern Public Service Company	L01981	Amarillo	29	03/15/94
Throughout Texas	Longview Inspection	L01774	Houston	79	03/18/94
Throughout Texas	Reece Albert Inc.	L02296	San Angelo	10	03/17/94
Throughout Texas	Texas Department of Health	L01155	Austin	67	03/18/94
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	67	03/18/94
Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	90	03/18/94
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	98	03/21/94
Throughout Texas	Gee Consultants Inc.	L04766	Dallas	1	03/18/94
Throughout Texas	Ellerbee-Walczak, Inc.	L04440	Fort Worth	3	03/22/94
Throughout Texas	Cardinal Surveys Company	L00065	Odessa	66	03/21/94
Throughout Texas	Star-Jet Services, Inc.	L02214	Corpus Christi	16	03/22/94
Throughout Texas	Shell Development Company	L02116	Houston	26	03/23/94
Throughout Texas	Big State X-Ray	L02693	Odessa	20	03/23/94
Throughout Texas	Professional Service Industries, Inc.	L00203	Longview	68	03/23/94
Throughout Texas	Quality Assurance Services Inc.	L04601	Grand Prairie	5	03/23/94
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	99	03/24/94
Throughout Texas	Desert Industrial X-Ray	L04590	Odessa	4	03/23/94
Throughout Texas	TERRA-MAR, Inc.	L03157	Houston	18	03/18/94
Throughout Texas	ProTechnics Environmental Services, Inc.	L04477	Houston	6	03/24/94
Throughout Texas	Murphree's Tool Company Inc.	L04195	Midland	2	03/24/94
Throughout Texas	Goolsby Testing Laboratories, Inc.	L03115	Humble	42	03/25/94
Throughout Texas	Berry Fabricators	L01575	Corpus Christi	25	03/25/94

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Throughout Texas	SGS Industrial Services	L04460	Seabrook	14	03/23/94
Throughout Texas	Dowell Schlumberger Incorporated	L00764	Houston	67	03/25/94
Throughout Texas	Southern Ecology Management, Inc.	L04711	Corpus Christi	1	03/25/94
Throughout Texas	Conam Inspection, Inc.	L00478	Houston	64	03/25/94
Throughout Texas	Petroleum Industry Inspectors	L04081	Houston	32	03/25/94
Throughout Texas	El Paso Inspection	L04599	El Paso	2	03/25/94
Throughout Texas	Wedge Wireline Inc.	L00315	Grand Prairie	76	03/28/94
Throughout Texas	Ground Technology Inc.	L03151	Houston	8	03/28/94
Throughout Texas	Gulf Coast Services, Inc.	L01803	Refugio	18	03/28/94
Throughout Texas	Submar, Inc.	L03891	Houston	7	03/28/94
Throughout Texas	TREMETRICS Inc.	L01186	Austin	33	03/30/94
Throughout Texas	Austin Bridge and Road	L04629	Dallas	3	03/22/94
Throughout Texas	Southwestern Laboratories	L01934	Fort Worth	39	03/24/94
Throughout Texas	Cotton's Inspection Service, Inc.	L02869	Odessa	12	03/28/94
Throughout Texas	Dyess-Peterson Testing Laboratory, Inc.	L01123	Amarillo	40	03/31/94
Throughout Texas	Tru-Tag Systems, Inc.	L03783	Houston	18	03/31/94
Tyler	NuTech Inc.	L04274	Tyler	11	03/21/94
Waco	Lehigh Portland Cement Company	L01087	Waco	16	03/28/94
Waxahachie	Baylor Medical Center at Waxahacie	L04536	Waxahachie	4	03/30/94
Weslaco	Knapp Medical Center	L03290	Weslaco	15	03/23/94
Wichita Falls	Wichita General Hospital	L00350	Wichita Falls	52	03/23/94

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Austin	Mitchel Wong, M.D.	L01642	Austin	8	03/28/94
Carrollton	National Environmental Testing, Inc. (NET)	L03476	Carrollton	8	03/16/94
Deer Park	Fina Oil and Chemical Company	L00302	Deer Park	27	03/28/94
Diboll	Temple-Inland Forest Products Corp.	L04250	Diboll	2	03/15/94
Edinburgh	Edinburgh Hospital	L04262	Edinburgh	3	03/25/94
Gregory	Occidental Chemical Corporation	L04259	Ingleside	5	03/22/94
Houston	HTS, Inc. Consultants	L02757	Houston	8	03/22/94
Seguin	American Biological Technologies, Inc.	L04265	Seguin	3	03/30/94
Snyder	Midwestern Reclamation	L03831	Snyder	1	03/28/94
Throughout Texas	Texas A & M University - Kingsville Citrus Center	L10144	Weslaco	13	03/25/94
Throughout Texas	Hercules Engineering & Testing Services, Inc.	L03642	Houston	11	03/28/94
Throughout Texas	Smith Brothers Pipe Inc.	L04275	Midland	2	03/30/94
Vernon	West Texas Utilities Company	L03481	Abilene	10	03/17/94
Waco	Vantran Electric Corporation	L03477	Waco	3	03/22/94

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Abilene	City of Abilene	L01428	Abilene	8	03/30/94
Amarillo	St. Anthony's Enterprises, Inc.	L03737	Amarillo	10	03/16/94
Bridgeport	Bridgeport Hospital	L03232	Bridgeport	8	03/16/94
Iowa Park	W. R. Grace and Company	L02770	Iowa Park	12	03/21/94

New Braunfels	Beazer West, Inc.	L02950	New Braunfels	6	03/18/94
San Antonio	J. L. Mimms, Jr., M.D.	L01250	San Antonio	15	03/22/94
Throughout Texas	Visions Innovations Corporation (VICORP)	L04050	Midland	7	03/16/94
Throughout Texas	Amoco Pipeline Company	L02640	Oak Brook Terr. II	9	03/21/94
Waco	M & M Mars	L02484	Waco	5	03/17/94

AMENDMENTS TO EXISTING LICENSES DENIED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Throughout Texas	Technical Welding Laboratory, Inc.	L02187	Pasadena	0	03/17/94

Filed: April 11, 1994

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Notice of Intent to Revoke Certificates of Registration

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with Texas Regulations for Control of Radiation in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the Texas Regulations for Control of Radiation.

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Fred L. Perez, Jr., M.D., Corpus Christi, R13637; Center for Family Medicine, Houston, R14538; B. A. Pontani, M.D., Montgomery, R14539; E. V. Dimazana, M.D., Corpus Christi, R15539; Bruce Scudday, D.P.M., Rowlett, R18473; Irving Medical Association, P.A., Irving, R19124; Chaparral Imaging Corporation, Midland, R17819; LaserTech Productions, Mundelein, Illinois, Z00803; Tri-City Hospital-Surgery, Dallas, Z00780; Gary C. Payne, D.P.M., Austin, Z00396.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A "person affected" is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or "person affected" may request a hearing by writing Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. 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).

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, Exchange Building, 8407 Wall Street, Austin, Texas, from 8:00 a.m. to 5:00 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on April 7, 1994.

Issued in Austin, Texas, on April 13, 1994.

TRD-9438961 Susan K. Steeg
 General Counsel, Office of General
 Counsel
 Texas Department of Health

TRD-9439050 Susan K. Steeg
 General Counsel, Office of General
 Counsel
 Texas Department of Health

Filed: April 13, 1994

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**Notice of Intent to Revoke a Radioactive
Material License**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed a complaint against the following licensee: Ranger Scientific, Inc., Burleson, L02235.

The department intends to revoke the radioactive material license; order the licensee to cease and desist use of such radioactive material; order the licensee to divest himself of the radioactive material; and order the licensee to present evidence satisfactory to the bureau that he has complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of the complaint, the department will not issue an order.

This notice affords the opportunity to the licensee for a hearing to show cause why the radioactive material license should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with Richard A. Ratliff, P.E., Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material license will be revoked at the end of the 30-day period of notice. 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 April 13, 1994.

TRD-9439049 Susan K. Steeg
 General Counsel, Office of General
 Counsel
 Texas Department of Health

Filed: April 13, 1994

**Texas Department of Human Services
Notice of Intent to Procure Family
Violence Services During Fiscal Year
1995**

The Texas Department of Human Services (TDHS) gives this notice of its intention to award contracts for family violence services for the period of September 1, 1994 through August 31, 1995. TDHS plans to contract with the shelters listed in this notice. Other organizations that believe they meet the following qualifications outlined are invited to provide written documentation of those qualifications. If other eligible providers respond to this notice, TDHS will determine the appropriateness of awarding additional contracts.

