

Texas Register

Volume 18, Number 2, January 5, 1993

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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 Sections - sections adopted by state agencies on an emergency basis.

Proposed Sections - sections proposed for adoption.

Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Sections - 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 18 (1993) is cited as follows: 18 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 "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

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

Texas Administrative Code

The Texas Administrative Code (TAC) is the official compilation of all final state agency rules published in the Texas Register. Following its effective date, a rule is entered into the Texas Administrative Code. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC. West Publishing Company, the official publisher of the TAC, 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
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 22, April 16, July 13, and October 12, 1993). 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.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
40 TAC §3.704.....950, 1820

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

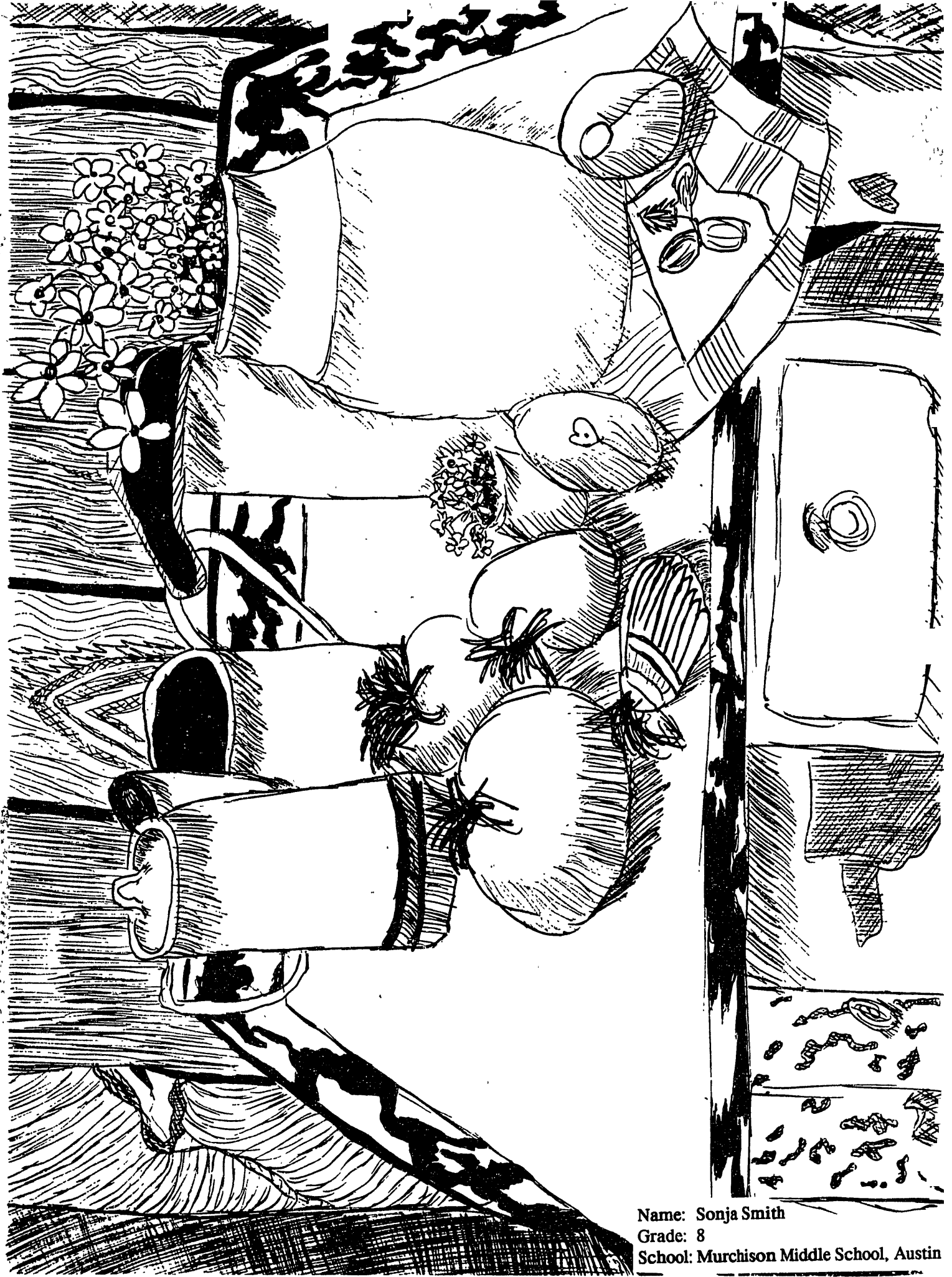
Update by FAX: An up-to-date Table of TAC Titles Affected is available by FAX upon request. Please specify the state agency and the TAC number(s) you wish to update. This service is free to Texas Register subscribers. Please have your subscription number ready when you make your request. For non-subscribers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

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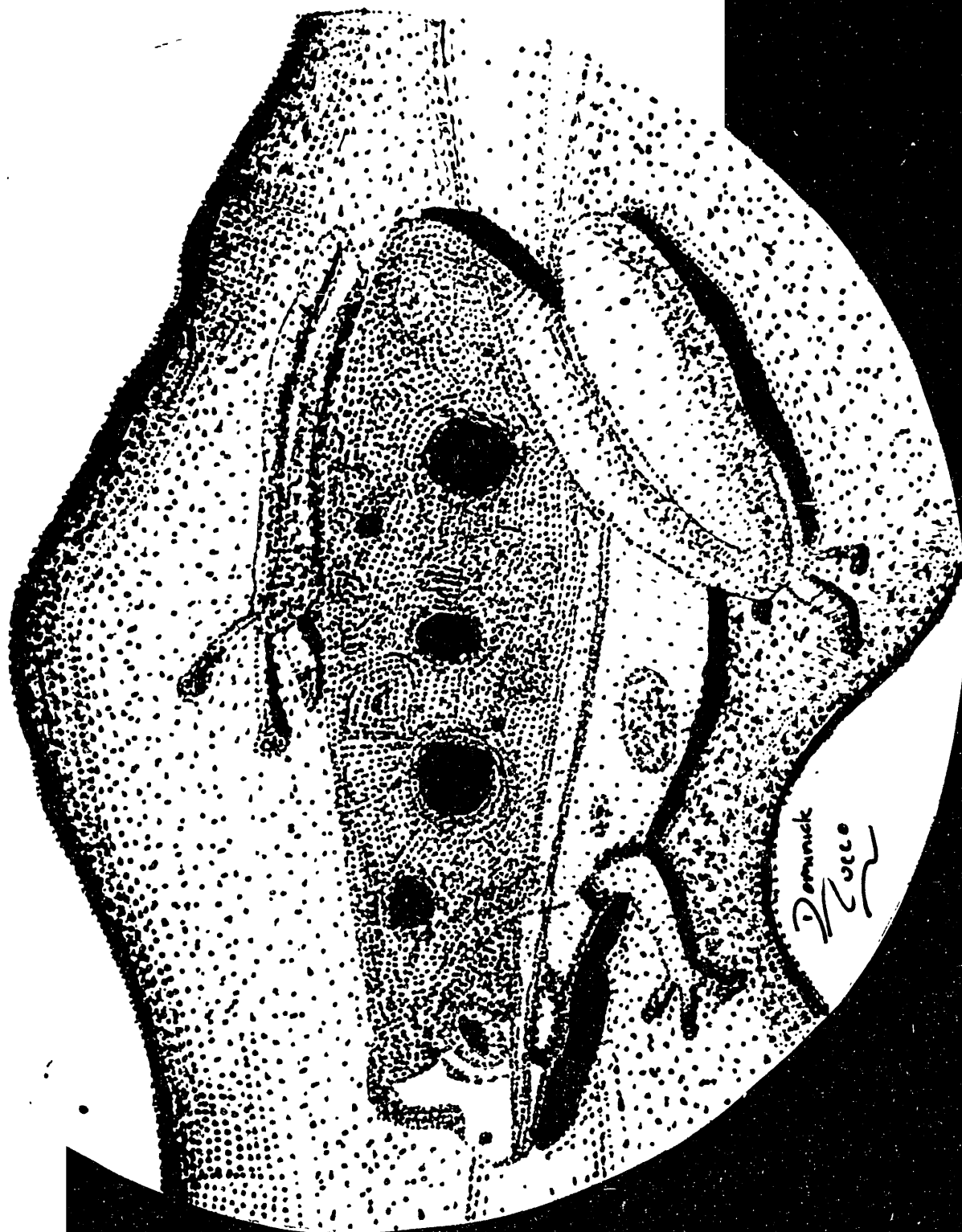


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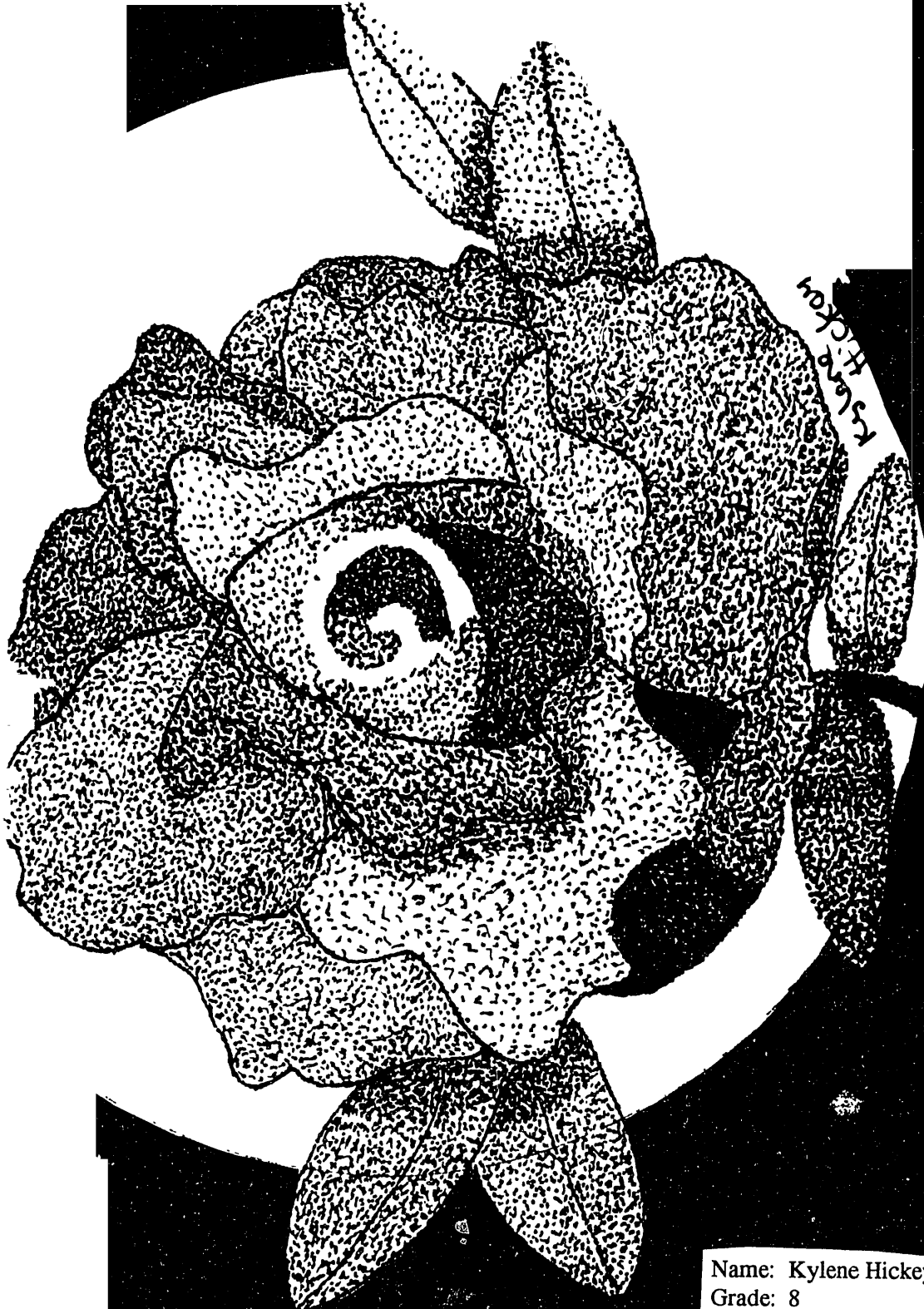
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Proposed Sections

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

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

TITLE 19. Education Part II. Texas Education Agency

Chapter 157. Hearings and Appeals

Subchapter A. General Provisions for Hearings Before the Commissioner of Education

The Texas Education Agency (TEA) proposes the repeal of §§157.1-157.16, 157.64-157.68, and 157.91-157.98, concerning hearings and appeals. The chapter is being repealed in accordance with the sunset review process mandated by Senate Bill 1, 71st Legislature. A new Chapter 157 is being proposed in a separate submission.

Kevin O'Hanlon, Chief Counsel, has determined that for the first five-year period the proposed repeal is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. O'Hanlon and Criss Cloudt, director of policy planning and evaluation, have determined that for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of enforcing the sections will be a clearer, more concise statement of the rules relating to hearings and appeals. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed repeal submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the Texas Register.

• 19 TAC §§157.1-157.16

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

The repeals are proposed under Senate Bill

1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

§157.1. *Scope and Purpose.*

§157.2. *Hearing Officer.*

§157.3. *Classification of Parties.*

§157.4. *Appearances.*

§157.5. *Conduct and Decorum.*

§157.6. *Classification of Pleadings.*

§157.7. *Form and Content of Documents.*

§157.8. *Filing of Documents.*

§157.9. *Petition for Review.*

§157.10. *Answers.*

§157.11. *Service of Pleadings.*

§157.12. *Prehearing Conference.*

§157.13. *Motions for Continuance.*

§157.14. *Dismissal Without a Hearing; Nonsuits.*

§157.15. *Order of Procedure at Hearing.*

§157.16. *Filing of Exceptions and Replies to Proposal for Decision.*

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217034

Criss Cloudt
Director of Policy Planning

and Evaluation
Texas Education Agency

Earliest possible date of adoption: February 5, 1993

For further information, please call: (512) 463-9701

The Texas Education Agency (TEA) proposes new §§157.1-157.9, 157.21, and 157.26, concerning hearings and appeals. The sections provide procedures for hearings concerning proprietary and driver training schools and cases related to students with disabilities.

Kevin O'Hanlon, Chief Counsel, has determined that for the first five-year period the proposed sections are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Mr. O'Hanlon and Criss Cloudt, director of policy planning and evaluation, have determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be a clearer, more concise statement of the rules relating to hearings and appeals. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Criss Cloudt, Policy Planning and Evaluation, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701. All requests for a public hearing on the proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in the sections has been published in the Texas Register.

Subchapter A. Hearings Concerning Students with Disabilities under the Individuals with Disabilities Education Act

• 19 TAC §§157.1-157.9

The new sections are proposed under the Texas Education Code, §21.501 and §32.22; 20 United States Code, §1415; and Texas Civil Statutes, Article 4413(29c), §4 and §17, which authorize the State Board of Education to promulgate rules regarding hearings on proprietary and driver training schools and cases related to students with disabilities.

§157.1. Purpose. This subchapter shall govern the proceedings in all hearings requested under the Individuals With Disabilities Education Act (IDEA), Part B, as amended, 20 United States Code, §1401 et seq, and the applicable federal regulations, 34 Code of Federal Regulations §300.1 et seq. The Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a, insofar as it does not conflict with the IDEA or these rules, is hereby incorporated into these rules. The Texas Rules of Civil Evidence and Civil Procedure as modified by the APTRA shall apply to proceedings under this subchapter. A one tier system of statewide hearing officers under the IDEA is hereby adopted.

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

Eligible student—Any student who has reached his or her 18th birthday and has not been adjudged incompetent by a court of proper jurisdiction, or any minor student who has had his or her disabilities of minority removed by order of a court or by operation of law.

Parent—A parent or person acting in the place of a parent, such as a grandparent or stepparent, with whom a student with disabilities lives. The term includes a surrogate parent who has been appointed in accordance with law but does not include the state if the student is in the conservatorship of the state.

Personally identifiable information—Information that includes:

(A) the name of the student, the student's parent, or other family member;

(B) the address of the student;

(C) a personal identifier, such as the student's social security number or student number; or

(D) a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

Public education agency—The local school district, special education cooperatives, and any other agency or political subdivision of the state responsible for providing education to students with disabilities.

Students with disabilities—Those students suspected of or evaluated as possessing one or more disabilities as defined by the Individuals With Disabilities Education Act (IDEA) and implemented by federal and Texas Administrative Code regulations. In this subchapter the term "student" means a student with disabilities, unless the context clearly indicates otherwise.

§157.3. Applicability. These sections shall apply in any hearing brought under the Individuals With Disabilities Education Act (IDEA) involving the identification, evaluation, or educational placement of a student with disabilities or the provision of a free, appropriate public education to the student.

§157.4. Request for Hearing.

(a) A parent, or eligible student, or public education agency may initiate a hearing on any matter described in §157.3 of this subchapter (relating to Applicability).

(b) The request for hearing shall be in writing and filed with the Division of Hearings, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701. The request for hearing shall be deemed filed only when actually received by the agency.

(c) If the request for hearing does not specify the issues to be heard and the relief requested, the division of hearings shall docket the request and notify the complaining party to supplement the request.

§157.5. Impartial Hearing Officer.

(a) Hearings shall be conducted by an independent, impartial hearing officer appointed by the commissioner of education. The hearing officer selected by the commissioner shall not be a person who:

(1) is an employee of a public agency that is involved in the education or care of the student; or

(2) has a personal or professional interest that would conflict with his or her objectivity in the hearing.

(b) The hearing officer has the authority to administer oaths; call and examine witnesses; make rulings on motions, including discovery and dispositive motions; determine admissibility of evidence and amendments to pleadings; maintain decorum; schedule and recess the proceedings from day to day; and make any other orders as justice requires.

(c) If the hearing officer is re-

moved, dies, becomes disabled, or withdraws from an appeal before the completion of duties, the commissioner may designate a substitute hearing officer to complete the performance of duties without the necessity of repeating any previous proceedings.

§157.6. Hearing Rights.

(a) Any party to a hearing shall have a right to:

(1) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities;

(2) present evidence and confront, cross-examine, and compel the attendance of witnesses under the Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a;

(3) prohibit the introduction of any evidence at the hearing that has not been disclosed to the opposing party at least five days before the hearing;

(4) obtain a written verbatim record of the hearing; and

(5) obtain written findings of fact, conclusions of law, and decision.

(b) Parents involved in hearings shall have the right to:

(1) have the student who is the subject of the hearing present; and

(2) open the hearing to the public.

§157.7. Prehearing Procedures.

(a) The hearing officer shall set and hold a prehearing conference unless the interests of justice require otherwise. The prehearing conference shall be held by telephone unless circumstances require an in person conference. Action taken at the conference shall be recorded in the manner directed by the hearing officer. The prehearing conference shall be for the purpose of considering any of the following:

(1) the formulation or simplification of issues;

(2) admission of certain assertions of fact or stipulations;

(3) the procedure at the hearing on the merits;

(4) any limitation of the number of witnesses and the time for presentation of each party's case; and/or

(5) such other matters as may aid in the simplification of the proceeding or the disposition of matters in controversy, including the settlement of matters in dispute.

(b) No pleadings other than the request for hearing are mandatory, unless ordered by the hearing officer. Any pleadings after the request for hearings shall be filed with the hearing officer. Copies of all pleadings shall be sent to all parties of record in the hearing and the Division of Hearings. If a party is represented by an attorney, all copies shall be sent to the attorney of record. Telephone facsimile copies may be substituted for copies sent by other means. An affirmative statement that a copy of the pleading has been sent to all parties and the Division of Hearings is sufficient to indicate compliance with this rule.

(c) Discovery methods shall be limited to those set forth in the Administrative Procedure and Texas Register Act (APTRA) and may be further limited by order of the hearing officer.

(d) Upon request of a party to the hearing officer, he or she may issue subpoenas and commissions to take depositions under the APTRA, Texas Civil Statutes, Article 6252-13a, §14. Subpoenas and commissions to take depositions shall be issued in the name of the Texas Education Agency.

(e) Parties shall comply with the requirement in §157.6(a)(3) of this title (relating to Hearing Rights) regarding disclosure of evidence five days before hearing. The hearing officer may specify the date and time that constitute compliance with this rule. Disclosure means providing copies of documentary evidence and an index of such documents, unless otherwise agreed by the parties, and providing the names, addresses, and professions of witnesses. In addition, copies of evidence disclosed under this subsection shall be filed with the hearing officer at least five days before hearing.

§157.8. Hearing.

(a) The hearing officer shall afford the parties an opportunity for hearing after reasonable notice of not less than 10 days, unless the parties agree otherwise.

(b) Each hearing shall be conducted at a time and place that are reasonably convenient to the parents and child involved.

(c) All persons in attendance shall comport themselves with the same dignity, courtesy, and respect required by the district courts of the State of Texas. All argument shall be made to the hearing officer alone.

(d) Before the offer, documents offered into evidence shall be numbered, have pages within each exhibit numbered, and have personally identifiable information deleted.

(e) The hearing officer may set reasonable time limits for the presentation of

evidence at the hearing.

(f) Upon request, the hearing officer at his or her discretion may permit the testimony of experts to be received by telephone.

(g) Granting of a motion to exclude witnesses from the hearing room shall be at the hearing officer's discretion.

(h) Hearings conducted under these sections shall be closed to the public, unless the parent or eligible student requests that the hearing be open.

