

Texas Register

Volume 18, Number 43, June 4, 1993

Page 3533-3587

In This Issue...

Proposed Sections

General Services Commission

Facilities, Planning, and Construction

1 TAC §123.15.....3543

Advisory Commission on State Emergency Communications

Regional Plans-Standards

1 TAC §251.3.....3544

Credit Union Department

Commission Policies and Administrative Rules

7 TAC §97.113.....3545

Board of Nurse Examiners

Licensure and Practice

22 TAC §217.2.....3547

Texas State Board of Public Accountancy

Professional Conduct

22 TAC §501.2.....3547

Certification as CPA

22 TAC §511.22.....3548

22 TAC §511.161.....3548

Structural Pest Control Board

Licenses

22 TAC §593.33549

Texas Parks and Wildlife Department

Finance

31 TAC §53.83549

31 TAC §53.103550

31 TAC §53.17, §53.183551

Comptroller of Public Accounts

Tax Administration

34 TAC §3.4463551

Administration of State Lottery Act

34 TAC §§7.401-7.4083552

Texas Department of Human Services

Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

40 TAC §19.1013555

40 TAC §§19.203, §19.2123555

40 TAC §19.3023555

40 TAC §19.5013556

40 TAC §19.6023556

40 TAC §19.7013556

CONTENTS CONTINUED INSIDE



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Withdrawn Sections - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.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

40 TAC §19.801	3556
40 TAC §19.907	3556
40 TAC §19.1001	3557
40 TAC §19.1005	3557
40 TAC §19.1308	3557
40 TAC §19.1501	3557
40 TAC §19.1607, §19.1613	3558
40 TAC §19.1701, §19.1702	3558
40 TAC §19.1807	3559
40 TAC §19.1922	3559
40 TAC §19.1923	3560
40 TAC §19.2003	3560

Early and Periodic, Diagnosis, and Treatment	
40 TAC §33.140	3560
40 TAC §33.325, §33.326	3561

Community Care for Aged and Disabled	
40 TAC §48.2902	3561
40 TAC §48.2911	3562
40 TAC §48.2918	3562

Withdrawn Sections

Texas Higher Education Coordinating Board

Student Services	
19 TAC §21.57	3563

Adopted Sections

Board of Nurse Examiners

Licensure and Practice	
22 TAC §217.1, §217.3	3565
22 TAC §217.3	3565

Texas State Board of Public Accountancy

Professional Conduct	
22 TAC §501.11	3565

Registration	
22 TAC §513.31	3565

Practice and Procedure	
22 TAC §519.27	3566

Texas Department of Health

Long-Term Care	
25 TAC §145.111	3566

Texas Parks and Wildlife Department

Law Enforcement

31 TAC §55.152	3567
----------------------	------

Texas Department of Protective and Regulatory Services

Memoranda of Understanding

40 TAC §736.701	3567
-----------------------	------

Open Meeting Sections

Texas Bond Review Board	3569
Texas State Board of Examiners of Professional Counselors	3569
Texas Office for Prevention of Developmental Disabilities	3569
Texas Education Agency	3569
Texas Employment Commission	3570
Texas Funeral Service Commission	3570
Interagency Council for Genetic Services	3570
Texas Department of Health	3570
Texas Department of Human Services	3571
Texas Incentive and Productivity Commission	3571
Texas Department of Insurance	3571
Board of Law Examiners	3571
Texas Department of Licensing and Regulation	3572
Texas Board of Pardons and Paroles	3572
Public Utility Commission of Texas	3573
Railroad Commission of Texas	3573
Texas Real Estate Commission	3573
Structural Pest Control Board	3574
Texas Department of Transportation	3574
University of Texas System	3574
Texas Board of Veterinary Medical Examiners	3574
Texas Water Commission	3574
Texas Youth Commission	3575
Regional Meetings	3575

In Addition Sections

Texas Air Control Board

Public Hearing Notice	3579
-----------------------------	------

Office of Consumer Credit Commissioner

Notice of Rate Ceilings	3579
-------------------------------	------

Texas Commission for the Deaf and Hearing Impaired

Request for Proposals	3580
-----------------------------	------

**Interagency Council on Early
Childhood Intervention**

Request for Proposal for Marketing Design Development
and Implementation.....3581