To be eligible to apply for a contract, a public or private non-profit organization must operate a shelter center for victims of family violence. For at least nine months before the date TDHS awards a contract to a shelter center, the center must have been incorporated (if private) and been portraying itself to the public as a facility that specifically, although not necessarily solely, serves family violence victims; offered shelter services that included at least food and clothing, a 24-hour hotline, community education, information and referral; and had the continuous capacity to offer 24-hour-a-day shelter for at least five victims of family violence. Continuous capacity is defined to include a break in services due to extenuating circumstances for not longer than one month.

If your organization believes it is eligible during fiscal year 1995 and meets the above listed requirements, contact the Family Violence Program Specialist, Connie Berry, at The Texas Department of Human Services, P.O. Box 149030, Mail Code: W-622, Austin, Texas 78714-9030, (512) 450-4151, by May 15, 1994.

The TDHS intends to contract in fiscal year 1995 (September 1-August 31) with the following family violence shelters:

Noah Project	1802 Grape Abilene, Texas 79601
Rio-Pecos Family Crisis Center	P.O. Box 1470 Alpine, Texas 79831
Rape Crisis/Domestic Violence Center of Amarillo, Inc.	900 S. Lincoln Amarillo, Texas 79101
Women's Center of Brazoria County	P.O. Box 476 Angleton, Texas 77516-0476
The Women's Shelter	P.O. Box 1207 Arlington, Texas 76004
Center for Battered Women	P.O. Box 19454 Austin, Texas 78760
Bastrop County Women's Shelter	P.O. Box 736 Bastrop, Texas 78602
Matagorda County Women's Crisis Center	P.O. Box 1820 Bay City, Texas 77414
Bay Area Women's Center	P.O. Box 3735 Baytown, Texas 77522
Women's & Children's Shelter of Southeast Texas	700 North St., Ste. 149 Beaumont, Texas 77201
Friendship of Women, Inc.	P.O. Box 3112 Brownsville, Texas 78520
Phoebe's Home	P.O. Box 3490 Bryan, Texas 77805
Johnson County Family Crisis Center	P.O. Box 43 Cleburne, Texas 76033
Montgomery County Women's Center	P.O. Box 8666 Conroe, Texas 77387-8666
Women's Shelter of Corpus Christi Area	P.O. Box 3368 Corpus Christi, Texas 78463
The Family Place	4211 Cedar Springs #100 Dallas, Texas 75219
Amistad Family Violence and Rape Crisis Center	P.O. Box 420382 Del Rio, Texas 78842
Denton County Friends of the Family, Inc.	P.O. Box 640 Denton, Texas 76202
Safe Place, Inc.	P.O. Box 317 Dumas, Texas 79029

The El Paso Shelter for Battered Women	P.O. Box 26219 El Paso, Texas 79926
Women's Haven of Tarrant County	P.O. Box 1456 Fort Worth, Texas 76101
Women's Resource & Crisis Center of Galveston County, Inc.	P.O. Box 1545 Galveston, Texas 77553
Brighter Tomorrows, Inc.	P.O. Box 532151 Grand Prairie, TX 75053
Women in Need, Inc.	P.O. Box 349 Greenville, Texas 75401
Family Crisis Center	2220 Haine Drive, #32 Harlingen, Texas 78550
Medina County Family Life Center	P.O. Box 393 Hondo, Texas 78861
Houston Area Women's Center	3101 Richmond #150 Houston, Texas 77098
The Roseate, A Better Choice, Inc.	P.O. Box 691789 Houston, Texas 77269
SAAFE House (Walker County Family Violence Council)	P.O. Box 1893 Huntsville, Texas 77342
Cherokee County Crisis Center	P.O. Box 8371 Jacksonville, Texas 75766
Hill Country Crisis Council, Inc.	P.O. Box 1817 Kerrville, Texas 78029
Kilgore Community Center	905 Broadway Kilgore, Texas 75662
Families in Crisis	P.O. Box 25 Killeen, Texas 76540-0025
Catholic Social Services of Laredo	P.O. Box 3305 Laredo, Texas 78041
Women's Center of East Texas	P.O. Box 347 Longview, Texas 75606
Women's Protective Services	3223 S. Loop 289, Ste. 320 Lubbock, Texas 79423
Family Crisis Center	P.O. Box 805 Marble Falls, Texas 78654
Mujeres Unidas/Women Togethe Foundation, Inc.	420 N. 21st Street McAllen, Texas 78501
Permian Basin Center for Battered Women and Their Children	P.O. Box 2942 Midland, Texas 79702

Hope, Inc.	P.O. Box 1622 Mineral Wells, Texas 76067
Women's Shelter of East Texas, Inc.	P.O. Box 630569 Nacogdoches, Texas 75963
Comal County Women's Center	P.O. Box 310344 New Braunfels, Texas 79131
Tra-Lee Crisis Center for Women, Inc.	P.O. Box 2880 Pampa, Texas 79065
Family Haven Crisis & Resource Center, Inc.	1220 Clarksville Paris, Texas 75460
The Bridge Over Troubled Water	P.O. Box 3488 Pasadena, Texas 77501
Panhandle Crisis Center	P.O. Box 502 Perryton, Texas 79070
Hale County Crisis Center	P.O. Box 326 Plainville, Texas 79073
Collin County Women's Shelter	2701-C West 15th, Suite 212 Plano, Texas 75075
Fort Bend County Women's Refuge, Inc.	P.O. Box 183 Richmond, Texas 77469
Williamson County Crisis Center	211 Commerce Cove, #103 Round Rock, Texas 78664
ICD Family Shelter	P.O. Box 5018 San Angelo, Texas 76902
Battered Women's Shelter of Bexar County, Inc.	P.O. Box 10393 San Antonio, Texas 78210
Hays County Women's Center	P.O. Box 234 San Marcos, Texas 78667
Guadalupe County Women's Shelter	P.O. Box 1302 Seguin, Texas 78155
Crisis Center	P.O. Box 2112 Sherman, Texas 75091
Domestic Violence Prevention, Inc.	P.O. Box 712 Texarkana, Texas 75504
East Texas Crisis Center	3027 S.S.E. Loop 323 Tyler, Texas 75701
Women's Crisis Center	P.O. Box 395 Victoria, Texas 77902
Family Abuse Center	P.O. Box 20395 Waco, Texas 76702-0395
First Step, Inc.	P.O. Box 4085 Wichita Falls, Texas 76308

Issued in Austin, Texas, on April 13, 1994.

TRD-9439061 Nancy Murphy
Section Manager, Policy and Document
Support
Texas Department of Human Services

Filed: April 13, 1994

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**Texas Department of Insurance
Company License**

The following applications have been filed with the Texas Department of Insurance and are under consideration:

1. Application for name change in Texas for Main Life Insurance Company, a foreign life, accident and health company. The proposed new name is American Modern Life Insurance Company. The home office is in Cincinnati, Ohio.
2. Application for Admission in Texas for FHP Life Insurance Company, a foreign life, accident and health company. The home office is in Fountain Valley, California.
3. Application for name change in Texas for United Pacific Life Insurance Company, a foreign life, accident and health company. The proposed new name is General Electric Capital Assurance Company. The home office is in Wilmington, Delaware.
4. Application for Admission in Texas for Great States Insurance Company, a foreign fire and casualty company. The home office is in Anaheim, California.
5. Application for name change in Texas for Federal Kemper Insurance Company, a foreign fire and casualty company. The proposed new name is The Insurance Company of Decatur. The home office is in Decatur, Illinois.
6. Application for Admission in Texas for North American Title Insurance Company, a foreign title company. The home office is in Walnut Creek, California.

Issued in Austin, Texas, on April 11, 1994.

TRD-9439037 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: April 13, 1994

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**Posting Policy for Property and Casualty
Lines**

Notice of proposed final action on all individual company filings for property and casualty lines are being posted in the General Liability Section located in Tower II, 3rd Floor of the William Hobby Building, 333 Guadalupe Street, Austin, Texas 78701. Copies of the postings are placed at the Information Desk in the Lobby by end of day every Thursday. The notice includes the following information: description of the filing, deem date, Department contact person, recommendation for approval or disapproval, and final action date. The filings are posted for five working days before final action may be granted. Anyone interested in an individual filing should contact the Department contact person prior to the final action date.

For additional information regarding the posting policy, please contact Angelia Johnson, Director of Operations, Property and Casualty Lines, at (512) 322-4211.