(i) The hearing shall be recorded and transcribed by a reporter, who shall immediately prepare and transmit a transcript of the evidence to the hearing officer with copies to the parties. The hearing officer shall instruct the reporter and the parties to delete all personally identifiable information from the transcription and from all evidence submitted.

(j) Filing of post-trial briefs shall be permitted only upon order of the hearing officer and shall be limited to issues specified by the hearing officer.

(k) The hearing officer shall issue a final decision no later than 45 days after a request for hearing is filed. A final decision must be in writing and shall include findings of fact and conclusions of law separately stated. Findings of fact must be based exclusively on the evidence and on matters officially noticed under the Administrative Procedure and Texas Register Act (APTRA), Texas Civil Statutes, Article 6252-13a, §14. The final decision shall be mailed to each party by the hearing officer. The hearing officer at his or her discretion may render his or her decision following the conclusion of the hearing, to be followed by written findings of fact and written decision.

(l) A hearing officer may grant extensions of time for good cause beyond the period set out in subsection (k) of this section at the request of either party. Such extensions shall be granted to a specific date and shall be set forth in writing by the hearing officer to the parties.

(m) The decision made under subsection (k) of this section is final, unless a party brings a civil action under 20 United States Code, §1415(e).

(n) Under the Individuals With Disabilities Education Act (IDEA) requirements concerning prompt rendering of final decisions, decisions issued under this subchapter shall be final. No motion for rehearing shall be required for a decision to be appealable to court, under the APTRA, Texas Civil Statutes, Article 6252-13a, §16(c). The decision shall recite the fact that the public welfare requires immediate effect of the final decision.

(o) Under the Texas Rules of Civil Procedure, Rule 298, a party may request, within 10 days after the date of the decision, specified additional or amended findings or conclusions. The hearing officer shall issue any additional or amended findings or conclusions that are appropriate, within the discretion of the hearing officer, within ten days after such request is filed.

§157.9. Student's Status during Proceedings.

(a) During the pendency of any administrative or judicial proceeding regarding a complaint, unless the parties agree otherwise, the student involved in the complaint shall remain in his or her present educational placement.

(b) If the complaint involves an application for initial admission to public school, the student, with the consent of the parents where appropriate, shall be placed in the public school program until the completion of all proceedings.

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217037

Crisis Cloudt
Director of Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: February 5, 1993

For further information, please call: (512) 463-9701

Subchapter B. Hearings Held under the Texas Proprietary School Act

• 19 TAC §157.21

The new section is proposed under The Texas Education Code, §21.501 and §32.22; 20 United States Code, §1415; and Texas Civil Statutes, Article 4413(29c), §4 and §17, which authorize the State Board of Education to promulgate rules regarding hearings on proprietary and driver training schools and cases related to students with disabilities.

§157.21. Hearings Held under the Texas Proprietary School Act.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Administrator—The commissioner of education or a person knowledgeable in the administration of regulating proprietary schools designated by the commissioner to administer the provisions of

the Texas Proprietary School Act.

(2) Applicant—A party seeking a certificate of approval, an exemption, or a representative's registration from the agency.

(3) Licensee—A party who is a holder of a certificate of approval or a representative permit issued by the agency.

(b) Applicability.

(1) This section shall apply in all appeals brought under the Texas Proprietary School Act, Texas Education Code, Chapter 32. To the extent that this section conflicts with any other sections governing proceedings before the agency, the requirements in this section shall prevail.

(2) Should an applicant or licensee be dissatisfied with any of the following acts by the administrator, the applicant or licensee may request a hearing before the administrator:

(A) denial of a certificate of approval;

(B) revocation of a certificate of approval;

(C) conditions imposed upon the continued approval represented by the certificate;

(D) refusal to grant an exemption pursuant to the Texas Education Code, §32.12; or

(E) any other act by the administrator which in the interest of fairness ought to entitle the applicant, licensee, other person to a hearing.

(c) Time requirements.

(1) Request for hearing. Should a party be dissatisfied with any of the actions of the administrator as described in subsection (b) of this section, the party may, by certified mail or personal service, request a hearing with the administrator within 15 days after receipt of notice of the action.

(2) Notice of hearing. Upon receipt of the request for a hearing, the administrator shall set a time and place for the hearing and shall send notice to the party of the time and place. The hearing shall be held within 30 days from the receipt of the request for a hearing.

(3) Notice of decision. Within 10 days after the hearing, the administrator shall send a notice of decision to the party bringing the appeal.

(d) Other provisions.

(1) Petitions for review; as described in §157.51 of this title (relating to Petition for Review), and answers, as described in §157.52 of this title (relating to Answers), are not required in cases brought under this section.

(2) Section 157.58 of this title (relating to Filing of Exceptions and Replies to Proposal for Decision) is not applicable to cases brought under this section.

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217038 Criss Cloudt
Director of Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: February 5, 1993

For further information, please call: (512) 463-9701

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Subchapter C. Hearings Held
under the Texas Driver and
Traffic Safety Education Act
• 19 TAC §157.26

The new section is proposed under the Texas Education Code, §21.501 and §32.22; 20 United States Code, §1415; and Texas Civil Statutes, Article 4413(29c), §4 and §17, which authorize the State Board of Education to promulgate rules regarding hearings on proprietary and driver training schools and cases related to students with disabilities.

§157.26. Hearings Held under the Texas Driver and Traffic Safety Education Act.

(a) Applicability. This section shall apply to all hearings and appeals brought under the Texas Driver and Traffic Safety Education Act, Texas Civil Statutes, Article 4413(29c). To the extent that this section conflicts with any other section governing proceedings before the agency, the requirements of this section will prevail.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Aggrieved party—Any person who has received written notification of an adverse act or intended act of the agency that will affect the legal rights, duties, or privileges of that person.

(2) Commissioner—The commissioner of education or a person knowledgeable in the administration of regulating driver training schools and designated by the commissioner to administer the Act.

(c) Grounds for hearing. An aggrieved party may request a hearing before the commissioner upon receipt of notification of any of the following adverse acts:

(1) the intent to deny, revoke, or suspend a license, exemption, or other approval;

(2) the denial of any license, exemption, or application for approval;

(3) the imposition of conditions upon the continued licensure of a driver training school, instructor, or other approval; or

(4) any act by the agency that the commissioner determines should, in the interest of fairness, entitle the aggrieved party to a hearing.

(d) Procedure.

(1) To obtain a hearing, an aggrieved party must, within the time required by law, submit a written request for a hearing to the agency representative identified in the written notice of adverse action by either personal delivery or by certified mail, return receipt requested, postage prepaid and properly addressed.

(2) A request for hearing must include a specific statement of each issue that the aggrieved party intends to raise in the hearing to contest the adverse act. An aggrieved party may be denied the opportunity to present evidence on issues that reasonably should have been raised in the written request for hearing.

(3) Section 157.51 of this title (relating to Petitions for Review) and §157.52 of this title (relating to Answers) are not applicable to cases brought under this subchapter.

(4) Section 157.58 of this title (relating to Filing of Exceptions and Replies to Proposals for Decision) is not applicable to cases brought under this section.

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217039 Criss Cloudt
Director of Policy Planning
and Evaluation
Texas Education Agency

Earliest possible date of adoption: February 5, 1993

For further information, please call: (512) 463-9701

◆ ◆ ◆
Subchapter B. Specific Appeals
to the Commissioner
• 19 TAC §§157.64-157.68

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

The repeals are proposed under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

§157.64. Appeals Brought Pursuant to the Term Contract Nonrenewal Act.

§157.65. Hearings Concerning Complaints Made to the Teachers' Professional Practices Commission of Texas.

§157.66. Proceedings Concerning the Suspension or Cancellation of a Certificate or Permit Other Than Proceedings Brought to the Commissioner by the Teachers' Professional Practices Commission.

§157.67. Hearings Held Pursuant to the Texas Proprietary School Act.

§157.68. Student Appeals.

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

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Subchapter D. Hearings Concerning Handicapped Students

◆ ◆ ◆
• 19 TAC §§157.91-157.98

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

The repeal is proposed under Senate Bill 1, §2.25, 71st Legislature, Sixth Called Session, which authorizes the State Board of Education to review all rules, other than portions of Chapter 75, under Title 19, Texas Administrative Code, relating to public education.

§157.91. Purpose.

§157.92. Definitions.

§157.93. Applicability.

§157.94. Request for Hearing.

§157.95. Impartial Hearing Officer.

§157.96. Hearing Rights.

§157.97. Hearing.

§157.98. Student's Status during Proceedings.

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

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◆ ◆ ◆
TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter K. Client Deaths

◆ ◆ ◆
• 25 TAC §§405.261-405.268,
405.271-405.274

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Mental Health and Mental Retardation or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes the repeal of §§405.261-405.268, 405.271-405.274, concerning client deaths. The sections would be replaced by new §§405.261-405.279, concerning deaths of persons served by TXMHMR facilities or community mental health and mental retardation centers, which is contemporaneously proposed for public comment in this issue of the Texas Register.

The sections are proposed for repeal to allow for the proposal of new sections which would provide more comprehensive guidelines for the review of deaths of persons served by the department and community centers.

Leilani Rose, director, Office of Financial Services, has determined that for the first five-year period the repeals are in effect there will be no significant fiscal implications for state or local government as a result of repealing the sections as proposed.

William Reid, M.D., medical director, has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to provide more comprehensive guidelines for the review of deaths of persons served by TXMHMR by recognizing the effectiveness of appropriate and timely data collection; enhancing the quality of death reviews through the identification of clinical and non-clinical issues; and extending the requirements for death reviews to community centers. There will be no effect on small businesses. There is no cost to persons required to comply with the repeals as proposed. There is no significant local economic impact anticipated.

Written comments on the proposal may be submitted to Linda Logan, Director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The repeals are proposed under the Texas Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§405.261. Purpose.

§405.262. Application.

§405.263. Definitions.

§405.264. Action Taken upon Death of a Client on Facility Grounds.

§405.265. Certificate of Death.

§405.266. Disposition of Deceased Clients.

§405.267. Autopsy.

§405.268. Action Taken upon Death of a Client off Facility Grounds.

§405.271. Disposition of the Property of Deceased Clients.

§405.272. Death Review Committee; Review of a Client Death.

§405.273. Distribution.

§405.274. References.

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

Issued in Austin, Texas, on December 22, 1992.

TRD-9216885

Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: February 5, 1993

For further information, please call: (512) 465-4670

Subchapter K. Deaths of Persons Served by TXMHMR Facilities or Community Mental Health and Mental Retardation Centers

• 25 TAC §§405.261-405.278, 405.279

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes new §§405.261-405.278, 405.279, concerning the deaths of persons served by TXMHMR facilities or community mental health and mental retardation centers. The new sections are proposed contemporaneously with the proposed repeal of existing Chapter 405, Subchapter K, concerning client deaths, which the proposed new subchapter would replace.

The proposed new sections would provide more comprehensive guidelines for the review of deaths of persons served by the department and community centers. Section 405.261 includes the provisions for a clinical death review and an administrative death review. The purpose and the application of this subchapter would apply to community centers and their contract providers as well as to facilities as stated in §405.261 and §405.262. In §401.463, definitions of "chief executive officer or CEO," "community center," "contract provider," "death review," "deceased," "facility community-based services," and "unusual circumstances" would be added. The definition of "death review" would distinguish between a clinical death review (a death review involving clinical issues) and an administrative death review (a death review involving non-clinical issues). The definition of "investigating officer" would be changed to state that the person chosen must not have been actively involved for at least the preceding six months in the care of the deceased. Section 405.264 includes the special circumstances in which a nurse can pronounce a person dead and requires the completion and faxing of the Report of the Death of a Person Served form to TXMHMR Central Office. Additional sections would be added requiring facility community-based services and community centers to develop separate clinical

peer review and administrative review procedures consistent with this subchapter to be implemented at the time a person receiving services dies on the premises or during activities of a TXMHMR-funded or contracted program. The new sections would require the completion and faxing of the Report of the Death of a Person Served form to TXMHMR Central Office in the case of such a death. The new sections would also describe family notification and the information available to the family of the deceased. In the case of suspected abuse or neglect, language would be added that a report would be made in accordance with the rules of the Texas Department of Protective and Regulatory Services.

As outlined in §405.270, the membership of a facility clinical death review would include the clinical/medical director, the director of nursing, the attending physician, the director of clinical quality assurance, and other clinical professionals as deemed appropriate. Section 405.270 also requires the clinical death review committee to solicit an external physician as a member. Section 405.274 describes the membership of the community center's clinical death review committee and also requires the solicitation of external membership. Section 405.269 describes the types of circumstances surrounding a death which would require a mandatory administrative death review.

Section 405.271 and §405.272 would state that after appointment, the investigating officer would proceed with a preliminary investigation. At facilities, the determination of the need for a clinical death review would be made by the facility CEO, chair of the clinical death review committee, and the investigating officer, using the death/discharge summary and the preliminary investigation findings. At community centers, the determination would be made by the community center CEO and the investigating officer using the preliminary investigation information.

The clinical death review procedures for community centers in §405.274 are comparable to the clinical death review procedures for facilities in §405.273. The clinical death review recommendations would be forwarded to the administrative death review committee along with other death review related elements. To maintain the effectiveness of the death review process, the TXMHMR medical director or designee would conduct routine, on-site reviews of facility and community center's clinical death review process. Section 405.275 describes the administrative death review duties and the membership of the administrative death review committee, which would involve external membership. The administrative death review committee recommendations, along with the clinical death review recommendations and other death review related elements, would be submitted to the TXMHMR medical director who would provide a copy to the appropriate deputy commissioner.

A new section would be added which would require the TXMHMR medical director to report to the Texas Board of Mental Health and Mental Retardation any systemic issues emerging from the death reviews. The new

section would also require the community center CEO to report to the community center board of trustees any systemic issues emerging from its death reviews.

Leilani Rose, director, Office of Financial Services, has determined that for the first five-year period the sections are in effect there will be no additional fiscal cost to state or local government as a result of administering the new sections.

William Reid, M.D., medical director, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be to provide more comprehensive guidelines for the review of deaths of persons served by TXMHMR by recognizing the effectiveness of appropriate and timely data collection; enhancing the quality of death reviews through the identification of clinical and non-clinical issues; and extending the requirements for death reviews to community centers. There will be no effect on small businesses. There will be no significant local economic impact. There is no anticipated cost to persons required to comply with the new sections as proposed.

Comments on the proposed new sections may be submitted to Linda Logan, Director, Policy Development, Texas Department Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The new sections are proposed under the Health and Safety Code, Title 7, §532.015, which provides the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§405.261. Purpose. The purpose of this subchapter is to provide clinical peer review procedures and, separately, administrative review procedures to be followed upon the death of a person receiving services directly operated or contracted for by a facility of the Texas Department of Mental Health and Mental Retardation or a community mental health and mental retardation center, and their respective contract providers, in order to improve the quality of care.

§405.262. Application. The provisions of this subchapter apply to all facilities of the Texas Department of Mental Health and Mental Retardation; to community mental health and mental retardation centers; and to their respective contract providers.

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

Attending physician—A physician licensed to practice medicine in the State of Texas who is responsible for the general medical care of the person served.

Chief executive officer or CEO—The superintendent or director of a state facility

or the executive director of a community center.

Community center—A community mental health and mental retardation center organized pursuant to Texas Health and Safety Code, Title 7, Chapter 534, §553 (formerly the Texas Mental Health and Mental Retardation Act, §3, as amended, Texas Civil Statutes, Article 5547-201 et seq).

Contract provider—An entity which, through written agreement or contract, is providing services to a person served by a facility or a community center, including entities regulated by other governmental agencies.

Death review—A clinical quality assurance/peer review activity conducted to identify clinically related problems requiring correction and opportunities to improve the quality of care pursuant to the statutes that authorize peer review activities in the State of Texas or an administrative/quality assurance review activity to identify non-clinically related problems requiring correction and opportunities to improve the quality of care.

Deceased—A person who, at death, is receiving services directly operated or contracted for by a facility or community center.

Department—The Texas Department of Mental Health and Mental Retardation.

Duty physician—The physician designated by the chief executive officer to handle medical care or emergencies outside regular working hours.

Facility—Any state hospital, state school, state center, or other entity which is now or may hereafter be made a part of the department.

Facility community-based services—Community service residential and nonresidential programs under the jurisdiction of a facility.

Investigating officer—A physician or nurse who, for at least the preceding six months, was not actively involved in or responsible for the direct care of the deceased.

Person in charge—The employee designated as supervisor for a dorm, ward, or other program or residence area.

Registered nurse—A nurse licensed by the Texas Board of Nurse Examiners to practice professional nursing in the State of Texas.

Unusual circumstances—A death which occurs under circumstances including, but not limited to, the following: unnatural death; death by unlawful means or suspicion of death by unlawful means; absence of witnesses; suicide or suspicion of suicide; or death within 24 hours of admission to the facility.

§405.264. *Facility Campus-Based Programs: Actions Taken upon the Death of*

Person Served.

(a) Death occurring on facility grounds.

(1) When a death occurs, the person in charge shall immediately notify the attending or duty physician and the registered nurse, as appropriate.

(2) The person in charge or registered nurse, as appropriate, shall perform the following activities and document them in the progress flow sheet or progress notes of the person's record:

(A) the date, time, and location where the person was found, and the events immediately preceding and/or leading to the person's death;

(B) the name of the physician notified, the time and date of notification, and the name of the employee making notification;

(C) the names of persons who observed the person dying or who found the person;

(D) any emergency procedures initiated; and

(E) complete the Client Injury/Incident Report if the death was related to an injury.

(3) The attending or duty physician shall:

(A) identify, examine, and pronounce the person dead (see paragraph (4) of this subsection);

(B) make notation of:

(i) the date, the time, and if known, the probable cause of death;

(ii) the time and by whom the physician was notified of the person's condition;

(iii) the treatment, if any, administered to the person immediately prior to death; and

(iv) any information given by other individuals who were present at the time of death;

(C) determine whether the death occurred under unusual circumstances and whether the cause of death is uncertain; and

(D) perform the following activities or delegate them and ensure com-

pletion and documentation:

(i) notify the facility CEO or the administrative duty officer and the chairperson of the death review committee;

(ii) if the cause of death is uncertain or if the death occurred under unusual circumstances, immediately notify the appropriate justice of the peace or county medical examiner and request an inquest; and

(iii) arrange for the notification of a funeral home of the family's and/or guardian's choice to which the decedent is to be released.

(4) In some cases, a registered nurse may pronounce a person dead and determine the date and time of death. In such instances, the registered nurse must ensure the accurate documentation of the requirements indicated in paragraph (2) of this subsection.

(A) In order for a registered nurse to pronounce a person dead the following conditions must be met:

(i) the registered nurse is privileged, in writing, by the facility to pronounce a person dead;

(ii) the person is classified either in Category II or Category III according to Subchapter C of this chapter (relating to Life-Sustaining Treatment);

(iii) the person is not being treated with artificial means of supporting the respiratory and circulatory system;

(iv) the cause of death is determined not to be uncertain or to have occurred under unusual circumstances;

(v) the facility has a written policy and procedure, jointly developed and approved by the nursing staff and medical staff, governing the practice of registered nurses pronouncing death.

(B) The registered nurse shall complete the activities described in paragraph (3)(D)(i) and (iii) of this subsection.

(C) When a registered nurse has pronounced a person dead, a physician shall within 24 hours complete the activities described in paragraph (3)(D)(ii) of this subsection and complete the death certificate.

(5) The facility CEO or designee shall notify the decedent's primary or emergency correspondent(s) of the death; request an autopsy; provide an explanation of the circumstances surrounding the death; and inform them of their right to examine the decedent's medical information relevant

to the death, death certificate, and autopsy findings, if any.

(6) The attending or duty physician, as appropriate, shall complete the Report of the Death of a Person Served form, which herein is adopted by reference as Exhibit A, copies of which may be obtained by contacting TXMHMR, Office of Policy Development, P.O. Box 12668, Austin, Texas 78711. Within one working day of each death, the facility CEO shall be responsible for ensuring the completed reporting form (Exhibit (A)) is faxed to the Office of Medical Services, Central Office, which shall be responsible for immediately transmitting the information to the appropriate deputy commissioner. The facility CEO should also initiate direct phone contact with the appropriate deputy commissioner or designee when warranted.

(b) Death occurring off facility grounds. Death occurring off facility grounds shall be reported as required in subsection (a)(5) and (6) of this section and reviewed as required in §405.269 of this title (relating to Facility Campus-Based Programs, Facility Community-Based Services, and Community Centers: Administrative Death Review Determination).

§405.265. Facility Community-Based Services: Actions Taken upon the Death of Person Served.

(a) Each facility community-based services shall develop separate clinical peer review and administrative review procedures consistent with this subchapter to be implemented at the time that a person receiving services dies on the premises or during activities of a TXMHMR-funded or contracted program.

(b) Upon the knowledge of such a death as described in subsection (a) of this section, the facility CEO or designee shall notify the decedent's primary or emergency correspondent(s) of the death; request an autopsy; provide an explanation of the circumstances surrounding the death; and inform him or her of his or her right to examine the decedent's medical information relevant to the death, death certificate, and autopsy findings, if any.

(c) Within one working day of such a death as described in subsection (a) of this section, the facility CEO shall be responsible for ensuring the completed reporting form (attached to §405.264 of this title (relating to Facility Campus-Based Programs: Actions Taken upon the Death of Person Served) as Exhibit (A)) is faxed to the Office of Medical Services, Central Office, which shall be responsible for immediately transmitting the information to the appropriate deputy commissioner. The facility CEO should also initiate direct phone contact with the appropriate deputy com-

missioner or designee when warranted.