**Texas Health and Human Services
Commission**

Public Notices.....3581

**Texas Department of Housing and
Community Affairs**

Request for Proposal.....3582

Texas Department of Human Services

Public Notice.....3583

Texas Department of Insurance

Company Licensing.....3583

Public Utility Commission of Texas

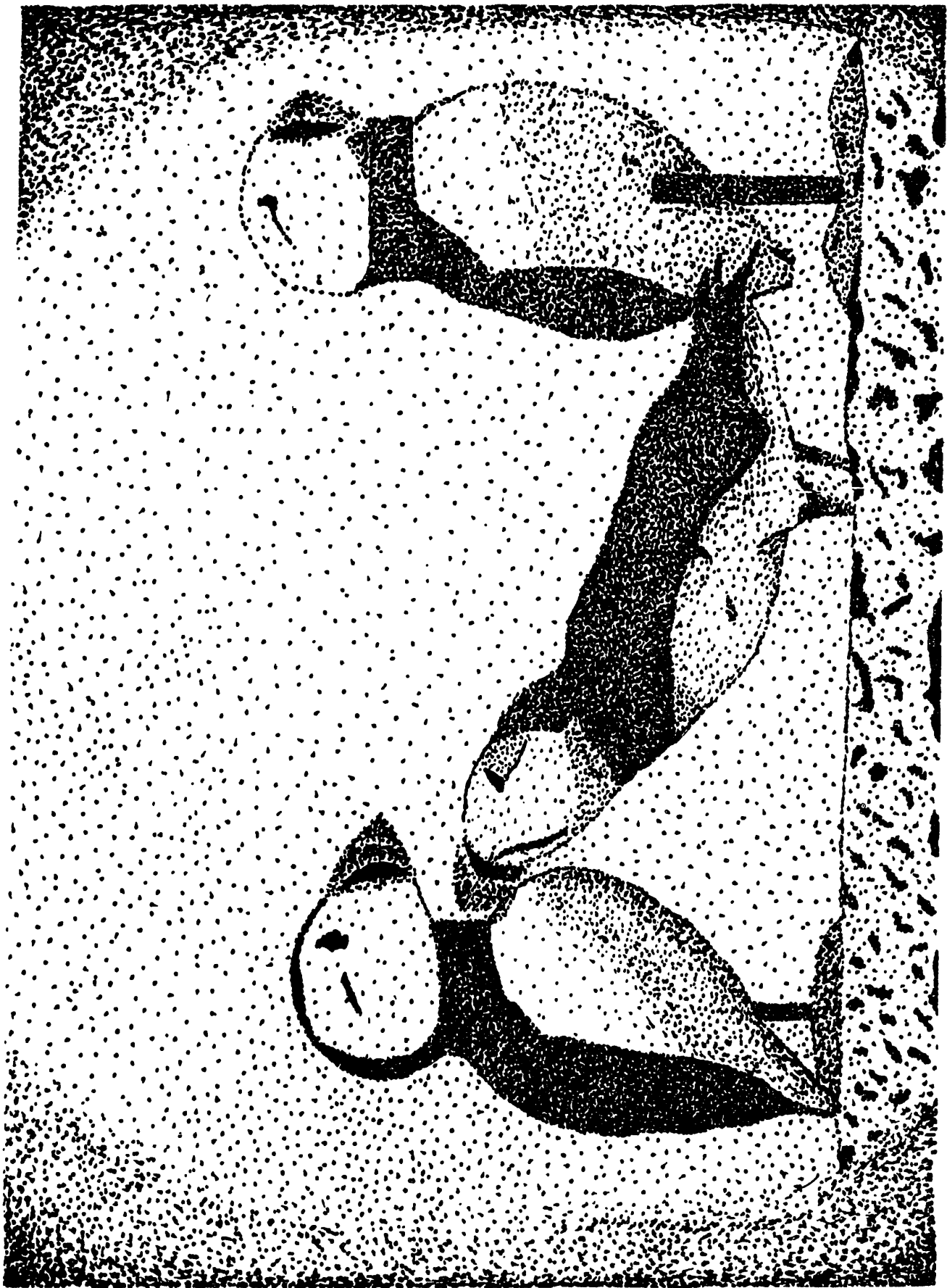
Notice of Application of Alltel Corporation for Sale,
Transfer, or Merger of SLT Communication, Inc.....3584

Notice of Of Intent to File Pursuant to PUC Substantive
Rule 23.27.....3584

Texas Water Commission

Enforcement Orders.....3585

Notice of Application for Authorization to Proceed in
Federal Bankruptcy.....3587