Issued in Austin, Texas, on April 8, 1994

TRD-9438920 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed April 8, 1994

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Third Party Administrator Applications

The following third party administrators (TPA) have been filed with the Texas department of Insurance and are under consideration

1. Application for incorporation in Texas for United Provider Services, Inc., a domestic third party administrator. The home office is in Fort Worth, Texas.

Issued in Austin, Texas, on April 11, 1994

TRD-9439038 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed. April 13, 1994

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**Texas Department of Mental Health
and Mental Retardation
Public Hearing**

The Texas Department of Mental Health and Mental Retardation (TXMHMR) will hold a public hearing at 2 00 p.m., Monday, May 2, 1994, in the Central Office Auditorium located at 909 West 45th Street, Austin, Texas. The purpose of this public hearing will be to accept oral and written testimony concerning proposed amendments to §405.104 (concerning General Requirements) of Chapter 405, Subchapter E, regarding Electroconvulsive Therapy. The amendments prohibit the use of regressive, or deprogramming, ECT and indicate that the use of multiple-monitored ECT requires consultation with another board-certified psychiatrist with training and experience in the use of ECT. The proposed amendments were published in the April 5, 1994, issue of the *Texas Register*. Copies of the proposed amendments are available from the Texas Department of Mental Health and Mental Retardation, Office of Policy Development, 909 West 45th Street, Austin, Texas 78751, or by calling the Office of Policy Development at (512) 206-4516

Individuals requiring an interpreter for the hearing impaired should contact Linda Logan, Director, Policy Development, by calling (512) 206-4516 at least 72 hours prior to the hearing.

Issued in Austin, Texas, on April 7, 1994.

TRD-9438795 Ann Utley
Chair
Texas Board of Mental Health and Mental
Retardation

Filed April 7, 1994

Texas Natural Resource Conservation Commission

Enforcement Orders

An agreed enforcement order was entered regarding Tyler Pipe Industries, Inc (Permit Number 01793) on April 1, 1994, assessing \$42,500 in administrative penalties

Information concerning any aspect of this order may be obtained by contacting Robert Martinez, Staff Attorney, Texas Natural Resource Conservation Commission, P O Box 13087, Austin, Texas 78711-3087, (512) 239-0681

An agreed enforcement order was entered regarding Doyle Wood (Permit Number 03274) on April 1, 1994, assessing \$11,250 in administrative penalties

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Natural Resource Conservation Commission, P O Box 13087, Austin, Texas 78711-3087, (512) 475-4592

Issued in Austin, Texas, on April 8, 1994

TRD-9438911 Gloria A Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed April 8, 1994



An agreed enforcement order was entered regarding Encanto Real Utility District (Expired Permit Number 11303-001; expired March 17, 1992) on March 25, 1994, assessing \$810 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Laurie Jelinek, Enforcement Coordinator, Texas Natural Resource Conservation Commission, P O Box 13087, Austin, Texas 78711-3087, (512) 463-6639.

An enforcement order was entered regarding Huckabee and Sons Dairy, Inc. (Permit Number 03220) on March 25, 1994, assessing \$460 in administrative penalties deferring the entire amount pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Kathy Keils, Staff Attorney, Texas Natural Resource Conservation Commission, P O Box 13087, Austin, Texas 78711-3087, (512) 239-0678

Issued in Austin, Texas, on April 1, 1994

TRD-9438743 Gloria A Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed April 6, 1994



Notices of Application for Permits to Appropriate Public Waters of the State of Texas

Attached are notices of application for permits to appropriate Public Waters of the State of Texas, which were issued

during the period of March 7-31, 1994

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s)

If you wish to request a public hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number, the application number or other recognizable reference to this application, the statement "I/we request a public hearing", a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application, a description of the location of your property relative to the applicant's operations, and your proposed adjustment to the application which would satisfy your concerns and cause you to withdraw your request for hearing.

If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after newspaper publication of this notice, or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing or questions concerning procedures should be submitted in writing to Bill Ehret, Assistant Chief Hearings Examiner, Texas Natural Resource Conservation Commission, P O Box 13087, Austin, Texas 78711, (512) 463-7875

L. R. French, Jr., Application Numbers 12-3561B, 12-3562B, 12-3563B, and 12-3565B seek to amend four Certificates of Adjudication by requesting that the Special Conditions on each certificate be amended to extend the expiration dates to December 31, 2000. Certificate Number 12-3561 authorizes maintenance of existing dam and reservoir and impoundment of water; Sipes Springs Branch, tributary of Copperas (Rush) Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River, Brazos River Basin, diversion and use of not to exceed 248 acre-feet of water per annum from the reservoir for the irrigation of 248 acres of land in Comanche County, Texas. Certificate Number 12-3562 authorizes maintenance of 39 acre-feet capacity exempt reservoir on an unnamed tributary of Copperas (Rush) Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River, Brazos River Basin, diversion and use of not to exceed 56 acre-feet of water per annum from the reservoir for the irrigation of 55 acres of land in Comanche County, Texas. Certificate Number 12-3563 authorizes maintenance of 150 acre-feet capacity exempt reservoir on an unnamed tributary of Copperas (Rush) Creek, tributary of Leon River, tributary of Little River, tributary of Brazos River, Brazos River Basin, diversion and use of not to exceed 100 acre-feet of water per annum from the reservoir for the irrigation of 100 acres of land in Comanche County, Texas. Certificate Number 12-3565 authorizes owner to share in the maintenance of an existing dam and reservoir on an unnamed tributary of Copperas (Rush) Creek, tributary of Leon River, tributary of Little River,

tributary of Brazos River, Brazos River Basin, impoundment therein of not to exceed 236 acre-feet of water; diversion and use of not to exceed 150 acre-feet of water per annum from reservoir for irrigation of 150 acres of land in Comanche County, Texas

W L McPherson, Wendall McPherson, and John McPherson, doing business as McPherson Farms, Application Number 4455B to amend Permit Number 4141 which authorizes diversion and use of 170 acre-feet of water per annum from Brazos River, Brazos River Basin, to irrigate 172 36 acres of land out of 387 28 acres in Hill County Applicants are requesting extension of the expiration date of the water right for an addition term of years

City South Management Corp, Application Number 5479 for a permit to divert and use 566 acre-feet of water per annum from the Guadalupe River, Guadalupe River Basin, based on a Subordination Agreement with the Guadalupe-Blanco River Authority Diverted water will be used to irrigate 283 acres of land out of 485 19 acres located approximately 13 miles southeast of Kerrville, Kerr County, Texas Water will be diverted from the Guadalupe River at a maximum rate of 2 67 cfs (1200 gpm).

Cavern Disposal, Inc, Application Number 08-5064A to amend Certification of Adjudication Number 08-5064 which authorizes maintenance of a 10 acre-foot off-channel reservoir and a one acre-foot impoundment on an unnamed tributary of Saline Branch, tributary of Gaston Branch, tributary of the Trinity River, Trinity River Basin; diversion and use of not to exceed 160 acre-feet of water per annum from the on-channel impoundment at a maximum diversion rate of 1 33 cfs (600 gpm) for mining purposes in Freestone County. Time priority of the owner's right is February 13, 1978, for the impoundments and for the diversion of the first 31 acre-feet of water Time priority for the diversion of the remaining 129 acre-feet of water was April 26, 1982 A special condition in the certificate indicated authorization to divert and use the 129 acre-feet of water with the April 26, 1982, priority expired on December 31, 1992, and became null and void, leaving authorization to divert and use only the 31 acre-feet of water per annum This application 08-5064A seeks to amend Certificate Number 08-5064 to reinstate the authorized diversion and use of the expired 129 acre-feet of water per annum Time priority for the 129 acre-feet would be as of the filing date of this current application (it would NOT be reinstated to the April 26, 1982, priority date)