§405.266. Community Centers: Actions Taken Upon the Death of Person Served.

(a) Each community center shall develop separate clinical peer review and administrative review procedures consistent with this subchapter to be implemented at the time that a person receiving services dies on the premises or while participating in a community center sponsored activity.

(b) Upon the knowledge of such a death as described in subsection (a) of this section, the community center CEO or designee shall notify the decedent's primary or emergency correspondent(s) of the death; request an autopsy; provide an explanation of the circumstances surrounding the death; and inform them of their right to examine the decedent's medical information relevant to the death, death certificate, and autopsy findings, if any.

(c) Within one working day of such a death as described in subsection (a) of this section, the community center CEO shall be responsible for ensuring the completed reporting form (attached to §465.264 of this title (relating to Facility Campus-Based Programs: Actions Taken Upon the Death of Person Served) this subchapter as Exhibit A) is faxed to the Office of Medical Services, Central Office, which shall be responsible for immediately transmitting the information to the appropriate deputy commissioner. The community center CEO should also initiate direct phone contact with the appropriate deputy commissioner or designee when warranted.

§405.267. Facility Campus-Based Programs and Facility Community-Based Services: Statutory Requirements.

(a) Certificate of death. A certificate of death is required for every death which occurs in the state. When possible a copy of the certificate of death shall be made a part of the deceased person's record. Any additional findings that would reflect on the information contained in the original certificate should be amended and refiled as required and a copy retained in the deceased person's record.

(1) The individual responsible for interment or for removal of the body of the deceased for disposition is responsible for obtaining and filing the certificate of death.

(2) Medical certification of death will be made by the appropriate physician. The certificate of death shall document the disease(s), injuries, or complications that caused the death rather than the mode of dying, e.g., cardiac arrest, respiratory arrest, shock, heart failure, etc.

(b) Autopsy. An autopsy is recommended whenever possible providing that appropriate consent can be obtained. When possible, autopsy reports shall be made a part of the deceased person's record.

(1) The physician must request permission for an autopsy and document the request in the deceased person's record when:

(A) the death occurred under unusual circumstances or the cause of death is uncertain; or

(B) the autopsy would clarify the diagnosis and efficacy of treatment choices.

(2) Consent for autopsy will be deemed sufficient when obtained under the provisions of Texas Code of Criminal Procedures, Article 49.13, and TXMHMR Operating Instruction 405-K, Deaths of Persons Served, which herein is adopted by reference as Exhibit B, copies of which may be obtained by contacting TXMHMR, Office of Policy Development, P.O. Box 12668, Austin, TX 78711.

(3) The person from whom consent for autopsy is sought shall be given an explanation of what an autopsy is and why an autopsy is appropriate or desirable.

(c) Disposition of deceased persons. If burial at public expense is necessary, or if the body of the deceased is not claimed for burial, a report to that effect must be made to the Anatomical Board of the State of Texas.

(1) If burial is to take place at no expense to the state, e.g., prepaid burial contract or designated funds in the deceased person's trust fund, then a report need not be made to the Anatomical Board provided the body is claimed.

(2) To claim the body for burial, an individual must provide documentation to the facility CEO which proves the individual is:

(A) related to the deceased by blood or marriage;

(B) a bona fide friend; or

(C) representative of an organization of which the deceased was a member.

(3) If efforts to contact the family and/or guardian of the deceased prove futile, a report must be made to the Anatomical Board.

(4) If the family and/or guardian is notified of the death, but the body re-

mains unclaimed 48 hours after the notification, a report must be made to the Anatomical Board.

(5) If the body of the deceased is released to the Anatomical Board, the facility CEO or designee must file with the county clerk an affidavit that a diligent inquiry was made to find the family and/or guardian of the deceased. The affidavit will detail the manner of the attempts at notification. A copy of the affidavit will be retained in the deceased person's record.

(d) Disposition of the property of deceased persons. When appropriate, the property of the decedent will be disposed of under the provisions of the Texas Probate Code. When no claim is made, the property of the decedent, including clothing, personal effects, and trust funds, shall be disposed of under the provisions of the Texas Health and Safety Code, §§551.003, 551.004, 551.005 and 551.044 (formerly Texas Civil Statutes, Article 3183c).

§405.268. Community Centers: General Guidelines upon Death of a Person Served.

(a) When a person receiving services dies on the premises or while participating in a community center sponsored activity, a copy of the certificate of death shall be made a part of the deceased's record, when possible. Any additional findings that would reflect on the information contained in the original certificate should be amended and refiled as required and a copy retained in the deceased's record.

(b) When appropriate, the property of the deceased person will be disposed of under the provisions of the Texas Probate Code.

§405.269. Facility Campus-Based Programs, Facility Community-Based Services and Community Centers: Administrative Death Review Determination.

(a) Within one working day of the knowledge of death of a person receiving services in a TXMHMR-funded or TXMHMR-contracted program, the facility or community center CEO is responsible for conducting a preliminary review to determine whether:

(1) the death occurred on the premises of a TXMHMR-funded or TXMHMR-contracted program;

(2) the death occurred while the person was participating in TXMHMR-funded or TXMHMR-contracted program activities;

(3) other conditions indicate that the death may reasonably have been related to the individual's care or activities as part of the facility community-based or community center program; or

(4) other conditions indicate that although the death is not reasonably related to the individual's care or activities as part of the facility community-based or community center program, an evaluation of policy is warranted.

(b) If none of the conditions described in subsection (a) of this section is true, the facility or community center CEO may elect not to conduct an administrative death review.

(c) If any of the conditions described in subsection (a) of this section are true, an administrative death review must be conducted. In addition, the need for a clinical death review must be determined as described in §405.271 of this title (relating to Facility Campus-Based Programs and Facility Community-Based Services: Clinical Death Review Determination) or in §405.272 of this title (relating to Community Centers: Clinical Death Review Determination).

§405.270. Facility Campus-Based Programs and Facility Community-Based Services: Clinical Death Review Committee.

(a) Each facility shall maintain a clinical death review committee which shall be a medical peer review body responsible for reviewing deaths and the quality of care delivered prior to each death reviewed by that committee.

(b) The purpose of the committee is:

(1) to review the quality and appropriateness of medical care and other medically related services rendered prior to the death; and

(2) to recommend, when appropriate, changes in medically related policy and procedure, professional education, clinical operations, or patient care.

(c) The clinical death review committee shall be chaired by a physician and include representatives of the following functions listed, which in some circumstances may be staffed by the same individual, e.g., the clinical/medical director may be the attending physician as well:

(1) the clinical/medical director or designee, who shall serve as chair provided that person is not the attending physician (the facility CEO will appoint a replacement chair when the chair of the clinical death review committee is the attending physician);

(2) the director of nursing or registered nurse designee;

(3) the attending physician;

(4) the director of clinical quality assurance, designee, or the person who carries out clinical quality assurance functions; and

(5) other medical/nursing professionals as deemed appropriate by the committee chair, e.g., the duty physician at the time of the death; etc.

(d) The clinical death review committee shall solicit a physician external to TXMHMR to participate as a member of the clinical death review committee. If such physician is not available, then the effort to obtain external membership must be documented in the information sent to the administrative death review committee.

§405.271. Facility Campus-Based Programs and Facility Community-Based Services: Clinical Death Review Determination.

(a) Upon notification of a death requiring an administrative death review, the chairperson of the clinical death review committee shall appoint a member of the clinical death review committee or a qualified medical/nursing professional from outside the facility to serve as an investigating officer. The investigating officer shall not be the attending physician or anyone who, for at least the preceding six months, was actively involved in or responsible for the direct care of the deceased. The investigating officer must be either:

- (1) a physician (M.D., D.O.); or
- (2) a registered nurse.

(b) After appointment, the investigating officer shall begin a preliminary investigation based upon the decedent's medical record and other information he/she deems appropriate.

(c) Within five working days of the knowledge of death, the appropriate physician shall complete a death/discharge summary for the medical record. The death/discharge summary shall include:

(1) identifying information, including:

(A) name;

(B) case number;

(C) date of birth;

(D) sex;

(E) date and type of most recent admission; and

(F) date, time, and location of death;

(2) a summary of the medical history;

(3) a summary of active medical

problems;

(4) significant recent laboratory and procedural findings;

(5) a summary of recent pertinent medical consultations;

(6) clinical factors leading up to the terminal event and a review of the clinical circumstances surrounding the death, or circumstances leading to the transfer to another facility or outpatient status where death occurred, i.e., all pertinent notes, procedures, medications, resuscitation category status, and pertinent quality of life issues;

(7) preliminary autopsy findings, if available; and

(8) additional clinically related information which may be furnished by other staff.

(d) Within 14 calendar days of the knowledge of death, the facility CEO, chair of the clinical death review committee, and investigating officer shall use the preliminary investigation information and the death/discharge summary to determine whether the death should be reviewed clinically prior to the required administrative death review.

(e) If it has been determined that a clinical death review is unnecessary, then the chair of the clinical death review committee shall forward to the administrative death review committee the following:

(1) the preliminary investigation information;

(2) a copy of the death/discharge summary;

(3) a copy of the death certificate, bearing a valid diagnosis, if available; and

(4) the probable final diagnosis, including contributory causes, and reasons for variance from the death certificate, if available.

§405.272. Community Centers: Clinical Death Review Determination.

(a) Upon notification of a death requiring an administrative review, the community center CEO or designee appoints a physician or registered nurse as the investigating officer who shall begin a preliminary investigation based upon the decedent's medical record and other information he/she deems appropriate.

(b) Within 14 calendar days of the knowledge of death, the community center CEO and investigating officer shall use the preliminary investigation information to determine whether the death should be reviewed clinically prior to the required administrative death review.

(c) If it has been determined that a clinical death review is unnecessary, then the investigating officer shall forward to the administrative death review committee the following:

(1) the preliminary investigation information;

(2) a copy of the death/discharge summary;

(3) a copy of the death certificate, bearing a valid diagnosis, if available;

(4) a copy of the preliminary or full autopsy report, if available; and

(5) the probable final diagnosis, including contributory causes, and reasons for variance from the death certificate, if available.

§405.273. Facility Campus-Based Programs and Facility Community-Based Services: Clinical Death Review.

(a) Upon determination of the need for a clinical death review, the investigating officer shall provide to the clinical death review committee:

(1) a copy of the death certificate, bearing a valid diagnosis;

(2) a copy of the preliminary or full autopsy report, if available; and

(3) the probable final diagnosis, including contributory causes, and reasons for variance from the death certificate; and

(4) a briefing of possible issues involving clinically related facility operational policies and procedures and quality of medical care.

(b) Within 14 calendar days (or 45 days in which an autopsy is performed, or for deaths occurring at medical facilities off campus) of the determination of the need for a clinical death review the clinical death review committee shall meet to review the death/discharge summary, the decedent's medical record, and the information the investigating officer has provided as described in subsection (a)(1)-(4) of this section. On the basis of the review, the committee shall evaluate the quality of medical and nursing care given prior to death and shall formulate written recommendations, if appropriate, for changes in policy and procedures, professional education, operations, or patient care. Suspected abuse or neglect must be reported in accordance with the rules of the Texas Department of Protective and Regulatory Services.

(c) Within 21 calendar days of the determination of the need for a clinical death review (or 52 days in cases in which an autopsy is performed, or for deaths occurring at medical facilities off campus), the clinical death review committee shall sub-

mit to the administrative death review committee the following:

(1) the clinical death review recommendations;

(2) a copy of the death/discharge summary;

(3) a copy of the death certificate, bearing a valid diagnosis;

(4) the probable final diagnosis, including contributory causes, and reasons for variance from the death certificate; and

(5) documentation of the effort to obtain a physician external to TXMHMR to participate as a member of the clinical death review committee, if no such physician was available.

(d) To maintain the effectiveness of the death review process, the TXMHMR medical director or designee shall conduct routine, on-site reviews of each facility's clinical death review process.

(e) The facility CEO is authorized to grant variances from the timelines by this section on a case-by-case basis. Reasons for timeline variances must be justified and documented.

§405.274. Community Centers: Clinical Death Review.

(a) Each community center shall develop and implement procedures consistent with this subchapter for the timely reporting and review of deaths.

(b) Deaths subject to a clinical death review will be reviewed by a committee consisting of three medical/nursing professionals (M.D., D.O., R.N.), one of which should be a medical professional whom is neither an employee of the community center nor was the decedent's attending physician (if such medical professional is not available, then the effort to obtain external membership must be documented in the information sent to the administrative death review committee). Of the three committee members, all must be either medical doctors or registered nurses. For the purposes of this subchapter the term employee does not refer to consultants or contractors.

(1) Within 14 calendar days (or 45 days in which an autopsy is performed, or for deaths occurring at medical facilities to which the person was transferred prior to death) of the determination of the need for a clinical death review as described in §405.272 of this title (relating to Community Centers: Clinical Death Review Determination) a review will be made of the quality and appropriateness of medical and nursing care given prior to death. The review shall include:

(A) the individual's medical record;

(B) the individual's active medical problems;

(C) significant recent laboratory and procedural findings;

(D) recent pertinent medical consultations;

(E) clinical factors leading up to the terminal event and a review of the clinically related circumstances surrounding the death, or circumstances leading to the transfer to another facility where death occurred, i.e., all pertinent notes, procedures, medications, resuscitative status category, and pertinent quality of life issues;

(F) additional clinically relevant information which may be furnished by other staff;

(G) the death certificate, bearing a valid diagnosis;

(H) the preliminary or full autopsy report, if available; and

(I) the probable final diagnosis, including contributory causes, and reasons for variance from the death certificate.

(2) On the basis of the review, the clinical death review committee shall formulate written recommendations, if appropriate, regarding clinical policies and procedures, professional education, clinical operations, and patient care. Suspected abuse or neglect must be reported in accordance with rules of the Texas Department of Protective and Regulatory Services.

(c) Within 21 calendar days of the determination of the need for a clinical death review (or 52 days in cases in which an autopsy is performed, or for deaths occurring at medical facilities to which the person was transferred prior to death), the clinical death review committee shall submit to the administrative death review committee the following:

(1) the clinical death review committee's recommendations;

(2) a copy of the elements listed in subsection (b)(1)(A)-(I) of this section; and

(3) documentation of the effort to obtain an external medical professional, if no such person was available.

(d) To maintain the effectiveness of the death review process, the TXMHMR

medical director or designee shall conduct periodic, on-site reviews of the community center's clinical death review process.

(e) The community center CEO is authorized to grant variances from the timelines by this section on a case-by-case basis. Reasons for timeline variances must be justified and documented.

§405.275. Facility Campus-Based Programs, Facility Community-Based Services, and Community Centers: Administrative Death Review.

(a) Immediately after the receipt of the information from the clinical death review committee as described in §405.273(c) or §405.274(c) of this title or, if a clinical death review was not conducted, immediately after the determination of the need for an administrative death review, the facility or community center CEO shall convene an administrative death review committee.

(b) The membership of the administrative death review committee shall consist of:

(1) three senior administrative and medical personnel, e. g., CEO, medical director, director of nursing, director of quality assurance, etc.;

(2) a representative of the public, external to TXMHMR and not related to or associated with the deceased, e.g., a member of the public responsibility committee; a member of the facility or community hospital's Ethics Committee; a family member; advocate; consumer; etc.; and

(3) other individuals appropriate to the death being reviewed.

(c) The purpose of the administrative death review committee is to:

(1) review the information and recommendations provided by the clinical death review committee;

(2) review operational policies and procedures and continuity of care issues which may have affected the care of the individual and formulate written recommendations for changes in policies and procedures, if appropriate; and

(3) act upon the recommendations described in paragraphs (1) and (2) of this subsection.

(d) If a clinical death review was not conducted and information presented during the administrative review indicates the need for a clinical death review, then the administrative death review committee has the authority to request a clinical death review.

(e) Suspected abuse or neglect must be reported in accordance with the rules of the Texas Department of Protective and

Regulatory Services.

(f) Within 14 calendar days of the determination of the need for an administrative death review (or 45 days in cases in which an autopsy is performed, or for deaths occurring at medical facilities off campus or for deaths occurring at medical facilities to which the person was transferred prior to death) or within 14 calendar days after the receipt of the information from the clinical death review committee, the administrative death review committee shall submit the following elements to the TXMHMR medical director (who shall forward a copy to the appropriate deputy commissioner):

(1) a copy of the death/discharge summary;

(2) a copy of the death certificate, bearing a valid diagnosis, if available;

(3) a copy of the preliminary or full autopsy report, if available;

(4) the probable final diagnosis, including contributory causes, and reasons for variance from the death certificate, if available;

(5) a copy of the clinical death review committee's recommendations, if applicable;

(6) a copy of the administrative death review committee's recommendations; and

(7) if applicable, documentation of the effort to obtain external membership for the clinical death review committee, if no such medical professional was available.

(g) A summary of the resulting actions taken in response to the recommendations of the administrative and clinical death review committees shall be forwarded to the TXMHMR medical director (who shall forward a copy to the appropriate deputy commissioner), within 28 calendar days following the submission of the elements contained in subsection (f)(1)-(7) of this section.

§405.276. Reporting of Systemic Issues Emerging from Death Reviews

(a) Utilizing information gathered from the elements submitted by the administrative death review committees and periodic on-site reviews of facility and community center's clinical death review process, the TXMHMR medical director shall report to the Texas Board of Mental Health and Mental Retardation any systemic issues emerging from death reviews, on a routine basis or when necessary.

(b) Utilizing information gathered from the elements submitted by the administrative death review committees to the TXMHMR medical director, the community

center CEO shall report to the community center's board of trustees any systemic issues emerging from death reviews, on a routine basis or when necessary.

§405.277. Distribution.

(a) The provisions of this subchapter concerning deaths will be distributed to members of the Texas Board of Mental Health and Mental Retardation; medical director, deputy commissioners, associate deputy commissioners, assistant deputy commissioners, management and program staff of Central Office; Chief Executive Officers of all TXMHMR facilities; and Chief Executive Officers and chairpersons of the boards of trustees of all community centers.

(b) The facility CEO shall be responsible for the dissemination of the information contained in this subchapter to all appropriate staff members and to contract providers of services.

§405.279. References. Reference is made to the following:

(1) Texas Code of Criminal Procedures, Article 49;

(2) Attorney General Opinion Number C-762;

(3) Chapter 405, Chapter C of this title, relating to Life-Sustaining Treatment;

(4) Chapter 403, Subchapter K of this title (relating to Client-Identifying Information);

(5) Chapter 404, Subchapter E of this title (relating to Rights of Persons Receiving Mental Health Services);

(6) Chapter 405, Subchapter Y of this title (relating to Client Rights—Mental Retardation Services);

(7) Texas Health and Safety Code, Chapters 532-534;

(8) Texas Health and Safety Code, Chapter 691 of Subtitle B, relating to death and disposition of a deceased person;

(9) Texas Health and Safety Code, Chapter 551, Sections .003, .004, .005, and .044;

(10) Texas Probate Code; and

(11) Rules of the Texas Department of Protective and Regulatory Services.

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

Issued in Austin, Texas, on December 22, 1992.

TRD-9216887

Ann Utley
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption: February 5, 1993

For further information, please call: (512) 465-4670

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self-Support Services

Eligibility Determination

The Texas Department of Human Services (DHS) proposes amendments to §§10.1009 and 10.3464, concerning determination and redetermination of income eligibility for child care and development block grant funded child care in its Family Self-Support Services chapter. The purpose of the amendments is to increase access to child care services for teen parents who need child care in order to complete high school.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that more teen parents will have child care services while finishing high school. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Beverly Duffee at (512) 450-4172 in DHS's Self-Support Services program. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-249, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §10.1009

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

§10.1009. Determination and Redetermination of Income Eligibility.

(a) Family planning and day care are the only family self-support services that use income as a criterion for eligibility

when other categories of eligibility do not apply.

(1) (No change.)

(2) To determine a client's eligibility for day care services based on income, DHS or contracted provider staff must:

(A) determine that the client's total gross income is equal to or less than 150% of the applicable, current federal poverty income guidelines; or []

(B) for teen parents who need child care in order to complete high school, determine that the client's total gross income is equal to or less than 200% of the applicable, current federal poverty income guidelines.

(b) (No change.)

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217041

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: March 1, 1993

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

Child Care Management Services Statewide Implementation

• 40 TAC §10.3464

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 44, which authorizes the department to administer public assistance and day care programs.

§10.3464. Eligibility for Child Care and Development Block Grant (CCDBG) Funded Child Care.

The Texas Department of Human Services (DHS) uses Child Care and Development Block Grant (CCDBG) funds to purchase child care for clients who meet the requirements stated for the following client groups:

(1) (No change.)

(2) children of teen parents whose family income is below 200% [150%] of the FPIL and who need child care in order to complete high school or the equivalent [, as specified in §10.3414 of this title (relating to Exceptions to Eligibility). These children will continue to receive

child care for one year after the family income exceeds 150% of the FPIL, provided the family income remains below 185% of the FPIL.]

(3)-(5) (No change.)

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217042

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: March 1, 1993

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

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**Chapter 48. Community Care
for Aged and Disabled**

Case Management

• **40 TAC §48.3903**

The Texas Department of Human Services (DHS) proposes an amendment to §48.3903, concerning denial, reduction, and termination of benefits, in its Community Care for Aged and Disabled (CCAD) chapter. The purpose of the amendment is to require 12 days' advance written notice of adverse action, regardless of whether the notice is given or mailed to the client.

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

Mr. Raiford also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a simpler policy that provides all clients with 12 days' advance notice. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed section.