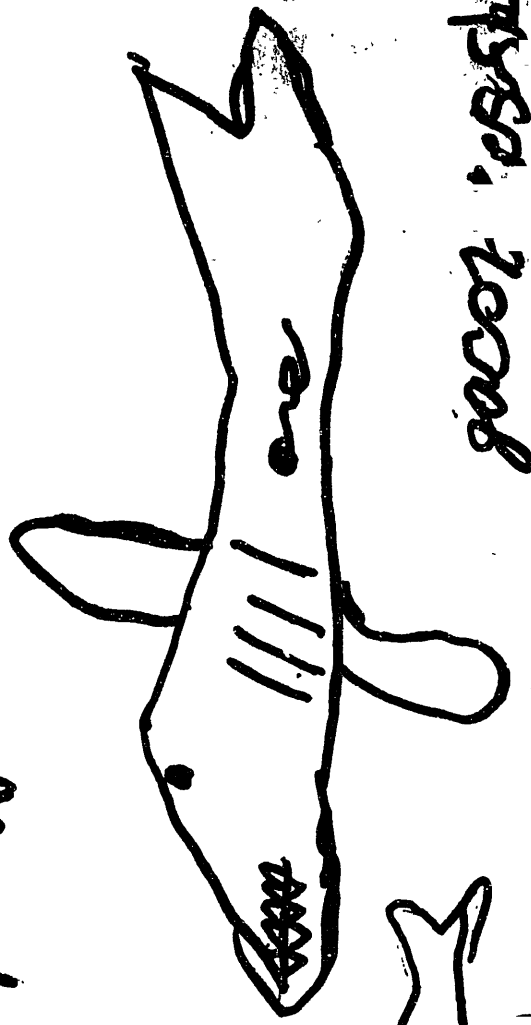
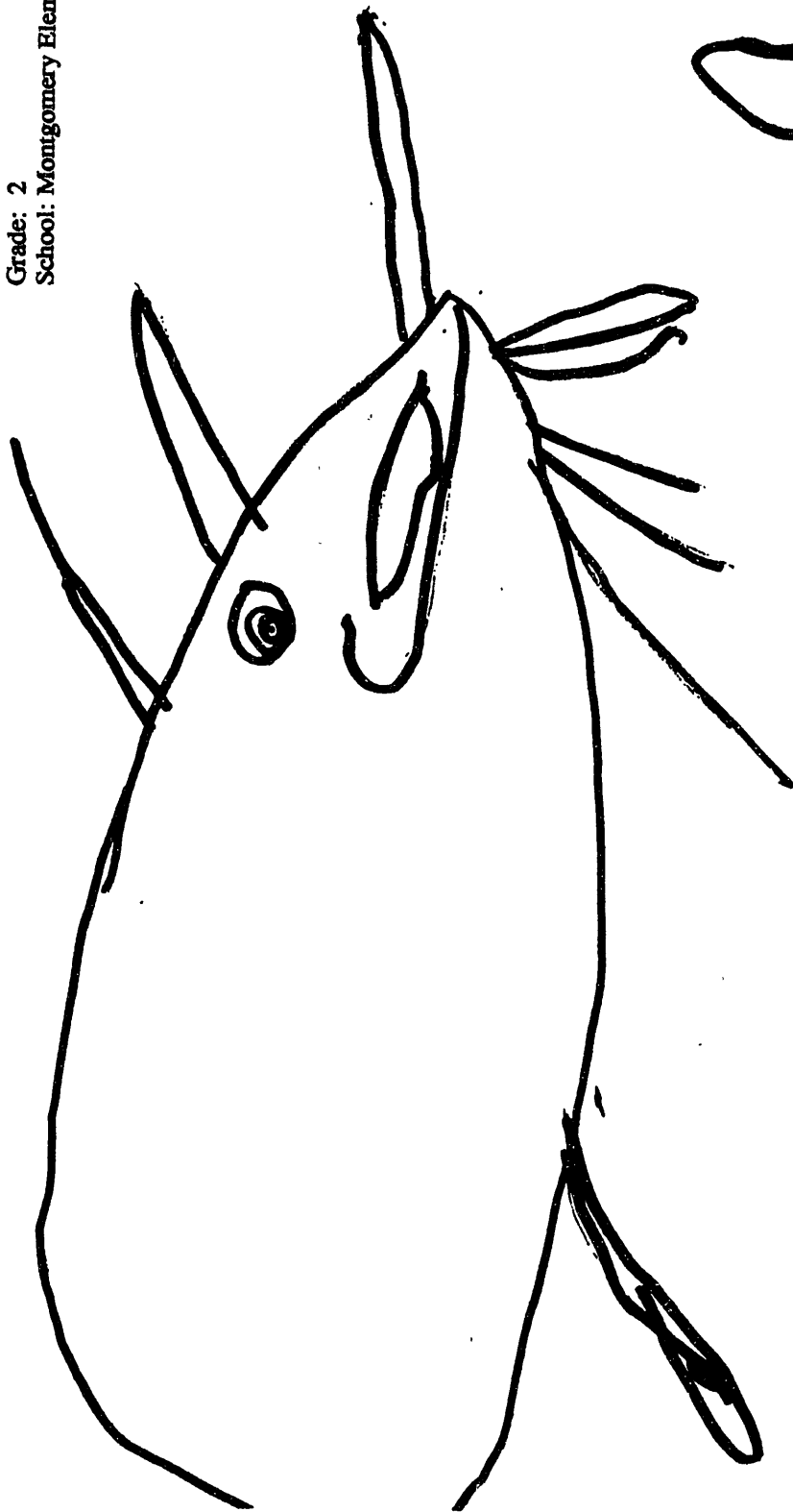
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Grade: 9
School: Richardson Junior High, Richardson ISD