Trinity River Authority of Texas, Application Number 08-5021B to amend Certificate of Adjudication Number 08-5021 which authorizes the Trinity River Authority of Texas to impound 54,900 acre-feet of water in a U S Army Corps of Engineer reservoir (Bardwell Reservoir) on Waxahachie Creek, tributary of Chambers Creek, tributary of Richland Creek, tributary of the Trinity River, Trinity River Basin Impounded water is authorized to be used for recreational purposes The reservoir is located approximately 15 miles southeast of Waxahachie, Texas, in Ellis County The certificate, as amended, also authorizes the diversion and use of not to exceed 5,280 acre-feet of water per annum for municipal use from the perimeter of Bardwell Reservoir and 4,320 acre-feet of water per annum for municipal use from the perimeter of Bardwell Reservoir and/or from Lake Waxahachie Lake Waxahachie is upstream from Bardwell Reservoir on South Prong Creek, tributary of Waxahachie Creek in Ellis County, approximately four miles south of Waxahachie, Texas The 5 280 acre-feet of water per annum in con-

tracted for use by the City of Ennis and the 4,320 acre-feet of water per annum is contracted for use by Ellis County Water Improvement District Number One The certificate, as amended, includes a time priority of July 30, 1956 The applicant has requested that Certificate Number 08-5021, as amended, be amended to allow the City of Ennis, pursuant to a contract with the applicant, to divert for municipal purposes from the perimeter of Lake Bardwell, water which will be discharged into the lake by the city of Ennis through their wastewater treatment plant The applicant has indicated that the maximum amount of water that will be discharged and reused under this proposed amendment will be 3,696 acre-feet per annum

Colorado River Municipal Water District, Application Number 5480 seeks a permit for authorization to maintain a dam, which increased the capacity of Natural Dam Lake on Sulphur Springs Draw, tributary of Beals Creek, tributary of the Colorado River, Colorado River Basin The lake is in Howard County, approximately 6 5 miles west of Big Spring, Texas The dam was constructed to minimize the possibility of highly mineralized water flowing downstream by storing the water and allowing it to evaporate Natural Dam Lake was created by natural forces before the settlement of Howard County and until 1986, was never known to have spilled, and thus water in the lake has been considered by the Commission as not contributing to the remainder of the flow in the Colorado River Basin Because of the poor quality of the water in the draw, it was the intent by construction of the dam to maintain this "non-contributing" condition Construction of the dam was commenced in 1986 and completed in 1991 Applicant is also requesting authorization to divert and use not to exceed 2, 500 acre-feet of water per annum from the perimeter of the lake at a maximum rate of 3,100 gallons per minute Diverted water would be used for mining purposes in Howard and/or Martin County, Texas

Renato Martinez and wife, Marianella G Martinez, Application Number 5395A to amend Permit Number 5395 which authorizes the diversion and use of 254 acre-feet of water per annum from the San Antonio River, San Antonio River Basin Diverted water is authorized to be used to irrigate 150 acres of land out of a 248,850 acre tract in Wilson County, Texas The permit includes a flow restriction whereby the permittees may only divert water when the flow of the river at USGS Gaging Station Number 08183500 near Falls City equals or exceeds 0 32 cfs (150 gpm) This application seeks to add an additional 196 acre-feet of water to the authorization, bringing the total to 450 acre-feet of water diverted per annum The applicants also seek to irrigate an additional 98 85 acres of land, allowing them to irrigate the entire 248 850 acre tract In addition to the requests of the applicant, it was discovered by Commission staff that the flow restriction contained in the permit was in error and should be changed to reflect the correct restriction of 150 cfs (67, 320 gpm)

Lee W Tschirhart, Application Number 4367A to amend Permit Number 4037 which authorized the diversion and use of 160 acre-feet of water per annum from the Medina River, San Antonio River Basin Diverted water is authorized to be used to irrigate 160 acres of land out of a 162 45 acre tract in Medina County The permit included a flow restriction whereby the permittees may only divert water when the flow of the river at a reference marker just below the permittee's diversion point equals or exceeds 10 cfs The time priority of the owner's right is May 31, 1983 Permit Number 4037 included a term whereby authorizations to divert and use water would expire on

December 31, 1993. Applicant seeks to delete or extend the expiration date.

Issued in Austin, Texas, on March 31, 1994

TRD-9438746

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed April 6, 1994

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**Notices of Application for Waste
Disposal Permits**

Attached are Notices of Application for waste disposal permits. These notices were issued during the period of March 28-April 1, 1994.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a hearing, you must submit your request in writing. You must state your name, mailing address, and daytime phone number, the permit number or other recognizable reference to this application; the statement "I/we request a public hearing", a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application, a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to Kerry Sullivan, Assistant Chief Hearings Examiner, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7908.

Baroid Management Company, a facility which formerly threaded steel pipe and has discontinued all manufacturing operations and currently only remediates contaminated groundwater which is unclassified; at 7707 Wallisville Road in the City of Houston, Harris County, Texas, amendment; 01970.

East Central Independent School District; wastewater treatment facilities; approximately 2,300 feet north of the intersection of Sulphur Springs Road and Stuart Road and approximately 600 feet west of Stuart Road in Bexar County, Texas, new; 13701-01.

Greens Parkway Municipal Utility District; wastewater treatment facilities; approximately 5,000 feet east of the

intersection of Hardy Road and Greens Road, and 400 feet north of Greens Road in Harris County, Texas; renewal; 12754-01.

Hockley Rail Car Inc.; the Hockley Rail Car Wastewater Treatment Facilities; at 17000 Premium Drive, immediately north of Betka Road between Premium Drive and Kermier Road, west of the City of Hockley in Harris County, Texas; renewal, 13472-01.

Lone Star Steel Company; a facility which manufactures steel and fabricates steel pipe and tube; at the intersection of U.S. Highway 259 and State Highway 729, south of the City of Lone Star, Morris County, Texas; amendment; 00348.

Prestonwood Forest Utility District; the Prestonwood Forest Wastewater Treatment Facilities; at 14210 Prestonwood Forest Drive, approximately 3,100 feet east of the intersection of Cypress Creek and FM Road 149, 9.0 miles southeast of the City of Tomball in Harris County, Texas; renewal, 11089-01.

Bill Schouten doing business as B & G Buena Vista Dairy; on the east side of U.S. Highway 281 North, approximately one-half mile north of its intersection with FM Road 219, Hamilton County, Texas; new; 03640.

William D. Smith; wastewater treatment facilities, approximately 100 feet southwest of the intersection of Ramona Road and Vogel Creek at 6901 Ramona in Harris County, Texas; renewal; 12573-01.

Texas A&M University-Corpus Christi; the Coastal Oil Spill Simulation System, a scientific research facility; southeast of the intersection of Yorktown Boulevard and Waldron Road, and south of the southern city limits of the City of Corpus Christi, Nueces County, Texas; new; 03646.

Tyler Pipe Industries, Inc.; a grey iron foundry; north of the intersection of and between U.S. Highway 69 and Jim Hogg Highway (old Lindale Highway) at the Community of Swan, Smith County, Texas, amendment; 01793.

U.S. Department of the Navy; the Corpus Christi Naval Air Station, which conducts aircraft service and repair operations; at the naval air station east of Cayo del Oso, at the end of Ocean Drive and east of the City of Corpus Christi, Nueces County, Texas; amendment, 02317.

Valero Refining Company; a petroleum refinery which processes petroleum and associated products, at 5900 Up River Road in the City of Corpus Christi, Nueces County, Texas, amendment; 01909.

West Harris County Municipal Utility District Number 11; wastewater treatment facilities, adjacent to the west side of the Sam Houston Toll Road and the north side of a Harris County Flood Control Ditch, south of West Road and east of White Oak Bayou in Harris County, Texas; new; 13689-01.

Issued in Austin, Texas, on April 1, 1994.

TRD-9438742

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed April 6, 1994

Attached are Notices of Application for waste disposal permits. These notices were issued during the period of April 4-8, 1994.

These applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or requests for hearing within 30 days of the date of newspaper publication of notice concerning the application(s).

If you wish to request a public hearing, you must submit your request in writing. You must state: your name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed adjustment to the application/permit which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit 30 days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to Kerry Sullivan, Assistant Chief Hearings Examiner, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7908.

Aldine Independent School District; the Chrisman Road Plant Wastewater Treatment Facilities; the plant site is in the northeast corner of T.S. Grantham M.S Campus at 13800 Chrisman Road, approximately 1,900 feet north of the intersection of Aldine Mail Road and Chrisman Road and 1,350 feet east of Chrisman Road in Harris County, Texas; renewal; 12070-02.

C. L. Hall; a dairy; the dairy is approximately one mile southwest of the intersection of FM Road 514 and FM Road 275, approximately seven miles east of the City of Point in Rains County, Texas; new; 03647.

Carlsberg Management Company; the Meadow Glen Mobile Home Park Wastewater Treatment Facilities; the facilities are in Meadow Glen Estates along the east side of Old Denton Road approximately 2.5 miles west of U.S. Highway 377 and 0.5 mile north of Keller-Hicks Road in Tarrant County, Texas; renewal; 12768-01.