Questions about the content of the proposal may be directed to Armando Delgado at (512) 450-3217 in DHS's Community Care Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-309, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The amendment is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§48.3903. Denial, Reduction, and Termination of Benefits.

(a) An applicant or client may request an appeal of any decision that denies, reduces, or terminates his benefits. The effective date of the action depends on the situation, as shown in the following table:

If

Termination or reduction is because the client lost his eligibility as an income-eligible, failed to qualify as an income-eligible after a verbal referral, failed to meet the client needs assessment score or medical criteria for the service, repeatedly refused to follow the service plan, experienced a change in his need for the specific service, or failed to pay fees for services,

Termination is because the client lacks AFDC, SSI, Medicaid or food stamp eligibility,

Termination is because the client lacks physician's orders for the service,

Termination or reduction is because of budgetary constraints or changes in federal law or state regulations, and services are reduced or terminated for an entire categorical client group,

Termination is because the client or someone in his home threatens the health or safety of others, or because the client threatens his own health or safety.

Then

The action is effective [10 days (or) 12 days (if mailed)] from the date of the notice unless the action is appealed. In the event of appeal, services continue until the hearing officer gives a decision. The cost of providing services during this period is subject to recovery by the department from the client. Services to clients in residential care facilities are terminated five days after the hearing officer gives his decision.

Services continue only to the end of the month that the client is determined ineligible, even if the action is appealed.

Services continue only through the date the previous orders end, even if the action is appealed.

Services continue only through the date of termination of a categorical client group, even if appealed.

Services may be terminated immediately under the following conditions:

A client receiving residential care, adult foster care, day activity and health services, congregate meals, or special services to persons with disabilities threatens his own health or safety or that of others; or

Someone in the client's home or a client receiving emergency response services, home-delivered meals, family care, primary home care, or special services to persons with disabilities threatens the provider's health or safety.

(b)-(f) (No change.)

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

Issued in Austin, Texas, on December 28, 1992.

TRD-9216990

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: March 1, 1993.

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

Chapter 79. Legal Services

Subchapter S. Contracting Ethics

The Texas Department of Human Services (DHS) proposes amendments to §§79.1801 and 79.1802, proposes the repeal of §§79.1803-79.1807, and proposes new §§79.1803-79.1806 concerning contracting ethics, in its Legal Services rules. The purpose for the amendments, repeals, and new sections is to update DHS's contracting ethics rules by simplifying the wording and by delet-

ing references to statutory restrictions and notice requirements that no longer exist. The rules are amended to limit their application to situations other than enrollment contracts.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that DHS's contracting ethics rules will be current and easier to comprehend. There is no anticipated economic cost to persons who are required to comply with the proposal.

Questions about the content of the proposal may be directed to Glenn Scott at (512) 450-3119 in DHS's Office of the General Counsel. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-322, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

• 40 TAC §79.1801, §79.1802

The amendments are proposed under the Human Resources Code, Title 2, §21.0031, which restricts Board membership and employment, and §22.002, which provides the department with the authority to administer

federal welfare programs.

§79.1801. Introduction. Sections 79.1802-79.1806 [79.1807] of this subchapter specify the standards by which the Texas Department of Human Services awards contracts for goods, services, and products to nongovernmental organizations.

§79.1802. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Current Board member-A [Any] person presently a member of the Texas Board of Human Services.

Current employee-A [Any] person presently employed by the Texas Department of Human Services (DHS).

Former Board member-A former [Any person who was a member of the] Texas Board of Human Services member [and] whose last date of service was within the immediately preceding two years [on or after September 1, 1987].

Former employee-A former DHS employee [Any person who was an employee of DHS and] whose last date of service was within the immediately preceding two years [on or after September 1, 1987].

Organization—An entity (for profit or nonprofit) [Any form of for profit business or nonprofit entity] including, but not limited to, corporations, sole proprietorships, partnerships and unincorporated associations, but excluding any governmental entity.

Relative—A current or former DHS Board member's or current or former employee's spouse, father, mother, sister, son or stepson, daughter or stepdaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law. [Any of the following:

- [(A) wife;
- [(B) husband;
- [(C) father;
- [(D) mother;
- [(E) brother;
- [(F) sister;
- [(G) son;
- [(H) daughter;
- [(I) stepdaughter;
- [(J) stepson;
- [(K) mother-in-law;
- [(L) father-in-law;
- [(M) spouse's sister;
- [(N) spouse's brother.]

Substantial financial interest—Ownership or control by a former employee (or relative) or a former DHS Board member (or relative) of 10% or more of the contracting firm or its stock or an investment of \$2,500 or more in the organization, whichever is less; or receipt of a 25% or more increase in overall annual benefits, including salary or wages, upon employment by a contractor of a former employee who held one of the positions listed under the definition in this section of "substantial involvement in the development of the contract," as compared to the employee's DHS salary and benefits.

Substantial involvement in the development of the contract—Direct or indirect participation by a former employee (or relative) or a former DHS Board member (or relative) in the development

of program policy which influenced the type of services provided by the contracting organization. The following positions are assumed to have had such participation: Board member, commissioner, deputy commissioner, associate commissioner, assistant commissioner, regional administrator, assistant regional administrator, regional director, program manager, attorney, business officer (when the contract is of the type handled by the business manager), and (when they are in the same program area) contract manager, program specialist, and contract specialist.

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217043 Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: March 1, 1993

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

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• 40 TAC §§79.1803-79.1807

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, §21.0031, which restricts Board membership and employment, and §22.002(f), which provides the department with the authority to administer federal welfare programs.

§79.1803. Prohibition Against Contracts with Certain Former Employees.

§79.1804. Presumption Against Contract Involving Former Employees, Former Board Members, and Their Relatives.

§79.1805. Contracts Involving Current Employees.

§79.1806. Contracts Involving Current Board Members.

§79.1807. Nongovernmental Contractor Certification.

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217044 Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Proposed date of adoption: March 1, 1993

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

◆ ◆ ◆
• 40 TAC §§79.1803-79.1806

The new sections are proposed under the Human Resources Code, Title 2, §21.0031, which restricts Board membership and employment, and §22.002(f), which provides the department with the authority to administer federal welfare programs.

§79.1803. Presumption Against Contracts Involving Former Employees, Former Board Members, and Their Relatives.

(a) Paragraphs (1) and (2) of this subsection govern the award of Texas Department of Human Services (DHS) contracts.

(1) If a former DHS Board member or a former employee who was paid a salary equal to, or above DHS's pay group 17, step 1, of the position classification salary schedule, participated in a particular matter during their period of employment or Board membership, either through personal involvement or because the matter was within the former employee's or former Board member's official responsibility, that former Board member or former employee may not represent any person or receive compensation for services rendered on behalf of any person regarding that matter, nor may contracts relating to that matter be awarded to that person. The DHS commissioner reviews the circumstances surrounding the proposed representation or award of the contract and determines in accordance with applicable state law whether this subsection applies.

(2) For a period of two years from the date a person ceased his employment or Board member duties with DHS, DHS will not award a contract to an organization in which any former Board member, or any former employee or any former Board member's or former employee's relative, as defined in §79.1802 of this title (relating to Definitions), is an officer, director, employee, or owner (in part or whole) if the former employee, former Board member, or former Board member's or former employee's relative has a substantial financial interest in the contract or had a substantial involvement in the development of the contract. In addition, a former Board member or former employee may not represent any person before DHS on a matter for

which the former Board member or former employee had substantial involvement in the development or has substantial financial interest. The commissioner or his designee may waive this rule as it applies to award of contracts if he determines that there is no reasonable alternative but to award a contract to the organization for the needed goods, products, or services. A waiver would normally be granted for contracts of \$5,000 or less, and in instances in which the work for the contractor is on a volunteer basis. The commissioner determines whether the representation provisions of this section apply in a particular case.

(b) DHS may award a contract to an organization in which a former employee, former Board member, or their relative is an officer, director, employee, consultant, or owner (in part or whole), if the commissioner determines that these persons actually had no substantial financial interest or substantial involvement in the development of the contract.

§79.1804. Contracts Involving Current Employees.

(a) Except as noted in this section, the Texas Department of Human Services (DHS) does not contract directly with current employees, their spouses, children, parents, or siblings. DHS also does not contract with organizations which are owned or controlled in part or whole by these persons.

(b) The DHS commissioner may waive this section if he finds that enforcement would create an undue hardship.

(c) This section is not intended to preclude current employees from serving contracted organizations on a volunteer basis.

§79.1805. Contracts Involving Current Board Members.

(a) Except as noted in this section, the Texas Department of Human Services (DHS) does not contract directly with current DHS Board members or their spouses, children, parents, or siblings, or with organizations which are owned or controlled, in part or whole, by these persons.

(b) The DHS Board may waive this section if the Board finds that enforcement would create an undue hardship.

§79.1806. Nongovernmental Contractor Certification.

(a) Each bidder or contractor that is not a governmental body must execute a certification disclosing the identity, salary, and job functions of any current and former Texas Department of Human Services (DHS) employee, former or current DHS Board member, and the relatives of any of the foregoing persons, who are employed by the contractor, or who are officers, directors, consultants, or owners of or for the contractor.

(b) If a contractor certifies that it has a current or former DHS employee, current or former DHS Board member, or their relatives as defined in this section and §§79.1802 and 79.1805 of this title (relating to Definitions and Contracts Involving Current Board Members) as an officer, director, employee, or owner (in part or whole), the contract or contract renewal is not to be executed by DHS until the commissioner or his designee approves the contract or contract renewal in accordance with this subchapter.

(c) DHS may terminate a contract for cause if the contractor:

(1) knowingly provides incorrect information in its certification, or

(2) uses a subterfuge, such as a subcontract arrangement, to avoid the application of the rules in this subchapter.

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

Issued in Austin, Texas, on December 30, 1992.

TRD-9217045

Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Proposed date of adoption: March 1, 1993
For further information, please call: (512) 450-3765



Adopted Sections

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 13. CULTURAL RESOURCES

Part I. Texas State Library and Archives Commission

Chapter 7. Local Records

Records Retention Schedules

• 13 TAC §7.125

The Texas State Library and Archives Commission adopts an amendment to §7.125, concerning local records, without changes to the proposed text as published in the September 18, 1992, issue of the *Texas Register* (17 TexReg 6414). Amendments were made to two of the schedules adopted by reference in the section. The retention period for grant applications and reports in Local Schedule GR is changed to the end of the fiscal year plus seven years for school districts and to the end of the fiscal year plus three, five, or seven years for all other governments to resolve a potential conflict between the retention periods and another section of the schedule. As the result of public comment, the retention period for driver's license record checks in Local Schedule SD is changed from three years to until superseded or date of separation of the employee plus two years, as applicable.

The justification for the new sections is to adopt by reference records retention schedules for the records of public school districts and public junior colleges and amended records retention schedules for records common to all local governments and for the records of property taxation.

The sections will function by providing local governments with mandatory minimum retention periods for records.

Comments were received from eight public school districts. None of the comments involved the text of the section as published. The comments concerned suggested changes to the records retention schedules adopted by reference in §7.125. A commenter suggested that the retention periods for school district financial records in Local Schedule SD and the second edition of Local Schedule GR be reduced from the end of the fiscal year in which the financial transaction took place plus seven years (FE plus seven years) to FE plus five years. A commenter suggested that the retention period for school district agency fund records in Local Schedule SD be raised from FE plus three years to FE plus seven years. A

commenter objected to the retention period of date of withdrawal plus seven years for the scholastic achievement records of children in grades pre-K through eight in Local Schedule SD, stating that the records should be retained permanently. A commenter noted that the number of different retention periods in Local Schedule SD should be reduced to three or four common ones for ease of use by school districts. Three commenters questioned the one year retention period for grade books in Local Schedule SD, observing that it may be in conflict with requirements of the Texas Education Agency. A commenter objected that the two year retention period for parental permission slips in Local Schedule SD was too long. A commenter questioned the need to retain applications for the free lunch program for five years under the requirements of Local Schedule SD when parents have to make new applications each year. A commenter suggested that the retention period for food and food equipment inventory records be reduced from FE plus five years to three years in Local Schedule SD. A commenter objected to the retention periods established for driver's license records checks, service requests/work orders, and annual cost reports in the section of Local Schedule SD dealing with transportation records.

Commenting for the section was San Antonio Independent School District. Commenting against the section were Flour Bluff Independent School District, Grand Prairie Independent School District, Houston Independent School District, Northside Independent School District, Rockdale Independent School District, Tuloso-Midway Independent School District, and Whitehouse Independent School District.

One commenter objected to the retention period of end of the fiscal year in which the financial transaction took place plus seven years (FE plus seven years) for most financial records of school districts. The commenter observed that this is an increase of two years over the period proposed in preliminary drafts of Local Schedule SD and urged that the shorter period be restored. The agency disagrees. The FE plus seven year retention period is to satisfy Texas Education Agency requirements for the retention of records documenting financial transactions or other records subject to audit involving federal grants or subgrants. It is difficult and often impossible to separate records that document the expenditure of federal funds from those documenting the expenditure of state or local funds.

While the standard audit period prescribed by the United States Department of Education is

five years, the Texas Education Agency points out the retention period begins to toll from the time it submits certain annual or other periodic financial reports and that it cannot submit the reports until reports are received from all school districts receiving federal dollars. The FE plus seven years minimum retention period is needed to ensure that school districts retain needed records for a reasonable time to cover the contingency of a federal audit.

One commenter suggested the retention period of FE plus three years for agency fund accounting records on Local Schedule SD be raised to the prevailing FE plus seven year retention period for school district financial records. The agency disagrees. Agency funds, which consist of clearing accounts that are custodial in nature (e.g., student picture accounts) are not reasonably subject to the same retention requirements as other types of financial records and school districts should have the opportunity to use the shorter retention period if they wish.

One commenter felt that school districts should be required to retain the scholastic achievement records of children in grades pre-K through eight permanently and not the date of withdrawal plus seven years given as the retention period on Local Schedule SD. The agency disagrees. While these scholastic records are retained permanently by many districts, not all do so. Since the date of withdrawal plus seven years is a minimum retention period, nothing prevents those districts that retain the records permanently from continuing to do so, and the agency anticipates that most districts will continue the practice of permanent retention.

A commenter suggested that Local Schedule SD would be easier to use if the various retention periods be reduced to three or four common ones. The agency disagrees. Nothing prevents a school district for the purposes of its records management program from raising the minimum retention periods on some records to reduce the number of different retention periods that appear on its records control schedules.

Three commenters pointed out the one year retention period for grade books in Local Schedule SD was in conflict with a Texas Education Agency requirement that grade books be retained for five years. The agency disagrees. During the Texas Education Agency's eight-month review of the first version of Local Schedule SD, no objection was raised to the proposal that grade books need be retained for a minimum of one year only after transcription of grades to a cumulative scholastic record.

A commenter objected to the two year retention period for parental permission slips in Local Schedule SD and advocated a retention period of as long as administratively valuable after cessation of the activity for which permission was granted. The commenter pointed out his suggested period was the retention period the agency had proposed on earlier drafts of Local Schedule SD. The agency disagrees with the recommended change. Based on comments received in the development stage of the schedule, the agency feels that many of the activities for which parental permission is granted pose the risk of accident and injury to students and that a two year retention period, which matches the statute of limitations on personal injury claims, is reasonable and prudent.

A commenter questioned the need to retain applications for the free school lunch program for a minimum period of five years under the requirements of Local Schedule SD when parents or guardians have to make new applications each year. The agency points out that questions concerning the eligibility of a student to have participated in the free lunch program may arise during an audit and the applications are needed to verify eligibility. While the standard audit period prescribed by the United States Department of Agriculture is three years, the Texas Education Agency points out the retention period begins to toll from the time it submits annual or other periodic financial reports and that it cannot submit the reports until reports are received from all school districts receiving federal dollars. The five year minimum retention period is needed to ensure that school districts retain needed records for a reasonable time to cover the contingency of a federal audit.

A commenter recommended that the retention period for food and food equipment records in Local Schedule SD be lowered from FE plus five years to three years. The agency disagrees. Inventory records support financial and other records subject to audit and should be retained for the same period as those records.

One commenter suggested that the retention period for service requests/work orders for service or repair to school vehicles in Local Schedule SD be reduced from two years to until data processed. He pointed out that there was no need to retain the paper records once data had been entered in a computer. Commission schedules do not specify in what media a record must be kept during its life to satisfy the minimum retention period. The Local Government Code, Chapter 205, permits the destruction of source documents provided that the data files are retained for the prescribed retention period.

The same commenter suggested that the annual school transportation cost reports in Local Schedule SD be lowered from FE plus five years to three years. The agency disagrees. FE plus five years has been established as the base minimum retention period for annual financial reports for all local governments. We see no sufficiently compelling reason why the school transportation reports should be made an exception.

The amendment is adopted under the Government Code, §441.158, and the Local Gov-

ernment Code, §202.001(b)(2). The Government Code, §441.158(a), requires the Texas State Library and Archives Commission to prepare and distribute records retention schedules for local government records and to adopt the schedules by rule. The Local Government Code, §202.001(b)(2), permits the commission to exempt by rule certain records from records destruction procedures established by statute. The section and the records retention schedules adopted by reference were approved by the Local Government Records Committee, as required by the Government Code, §441.165, at an open meeting held in Austin on November 9, 1992.

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 December 28, 1992.

TRD-9217014

Raymond Hitt
Assistant State Librarian
Texas State Library and
Archives Commission

Effective date: February 15, 1993

Proposal publication date: September 18, 1992

For further information, please call: (512) 463-5440

◆ ◆ ◆ TITLE 22. EXAMINING BOARDS

Part XIV. Texas Optometry Board Chapter 280. Therapeutic Optometry

• 22 TAC §280.5

The Texas Optometry Board adopts an amendment to §280.5, concerning therapeutic optometry, with changes to the proposed text as published in the November 10, 1992, issue of the *Texas Register* (17 TexReg 7836).

The rule will inform doctors of optometry of the list of anti-glaucoma drugs which cannot be prescribed by an optometrist or used in a manner that was not permitted by law on August 31, 1991. The amendment will bring the Board's current Chapter 280 into compliance with Attorney General Opinion DM-152, issued on August 13, 1992.

All doctors of optometry will be informed of the lists of anti-glaucoma drugs which cannot be prescribed by an optometrist or used in a manner that was not permitted by law on August 31, 1992.

One comment was received from the Texas State Board of Pharmacy suggesting that the proposed rule be further restricted to exclude the use of all drugs with an FDA-approved indication for treatment of glaucoma. The Texas Optometry Board views this suggested language as too restrictive under the applicable opinion of the Attorney General, DM-152,

interpreting the statutes. Therapeutic optometrists may not prescribe drugs that are antiviral or anti-glaucoma agents; however, the opinion of the Attorney General also acknowledged that it was an issue of fact "whether a particular topical ocular pharmaceutical agent is primarily an antiviral or antiglaucoma agent." In the judgment of the Texas Optometry Board, the rule does not include any drug which is primarily an antiviral or anti-glaucoma agent; it therefore disagrees with the restrictions suggested by the Pharmacy Board. The Texas Optometry Board did, however, add to the list of exclusion drugs, carteolol, a suggestion made by the Pharmacy Board.

The amendment is adopted under Texas Civil Statutes, Article 4452, §2.14, which provide the Texas Optometry Board with the authority to promulgate substantive and procedural rules.

§280.5. Prescriptions Written for Pharmaceutical Agents by the Therapeutic Optometrists.

(a)-(g) (No change.)

(h) The following are those drugs which are classified as antiglaucoma drugs and may not be used in a manner that was not permitted by law on August 31, 1991:

- (A) Pilocarpine 1.0%-10%;
- (B) Carbachol 0.75%-3.0%;
- (C) Carteolol;
- (D) Epinephrine
0.25%-2.0%;
- (E) Dipivefrin 0.1%;
- (F) Betaxolol 0.5%;
- (G) Levobunolol 0.5%;
- (H) Metipranolol 0.3%;
- (I) Timolol 0.25%-0.5%;
- (J) Physostigmine
0.25%-0.5%;
- (K) Demecarium
0.125%-0.25%;
- (L) Echothiophate
0.03%-0.25%;
- (M) Isoflurophate 0.25%.

(i) This formulary specifically lists the types of drugs which may be prescribed

by a therapeutic optometrists. Subject to the antiglaucoma and antiviral limitations described in subsections (g) and (h) of this section, a therapeutic optometrist may possess and administer any topical ocular pharmaceutical agent which has a legitimate diagnostic or therapeutic use.

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 December 23, 1992.

TRD-9217016 Lois Ewald
Executive Director
Texas Optometry Board

Effective date: January 19, 1993

Proposal publication date: November 10, 1992

For further information, please call: (512) 835-1938

◆ ◆ ◆
TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 33. Early and Periodic Screening, Diagnosis, and Treatment

Subchapter J. Medical Phase

• 40 TAC §33.140

The Texas Department of Human Services (DHS) adopts an amendment to §33.140, concerning Early and Periodic Screening, Diagnosis and Treatment-Comprehensive Care Program Providers (EPSDT-CCP), with changes to the proposed text as published in the November 27, 1992, issue of the *Texas Register* (17 TexReg 8279).

The justification for the amendment is to clarify the reimbursement methodologies for private duty nurses, occupational therapists, speech-language pathologists, freestanding psychiatric hospitals and facilities, and freestanding rehabilitation hospitals providing EPSDT-CCP services.

The amendment will function by providing the methodology DHS uses to reimburse providers for covered services under the Medicaid program and by ensuring that recipients continue to have access to services.