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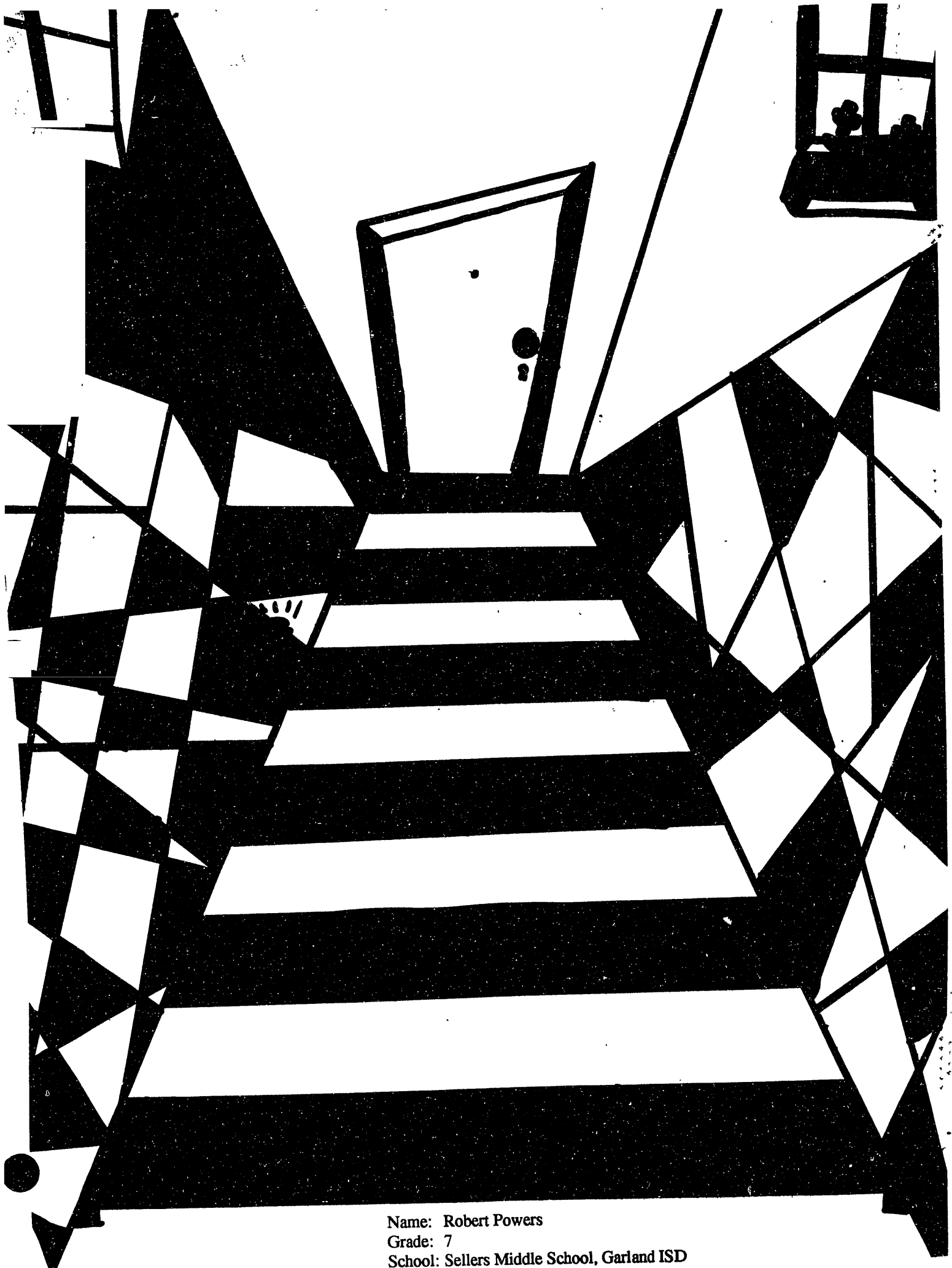
Name: Jacob Kessher