Chateau Woods Municipal Utility District; the wastewater treatment plant; is 600 feet north of the intersection of Longleaf Drive and Beech Street in Chateau Woods subdivision in Montgomery County, Texas; new; 13700-01.

Chilton Water Supply and Sewer Service Corporation; the wastewater treatment plant; is approximately 0.7 mile east of State Highway 77 and one mile south of the City of Chilton, just northeast of the crossing of Deer Creek by Old Highway 77 in Falls County, Texas; amendment; 10811-01.

Forest Hills Municipal Utility District, the wastewater treatment plant; is south of Frick Road, approximately 2.5 miles northwest of Mt. Houston Road and Veterans Memorial Drive (formerly Stuebner Airline Road) in Harris County, Texas; amendment; 11807-01.

Lafarge Corporation; the Chalk Hill Plant, a non-leaching process cement plant; the plant site is approximately 3,600 feet northwest of the intersection of U.S. Highway 80 with Westmoreland Avenue in the City of Dallas, Dallas County, Texas; renewal; 01730.

Ozark-Mahoning Company; the Seagraves Plant which produces sodium sulphate from brine obtained from wells near the plant site; the plant site is at a site one mile south of FM Road 1066 and 2.4 miles west of the FM Roads 1066/1067 intersection about 8.5 miles southeast of the Town of Loop, Gaines County, Texas; new; 03642.

Pacific Southwest Bank; the wastewater treatment facilities; are approximately 2.2 miles east of the intersection of FM Road 1960 and Windfern Road and approximately 1.8 miles south of the intersection of FM Road 1960 and FM Road 149 in Harris County, Texas; renewal; 13433-01.

Shelbyville Independent School District; the wastewater treatment plant; is approximately 300 feet east of the football field at the Shelbyville School in the southern portion of Shelbyville in Shelby County, Texas; renewal; 13370-01.

City of Teague; the North Wastewater Treatment Facilities; the plant site is approximately 3,000 feet east of the intersection of U.S. Highway 84 and FM Road 1367 in Freestone County, Texas; renewal; 10300-02.

Texas Department of Criminal Justice; the Ellis II Unit Wastewater Treatment Facilities; the plant site is on the Smither's Farm Road, outside the southeast corner of the security compound of the Ellis II Unit; approximately two miles north of the intersection of FM Road 980 and Turkey Creek in Walker County, Texas; renewal; 11180-02.

Tyler Pipe Industries; a grey iron foundry; the plant site is north of the intersection of and between U.S. Highway 69 and Jim Hogg Highway (old Lindale Highway) at the Community of Swan, Smith County, Texas; amendment; 01793.

City of Willis; the wastewater treatment facilities; are two miles south of the City of Willis and 200 yards west of the U.S. Highway 75 crossing of the East Fork of Crystal Creek in Montgomery County, Texas; amendment; 10315-01.

Issued in Austin, Texas, on April 8, 1994.

TRD-9438925

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 8, 1994

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**Notice of Opportunity to Comment on
Permitting Actions**

The following applications are subject to a Commission resolution adopted August 18, 1993, which directs the Commission's Executive Director to act on behalf of the Commission and issue final approval of certain permit matters. The Executive Director will issue the permits unless one or more persons file written protests and/or

requests for hearing within ten days of the date notice concerning the application(s) is published in the *Texas Register*.

If you wish to request a public hearing, you must submit your request in writing. You must state: your name, mailing address, and daytime phone number; the permit number or other recognizable reference to this application; the statement "I/we request a public hearing"; a brief description of how you, or the persons you represent, would be adversely affected by the granting of the application; a description of the location of your property relative to the applicant's operations; and your proposed conditions which would satisfy your concerns and cause you to withdraw your request for hearing. If one or more protests and/or requests for hearing are filed, the Executive Director will not issue the permit and will forward the application to the Office of Hearings Examiners where a hearing may be held. If no protests or requests for hearing are filed, the Executive Director will sign the permit ten days after publication of this notice or thereafter. If you wish to appeal a permit issued by the Executive Director, you may do so by filing a written Motion for Reconsideration with the Chief Clerk of the Commission no later than 20 days after the date the Executive Director signs the permit.

Requests for a public hearing on this application should be submitted in writing to the Chief Clerk's Office, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Application by Chemical Waste Management, Inc. for a Minor Amendment to Permit Number WDW-70, in order to incorporate the Hazardous and Solid Waste Amendments (HSWA) variance no-migration petition approval conditions. The minor amendment will incorporate injection zone and injection interval language and depths, EPA hazardous waste codes and restrictive pH and specific gravity values as required by the no-migration petition approval conditions. The currently permitted injection zone is the Miocene Sands at the approximate subsurface depths of 3,470 to 4,800 feet below ground level and the currently permitted injection interval is at the approximate subsurface depths of 4,200 to 4,720 feet within the injection zone. The proposed injection zone is the Miocene Sands at the approximate subsurface depths of 3,470 to 4,722 feet below ground level. The proposed injection interval is the Miocene Sands at the approximate subsurface depths of 4,525 to 4,722 feet within the injection zone. The maximum rate of injection remains at 150 gallons per minute. Permit Number WDW-70 authorizes operation of a hazardous waste disposal well for commercial waste disposal. The waste disposal well is located approximately 385.2 feet from the northeast line and approximately 251.5 feet from the southeast line of Tract 2, W. T. Robinson Farm Tracts in Section 15 of the Bohemian Colony Lands Survey in Nueces County, Texas.

Application by San Elizario Independent School District, for a Minor Amendment to Permit Number 13380-01 in order to add an equalization basin to the existing facility in order to contain peak flows experienced at this facility. The permit currently authorizes a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 40,000 gallons per day, which will remain the same. The San Elizario School Wastewater Treatment Facilities are at 12280 Socorro Road in El Paso County, Texas.

Application Number 23-182B by Kenneth Owens and David Polston for a Texas Water Code, §11.122, Water

Use Permit Application. Amendment to Certificate Number 23-182, as amended, to change purpose of use of 62.5 acre-feet of Class "B" irrigation water they own under Certificate of Adjudication Number 23-195, to mining use and change the diversion point and place of use, Rio Grande, Rio Grande Basin, Zapata, Starr, and Hidalgo Counties, Texas.

Application Number 23-195A by Kenneth Owens and David Polston for a Texas Water Code, §11.122, Water Use Permit Application. Amendment to Certificate Number 23-195, as amended, to change purpose of use of 10.69 acre-feet of Class "B" irrigation water they own under Certificate of Adjudication Number 23-195, to mining use and change the diversion point and place of use, Rio Grande, Rio Grande Basin, Zapata, Starr, and Hidalgo Counties, Texas.

Application Number 23-467A by Kenneth Owens for a Texas Water Code, §11.122, Water Use Permit Application. Amendment to Certificate Number 23-467, to change purpose of use of 48.75 acre-feet of Class "B" irrigation water he owns under Certificate of Adjudication Number 23-467, to mining use and change the diversion point and place of use, Rio Grande, Rio Grande Basin, Zapata, Starr, and Hidalgo Counties, Texas.

Application of HUI Enterprises, Inc., Application #30302-C, for a Water Certificate of Convenience and Necessity in Walker County, Texas.

Issued in Austin, Texas, on April 8, 1994.

TRD-9438893
Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 8, 1994

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**Notices of Receipt of Applications and
Declaration for Administrative
Completeness for Sludge Registrations**

Attached are Notices of Receipt of Applications and Declaration of Administrative Completeness for sludge registrations issued during the period of April 4-8, 1994.

These applications have been determined to be administratively complete, and will now be subject to a technical evaluation by the staff of the Texas Natural Resource Conservation Commission. Persons should be advised that these applications are subject to change based on evaluations of the proposed treatment levels, treatment processes, and site-specific conditions as they relate to the protection of the environment and public health.

Persons desiring a public meeting regarding these applications should submit a written request to the Chief Clerk of the Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711. The request should contain: the name, mailing address, and phone number of the person making the request; and the reason a public meeting is desired. The deadline for submitting this request is 30 days from the date which the application was posted for public review.

Information concerning these applications may be obtained by contacting the Texas Natural Resource Conservation

Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

James R. Maxted, Inc.; bounded on the east and south by FM Road 586 and on the west by Brown County Road Number 162, approximately 3.5 miles south of Bangs, Brown County, Texas; new beneficial sludge use site; 710679.