DHS received comments concerning the proposal from the State Committee of Examiners for Speech-Language Pathology and Audiology. A summary of the comments and DHS's response follows.

COMMENT: The commenter requested that DHS change the term "speech therapist" to "speech-language pathologist" and also change the term "licensed speech therapist" to "licensed speech-language pathologist" in §33.140(8).

RESPONSE: DHS agrees and is adopting the section with the requested changes in terminology.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§33.140. *Early and Periodic Screening, Diagnosis, and Treatment-Comprehensive Care Program Providers (EPSDT-CCP).* The following are approved EPSDT-CCP provider types and the approved Texas Medical Assistance (Medicaid) Program reimbursement methodology for each provider type.

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

(6) Private duty nurses. DHS or its designee makes payment to independently practicing licensed vocational nurses and registered nurses according to the lesser of actual charge or a fee schedule established by DHS.

(7) Occupational therapists. DHS or its designee makes payment to independently practicing licensed occupational therapists according to the lesser of actual charge or a fee schedule established by DHS.

(8) Speech-language pathologists. DHS or its designee makes payment to independently practicing licensed speech-language pathologists according to the lesser of actual charge or a fee schedule established by DHS.

(9) Freestanding psychiatric hospitals and facilities. The freestanding psychiatric hospital or facility must be accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO). Reimbursement for acute care inpatient psychiatric care is made according to the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) reimbursement principles without the application of TEFRA targets (reasonable cost basis). DHS or its designee reimburses freestanding psychiatric hospitals and facilities under similar methods and procedures used in Title XVIII of the Social Security Act, as amended, effective October 1, 1982, by Public Law 97-248. DHS or its designee establishes interim payment rates.

(10) Freestanding rehabilitation hospitals. A freestanding rehabilitation hospital must be enrolled and participating in Medicare. Reimbursement for inpatient care provided in the freestanding rehabilitation hospital is made under the Texas Diagnosis Related Group (DRG) payment system, as described in §29.606 of this title (relating to Reimbursement Methodology for Inpatient Hospital Services).

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 December 30, 1992.

TRD-9217046 Nancy Murphy
Agency Liaison, Policy and
Document Support
Texas Department of
Human Services

Effective date: February 1, 1993

Proposal publication date: November 27, 1992

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

◆ ◆ ◆



Name: Deena Klenke
Grade: 8
School: Murchison Middle School, Austin ISD

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 prior to 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 named 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. Emergency meeting notices filed by all governmental agencies will be published.

Posting of open meeting notices. All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain 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

Thursday, January 7, 1993, 9:30 a.m. The Texas Board on Aging's Area Agency on Aging (AAA) Operations Committee of the Texas Department on Aging will meet at the Texas Department on Aging, 1949 South IH-35, Third Floor Conference Room, Austin. According to the agenda summary, the committee will call the meeting to order; discuss approval of the November 23, 1992 minutes; consider and recommend to board: staff evaluation and recommendation on the FY 1993 area plans with conditions; award conditions for Health Care Financing Administration grants to AAAs; Ombudsman program supplemental grant funding; reports on: comments on published standards; indirect costs task force; goals and objectives of the Client Information System; fixed route transportation systems' reporting requirements and how they impact service delivery; and adjourn.

Contact: Mary Sapp, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

Filed: December 30, 1992, 3:59 p.m.

TRD-9217088

Texas Department of Agriculture

Wednesday-Thursday, January 13-14, 1993, 3 p.m. and 8 a.m. respectively. The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet at the Corpus Christi Marriott Bayfront Hotel, 900 North Shoreline Boulevard, Corpus Christi. According to the agenda summary, the board will call the meeting to order; discuss approval of the

minutes; discuss financial reports; director appointments-discussion and action including National Grain Sorghum Producers Board (three directors); committee to review the office efficiency (two directors); and replacement for George Reeves seat. (Financial reports include TGSPB, Wilbert Vorwerk and Federation and GSP operating account, Terry Kitches). discussion and action on research updates and proposals; other funding considerations; discuss other business; and adjourn.

Contact: Jack Cobb, P.O. Box 560, Abernathy, Texas 79311, (806) 298-2543.

Filed: December 29, 1992, 1:49 p.m.

TRD-9217011

Coastal Coordination Council

Wednesday, January 6, 1993, 9 a.m. The Executive Committee of the Coastal Coordination Council will meet at the Stephen F. Austin Building, Room 831, 1700 North Congress Avenue, Austin. According to the agenda summary, the committee will discuss approval of the minutes from the October 28 and December 2, 1992, meetings; discuss the state agency task force role; receive status reports on produced waters issue; dolphin deaths in Coastal Bend bays; beach/dune rules and public hearing at the San Jacinto River; discuss reports submitted to the Office of Coastal Resource Management; and the Coastal Coordination Council goal statement and scheduling of the next executive committee meeting and council agenda for February. The public will be allowed to comment on each agenda item at the end of the meeting.

Contact: Janet L. Fatheree, 1700 North Congress Avenue, Room 730, Austin,

Texas 78701, (512) 463-5385.

Filed: December 29, 1992, 3:54 p.m.

TRD-9217028

Texas Office for Prevention of Developmental Disabilities

Wednesday, January 13, 1993, 1 p.m. The Head and Spinal Cord Injury Task Force of the Texas Office for Prevention of Developmental Disabilities will meet at the Texas Medical Association Building, 401 West 15th Street, Tenth Floor, Austin. According to the agenda summary, the task force will call the meeting to order; make introductions; discuss activity reports-bicycle helmet legislation, etc.; discuss new business; meeting schedule; and adjourn.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78756, (512) 483-5042.

Filed: December 29, 1992, 2:09 p.m.

TRD-9217017

Texas Education Agency

Wednesday, January 6, 1993, 5:30 p.m. The State Board of Education (SBOE) of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the complete agenda, the board will hold a swearing-in ceremony for members of the SBOE; and oaths of office will be administered to members of the SBOE.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: December 29, 1992, 2:28 p.m.

TRD-9217021

Thursday, January 7, 1993, 9 a.m. The Committee of the Whole of the State Board of Education of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the complete revised agenda, the committee will hold a swearing-in ceremony for members of the SBOE; and oaths of office will be administered by John Hannah, Jr., Secretary of State.

Contact: Criss Cloudt, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: December 29, 1992, 2:28 p.m.

TRD-9217020

Texas Ethics Commission

Wednesday, January 6, 1993, 9:30 a.m. The Texas Ethics Commission will meet at 1101 Camino La Costa, Room 235, Austin. According to the agenda summary, the commission will take roll call; hear comments by the commissioners and executive director; communication from the public; discuss approval of the minutes; briefing, discussion and possible action regarding studies and recommendations mandated by Vernon's Texas Civil Statutes, Article 6252.9d.1, §§1.301-1.303; report on advisory opinions and recommended statutory changes required by Vernon's Texas Civil Statutes, Article 6252.9d.1, §1.11(4); and proposed revisions to Rule §10.31 and related rules concerning sworn complaints; and AOR's 101, 137, 124, and 129. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Margie Castellanos at (512) 463-5800 or (800) 325-8506 at least two days before this meeting so that appropriate arrangements can be made. Please also contact Ms. Castellanos if you need assistance in having English translated into Spanish.

Contact: John Steiner, 1101 Camino La Costa, Austin, Texas 78752, (512) 463-5800.

Filed: December 29, 1992, 2:21 p.m.

TRD-9217018

Texas Department of Human Services

Friday, January 8, 1993, 10 a.m. The

Aged and Disabled Services Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the complete agenda, the committee will make opening comments; associate commissioner's comments; discuss approval of minutes; reports on federal legislative update; House Bill 7 transition update; disability awareness/sensitivity training curriculum information; amendment to the ICF-MR state standards regarding provider applications information; transfer of resources penalty and multiple transfers information; discuss case management policies; OMB income limit clarification; deletion of duplicate rule; revision of Bienivir Waiver Program reimbursement methodology; new ICF-MR state standard for participation regarding reconsideration of level-of-care and effective dates; delete NF residents' freedom of choice of pharmacy providers; primary home care program rules; receiving CLASS and IH/FSP services; CLASS program authorizing the use of institutional cap in determining financial eligibility; exclusion of transition to life in the community (TLC) benefits from CCAD eligibility; orientation of CLASS program; feedback on advisory committee recommendations tracking report; open discussion by members; federally mandated/technical items; set next meeting; and adjourn.

Contact: Anthony Venza, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4780.

Filed: December 30, 1992, 1:29 p.m.

TRD-9217058

Texas Incentive and Productivity Commission

Friday, January 8, 1993, 10 a.m. The Texas Incentive and Productivity Commission will meet at One Capitol Square, Room 202, 15th and Lavaca Streets, Austin. According to the revised agenda summary, the commission will consider Productivity Bonus Program special requests-Texas Water Development Board; report on administrative matters; and adjourn. For ADA assistance, contact Dan Contreras at (512) 475-2393 at least two days prior to the meeting.

Contact: M. Elaine Powell, P.O. Box 12482, Austin, Texas 78711, (512) 475-2393.

Filed: December 30, 1992, 9:47 a.m.

TRD-9217040

Texas Department of Insurance

Monday, January 11, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217056

Tuesday, January 12, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217055

Wednesday, January 13, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217054

Thursday, January 14, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the commission will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217053

Tuesday, January 14, 1993, 9 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 100, 333 Guadalupe Street, Austin. According to the agenda summary, the board will discuss personnel; litigation; commissioner's orders; solvency; budget; staff reports; consider adoption of new 28 TAC §§7.70, 1.412, 7.1011 and 25.717; consider filings by Seaboard Surety Company, St. Paul Companies, Fireman's Fund Insurance Company et al, Fidelity and Deposit Company of Maryland (F&D); consider general liability endorsements by Maryland Insurance Company et al, Insurance Company of North Am, et al, Globe Indemnity Company, Charlotte, North Carolina, Liberty Mutual Insurance Company, et al, Employers Insurance of Wausau, et al; consider liability deduct endorsement form number 46172 for use with the Physicians and Surgeon Professional liability program claims-made of the St. Paul Company; consider approval of policy revisions for use with the Podiatrists Professional Liability Program of Podiatry Insurance Company of America; consider personal excess liability policy form and endorse file by Metropolitan Property and Casualty Insurance Company; consider approval of manual page 28 for use with the Physicians Professional Liability Program of Professional Medical Insurance Company; consider personal Umbrella rules by Employers Mutual Casualty Company; and consider Commercial General Liability Endorsement FM600.0.942 (8-92ed.), Broad Additional Insured-Owners, lessees or Contractors (Form B), by United States Fire Insurance Company, et al, pursuant to the Texas Insurance Code, Article 5. 13-2.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6527.

Filed: December 30, 1992, 1:33 p.m.

TRD-9217059

Monday, January 18, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217052

Wednesday, January 20, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217051

Monday, January 25, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:35 a.m.

TRD-9217050

Wednesday, January 27, 1993, 8:30 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 13501, 333 Guadalupe Street, Tower One, Austin. According to the complete agenda, the board will consider any necessary response to actions, requests, or other occurrences from the 73rd Legislative Session and from committees and members thereof.

Contact: Angelia Johnson, 333 Guadalupe Street, Mail Code 113-2A, Austin, Texas 78701, (512) 463-6328.

Filed: December 30, 1992, 10:34 a.m.

TRD-9217049

Texas Department of Licensing and Regulation

Thursday, January 14, 1993, 9 a.m. The Texas Industrialized Building Code Council of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the agenda summary, the council will give an update on progress of adoption of EAB reviews; use of metal siding; request by Stealgard, Inc. for approval of Stenni glass fiber reinforced panel as an alternate material; review of DRA

performance; review of monitoring procedures; and approval of third parties.

Contact: Jimmy G. Martin, P.O. Box 12157, Austin, Texas 78711, (512) 463-7348.

Filed: December 30, 1992, 9:05 a.m.

TRD-9217031

Texas Department of Mental Health and Mental Retardation

Friday, January 22, 1993, 1 p.m. The Interagency Council on ICF-MR Facilities of the Texas Department of Mental Health and Mental Retardation will meet at the TXMHMR Auditorium, 909 West 45th Street, Austin. According to the complete agenda, the council, in accordance with Senate Bill 1426, Section 3, will convene to review the status of FY 1992-1993 Plan and to conduct other business. If interpreters for the deaf are required, notify TDMHMR (512) 323-3261, Carole Smith 72 hours prior to the meeting.

Contact: Carole Smith, 3305 Northland Drive, Suite 400, Austin, Texas 78731, (512) 323-3261.

Filed: December 29, 1992, 10:31 a.m.

TRD-9217008

Board of Nurse Examiners

Wednesday-Thursday, January 20-21, 1993, 8 a.m. The Board of Nurse Examiners will meet at 1812 Centre Creek Drive, Room 203, Austin. According to the agenda summary, the board will receive minutes of the November 17, 1992, meeting; financial statements for October and November 1992; consider education/examination matters such as a survey visit report from the University of Texas Southwestern Medical Center, Women's Health Care ANP program; summary of annual reports; and receive reports from NEAC, Tech Prep; Deans/directors survey; the 1992 statistical reports and the education rules task force; receive reports from the executive director, outside agency committees and receive input from interested parties during the open forum on January 20; consider adoption of three rule amendments; requests from individuals for modification of board orders; and consider the ratification of proposed board orders.

Contact: Erlene Fisher, P.O. Box 140466, Austin, Texas 78714, (512) 835-8675.

Filed: December 30, 1992, 1:46 p.m.

TRD-9217061

Texas Board of Licensure for Nursing Home Admin- istrators

Friday, January 8, 1993, 1 p.m. The Advisory Committee to the Board of the Texas Board of Licensure for Nursing Home Administrators will meet at 4800 North Lamar Boulevard, Suite 250, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; make introductions; discuss approval of minutes for October 1, 1992, meeting, receive public comment; discuss Rule 247.4(e) which will increase continuing education requirements to 40 hours every two years; review the agency strategic plan; discuss new proposed rules; requirement of the NAB and requirement of notification of a change in employment status; assign a representative to report to the board at the January 15 meeting; set agenda for next meeting time, date and location; and adjourn.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: December 29, 1992, 2:32 p.m.

TRD-9217029

Saturday, January 9, 1993, 1:30 p.m. The Education Committee of the Texas Board of Licensure for Nursing Home Administrators will meet at 4800 North Lamar Boulevard, Suite 310, Austin. According to the complete agenda, the committee will call the meeting to order; take roll call; discuss approval of agenda; status report on state standards exam revisions; discuss and possibly take action on recommendations made by the Advisory Committee; review request by Mr. Jimmie Oakley to train an AIT in a non-medicaid participating facility; review items submitted by Dale Carnegie, Inc. for consideration to become an approved CE sponsor of TBLNHA; review current continuing education application procedures; and adjourn.

Contact: Janet Lacy, 4800 North Lamar Boulevard, Suite 310, Austin, Texas 78756, (512) 458-1955.

Filed: December 30, 1992, 9:28 p.m.

TRD-9217033

Public Utility Commission of Texas

Friday, January 8, 1993, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11027-complaint of the City of McKinney against Southwestern Bell Telephone Company.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 29, 1992, 3:19 p.m.

TRD-9217025

Friday, January 15, 1993, 9:30 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda summary, the commission will hold a workshop regarding proposed revisions to the annual and semi-annual earnings reports for Electric Cooperatives and River Authorities.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 30, 1992, 3:17 p.m.

TRD-9217076

Friday, January 15, 1993, 1:30 p.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the agenda summary, the commission will hold a workshop regarding proposed revisions to the annual and semi-annual earnings report for Telephone Utilities and Electric Investor-Owned Utilities.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 30, 1992, 3:16 p.m.

TRD-9217075

Friday, February 12, 1993, 10 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 11544-petition of Rio Grande Electric Cooperative, Inc. to blend power cost recovery factors and to recover deferred costs.

Contact: John M. Renfrow, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: December 30, 1992, 3:17 p.m.

TRD-9217077

Railroad Commission of Texas

Monday, January 11, 1993, 9:30 a.m. The Railroad Commission of Texas will meet in the First Floor Conference Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The commission will consider and act on the administrative services division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: December 31, 1992 9:46 a.m.

TRD-9217100

The commission will consider and act on the personnel division director's report on division administration, budget, procedures, and personnel matters. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel.

Contact: Mark Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6710.

Filed: December 31, 1992, 9:45 a.m.

TRD-9217097

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. The commission will discuss the implementation of individual operating budgets for each individual commissioner's office. The commission will discuss a proposed training agreement for the Gas Utility Section of the Legal Division. The commission will meet in executive session to consider the appointment, employment, evaluation, re-assignment, duties, discipline and/or dismissal of personnel, and pending litigation; and consider a contract for public information services.

Contact: Walter H. Washington, Jr., P.O. Box 12967, Texas 78711-2967, (512) 463-7274.

Filed: December 31, 1992, 9:46 a.m.

TRD-9217103

The commission will consider and act on the Automatic Data Processing Division Director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: December 31, 1992, 9:46 a.m.

TRD-9217101

The commission will consider and act on the Division Director's report on budget and personnel matters related to organization of the Alternative Fuels Research and Education Division.

Contact: Dan Kelly, P.O. Box 12967, Austin, Texas 78711-2967, (512) 463-7110.

Filed: December 31, 1992, 9:45 a.m.

TRD-9217096

The commission will consider and act on the Office of Information Services Direc-

tor's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78711, (512) 463-6710

Filed: December 31, 1992, 9:45 a.m.

TRD-9217098

The commission will consider and act on the investigation division director's report on division administration, investigations, budget, and personnel matters.

Contact: Marcelo R. Montemayor, P.O. 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: December 31, 1992, 9:45 a.m.

TRD-9217099

The commission will consider category determinations under Sections 102(c) (1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: December 31, 1992, 9:46 a.m.

TRD-9217102

The commission will consider various applications and other matters within the jurisdiction of the agency including oral arguments at the time specified. The commission 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 will meet in executive session as authorized by the Open Meetings Act.

Contact: Carole J. Vogel, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6921.

Filed: December 31, 1992, 9:47 a.m.

TRD-9217104

Texas Water Commission

Wednesday, January 27, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Uvalde County Road Department's Application Number TA-6953 to seek a permit to divert and use a total of 6 acre-feet of water for a 3-year period from various streams and rivers in the Nueces River Basin. The water will be used for industrial purposes (county roadway construction and maintenance) in Uvalde County.

Contact: Arlette R. Capehart, P.O. Box 13087, Austin, Texas 78711, (512) 475-2347.

Filed: December 30, 1992, 1:51 p.m.

TRD-9217068

Thursday, February 18, 1993, 10 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 1028A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on the Petition for Creation of Harris County Municipal Utility District Number 358.

Contact: Jim Bateman, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: December 30, 1992, 1:52 p.m.

TRD-9217069

Wednesday, February 10, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on the Sabine Mining Company's Application Number 5439 for a water use permit to construct and maintain a dam creating a reservoir (Pond 93-E3-004) on Rodgers Creek, tributary of Clarks Creek, tributary of the Sabine River, Sabine River Basin, and to divert and use not to exceed 100 acre-feet of water per annum. The dam and reservoir will be used for sediment control at the South Hallsville Number One Lignite Mine, located approximately 13 miles southwest of Marshall in Freestone County. Water diverted from the reservoir will be used for dust suppression and compaction for haulroad construction purposes at the mine site.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: December 29, 1992, 2:32 p.m.

TRD-9217024

Wednesday, February 10, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Texas Utilities Mining Company's Application Number 5440 for a permit to construct and maintain a dam creating a reservoir (C-67) on Bear Creek, tributary of Tehuacana Creek, tributary of the Trinity River, Trinity River Basin. The dam and reservoir will be used for sediment control at the Big Brown Lignite Mine, located approximately 11 miles northeast of Fairfield in Freestone County. Applicant also seeks to divert and use not to exceed 90 acre-feet of water per annum from the perimeter of the reservoir at a maximum rate of 5.8 cubic feet per second (2600 gallons per minute) for dust

control at the mine site.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: December 29, 1992, 2:29 p.m.

TRD-9217022

Wednesday, February 10, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Texas Utilities Mining Company's Application Number 5441 for a water use permit to construct and maintain a dam creating a reservoir (DI-40) on Dry Creek, tributary of Mill Creek, tributary of Cherokee Bayou, tributary of the Sabine River, Sabine River Basin, and construct and maintain a dam creating a reservoir (DI-41) on Boggy Branch, tributary of Mill Creek, tributary of Cherokee Bayou, tributary of the Sabine River, Sabine River Basin. Applicant also seeks to divert and use not to exceed 100 acre-feet of water per annum from the perimeter of each reservoir for dust control at the mine site. The dams and reservoirs, located approximately eight miles northeast of Henderson in Rusk County, will be used for sediment control at the Oak Hill Lignite Mine.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: December 29, 1992, 2:24 p.m.

TRD-9217019

Wednesday, March 3, 1993, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Application Number 5442 submitted by United States Department of Energy, Superconducting Super Collider Laboratory for authorization to construct and maintain a dam creating a reservoir (referred to as the "Injector Pond") on an unnamed tributary of Chambers Creek, tributary of the Trinity River, Trinity River Basin. The pond will be used to store water purchased from the Tarrant County WID Number One. The dam and reservoir will be located approximately 6.4 miles southwest of Waxahachie in Ellis County.

Contact: Terry Slade, P.O. Box 13087, Austin, Texas 78711, (512) 475-4586.

Filed: December 29, 1992, 2:30 p.m.