Grade: 2

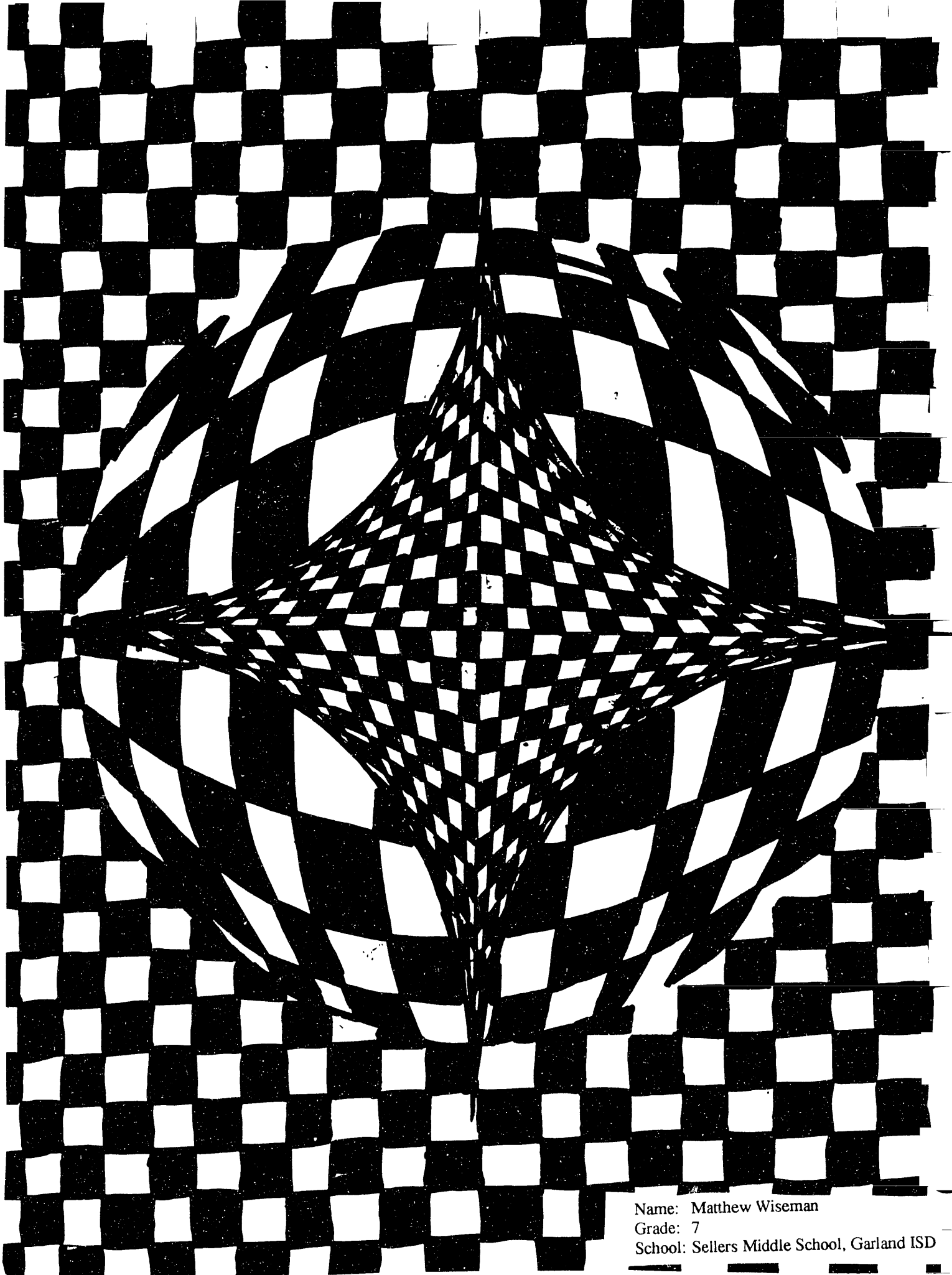
School: Montgomery Elementary, Carrollton-Farmers Branch ISD



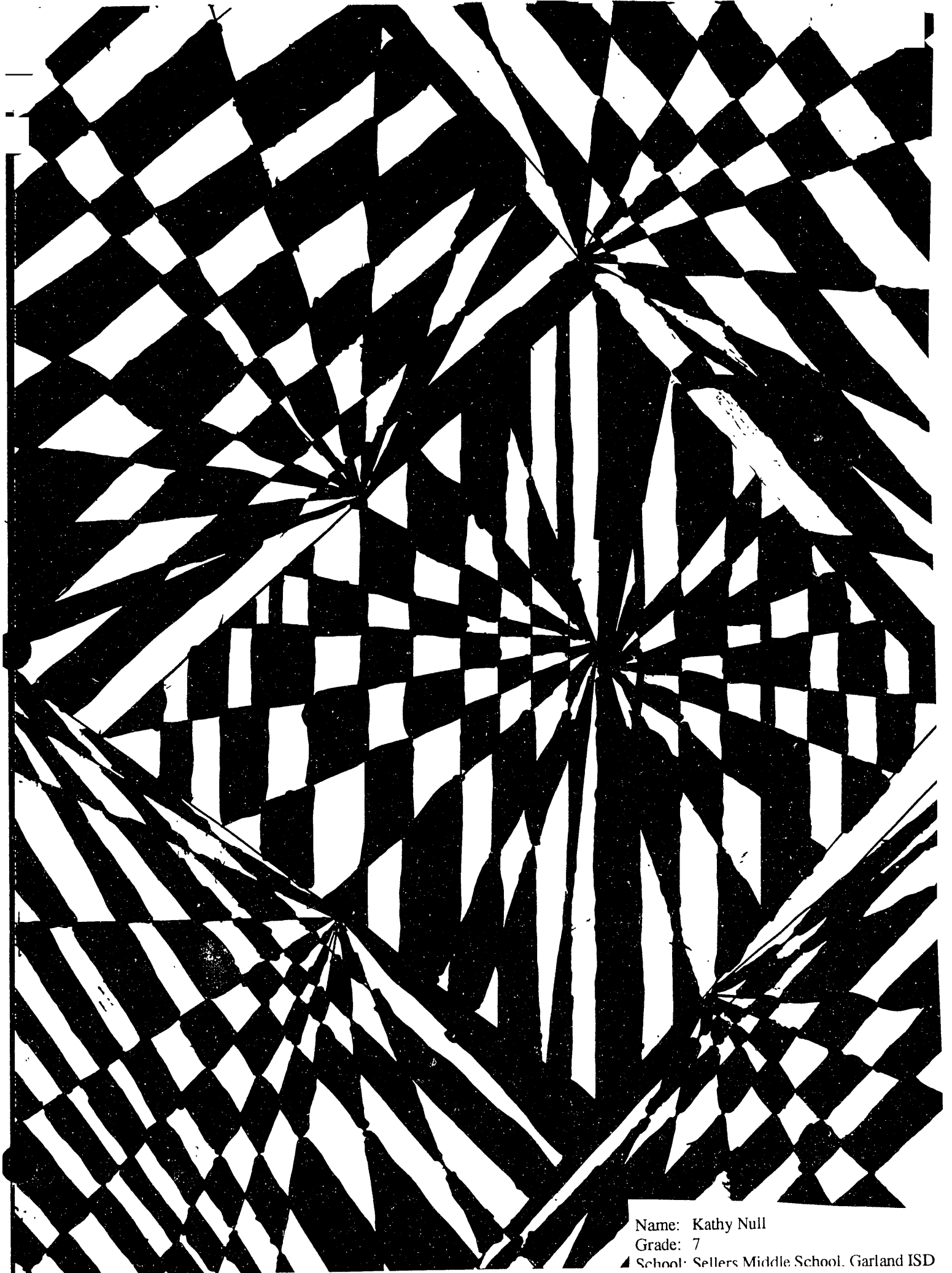
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Name: Robert Powers
Grade: 7
School: Sellers Middle School, Garland ISD