City of Weslaco; located on the west side of Airport Drive, north of the water treatment plant, approximately 0.75 mile northeast of the City of Weslaco, Hidalgo County, Texas; new beneficial sludge use site; 710677.

Issued in Austin, Texas, on April 8, 1994.

TRD-9438926

Gloria A. Vasquez
Chief Clerk
Texas Natural Resource Conservation
Commission

Filed: April 8, 1994

Public Notice

The Texas Natural Resource Conservation Commission (TNRCC) announces the availability of grant funding to be awarded to municipal and county governments, public waste management entities, and regional planning commissions (councils of governments) to enable the establishment or enhancement of comprehensive programs designed to reduce the generation of municipal solid waste ("MSW"); and increase the collection, processing, and marketability for reuse, recycling, and/or source-separated composting of various components of MSW. This grant program is intended to assist municipal and county governments and public waste management entities with their comprehensive efforts to reduce, recycle, and compost components of MSW. Multiple grants are expected to be awarded.

It is anticipated that the maximum award will be \$500,000 and the minimum award will be \$100,000. The funded program components are expected to begin no earlier than June 1, 1994, and shall be completed no later than August 31, 1995. The deadline for applying for a grant will be 5:00 p.m., Tuesday, June 7, 1994.

In order to be considered for funding, applications must be prepared and submitted in accordance with the printed guidelines which are available from TNRCC as part of Grant Application Packet Number 94CRRC. Government or public entity representatives to call or write J. Roger Jay, Assistant Grants Coordinator at the TNRCC, Municipal Solid Waste Division, at (512) 239-6698 or P.O. Box 13087, Austin, Texas 78711-3087 and request Grant Application Packet Number 94CRRC.

A sample contract will be included in the Grant Application Packet in an effort to expedite the negotiation of contracts. Although the TNRCC recognizes particular needs of various applicants, major deviation from the sample contract should not be expected.

Applicants eligible to receive funding include Texas municipal and county governments, and public waste management entities.

Issued in Austin, Texas, on April 13, 1994.

TRD-9439043

Mary Ruth Holder
Director, Legal Service Division
Texas Natural Resource Conservation
Commission

Filed: April 13, 1994

North Central Texas Council of Governments

Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the January 25, 1994, issue of the *Texas Register* (19 TexReg 547). The consultant is to conduct a Fixed-Route Service Review for Dallas Area Rapid Transit.

The consultant selected to perform this study is Booz, Allen and Hamilton, Inc., 523 West Sixth Street, Suite 650, Los Angeles, California 90014. The maximum amount of this contract is \$274,717. The contract begins April 4, 1994, and will terminate in approximately seven months.

At the conclusion of this project, the consultant will document the findings, analyses, and conclusions of the study in a final report.

Issued in Austin, Texas, on March 31, 1994.

TRD-9438721

Mike Eastland
Executive Director
North Central Texas Council of
Governments

Filed: April 6, 1994

Texas Department of Public Safety Extension of Submission Deadline

The Emergency Management Service, Texas Department of Public Safety, announces that it extends the deadline for receipt of proposals previously published in the February 22, 1994, issue of the *Texas Register* to gather information needed to facilitate the safe and efficient evacuation, care, and shelter of special needs population from Corpus Christi to San Antonio. The RFP solicits proposals to develop a model community database that will permit self-identification of special needs population; a community-based planning model, and a marketing of public relations strategy that can be utilized by jurisdictions to enhance emergency management evacuation plans in support of special needs populations. Agencies are invited to submit proposals which will relate to the current state of preparedness and the need to develop an instrument to measure the availability of support services to the special needs population. Such proposals should address the development of methodologies and strategies to be considered in identifying the physical, mental, and emotional requirements that must be met by the servicing governmental entities from Corpus Christi to San Antonio.

Agencies wishing to respond to this request must have superior recognized expertise and specialize in health and human service delivery activities. The instructions which detail information regarding this project are available upon request from the Emergency Management Service, Texas Department of Public Safety. The deadline for receipt of proposals in response to this request is May 13, 1994.

The Emergency Management Service, Texas Department of Public Safety, reserves the right to accept or reject any proposal submitted and is under no legal requirement to execute a resulting contract on the basis of this advertisement. The Emergency Management Service, Texas Department of Public Safety, intends to use responses as a basis for further negotiations of specific project details. The Emergency Management Service, Texas Department of Public Safety, will base its choice on cost, demonstrated competence, superior qualifications, and evidence of conformance with the established standards and criteria. The Emergency Management Service, Texas Department of Public Safety, shall not designate and will not pay commissions to an agent of record or a commissioned representative.

This Request for Proposal does not commit the Emergency Management Service, Texas Department of Public Safety, to pay any costs incurred prior to execution of a contract. Issuance of this material in no way obligates the Emergency Management Service, Texas Department of Public Safety, to award a contract or pay any costs incurred in the preparation of a response. The Emergency Management Service, Texas Department of Public Safety, specifically reserves the right to vary all provisions set forth at any time prior to execution of a contract where the Emergency Management Service, Texas Department of Public Safety, deems it to be in its best interest.

To obtain copies of the Request for Proposal instructions, please submit a written request to Golda Brock, Contract Administrator, Emergency Management Service, Texas Department of Public Safety, 5805 North Lamar Boulevard, Austin, Texas 78773. For questions or further information regarding this notice, contact Golda Brock at (512) 465-2438.

Issued in Austin, Texas, on April 7, 1994.

TRD-9438804 John C. West, Jr.
Chief of Legal Services
Texas Department of Public Safety

Filed: April 7, 1994

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Public Utility Commission of Texas

Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of a customer-specific contract for Billing and Collection Services.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for Approval of Billing and Collections Services with Touch 1, Inc., pursuant to Public Utility Commission Substantive Rule 23.27. Tariff Control Number 12903.

The Application. Southwestern Bell Telephone Company is requesting approval of a customer-specific contract for Billing and Collection Services with Touch 1, Inc. The geographic service market for this specific service is within the state of Texas where Touch 1, Inc. provides service to Southwestern Bell and user customers.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas at

7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 6, 1994.

TRD-9438809 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 7, 1994

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Notice of Intent to File Pursuant to Public Utility Commission Substantive Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific Plexar-Custom Service for Austin Community College, Austin, Texas.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Austin Community College pursuant to Public Utility Commission Substantive Rule 23.27. Docket Number 12905.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for Austin Community College. The geographic service market for this specific service is the Austin, Texas area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on April 6, 1994.

TRD-9438810 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 7, 1994

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Notice of Proceeding for Approval of Extended Area Service

Notice is given to the public of the filing with the Public Utility Commission of Texas of a joint petition on March 23, 1994, seeking approval of optional one-way extended area service (EAS) pursuant to the Public Utility Commission of Texas substantive rules, §23.49(b)(8). The following is a summary of the joint petition:

Project Title and Number: *Joint Petition of Contel of Texas, Inc. to Provide Optional Local Calling Plans from the Quinlan Exchange to the Dallas Metropolitan, Royce City, and Rockwall Exchanges*, Project Number 11565, before the Public Utility Commission of Texas.

The Joint Petition: In Project Number 11565, Contel of Texas, Inc. and the Quinlan exchange approval of a joint petition to offer optional, one-way EAS to customers residing within the Quinlan exchange to the Dallas Metropolitan, Royce City, and Rockwall exchanges. Customers wishing to subscribe to EAS will have two options. Under

the Community Calling Plan, customers will pay currently approved local service charges plus a proposed \$1.00 monthly subscription fee and proposed usage rates as follows:

Community Calling Plan			
<u>Rate Band</u>	<u>Miles</u>	<u>First Minute</u>	<u>Each Additional Minute</u>
A	0-7	.030	
B	8-14	.042	.015
C	15-21	.060	.021
D	22-28	.084	.030
E	29+	.093	.042
			.054

The previously referenced rates shall be discounted as follows:

<u>Discounted Time Period</u>	<u>Amount of Discount</u>
5:00 p.m. to 11:00 p.m. Monday through Friday and Sunday	25%
11:00 p.m. to 8:00 a.m. daily	40%
8:00 a.m. to 5:00 p.m. Sunday	40%
All day Saturday, and the following holidays: New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day	40%

Customers choosing the Premium Calling Plan will pay the currently approved local service charges plus proposed monthly flat rates as follows:

Premium Flat-Rate Calling Plan Additives

<u>Class of Service</u>	<u>One-Way PCP Additive</u>
1-Party Res.	\$ 16.75
1-Party Bus.	36.70
Key	42.90
PBX	59.95

Issued in Austin, Texas, on April 8, 1994.