TRD-9217023

Texas Workers' Compensation Commission

Friday, January 8, 1993, 9 a.m. The Medical Advisory Committee of the Texas

Workers' Compensation Commission will meet at the Southfield Building, Room 910, 4000 South IH-35, Austin. According to the complete agenda, the committee will call the meeting to order; review and discuss approval of November 4, 1992, minutes; progress report on Spine Treatment Guideline; progress report on Impairment Work Group; discussion on criteria for preauthorization disputes; progress report on dispute resolution process and letter; discussion on rules presented to commissioners; changes to the MAC by-laws; draft rule for Pharmaceutical Services; establish draft agenda; establish next meeting date; and adjourn.

Contact: Todd K. Brown, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: December 30, 1992, 8:42 a.m.

TRD-9217030

Texas Workers' Compensation Insurance Facility

Monday, January 11, 1993, 10 a.m. The Governing Committee of the Texas Workers' Compensation Insurance Facility will meet at the Omni Austin Hotel, 700 San Jacinto Street, Austin. According to the agenda summary, the committee will discuss approval of the December 15, 1992, minutes; appointment of committees and subcommittees; report from Texas Workers' Compensation Commission; consider and possibly act on election of chairman and vice-chairman, on amendment to 1993 rating plan, on petition to SBI for rule regarding: redistribution of assessments on member companies in liquidation; making medical cost containment standards part of facility's procedural handbook; on request from United States Fire for reimbursement of medical cost containment fee; on Employers Insurance of Wausau's request for reimbursement of legal fees; on appeal by Aberdeen Group, Inc.; on appeals subcommittee's recommendations on accounting subcommittee report; on fees and expenses for 1991 financial audit; hear executive director's report; and meet in executive session(s) regarding personnel matters and pending legal matters.

Contact: Russell R. Oliver, 8303 MoPac Expressway North, Suite 310, Austin, Texas 78759-8396, (512) 345-1222.

Filed: December 30, 1992, 12:49 p.m.

TRD-9217057

Regional Meetings

Meetings Filed December 29, 1992

The Concho Valley Council of Governments Private Industry Council will meet at 5014 Knickerbocker Road, San Angelo, January 6, 1993, at 3 p.m. Information may be obtained from Monette Molinar, 5002 Knickerbocker Road, San Angelo, Texas 76904, (915) 944-9666. TRD-9217027.

The Johnson County Rural Water Supply Corporation met at the JCRWSC Office, Highway 171 South, Cleburne, January 4, 1993, at 1 p.m. Information may be obtained from Charlene SoRelle, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9217010.

The Kaufman County Education District Board of Trustees met at 3950 South Houston Street, Kaufman, January 4, 1993, at 7 p.m. Information may be obtained from Carolyn Harrison, P.O. Box 819, Kaufman, Texas 75142, (214) 932-6081. TRD-9217007.

The Permian Basin Regional Planning Commission General Membership will meet at the Odessa Country Club, Odessa, January 6, 1993, at noon. Information may be obtained from Terri Moore, P.O. Box 60660, Midland, Texas 79711, (915) 563-1061. TRD-9217015.

Meetings Filed December 30, 1992

The Aqua Water Supply Corporation met at 305 Eskew, Aqua Water Supply Corporation Office, Bastrop, January 4, 1992, at 7:30 p.m. Information may be obtained from Carol Kadura, P.O. Box P, Bastrop, Texas 78602, (512) 321-3943. TRD-9217086.

The Austin-Travis County Mental Health and Mental Retardation Center Board of Trustees will meet at 1430 Collier Street, Board Room, Austin, January 5, 1993, at 7 a.m. Information may be obtained from Sharon Taylor, P.O. Box 3548, Austin, Texas 78704, (512) 447-4141. TRD-9217089.

The Brazos River Authority Board of Directors, Audit Committee will meet at the Waco Hilton Hotel, North Room, 113 South University Parks Drive, Waco, January 7, 1993, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9217062.

The Brazos River Authority Board of Directors, Administrative Policy Committee will meet at the Waco Hilton Hotel, North Room, 113 South University Parks Drive, Waco, January 7, 1993, at 11 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9217064.

The Brazos River Authority Board of Di-

rectors, Lake Management Committee will meet at the Lake Supervisor's Office, Possum Kingdom Lake, January 11, 1993, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9217063.

The Brazos River Authority Board of Directors, Water Quality Committee will meet at the Lake Supervisor's Office, Possum Kingdom Lake, January 11, 1993, at 11 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9217065.

The Brazos River Authority Board of Directors, Water Utilization Committee will meet at the Hyatt Regency DFW Hotel, Room 215, West Tower, Dallas-Fort Worth Airport, January 14, 1993, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9217066.

The Dallas Area Rapid Transit Rail Planning and Development Committee will meet at the DART Headquarters, 1401 Pacific Avenue, Conference Room C, Dallas, January 5, 1993, at 2 p.m. Information may be obtained from Nancy McKethan, 1401 Pacific Avenue, Dallas, Texas 75202, (214) 749-3347. TRD-9217060.

The Grayson Appraisal District Board of Directors will meet at 205 North Travis, Sherman, January 11, 1993, at 7:15 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9217067.

The North Central Texas Council of Governments Local Government Investment Fund for Texas will meet at 616 Six Flags Drive, Suite 324, Arlington, January 8, 1993, at noon. Information may be obtained from Charles Cason III, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300, ext. 110. TRD-9217048.

Meetings Filed December 31, 1992

The Lavaca County Central Appraisal District Board of Directors will meet at the Lavaca County Central Appraisal District, 113 North Main Street, Hallettsville, January 11, 1993, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9217092.

The Sulphur River Basin Authority Board of Directors will meet at the Mt. Pleasant Chamber of Commerce Building, 1604 North Jefferson, Mt. Pleasant, January 12, 1993, at noon. Information may be obtained from William O. Morriss, P.O. Box 240, Texarkana, Texas 75504, (903) 793-5511. TRD-9217093.

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.

Office of the Attorney General Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, §6(a), the Office of the Attorney General (OAG) files this report announcing the award of a contract for consultant services to David M. Griffith and Associates, Limited, 8100 Springwood Drive, Suite 200, Irving, Texas 75063. The request for proposal was published in the November 20, 1992, issue of the *Texas Register* (17 TexReg 8185). David M. Griffith and Associates, Limited, is to prepare the Cost Allocation Plan for state fiscal year 1994, review and update the OAG standardized legal billing rate system, and negotiate an agreement with the United States Department of Health and Human Services concerning both of the previously mentioned.

The contract is for an amount not to exceed \$55,000. The beginning date of the contract is December 28, 1992, and the ending date is December 31, 1993, or the date of the completion of the contractor's work, whichever occurs earlier. Completion dates for deliverables: no later than February 28, 1993, for the Cost Allocation Plan; no later than May 31, 1993, for review and updating the standardized Legal Billing Rate system; and a target date of August 31, 1993, for a negotiated agreement with the United States Department of Health and Human Services.

For further information, please contact Stan Wedel, Deputy Attorney General, at (512) 463-2095.

Issued in Austin, Texas, on December 30, 1992.

TRD-9217028

Jerry Benedict
Director, Office of Administrative Counsel
Office of the Attorney General

Filed: December 29, 1992

Texas Department of Commerce Request for Proposal

Number 93-001. This request for proposal for consultant services is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Texas Department of Commerce (Commerce) requests offers from qualified companies or organizations for consulting services to prepare the final fiscal year 1992 OMB Cost Allocation Plan based on actual expenditures for the fiscal year ending August 31, 1992. In addition, the department is requesting the preparation of a full cost recovery plan incorporating all statewide costs allocated to the department including items of general government which are specifically precluded from charges to grant programs and a separate fee study plan.

During fiscal year 1992, Commerce administered millions of dollars of federal funds for the Job Training Partnership

Act (JTPA) program. Commerce recouped its indirect costs from the program based on provisional rates approved by the U.S. Department of Labor (DOL). Currently, the department has a policy board, two ancillary boards, and the following operating divisions: Executive Office, Work Force, Business Development, Tourism, Quality Assurance, Legal, Data Services, Human Resources, Governmental Relations, Research and Planning, Administration, and Communications. The following divisions provide services for which a fee is either currently charged or a fee is anticipated in the future: Business Development, Tourism, Data Services, and Research and Planning.

The offerer selected to prepare the Cost Allocation Plan and Fee Study Plan must demonstrate the necessary qualifications and experience listed in the Qualifications section and will be required to perform the various services and generate the reports listed in the Scope of Services section. The acceptance of an offer by Commerce, made in response to this request, will be based on demonstrated competence, knowledge and qualifications of the offerer, and reasonableness of the offeror's proposed fee, in addition to other factors described.

Scope of Services-Cost Allocation Plan. The successful candidate will be required to develop detailed cost allocation plans, and render the following services and reports: identify the sources of financial information to be used; classify all Commerce divisions, commissions, and boards; inventory all Federal and other programs administered by Commerce; determine administrative departments; determine allocation bases for allocating services to benefitting divisions; develop allocation data for each allocation base; prepare cost allocation worksheet based upon actual expenditures for Fiscal Year 1992; identify in a separate schedule the federally reimbursable indirect costs; summarize costs by benefitting division; collect cost data for all of the programs included in the inventory of Federal programs and other programs administered by Commerce; determine indirect cost rates throughout Commerce on an annual basis; formalize plan and present to the Department of Labor; negotiate final plan and secure approval from the Department of Labor; provide indoctrination session for assigned personnel.

Consultant staff will accumulate and analyze all data that is required. Commerce is not expected to provide any staff time to the consultant; no time sheets will be required and no accounting methods or records need be changed. The cost allocation plan must be completed and submitted to DOL no later than February 28, 1993, or the consultant will secure from DOL an extension of time to file the plan.

Scope of Services-Fee Study. Identify the sources of financial information to be used; inventory all fee generating activities administered by Commerce; determine administrative departments; determine allocation bases for allocating services to benefitting divisions and fee generating activities; develop allocation data for each allocation

base; prepare cost allocation worksheet; summarize costs by benefiting division and fee generating activity; for all fee generating activities identified in the inventory of programs administered by Commerce, the contractor will either collect the necessary cost data and develop a rate schedule or if cost data is unavailable, the contractor will develop the costing methodologies necessary to collect the cost data and develop rate schedules in future periods; provide indoctrination session for assigned personnel.

Consultant staff will accumulate and analyze all data that is required. Commerce is not expected to provide any staff time to the consultant.

Qualifications. Each company or organization submitting an offer must present evidence or otherwise demonstrate to the satisfaction of Commerce that such entity: has experience to prepare and negotiate these types of Cost Allocation Plans and a Fee Study Plan; has a thorough understanding of Cost Allocation and Fee Study issues and preparation of state agency's Cost Allocation and Fee Study Plans; can execute such a proposition within the required time frame.

Instructions. Please provide evidence of qualifications and a proposal which includes: a detailed description of a work plan to accomplish the requirements described in the "Scope of Services"; provide resumes for each individual to be assigned to the project. Each resume must contain, as a minimum, a description of the individual's educational and professional experience relevant to this project; the response must include the qualifications of the firm including company size, number of offices, number of personnel, and general areas of expertise, etc. Also provide all other information which will facilitate the evaluation of the firm; the response must include contact information for the responsible persons at a minimum of three organizations where the firm has completed similar projects; the proposed total amount for providing the desired services with the amount broken down separately for the OMB Cost Allocation Plan, the Full Cost Recovery Plan, and the fee study plan; the geographical location of offeror's principal place of business and/or office where services are to be performed.

Evaluation and Award Criteria. Evaluation of bids will be completed by contacting references, and reviewing responses for the following criteria: qualifications of Personnel-Experience in developing cost allocation plans and fee study plans for State Agencies; qualifications of Firm-Experience in providing services to state government. Must have documented experience in developing Cost Allocation Plans and Fee Study Plans; work Plan-Clarity and completeness of the work plan demonstrating an accurate understanding of project requirements; cost to complete all tasks associated with this project.

Conflict of Interest. The offeror shall identify an officer or employee of Commerce who has a financial interest, directly or indirectly, in the offeror's firm or who is related within the second degree of consanguinity (blood) or affinity (marriage) to a person having such a financial interest, together with a full disclosure of the nature of such financial interest, and the relationship if applicable. If there is no such person, the offeror shall so state in the proposal submitted in response to this Request for Proposal. The offeror must disclose and identify on the face of the proposal whether: an officer, employee, or paid consultant of the offeror is a member of the policy board, the executive director, or an employee of the Texas Department of Commerce; an officer, manager, or paid con-

sultant of the offeror is married to a member of the policy board, the executive director, or an employee of the Texas Department of Commerce; a member of the policy board, the executive director, or an employee of the Texas Department of Commerce directly owns, controls, or has any interest in offeror; and a member of the policy board, the executive director or employee, or the Texas Department of Commerce receives compensation from offeror for lobbying activities as defined in the Texas Government Code, Chapter 305.

If none of these apply, the offeror shall so state in the proposal submitted in response to this RFP. **PLEASE NOTE THAT A PROPOSAL MAY BE DISQUALIFIED BASED ON THESE RESPONSES.** Governmental entities are exempt from completing this section.

Prior State Employment. The offeror shall disclose whether any of the personnel whom the offeror proposes to use in performing the requested services have been employed by an agency of the State of Texas at any time during the two years proceeding the date of submission of this proposal. If such employment has existed, the offeror shall disclose: the agency and the nature of the previous employment with such agency; the date of termination of the employment; and the annual rate of compensation for the employment at the time of termination. If such employment has not existed then the offeror shall so state in the proposal.

Responses must be received no later than 5 p.m., February 4, 1993. Responses received after this date and time will not be considered. We anticipate entering into the resulting contract on or about February 8, 1993.

Commerce reserves the right to accept or reject any or all offers submitted in response to this request and to negotiate modifications necessary to improve the quality or cost effectiveness of any offer received. Selected candidates may be asked to make oral presentations to Commerce. Commerce is under no legal obligation to enter into a contract with any offer on the basis of this request and intends any material provided herein only as means of identifying the scope of services requested.

The Cost Allocation consultant services desired by Commerce relates to a service previously performed by the private consultant David M. Griffith and Associates, LTD., and Commerce intends to award the contract for the consulting services to the private consultant that previously performed the services unless a better offer is submitted.

The state assumes no responsibility for expenses incurred in preparing responses to this solicitation. Please hand deliver responses to Steve Hudson, Texas Department of Commerce, 816 Congress, Suite 1200, Austin, Texas 78701, or address responses to Steve Hudson, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-9655.

Issued in Austin, Texas, on December 28, 1992.

TRD-9216997

Cathy Bonner
Executive Director
Texas Department of Commerce

Filed: December 28, 1992

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**Office of Consumer Credit
Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, as amended (Texas Civil Statutes, Articles 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	01/04/93-01/10/93	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(3)	01/01/93-01/31/93	18.00%	18.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose. (3)For variable rate commercial transactions only.

Issued in Austin, Texas, on December 28, 1992.

TRD-9217032 Al Endsley
Consumer Credit Commissioner

Filed: December 30, 1992

Office of the Governor

**Request for Applications under the
Automobile Theft Prevention Authority
Fund**

Notice of Invitation for Applications. The Automobile Theft Prevention Authority of the Governor's Office (ATPA) is soliciting applications for grants to be awarded for projects under the Automobile Theft Prevention Authority (ATPA) Fund.

This grant cycle will be only six months in duration. A new grant cycle will begin on September 1, 1993. One or more of the following types of projects may be awarded, depending on the availability of funds.

Law Enforcement/Detection/Apprehension Projects, to establish motor vehicle theft enforcement teams and other detection/apprehension programs. Priority funding may be provided to state, county, precinct commissioner, general or home rule cities for enforcement programs in particular areas of the state where the problem is assessed as significant. Enforcement efforts covering multiple jurisdictional boundaries may receive priority for funding.

Prosecution/Adjudication/Conviction Projects, to provide for prosecutorial and judicial programs designed to assist with the prosecution of persons charged with motor vehicle theft offenses. Grants could include funding of efforts to implement changes in the prosecution of auto thieves and forfeiture of their property.

Prevention Projects, to test experimental equipment which is considered to be designed for theft deterrence.

Reducing the Sale of Stolen Parts Projects, for the development of vehicle identification number labeling, including component part labeling and etching methods designed to deter the sale of stolen parts.

Education/Media Campaign Projects, to promote public awareness, provide consumer information, and public training in theft prevention measures.

Eligible Applicants. An applicant may be county, commissioner precinct, general or home rule city, school district, university, or state agency; or it may be a department, division, or office within the governmental unit having authority and responsibility for carrying out the proposal to be funded.

An applicant may also be a neighborhood, community organization or business organization, or a department, division, or office within such an organization having authority and responsibility for carrying out the proposal to be funded.

Contact Person. Detailed specifications, including selection process and schedule for regional workshops for applicants will be made available through ATPA. Contact Linda Young, Executive Director, Auto Theft Prevention Authority, P.O. Box 12428, Austin, Texas 78711, (512) 463-1919.

Application Workshops. January 6, 9-11:30 a.m., San Jacinto College North, Learning Resource Building, Room 229, 5800 Uvalde, Houston; January 7, 1:30-4 p.m., Tarrant County Junior College, Northwest Campus, Criminal Justice Training Center, 4801 Marine Creek Parkway, Fort Worth; January 8, 9-11:30 a.m., U.T. San Antonio, John Pease Library, Room 40308, 6900 Loop 1604 West, San Antonio; January 12, 1-1:30 p.m., U.T. El Paso, Templeton Suite, 313 Union East, El Paso; January 13, 1:30-4 p.m., Fort Brown Hotel, Calvary Room, 1900 Elizabeth, Brownsville.

Closing Date for Receipt of Applications. The original and seven copies of the proposal must be received at the Governor's Office, Automobile Theft Prevention Authority by 5 p.m., February 2, 1993, or postmarked by February 2, 1993. Applications must be mailed to the contact person listed.

Selection Process. Applications will be rated according to the standard point system in the application kit by the ATPA executive director and by an Application Review Committee composed of seven members appointed by the seven members of the Automobile Theft Prevention Authority to include a representative from the Criminal Jus-

vice Division. The Application Review Committee will make recommendations to the full board of the Automobile Theft Prevention Authority.

Grants will be awarded on or before March 1, 1993.

Issued in Austin, Texas, on December 22, 1992.

TRD-9216948

David A. Talbot, Jr.
General Counsel
Office of the Governor

Filed: December 28, 1992

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Texas Department of Health
Notice of Agreed Order

On December 18, 1992, the director of the Radiation Control Program approved the settlement agreement between the Division of Compliance and Inspection and Technical Welding Laboratory, Inc. of Pasadena, holder of Texas Radioactive Material License Number L02187. An administrative penalty in the amount of \$78,000 was assessed against the licensee for failure to comply with the Texas Health and Safety Code, Chapter 401, and the Texas Regulations for Control of Radiation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on December 29, 1992.

TRD-9217013

Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: December 29, 1992

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Texas Department of Human Services
Request for Information

The Texas Department of Human Services (DHS), Department of Business Services, is requesting information regarding the availability of automated data systems which can be used to manage the Business Services Warehousing and Distribution operations. Particularly, DHS is interested in information on software which can be operated in the current DHS automated environment and provide support for the following business areas:

inventory which includes physical inventory maintenance, stock level control, and stock replenishment ordering;

order Processing which includes stock order transmission, stock pulling, and quality control;

distribution Management which includes shipment schedules, trip manifests, and mass mailing distributions;

warehouse Management which includes a space allocation system, stock locator system, and equipment maintenance schedule.

Description of Information Requested: Vendors should be aware that by publishing this RFI, DHS is not soliciting bids, only information that will assist in analyzing alternatives and in preparing specifications for a potential future Request for Proposal (RFP) or Invitation for Bid (IFB). DHS has sole discretion and reserves the right to reject any or all information received in response to this RFI, if

it is deemed to be in the best interest of the agency to do so. Issuance of this RFI in no way constitutes a commitment by DHS to award any contract or to pay any costs incurred by a vendor in the preparation of a response to this RFI.

Vendors responding to this RFI are requested to: provide literature, specification sheets, handouts, and other information on the type of software described previously, addressing in particular the following areas: physical inventory methods using bar code scanning technology; methods for automatically calculating item usage, stock levels, and order points; methods for transmitting stock orders to a central location after intermediate approvals; methods for tracking orders by site and sublocations within that site; procedures for producing pulling tickets; methods for automating quality control; methods for manifesting and scheduling shipments and receiving for optimum cost effectiveness; procedures for maintaining accurate distribution lists and producing labels for mass mailings; procedures for optimum allocation of warehouse space; methods for locating stock within a warehouse system; methods for scheduling warehouse equipment maintenance.

provide examples of similar services provided to other accounts with similar size and configurations;

describe the platform on which your system is operational;

In what language is it written?

was your system developed using CASE tools, if so, please specify?

How long has it been in production and for how many customers?

describe the basic processes and functional features of your system;

How does the system allow for: LAN support; WAN support; and Mainframe support?

Has the system ever been customized and, if so, how?

describe the degree of complexity in customizing the system, with respect to operating platforms, functionality, data base structures, etc.

Please include list prices in your response.

In your response to this RFI, please address how and/or within what parameters the product can meet the requirements outlined above.

The agency may wish to determine that the software package is currently operating successfully in comparable sites within the mainland United States. A list identifying the names of at least three sites along with the name of a contact person and a current telephone number at each site is requested.