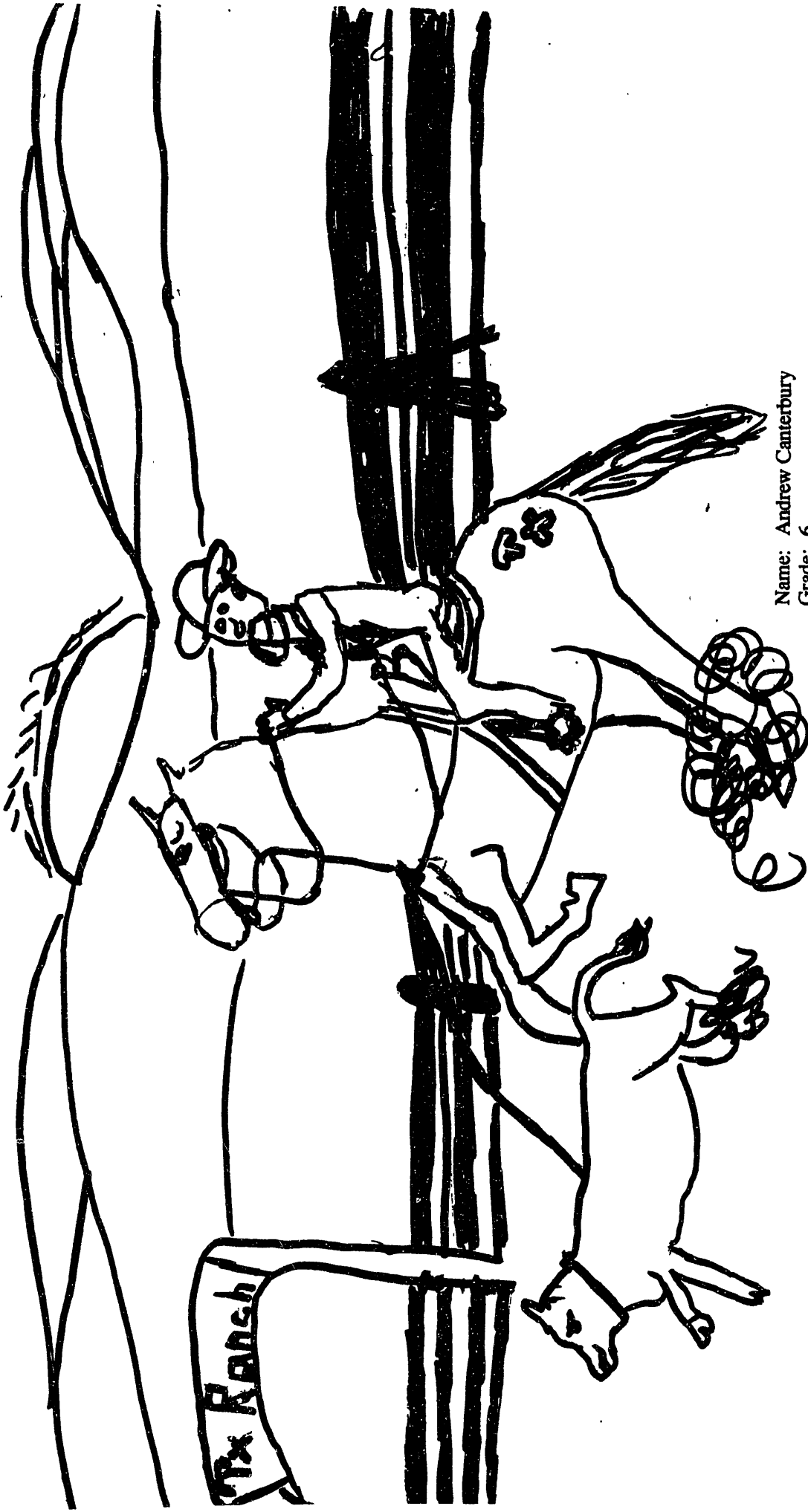
Name: Matthew Wiseman
Grade: 7
School: Sellers Middle School, Garland ISD