TRD-9438892

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 8, 1994

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Office at (512) 458-0256 by Monday, June 20, 1994. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.



Request for Comments on Telecommunications Utility Data Report Questionnaires

Texas law directs the Public Utility Commission (the Commission) to report biennially to the Legislature on the scope of competition in telecommunications markets. Public Utility Regulatory Act (PURA), <*>18(k) and (p), Texas Civil Statutes, Article 1446c. Draft questionnaires have been designed to gather data necessary for the Commission to carry out this duty. The Telephone Utility Analysis Division requests comments on these questionnaires, which the Commission will send to local and long-distance telecommunications utilities. The questionnaires will call for information on revenues, number of customers, minutes of use and other matters relevant to the scope of competition in telecommunications markets, for the period from June 1992-June 1994.

Copies of the draft questionnaires may be picked up at the Commission's Telephone Division, 7800 Shoal Creek Boulevard, Austin, Texas. Interested persons are invited to provide comments or suggestions on revisions or additions to the questionnaires. Any such comments should contain a reference to Project Number 12202 and should be submitted, six copies, within 20 days after publication of this announcement, to John M. Renfrow, Secretary of the Commission, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757. Questions about the questionnaire should be directed to Todd Baker at (512) 458-0149.

Issued in Austin, Texas, on April 7, 1994.

TRD-9438808 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: April 7, 1994

Railroad Commission of Texas Notice of Extension of Time for Filing Comments

The Railroad Commission of Texas published in the March 1, 1994, issue of the *Texas Register* three proposed new rules, which constitute the commission's Emergency Gas Shortage Response Plan. The proposed rules describe the specific steps the commission would take in determining whether there is an emergency supply shortage of LP-gas and/or natural gas. The first rule, proposed new §3.84 (19 TexReg 1429), relates to agency procedures for determining whether there exists a natural gas supply emergency, and if so, the procedures by which the commission will implement emergency response actions. The second, proposed new §7.91 (19 TexReg 1430), relates to the human-needs natural gas supply reliability program. The third, proposed new §9.31 (19 TexReg 1431), relates to LP-gas regional supply emergency response. The commission provided that comments on each of these proposed new rules would be accepted for 30 days after publication in the *Texas Register*.

Texas Mid-Continent Oil and Gas Association requested that the comment period be extended for 60 days to ensure adequate time for comments from a wider industry base.

The commission has granted the requested extension of time, and the comment period thereby has been extended until May 31, 1994.

Comments should be submitted Thomas D. Petru, Director, Liquefied Petroleum Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967. For further information, please call (512) 463-6949.

Issued in Austin, Texas, on April 7, 1994.

TRD-9438822 Mary Ross McDonald
Assistant Director, Legal Division Gas
Utilities/L.P.-Gas Section
Railroad Commission of Texas

Filed: April 7, 1994

Notice of Public Hearing

The Railroad Commission of Texas will conduct a public hearing to receive oral and written comments on a proposed rule concerning the creation and operation of the propane alternative fuels advisory committee of the commission, on Thursday, April 28, 1994, beginning at 10:00 a.m., at the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, and concluding no later than noon the same day. The room number for the hearing will be posted on a bulletin board in the first floor lobby of the William B. Travis Building the morning of the hearing. The hearing may adjourn as early as 11:00 a.m. if all persons who have signed up to make oral comments have done so by that time. The proposed rule was published in the February 8, 1994, issue of the *Texas Register* (19 TexReg 857).

Any interested person wishing to speak must sign up to do so by 11:00 a.m. the day of the hearing. Any interested person may appear and offer comments, either orally or in writing; however, questioning for those making presentations will be reserved exclusively for the presiding officers as may be necessary to ensure a complete record. While any interested person who has signed up to speak and who has pertinent comments will be granted an opportunity to speak during the hearing, the presiding officers may limit the time for oral presentations, depending upon the number of speakers, to allow all interested persons an opportunity to comment. The presiding officers may also restrict comments to avoid duplication. Organizations, associations, and groups are encouraged to present their commonly held views and identical or similar comments through a single representative member where possible. Comments on the proposed rule should include citation to sections, subsections, paragraphs, etc., for proper reference. Any suggestions or requests for alternative language or other revisions in the text of the proposed rule should be submitted in written form to ensure accuracy. Presentations must remain pertinent to the issue being discussed. A person may not assign a portion of his or her time to another speaker. A person who disrupts the public hearing must leave the hearing room if ordered to do so by the presiding officers.

Any person with a disability who needs auxiliary aids and/or services in order to have an equal opportunity to communicate and participate effectively in this public hearing must request such aids or services by 3:00 p.m., Wednesday, April 20, 1994, by notifying the Personnel Office of the Railroad Commission by mail at P.O. Box

12967, Austin, Texas 78711-2967 or by telephone at (512) 463-7327 or TDD Number (512) 463-7284.

Issued in Austin, Texas, on April 12, 1994.

TRD-9438989 Mary Ross McDonald
Assistant Director, Legal Division Gas
Utilities/LP-Gas Section
Railroad Commission of Texas

Filed: April 12, 1994

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The University of Texas System
The University of Texas Health Science
Center at Houston—Notice of Award
for Consulting Services

In accordance with Texas Civil Statutes, Article 6252-11c, the University of Texas Health Science Center at Houston (UTHSC-H) makes this notice of consultant contract award. The Request for Proposal was published in the January 28, 1994, issue of the *Texas Register* (19 TexReg 659).

The said consultant will advise and assist the UTHSC-H in formulating an Employee Trip Reduction Program (ETRP) as mandated by the Federal Clean Air Act Amendment of 1990. The goal of the ETRP is to raise the average vehicle occupancy rate of UTHSC-H employees to 1.47. To reach this goal the said consultant will assist the UTHSC-H in registering each worksite with 100 or more employees with the Texas Natural Resource Conservation Commission (TNRCC), selecting a Employee Transportation Coordinator, and conducting a survey of current employee commute behavior. The survey results will be utilized to formulate the ETRP which will include descriptions of the planned evaluation and tracking methodologies which will be submitted to the TNRCC by May 15, 1995.

The awarded consultant is Transportation Management Services, 959 East Walnut Street, Suite 200, Pasadena, California 91106-1451. The total cost of the contract will not exceed \$25,605, with the term of the contract beginning April 1, 1994, and ending on August 15, 1994.

Questions concerning this award can be directed to Doug Bowerman, Procurement Officer, UTHSC-H Purchasing Department, P.O. Box 20036, Houston, Texas 77225, or call (713) 792-4984.

Issued in Austin, Texas, on April 11, 1994.

TRD-9438968 Arthur H. Dilly
Executive Secretary to the Board
The University of Texas System

Filed: April 11, 1994

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Texas Water Development Board
Consultant Proposal Request

Request for Consulting Services: The Texas Water Development Board, pursuant to the provisions of Government Code, Chapter 2254, Subchapter B, invites private consultants to provide offers to the Board for the training of teams under total quality management principles.

The Board seeks training initially of two teams, consisting of a total of approximately 16 members, beginning in the

month of May, 1994, and two additional teams during the summer of 1994. Teams should be trained in high performance team mechanics to include team goals, types, roles, dynamics, methods, structure, roadmaps and the skills required to guide a team to high-performance quickly. During the training, the consultant will be required to serve as Coach, helping decision-making on current issues and speeding team progress; Trainer, presenting productivity concepts; and Mediator, helping the team confront unresolvable conflicts.

Additionally, the training should include skill development in project management and meeting skills.

The result of the training should be teams armed with skills to perform and which have developed or made substantial progress to developing a team charter and plan to achieve goals negotiated with a team sponsor. Trainers should be skilled both in instruction and facilitation of teams.

The services sought relate to services previously provided by Viability Group, Inc. The Board intends to award the contract for consulting services to Viability Group, Inc. unless a better offer is received.

Contact Person: Consultants who wish to make an offer under this proposal may contact Earline Baker, Total Quality Management Coordinator, at P.O. Box 13231, Austin, Texas, 78711, (512) 475- 2807, Fax (512) 475-2053. Proposals should be submitted to Ms. Baker.

Closing Date for Receipt of Offers: All offers must be sent to Earline Baker, Texas Water Development Board, 1700 North Congress Avenue, P.O. Box 13231, Austin, Texas, 78711. Proposals must be received at the above offices of the Board by 5 p.m. Central Daylight Time on May 3, 1994.