Additionally, it is most important that the vendor be able to provide ongoing software support and offer a comprehensive training program for administrative, technical, and user staff. Detailed information regarding vendor capability to meet this additional requirement is requested.

Please submit your responses for consideration by 5 p.m. CST, February 1, 1993.

Offerors must submit six copies of their response, either by United States mail, or other method that requires a mailing address, to the Ms. Bobbie Ann Fisher, Acquisition Analyst; Federal/State Relations Section; Management Information Systems; Texas Department of Human Ser-

vices; P.O. Box 149030, Mail Code W-631; Austin, Texas 78714-9030; or delivered to Ms. Bobbie Ann Fisher; Federal/State Relations Section; Texas Department of Human Services; John H. Winters Building; 6th floor, West Tower, Section A; 701 West 51st Street; Austin.

Telephone Inquiries are discouraged.

Following a review of product literature and responses provided to the questions identified previously, if it is in the best interest of the agency, DHS staff may contact vendors to request a product demonstration.

Contact Person: To request an RFI packet, please contact Ms. Bobbie Ann Fisher, Acquisition Analyst; Federal/State Relations Section; Management Information Systems; Texas Department of Human Services; John H. Winters Building; 6th floor, West Tower, Section A; 701 West 51st Street; P.O. Box 149030, Mail Code W-631; Austin, Texas 78714-9030.

Issued in Austin, Texas, on December 30, 1992.

TRD-9217047 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Human Services

Filed: December 30, 1992

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**Texas State Occupational Information
Coordinating Committee**

Notice of Award of Contract

The Texas State Occupational Information Coordinating Committee submitted a request for proposals for an employer survey to obtain occupational employment information for a sample of students who have completed or left training programs at participating community or technical colleges and entered the work force. The request for proposals was printed in the November 24, 1992, issue of the *Texas Register* (17 TexReg 8244). As of the submission deadline at close of business on December 17, 1992, only one proposal was received.

The single proposal received from Dr. Jim Reed of Texas Student Information Systems (doing business as TEX-SIS) was reviewed in accord with the evaluation instrument made available to the public in conjunction with the request for proposals as printed in the *Texas Register*. The proposal was judged to be responsive to all elements in our request. All budget items were judged to be necessary and reasonable. Therefore, the employer survey contract has been awarded to TEX-SIS to commence in the amount of \$53,222 to commence January 1, 1993.

Issued in Austin, Texas, on December 22, 1992.

TRD-9217009 Marc Anderberg
Project Director, Automated Student Follow-
up Study
Texas State Occupational Information
Coordinating Committee

Filed: December 29, 1992

**Texas Department of Protective and
Regulatory Services**

**Cancellation of Consultant Proposal
Request**

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Protective and Regulatory Services (PRS) published an invitation for offers for proposals for consultant services for a project entitled "Child Welfare Decision Enhancement Project," in the December 4, 1992, issue of the *Texas Register* (17 TexReg 8479). PRS is postponing the acceptance of proposals until a later date at which time another invitation will be made. All inquiries about this matter may be directed to Charles Gembinski, Jr., Texas Department of Protective and Regulatory Services, P.O. Box 149030, MC W-413, Austin, Texas 78714-9030, phone (512) 450-3790.

Issued in Austin, Texas, on December 28, 1992.

TRD-9216989 Nancy Murphy
Agency Liaison, Policy and Document
Support
Texas Department of Protective and
Regulatory Services

Filed: December 28, 1992

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Public Utility Commission of Texas

**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 December 18, 1992, seeking approval of extended area service (EAS) pursuant to §23.49(i) of the Public Utility Commission of Texas substantive rules. The following is a summary of the joint petition.

Project Title and Number. Joint Petition of Georgetown Exchange for Extended Area Service to the Austin Metropolitan Exchange, Project Number 11325, before the Public Utility Commission of Texas.

The Joint Petition. In Project Number 11325, GTE Southwest, Inc. serving the Georgetown Exchange and Southwestern Bell Telephone Company serving the Austin Exchange seek approval of a joint petition to provide EAS from the Georgetown Exchange to the Austin Exchange. Customers may choose one of three new EAS calling plans: the Community Calling Plan providing for measured rates; the Premium Calling Plan providing customers with a flat-rate one-way option; or the Premium Plus Calling Plan allowing customers to choose a flat-rate two-way plan.

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 within 15 days of this notice at (512) 458-0256. The telecommunications device for the deaf (TDD) number for the Public Information Office is (512) 458-0221.

Issued in Austin, Texas, on December 23, 1992.

TRD-9216993 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: December 28, 1992

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**Texas Department of Transportation,
Division of Aviation**
Notices of Contract Award

Under the provisions of Texas Civil Statutes, Article 664-4, the Texas Department of Transportation publishes this notice of a consultant contract award for providing professional engineering services.

The request for professional engineering services was published in the February 18, 1992, issue of the *Texas Register* (17 TexReg 1409).

The consultant will provide engineering services for the design and construction administration phases for the following TxDOT project: 93-20-031, Andrews County Airport, Andrews.

The engineering firm for these services is Engineering and Surveying, Inc., P.O. Box 2128, Andrews, Texas 79714.

The total value of the contract is \$123,000 and the contract period started on December 18, 1992, until the completion of the project.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, (512) 476-9262.

Issued in Austin, Texas, on December 28, 1992.

TRD-9216966 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: December 28, 1992

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Under the provisions of Texas Civil Statutes, Article 664-4, the Texas Department of Transportation publishes this notice of a consultant contract award for providing professional engineering services.

The request for professional engineering services was published in the September 4, 1992, issue of the *Texas Register* (17 TexReg 6117).

The consultant will provide engineering services for the design and construction administration phases for the following TxDOT project: 94-03-041, Brenham Municipal Airport.

The engineering firm for these services is O'Malley Engineers, P.O. Box 1976, Brenham, Texas 77834-1976.

The total value of the contract is \$45,000 and the contract period started on November 30, 1992, until the completion of the project.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, (512) 476-9262.

Issued in Austin, Texas, on December 28, 1992.

TRD-9216967 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: December 28, 1992

Under the provisions of Texas Civil Statutes, Article 664-4, the Texas Department of Transportation publishes this notice of a consultant contract award for providing professional engineering services.

The request for professional engineering services was published in the September 4, 1992, issue of the *Texas Register* (17 TexReg 6116).

The consultant will provide engineering services for the design and construction administration phases for the following TxDOT project: 93-31-953, Lockhart Municipal Airport.

The engineering firm for these services is O'Malley Engineers, P.O. Box 1976, Brenham, Texas 77834-1976.

The total value of the contract is \$8,410 and the contract period started on November 24, 1992, until the completion of the project.

If there are any questions, please contact Karon Wiedemann, Manager, Grant Administration, Division of Aviation, (512) 476-9262.

Issued in Austin, Texas, on December 28, 1992.

TRD-9216968 Diane L. Northam
Legal Administrative Assistant
Texas Department of Transportation

Filed: December 28, 1992

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Texas Water Commission
Enforcement Order

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Walter Clint Hankins and Hanco Utilities, Inc. on December 18, 1992. Hankins shall continue to pay administrative penalties of \$22,500 according to Agreed Order in Docket Number 8549-E issued May 31, 1991. Penalties shall be deferred in the amount of \$7,500.

Information concerning any aspect of this order may be obtained by contacting Diane Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7996.

Issued in Austin, Texas, on December 28, 1992.

TRD-9217001 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: December 29, 1992

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**Notice of Application For Waste
Disposal Permit**

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of December 21-25, 1992.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and

contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application—new permit, amendment, or renewal.

American Texmark, Inc. doing business as Texmark; Galena Park; facility which recovers and purifies cyclic diolefins from C-5 hydrocarbons streams; manufactures resin intermediate chemicals using cyclic diolefins and olefins; and recovers pure hexamethyleneimine from crude mixture; at 900 Clinton Drive in the City of Galena Park in Harris County; amendment; 007786.

City of Bastrop; Bastrop; Jasper Street Wastewater Treatment Facilities; approximately 0.2 mile south of State Highway 71 and immediately east of the Colorado River in the City of Bastrop in Bastrop County; renewal; 11076-01.

City of Baytown; Baytown; wastewater treatment facilities; at the crossing of Interstate Highway 10 and Spring Gulley, due south of Interstate Highway 10 and on the east side of Spring Gully within the City of Baytown in Harris County; amendment; 10395-08.

Belvieu Environmental Fuels; Houston; a synthetic organic chemical manufacturing (C4 Oleflex) plant; area bounded by Southern Pacific Railroad on the east, Hatcherville road on the west, and is approximately 2,000 feet north of the intersection of Hatcherville Road and FM 1942 in the City of Mont Belvieu in Chambers County; new; 03499.

Bertha G. Corporation; Houston; wastewater treatment facilities; south of Halls Bayou, approximately 300 feet northeast of the intersection of Interstate Highway 45 and West Mount Houston Road in Harris County; renewal; 11443-01.

Browning-Ferris, Inc.; Houston; Little York Truck Maintenance Facility; at 8101 Little York Road, approximately 3.6 miles east of the intersection of Little York Road and U.S. 59 in the City of Houston; Harris County; renewal; 02887.

Bryan-Stewart, Inc.; Lufkin; wastewater treatment facility; approximately four miles northwest of the central business district, City of Lufkin, at a point approximately 0.6 mile northeast of U.S. Highway 69 and 1.9 miles southeast of the intersection of U.S. Highway 69 and FM Road 2021 in Angelina County; amendment; 11620-01.

City of Center; Center; Aiken Surface Water Treatment Plant; south of Pinkston Reservoir and west of State Highway 7, approximately three miles east-northeast of the intersection of State Highway 7 and FM Road 2913,

Shelby County; renewal; 10063-05.

Pat G. Chapman, Sr.; Crosby; wastewater treatment facility; approximately 450 feet west of U.S. Highway 90 (Lot 5 on Crosby Drive), three miles north-northeast of the intersection of U.S. Highway 90 and FM Road 2100 in the City of Crosby in Harris County; renewal; 13184-01.

Citgo Refining and Chemicals, Inc., Citgo Port Arthur Terminal; Corpus Christi; petroleum bulk storage terminal; north of Interstate Highway 37, adjacent to Port Avenue on the Corpus Christi Inner Harbor in the City of Corpus Christi, Nueces County; new; 03562.

Clear Lake City Water Authority; Houston; wastewater treatment facilities; approximately one mile northeast of the intersection of Bay Boulevard, southeast of Horsepen Bayou and adjacent to the northernmost part of the Lyndon B. Johnson Space Center in Harris County; amendment; 10539-01.

Clint Independent School District; Clint; wastewater treatment facility will serve a high school, middle school, and elementary school; approximately 2,500 feet north of the intersection of State Highway 20 (Alameda Avenue) and FM Road 1110 in El Paso County; new; 13640-01.

Coastal Refining and Marketing, Inc.; Corpus Christi; refinery; east of Navigation Boulevard and approximately 0.5 mile north of Interstate Highway 37, Nueces County; amendment; 00465.

Coastal States Crude Gathering Company; Houston; asphalt storage and loading facility; one mile east of Wayside Drive on Avenue R, approximately two miles south of Interstate Highway 10, along the Houston Ship Channel in the City of Houston, Harris County; new; 03558.

Conroe Independent School District; Conroe; Stephen F. Austin Elementary School Wastewater Treatment Facilities; on the grounds of the Stephen F. Austin Elementary School which is located approximately 1,250 feet west of the intersection of State Highway 105 and Waukegan Road in the Town of Cut N' Shoot in Montgomery County; renewal; 12204-01.

Elf Atochem North America, Inc.; Houston; chemical plant; at 2231 Haden Road in the City of Houston, Harris County; amendment; 00445.

Harry E. Fletcher; Avinger; Crestwood Wastewater Treatment Plant; approximately 1.3 miles west of the intersection of FM Road 729 and FM Road 1969 and approximately four miles southwest of the intersection of State Highway 49 and FM Road 1969 in Marion County; renewal; 12563-01.

City of Gilmer; Gilmer; on the northern bank of Sugar Creek, approximately 1.4 miles east of U.S. Highway 271 in Upshur County; amendment; 10457-01.

Harris County Water Control and Improvement District Number 1; Highlands; wastewater treatment facilities; at the west end of Avenue E in the incorporated Community of Highlands in Harris County; amendment; 10104-01.

Ronald G. Honea; North Richland Hills; Oak Leaf Mobile Home Park Wastewater Treatment Plant; approximately 13 miles northeast of the City of Fort Worth central business district and two miles northwesterly of State Highway 26, at a point west of Precinct Line Road (FM Road 3029) and approximately 2.75 miles north of the intersection of State Highway 26 and Precinct Line Road (FM Road 3029) in North Richland Hills in Tarrant County; renewal; 11175-01.

Kingsland Municipal Utility District; Kingsland; wastewater treatment facilities; north of the Southern Pacific Railroad, approximately 2,000 feet west of the confluence of the Colorado River and Llano River arms of Lake Lyndon B. Johnson, at the intersection of Rock Street and Reynolds Street in the City of Kingsland in Llano County; renewal; 11549-01.

Kwood, Inc.; McAllen; Arroyo Colorado Estates Wastewater Treatment Facilities; approximately two miles west of the intersection of State Highway 345 and FM Road 1561 in Cameron County; renewal; 12495-01.

James E. Laubach; Baytown; Tower Terrace Wastewater Treatment Facilities; approximately one mile south of FM Road 565 and two miles east of the intersection of FM Roads 565 and 1405 in Chambers County; renewal; 12478-01.

City of Linden; Linden; wastewater treatment facilities; approximately 7,000 feet southeast of the intersection of FM Road 125 and U.S. Highway 59 (Jefferson Highway) in Cass County; amendment; 10429-03.

Meadowland Utility Corporation; Friendswood; wastewater treatment facilities; approximately 7,600 feet west of the intersection of State Highway 35 and the American Canal, approximately 1.9 miles north of the intersection of State Highway 6 and McCormick Street in Brazoria County; new; 13632-01.

City of Midway; Midway; wastewater treatment facilities; 3,000 feet southeast of the intersection of State Highway 21 and FM Road 2548 and 2,200 feet east of the intersection of Gin Creek and FM Road 247 and east of the City of Midway in Madison County; renewal; 13378-01.

City of Mineral Wells; Mineral Wells; Pollard Creek Wastewater Treatment Facilities; southwest of the City of Mineral Wells at the crossing of Pollard Creek by 26th Street in Palo Pinto County; amendment; 10585-01.

Leroy Moody; Texarkana; Leroy's Mobile Home Park Wastewater Treatment Facilities; approximately 3,100 feet southwest of the intersection of U.S. Highway 59 and FM Road 989 and 1.8 miles southwest of the City of Texarkana in Bowie County; renewal; 11795-01.

City of Murchison; Murchison; wastewater treatment facilities; approximately 2,000 feet north of State Highway 31 and approximately 2,200 feet east of FM Road 773 in Henderson County; amendment; 11816-01.

New Beacon Bay, Inc.; Livingston; wastewater treatment facility; approximately 500 feet southwest of the intersection of FM Road 350 and FM Road 3126 on the shoreline of Lake Livingston in Polk County; new; 13637-01.

Northeast Utilities, Inc.; Austin; wastewater treatment facilities; on the north side of and adjacent to Dessau Lane, at a point approximately 1.3 miles east of Interstate Highway 35 in Travis County; renewal; 12733-01.

City of Odessa; Odessa; South Dixie Plant; approximately 1.5 miles south of the intersection of Interstate Highway 20 and Grandview Avenue and 1.7 miles southeast of the intersection of U.S. Highway 385 and Interstate Highway 20 in Ector County; amendment; 10238-01.

James Parks; Lingleville; dairy; on the north side of FM Road 8, approximately 1 1/2 miles northwest of the intersection of FM Road 8 and FM Road 219 north of Lingleville in Erath County; new; 03514.

Phillips Petroleum Company; Borger; chemical manufac-

turing plant; approximately four miles northeast of the City of Borger on State Highway 119 in Hutchinson County; renewal; 02484.

Phillips Pipe Line Company; Rio Hondo; refined petroleum products storage and distribution terminal; approximately 1/4 mile west of North Reynolds Road and north of the intersection of Arroyo Boulevard and Bates Road in the City of Rio Hondo, Cameron County; new; 03537.

City of Princeton; Princeton; wastewater treatment facilities; southwest of the City of Princeton and east of Ticky Creek, approximately 0.5 mile southwest of the intersection of U.S. Highway 380 and FM Road 982 in Collin County; renewal; 10683-01.

Howard E. and Rosa Rathbun; Pearland; Country Meadows Wastewater Treatment Facilities; at 14206 Hatfield Road, approximately 1.5 miles west of State Highway 35 and approximately 3,000 feet north of FM Road 518 in Brazoria County; renewal; 13540-01.

City of Sinton; Sinton; Rob and Bessie Welder Park Wastewater Treatment Facilities; in Rob and Bessie Welder Park on U.S. Highway 181, approximately 2.4 miles north of the intersection of U.S. Highway 181 and FM Road 881 in San Patricio County; new; 13641-01.

City of Stephenville; Stephenville; wastewater treatment facilities; approximately 1,500 feet southwest of the intersection of U.S. Highway 281 and State Highway 108 in Erath County; amendment; 10290-01.

Structural Metals, Inc.; Seguin; steel products manufacturing facility; approximately one mile west of the intersection of IH-10 and FM 464, west of the City of Seguin, Guadalupe County; amendment; 01712.

Temple-Inland Forest Products Corporation; Diboll; sawmill; approximately 1/4 mile east of U.S. Highway 96 and approximately two miles northeast of Buna, Jasper County; renewal; 02924.

Texas Airstream Harbor, Inc.; Zavalla; wastewater treatment facilities; approximately five miles northeast of the City of Zavalla and 0.5 mile northwest of State Highway 147, at a point approximately 300 feet south of the shoreline of Sam Rayburn Reservoir in Angelina County; renewal; 11895-01.

Trifinery, Inc.; Corpus Christi; petroleum refinery; on property owned by Berry Contracting Company between Up River Road and the Corpus Christi Inner Harbor, and between Saber Refining Company and Texas Fuel and Asphalt Company in the City of Corpus Christi, Nueces County; renewal; 02720.

Trinity Cove Improvement Association, Inc.; Trinity; wastewater treatment facilities; approximately four miles southeast of the City of Trinity, off State Highway 356 within a reserve area of the Trinity Cove Subdivision adjacent to Lot 3, Block 2, Section Two of the subdivision in Trinity County; renewal; 11876-01.

United Omaha Life Insurance Company; Houston; wastewater treatment facilities; approximately 4,200 feet south of the intersection of State Highway 105 and Keenan Road and approximately 2,400 feet east of Keenan Road in Montgomery County; renewal; 12440-01.

University of Texas; Fort Davis; McDonald Observatory Lower Plant Wastewater Treatment Facilities; approximately 10 miles southeast of the intersection of State Highway 166 and State Highway 118 at the McDonald Observatory on Mount Locke, approximately 10 miles

northwest of Fort Davis in Jeff Davis County; new; 13646-01.

University of Texas; Fort Davis; wastewater treatment facilities; at McDonald Observatory on Mount Locke, approximately 10 miles southeast of the intersection of State Highway 166 and State Highway 118, about 10 miles northwest of Fort Davis in Jeff Davis County; renewal; 11370-01.

USS-CHC Tubular Processing doing business as Delta Tubular Processing; Channelview; fabricating pipe products supply facility; approximately four miles north of the City of Channelview in an area bounded by Sheldon Road and Highway 90, Harris County; new; 03540.

Walnut Creek Mining Company; Bremond; Calvert lignite mine; between State Highways 6 and 46, on Tidwell Prairie Road approximately 4.5 miles southeast of the City of Bremond in Robertson County; amendment; 02881.

Webb County; Laredo; wastewater treatment facilities; northeast of Laredo, approximately one mile northeast of the San Ygnacio Road Crossing of Chacon Creek in Webb County; amendment; 12271-01.

Clayton Williams, Jr.; Fort Stockton; feedlot; 3.7 miles south of Interstate 10 and 3.2 miles west of Ranch Road 2037 and 11 miles west-southwest of the City of Fort Stockton in Pecos County; new; 03534.

Issued in Austin, Texas, on December 23, 1992.

TRD-9216979 Gloria A. Vasquez
 Chief Clerk
 Texas Water Commission

Filed: December 28, 1992





Michelle Lefebvre

Name: Michelle Lefebvre
Grade: 8
School: Hendrick Middle School, Plano ISD

TAC Titles Affected

The following is a list of the administrative rules that were published in the January-December, 1992, issues.