Name: Kathy Null

Grade: 7

▲ School: Sellers Middle School, Garland ISD



Name: Andrew Canterbury
Grade: 6

School: Montgomery Elementary, Carrollton-Farmers Branch ISD

by Andrew Canterbury

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 1. ADMINISTRATION

Part V. General Services Commission

Chapter 123. Facilities, Planning, and Construction

Building Construction Administration

• 1 TAC §123.15

The General Services Commission proposes an amendment to §123.15 to clarify existing procedures pertaining to the process for the selection of architect/engineer for design projects managed by this commission. The amendments reflect the goals adopted by the commission for contracting with historically underutilized businesses as such goals pertain to the selection of private architects or engineers.

John Hodges, Director for Facilities Construction and Space Management Division, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Hodges also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an efficient system for private architect/engineer selection. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Judith Porras, Director of the Legal Information and Human Resources Division, General Services Commission, P. O. Box 13047, Austin, Texas 78711-3047. Comments must be received no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Civil Statutes, Article 601b, §5. 22(b), which provide the General Services Commission with the authority to promulgate rules to accomplish the purpose of Article 5.

§123.15. Selection of Architect/Engineer for Professional Services.

- (a) (No change.)
- (b) If a [A] using agency chooses to recommend [recommendation on] an architect/engineer for a project, the recom-

mendation should accompany the project request.

(c) [When funds are appropriated for a construction project directly to the General Services Commission or when the using agency for which project funds are appropriated declines to make recommendations on an architect/engineer for a project.] The [the] following procedures shall be used for the architect/engineer selection.

(1) A selection committee will be formed consisting of at least three Commission staff architects or engineers who are knowledgeable about the nature, scope, and location of the project.

(2) The commission recognizes that professional services required for each project will differ. Criteria developed from the project description will be used by the committee to formulate the list of architect/engineers for the comparative selection based ranking of the architect/engineers. Such criteria includes, but is not necessarily limited to, considerations such as project type, size, complexity, the ability and capacity of the architect/engineer for timeliness, skill, creative ability, [and] technical and professional knowledge, and history of previous work on comparable construction projects. The project description will provide a basis for the list of minimum qualifications that a prospective architect/engineer should possess in order to provide professional services on the project.

(3) The selection committee, where possible, will compile a list of at least ten firms that meet or exceed the minimum qualifications for further consideration. At least 50% of the selected firms will be drawn from the historically underutilized businesses (HUBs) Architects/Engineers directory maintained by FCSM unless a notation, approved by the commission HUB certification office, explains circumstances resulting in less than 50% HUBs being listed for further consideration. It is recognized by the commission that ten firms is an optimum number of firms that could effectively be considered without causing undue administrative delay in the project. More than ten firms may actually meet the minimum requirements established for the project, but no additional firms will be considered unless the selection committee decides it can

do so without undue administrative delay in the project.

(A) Upon determination by the commission that a project for repair, rehabilitation, or renovation is of limited scope for professional services, the commission may consider a lesser number of architect/engineer firms for selection consideration.

(B) Selection of an architect/engineer firm for providing emergency services will be made following a determination by the commission that an emergency project warrants professional services, and that professional services are required in an urgent time frame which does not permit normal selection committee procedures to occur[; provided that only firms that have had previous experience on state construction projects shall be considered]

(4) The list will be drawn from a file of Architect/Engineer firms that [which] have expressed an interest in work supervised by the Commission by having responded to a standard questionnaire or by submitting adequate data on experience and capability in other formats, or by having submitted an application for HUB certification.

(5)-(9) (No change.)

(10) Items of consideration in making the initial selection will include, but not necessarily be limited to, the following:

(A) architect/engineer's experience with projects similar in character and or scope for which the architect/engineer is being considered;

(B) location of architect/engineer's principal business office relative to the project site;

(C) compatibility between the number of employees of the architect/engineer firm and size and complexity of the project;

(D) quality and amount of previous work done for the Commission.