Procedure for Award of Contract: The consultant selected must demonstrate an ability to perform the training within the time frame specified by the Board, and must have demonstrated experience in training and facilitating teams in the approach desired. Offers should include a description of the proposed training program, list of persons who will be used to design the training and of the trainers, qualifications of the consultant and trainers, and price. The acceptance of an offer by the Board will be based on experience, proposed approach, and cost. The proposals will be reviewed and ranked by members of the Board's quality leadership council.

Disclosure by Former Employees of a State Agency: Any individual who offers to provide consulting services under the proposal who has been employed by the Board or by another agency at any time during the two years preceding the making of the offer shall disclose in the offer the nature of the previous employment with the agency or other agency, the date the employment was terminate, and the annual rate of compensation for the employment at the time of termination.

Issued in Austin, Texas, on April 13, 1994.

TRD-9439060 Suzanne Schwartz
General Counsel
Texas Water Development Board

Filed: April 13, 1994

1994 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1994 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on March 11, July 22, November 11, and November 29. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON.	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
1 Tuesday, January 4	Wednesday, December 29	Thursday, December 30
2 Friday, January 7	Monday, January 3	Tuesday, January 4
3 Tuesday, January 11	Wednesday, January 5	Thursday, January 6
4 Friday, January 14	Monday, January 10	Tuesday, January 11
5 Tuesday, January 18	Wednesday, January 12	Thursday, January 13
Friday, January 21	1993 ANNUAL INDEX	
6 Tuesday, January 25	Wednesday, January 19	Thursday, January 20
7 Friday, January 28	Monday, January 24	Tuesday, January 25
8 Tuesday, February 1	Wednesday, January 26	Thursday, January 27
9 Friday, February 4	Monday, January 31	Tuesday, February 1
10 Tuesday, February 8	Wednesday, February 2	Thursday, February 3
11 Friday, February 11	Monday, February 7	Tuesday, February 8
12 Tuesday, February 15	Wednesday, February 9	Thursday, February 10
13 Friday, February 18	Monday, February 14	Tuesday, February 15
14 Tuesday, February 22	Wednesday, February 16	Thursday, February 17
15 *Friday, February 25	Friday, February 18	Tuesday, February 22
16 Tuesday, March 1	Wednesday, February 23	Thursday, February 24
17 Friday, March 4	Monday, February 28	Tuesday, March 1
18 Tuesday, March 8	Wednesday, March 2	Thursday, March 3
Friday, March 11	NO ISSUE PUBLISHED	
19 Tuesday, March 15	Wednesday, March 9	Thursday, March 10
20 Friday, March 18	Monday, March 14	Tuesday, March 15
21 Tuesday, March 23	Wednesday, March 16	Thursday, March 17
22 Friday, March 25	Monday, March 21	Tuesday, March 22
23 Tuesday, March 29	Wednesday, March 23	Thursday, March 24
24 Friday, April 1	Monday, March 28	Tuesday, March 29
25 Tuesday, April 5	Wednesday, March 30	Thursday, March 31
26 Friday, April 8	Monday, April 4	Tuesday, April 5
27 Tuesday, April 12	Wednesday, April 6	Thursday, April 7
Friday, April 15	FIRST QUARTERLY INDEX	
28 Tuesday, April 19	Wednesday, April 13	Thursday, April 14

29 Friday, April 22	Monday, April 18	Tuesday, April 19
30 Tuesday, April 26	Wednesday, April 20	Thursday, April 21
31 Friday, April 29	Monday, April 25	Tuesday, April 26
32 Tuesday, May 3	Wednesday, April 27	Thursday, April 28
33 Friday, May 6	Monday, May 2	Tuesday, May 3
34 Tuesday, May 10	Wednesday, May 4	Thursday, May 5
35 Friday, May 13	Monday, May 9	Tuesday, May 10
36 Tuesday, May 18	Wednesday, May 11	Thursday, May 12
37 Friday, May 20	Monday, May 16	Tuesday, May 17
38 Tuesday, May 24	Wednesday, May 18	Thursday, May 29
39 Friday, May 27	Monday, May 23	Tuesday, May 24
40 Tuesday, May 31	Wednesday, May 25	Thursday, May 26
41 *Friday, June 3	Friday, May 27	Tuesday, May 31
42 Tuesday, June 7	Wednesday, June 1	Thursday, June 2
43 Friday, June 10	Monday, June 6	Tuesday, June 7
44 Tuesday, June 14	Wednesday, June 8	Thursday, June 9
45 Friday, June 17	Monday, June 13	Tuesday, June 14
46 Tuesday, June 21	Wednesday, June 15	Thursday, June 16
47 Friday, June 24	Monday, June 20	Tuesday, June 21
48 Tuesday, June 28	Wednesday, June 22	Thursday, June 23
49 Friday, July 1	Monday, June 27	Tuesday, June 28
50 Tuesday, July 6	Wednesday, June 29	Thursday, June 30
51 *Friday, July 8	Friday, July 1	Tuesday, July 5
Tuesday, July 12	SECOND QUARTERLY INDEX	
52 Friday, July 15	Monday, July 11	Tuesday, July 12
53 Tuesday, July 19	Wednesday, July 13	Thursday, July 14
Friday, July 22	NO ISSUE PUBLISHED	
54 Tuesday, July 26	Wednesday, July 20	Thursday, July 21
55 Friday, July 29	Monday, July 25	Tuesday, July 26
56 Tuesday, August 2	Wednesday, July 27	Thursday, July 28
57 Friday, August 5	Monday, August 1	Tuesday, August 2
58 Tuesday, August 9	Wednesday, August 3	Thursday, August 4
59 Friday, August 12	Monday, August 8	Tuesday, August 9
60 Tuesday, August 16	Wednesday, August 10	Thursday, August 11
61 Friday, August 19	Monday, August 15	Tuesday, August 16
62 Tuesday, August 23	Wednesday, August 17	Thursday, August 18
63 Friday, August 26	Monday, August 22	Tuesday, August 23
64 Tuesday, August 30	Wednesday, August 24	Thursday, August 25
65 Friday, September 2	Monday, August 29	Tuesday, August 30
66 Tuesday, September 6	Wednesday, August 31	Thursday, September 1
67 *Friday, September 9	Friday, September 2	Tuesday, September 6

68 Tuesday, September 13	Wednesday, September 7	Thursday, September 8
69 Friday, September 16	Monday, September 12	Tuesday, September 13
70 Tuesday, September 20	Wednesday, September 14	Thursday, September 15
71 Friday, September 23	Monday, September 19	Tuesday, September 20
72 Tuesday, September 27	Wednesday, September 21	Thursday, September 22
73 Friday, September 30	Monday, September 26	Tuesday, September 27
74 Tuesday, October 4	Wednesday, September 28	Thursday, September 29
75 Friday, October 7	Monday, October 3	Tuesday, October 4
Tuesday, October 11	THIRD QUARTERLY INDEX	
76 Friday, October 14	Monday, October 10	Tuesday, October 11
77 Tuesday, October 18	Wednesday, October 12	Thursday, October 13
78 Friday, October 21	Monday, October 17	Tuesday, October 18
79 Tuesday, October 25	Wednesday, October 19	Thursday, October 20
80 Friday, October 28	Monday, October 24	Tuesday, October 25
81 Tuesday, November 1	Wednesday, October 26	Thursday, October 27
82 Friday, November 4	Monday, October 31	Tuesday, November 1
83 Tuesday, November 8	Wednesday, November 2	Thursday, November 3
Friday, November 11	NO ISSUE PUBLISHED	
84 Tuesday, November 15	Wednesday, November 9	Thursday, November 10
85 Friday, November 18	Monday, November 14	Tuesday, November 15
86 Tuesday, November 22	Wednesday, November 16	Thursday, November 17
87 Friday, November 25	Monday, November 21	Tuesday, November 22
Tuesday, November 29	NO ISSUE PUBLISHED	
88 Friday, December 2	Monday, November 28	Tuesday, November 29
89 Tuesday, December 6	Wednesday, November 30	Thursday, December 1
90 Friday, December 9	Monday, December 5	Tuesday, December 6
91 Tuesday, December 13	Wednesday, December 7	Thursday, December 8
92 Friday, December 16	Monday, December 12	Tuesday, December 13
93 Tuesday, December 20	Wednesday, December 14	Thursday, December 15
94 Friday, December 23	Monday, December 19	Tuesday, December 20
95 Tuesday, December 27	Wednesday, December 21	Thursday, December 22
96 Friday, December 30	Friday, December 23	Tuesday, December 27