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

1 TAC §§3.201-3.246	8213
1 TAC §3.603.....	319
1 TAC §§3.603, 3.608, 3.609, 3.625 ..	1849, 1859
1 TAC §5.195.....	4847, 7207
1 TAC §5.301.....	5315

Part II. Texas Ethics Commission

1 TAC §§1.1, 1.3, 1.5, 1.7, 1.9, 1.11, 1.13, 1.23, 1.25, 1.27, 1.29, 1.31, 1.43, 1.45, 1.47, 1.49, 1.51, 1.71, 1.81, 1.81, 1.81	1491
1 TAC §§3.111, 3.113, 3.115, 3.117, 3.119, 3.131, 3.133, 3.135, 3.137.....	1489, 1493, 3295
1 TAC §3.211.....	1423, 1443, 3295
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1 TAC §5.1.....	357, 369, 3295
1 TAC §5.2.....	505, 601, 3295
1 TAC §5.3.....	508, 601, 3295
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1 TAC §5.5.....	515, 602, 3296
1 TAC §5.6.....	518, 602, 3296
1 TAC §5.7.....	520, 602, 3296
1 TAC §5.8.....	522, 602, 3296
1 TAC §5.9.....	537, 603, 3296
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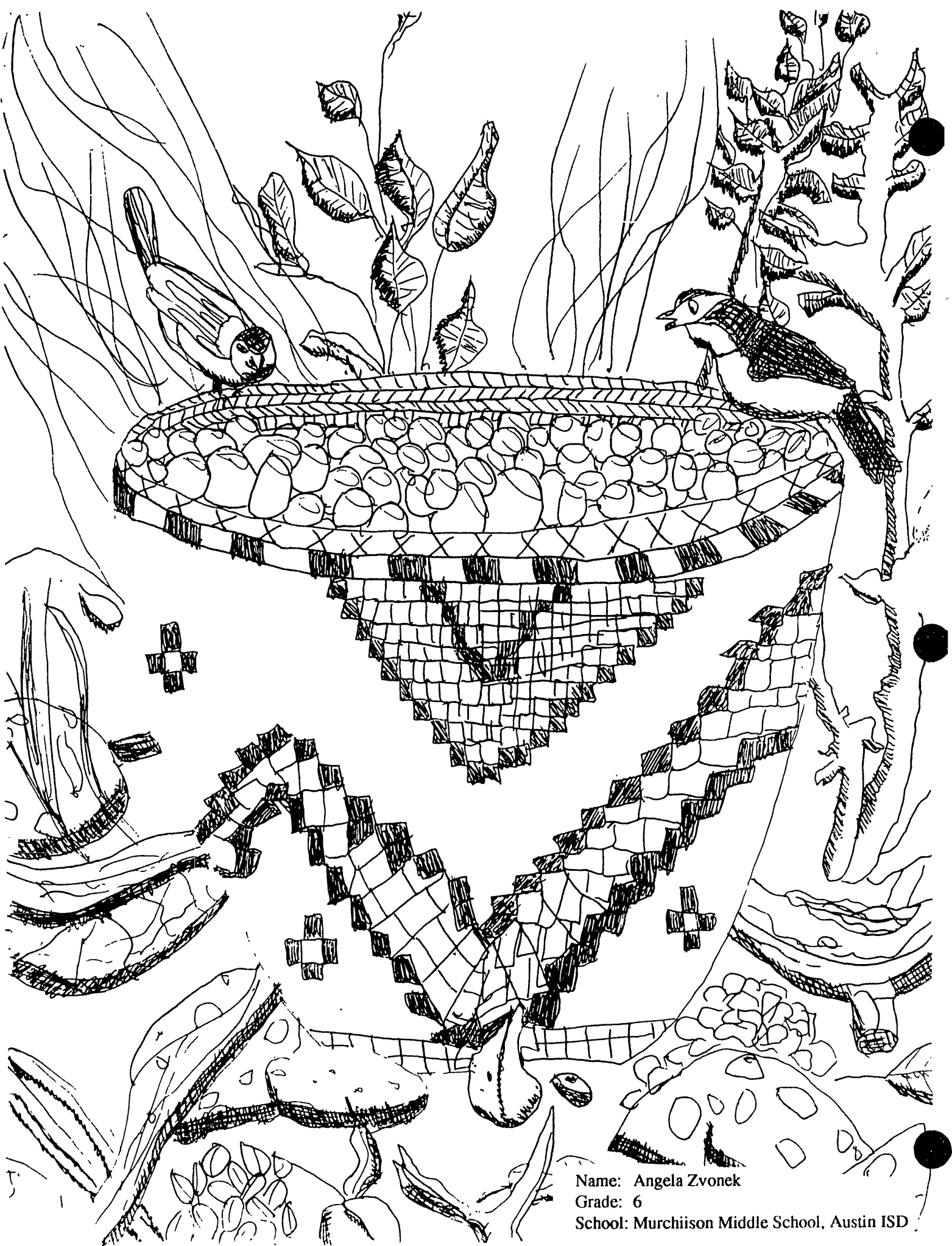
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32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
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55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
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59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
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77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	



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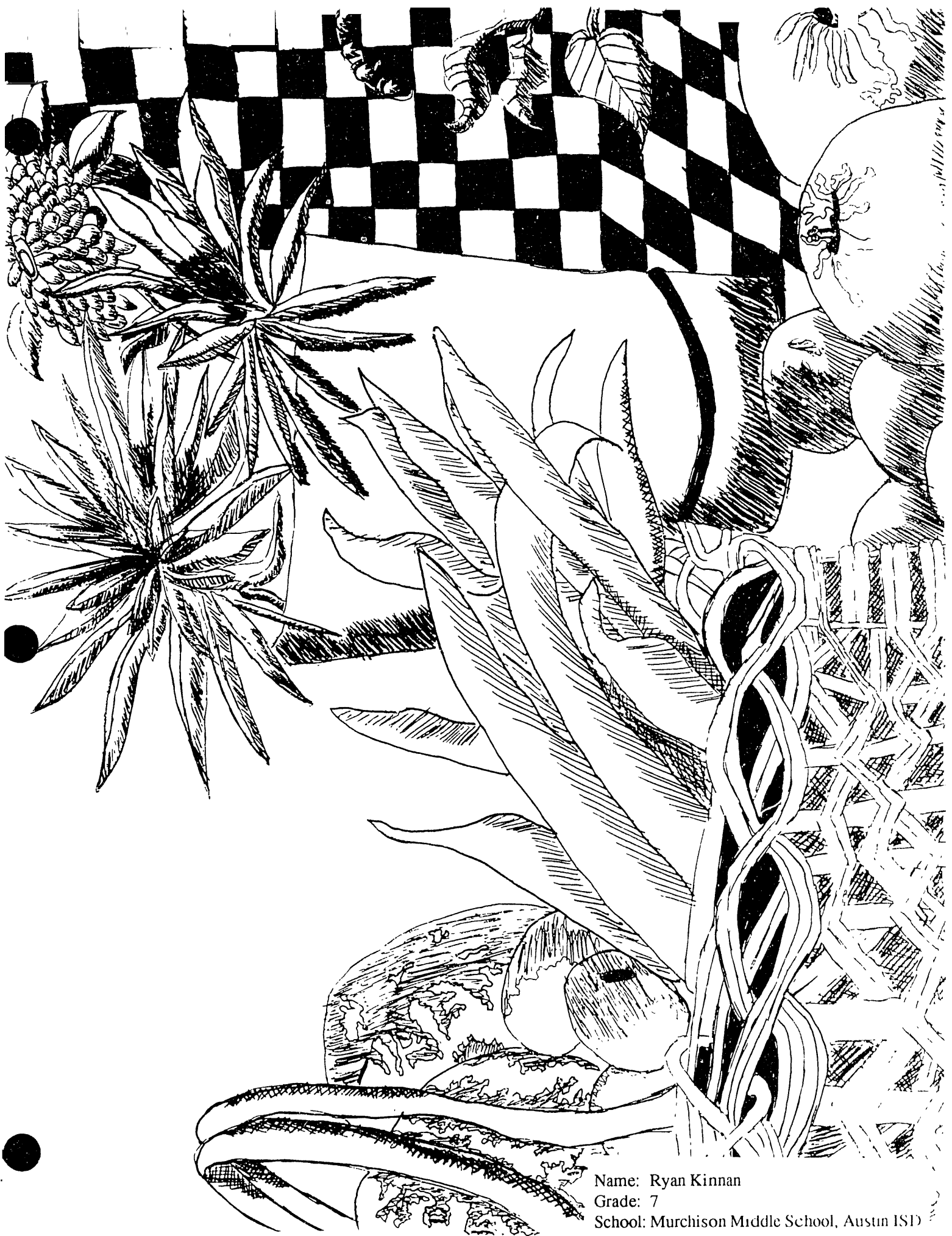
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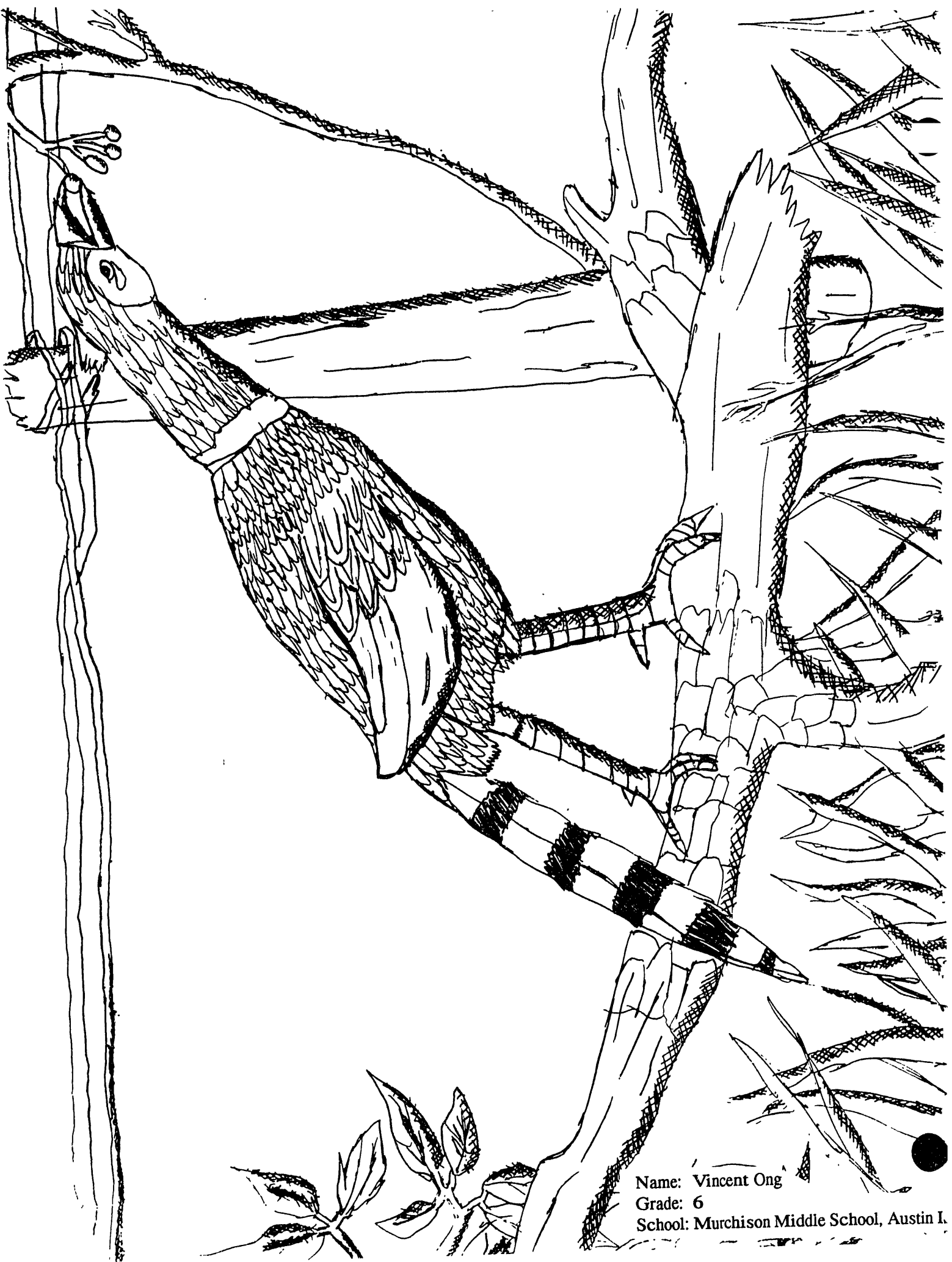
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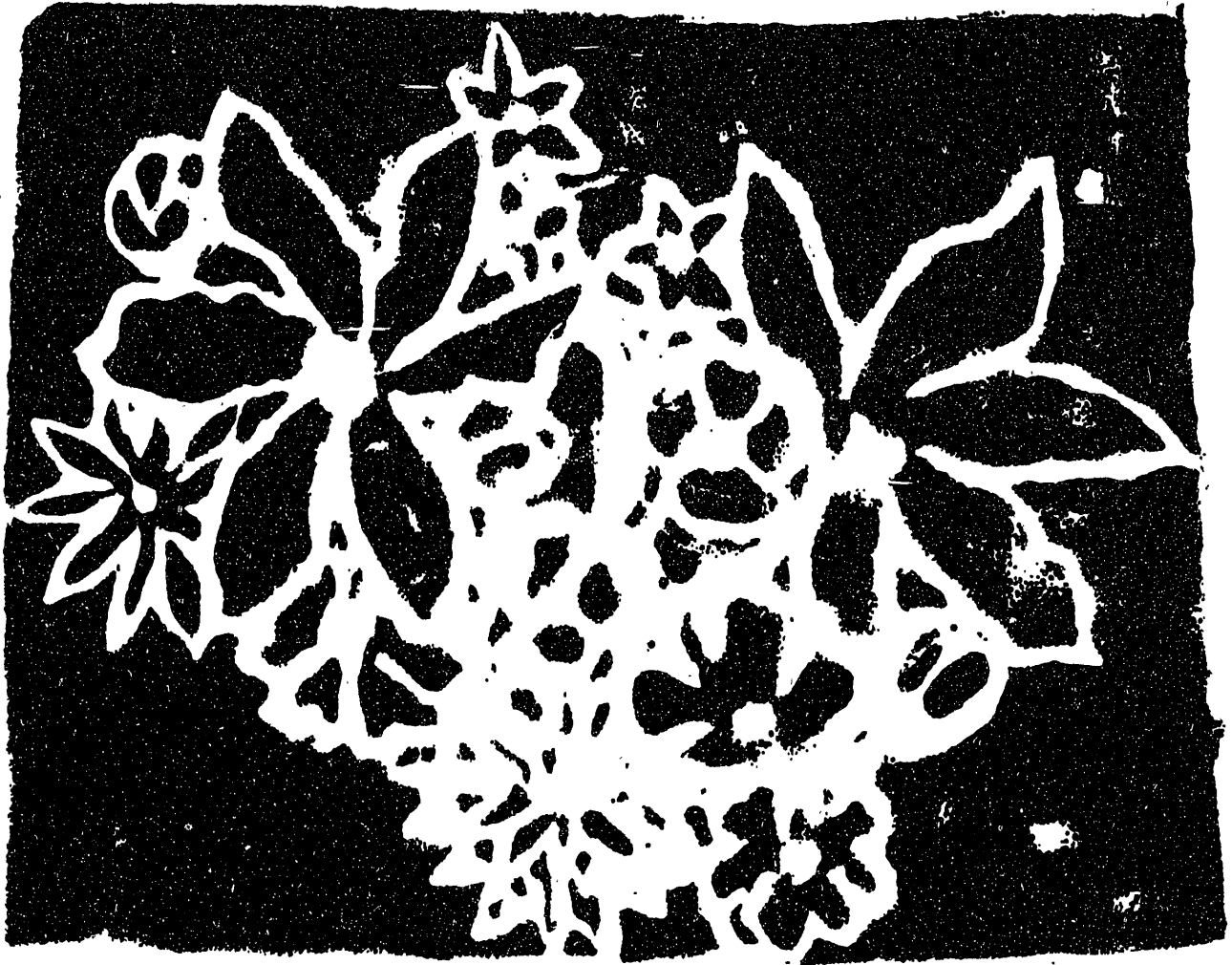
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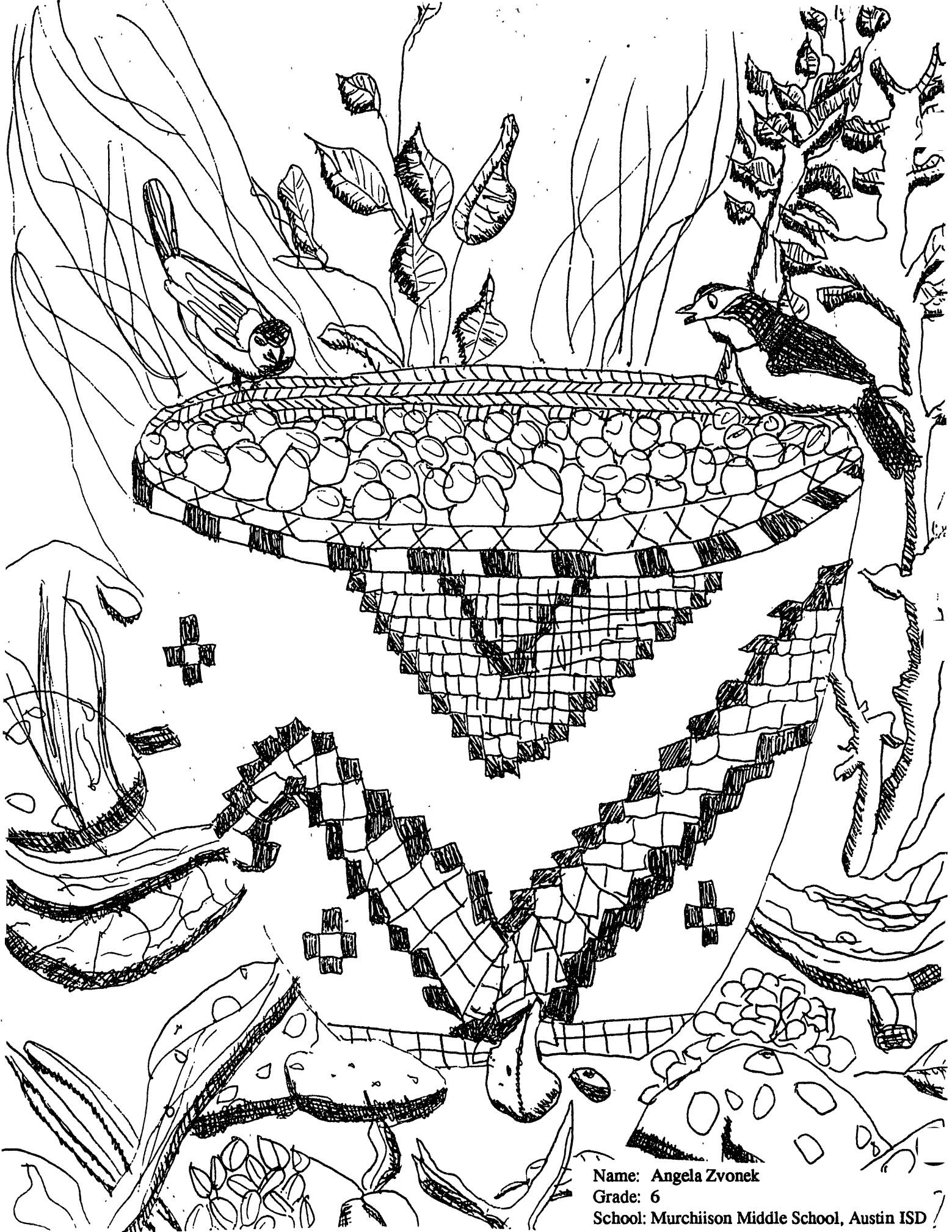
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1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 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 July 30, November 5, November 30, and December 28. A 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 Friday, January 1	Monday, December 28	Tuesday, December 29
2 Tuesday, January 5	Wednesday, December 30	Thursday, December 31
3 Friday, January 8	Monday, January 4	Tuesday, January 5
4 Tuesday, January 12	Wednesday, January 6	Thursday, January 7
5 Friday, January 15	Monday, January 11	Tuesday, January 12
6 Tuesday, January 19	Wednesday, January 13	Thursday, January 14
Friday, January 22	1992 ANNUAL INDEX	
7 Tuesday, January 26	Wednesday, January 20	Thursday, January 21
8 Friday, January 29	Monday, January 25	Tuesday, January 26
9 Tuesday, February 2	Wednesday, January 27	Thursday, January 28
10 Friday, February 5	Monday, February 1	Tuesday, February 2
11 Tuesday, February 9	Wednesday, February 3	Thursday, February 4
12 Friday, February 12	Monday, February 8	Tuesday, February 9
13 Tuesday, February 16	Wednesday, February 10	Thursday, February 11
14 *Friday, February 19	Friday, February 12	Tuesday, February 16
15 Tuesday, February 23	Wednesday, February 17	Thursday, February 18
16 Friday, February 26	Monday, February 22	Tuesday, February 23
17 Tuesday, March 2	Wednesday, February 24	Thursday, February 25
18 Friday, March 5	Monday, March 1	Tuesday, March 2
19 Tuesday, March 9	Wednesday, March 3	Thursday, March 4
20 Friday, March 12	Monday, March 8	Tuesday, March 9
21 Tuesday, March 16	Wednesday, March 10	Thursday, March 11
22 Friday, March 19	Monday, March 15	Tuesday, March 16
23 Tuesday, March 23	Wednesday, March 17	Thursday, March 18
24 Friday, March 26	Monday, March 22	Tuesday, March 23
25 Tuesday, March 30	Wednesday, March 24	Thursday, March 25
26 Friday, April 2	Monday, March 29	Tuesday, March 30
27 Tuesday, April 6	Wednesday, March 31	Thursday, April 1
28 Friday, April 9	Monday, April 5	Tuesday, April 6
29 Tuesday, April 13	Wednesday, April 7	Thursday, April 8
Friday, April 16	FIRST QUARTERLY INDEX	
30 Tuesday, April 20	Wednesday, April 14	Thursday, April 15

31 Friday, April 23	Monday, April 19	Tuesday, April 20
32 Tuesday, April 27	Wednesday, April 21	Thursday, April 22
33 Friday, April 30	Monday, April 26	Tuesday, April 27
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19
65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7

70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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