[(Satisfactory experience is obviously conducive to favorable consideration but in] In the interest of giving as many eligible and qualified firms as possible a fair chance to obtain Commission work [a substantial amount of], prior State work may be the basis for rejection []];

(E) current professional service work load and capability of the architect/engineer to commence proceeding with the project at reasonable speed;

(F) experience with control of budget and cooperation with owner;

(G) registration status of persons engaged in the practice of professional architectural or engineering services; and[.]

(H) compliance with and contribution to the commission's achieving its HUB contracting goals.

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 May 25, 1993.

TRD-9323467

Judith Monaco-Porras
Director, Legal Information
and Human Resources
General Services
Commission

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 463-3583

Part XII. Advisory Commission on State Emergency Communications

Chapter 251. Regional Plans- Standards

• 1 TAC §251.3

The Advisory Commission on State Emergency Communications proposes an amendment to §251.3 concerning guidelines for funding addressing projects. The police and guidelines are in use in funding statewide addressing projects. The section specifies the types of funds available for distribution, parties eligible for such funds, procedural requirements, approval process associated with requests for funds, and amendment process to addressing plans.

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

Ms. Boyd also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of

enforcing the rule will be improved effectiveness for 9-1-1 call delivery by more easily locating 9-1-1 callers in counties who utilize funds toward completion of rural address assignment. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Mary A. Boyd, Executive Director, Advisory Commission on State Emergency Communications, 1101 Capital of Texas Highway South, Suite B-100, Austin, Texas 78746, (512) 327-1911.

The amendment is proposed under the Health and Safety Code, Chapter 771, which provides the Advisory Commission on State Emergency Communications with the authority to develop and amend a regional plan for the establishment and operation of 9-1-1 service throughout a 9-1-1 region that meets the standards established by the commission according to the procedures determined by the commission.

§251.3. Guidelines for Addressing Funds.

(a) (No change.)

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

(1)-(14) (No change.)

(15) Total Addressing Costs. The approved adjusted gross total costs for an addressing project as identified by the cost-estimate worksheet.

(c) (No change.)

(d) Requesting Addressing Pool Funds and Service Fees. A regional plan amendment from a COG or a request from an emergency communications district is required as a means of requesting funds under this program, as described following.

(1) A regional plan amendment or request for funds from a COG must contain the following:

(A) an addressing project narrative;

(B) a completed cost-estimate worksheet including identification of the required local match;

(C) an approved projected COG financial cashflow if Service Fees are requested;

(D) if necessary, a request to amend the COG administrative budget for additional staff, whether through hiring or through personnel contract services; and

(E) a county commissioners court order in support of the addressing

request where a COG is performing addressing on behalf of the county.

(2) A request for funds from Emergency Communications Districts must contain the following information:

(A) an addressing project narrative;

(B) a completed cost-estimate worksheet including identification of the required local match;

(C) a county commissioners court order in support of the addressing request where a District is performing addressing on behalf of the county.

(3) Regional plan amendments and requests for funds under this program should be submitted by the COG or the emergency communications district to the Commission five weeks prior to the scheduled Commission meeting at which the amendment or request will be considered.

(e) Reporting. Addressing funds will be allocated to COGs and emergency communication districts on a reimbursement basis. A performance and financial report is to be submitted to the Commission in accordance with established Commission policy. Where a COG or an emergency communication district is the primary contractor but a county is providing services under this program, said reports shall be provided to the Commission prior to COG or emergency communications district reimbursement of related county expenses. Monthly financial reports are to be provided utilizing Form 269a, under the Contractual column. Counties, emergency communications districts, and COGs are required to follow local government statutes as they apply to competitive proposals for purchase of services and equipment.

(f) Revisions to Addressing Regional Plan Amendments and Requests. This information provides procedures by which the Commission may approve revised addressing requests including Addressing Pool Funds and Service Fees from regional councils of governments and emergency communication districts. Changes to regional plan amendments and requests can be classified into two categories: Council of Governments/Emergency Communication District approval and Commission approval.

(1) Council of Governments and District Approval. COGs and Districts may authorize changes to approved regional plan amendments and requests as follows:

(A) fund transfers among addressing activities, in the accumulative,

do not exceed 5.0% of the approved total addressing costs and addressing activities comply with applicable maximum allowable costs;

(B) written notice is given to Commission staff within 15 days of such change.

(2) Commission Approval. Commission staff may authorize changes to an approved COG regional plan amendment and District Request, as follows:

(A) fund transfers for existing addressing activities exceed 5.0% of approved total addressing costs but are less than \$5,000;

(B) all changes approved will be reported to the Commission at a regularly scheduled meeting. The Commission will review changes and report them to the full Commission.

(3) The Commission, at a regularly scheduled Commission meeting, will review and approve revised COG regional plan amendments and District requests, as follows:

(A) new addressing activities are added to the regional plan amendment;

(B) fund transfers for existing addressing activities exceed \$5,000.

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 May 25, 1993.

TRD-9323476

Mary A. Boyd
Executive Director
Advisory Commission on
State Emergency
Communications

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 327-1911

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 97. Commission Policies and Administrative Rules

Fees

• 7 TAC §97.113

The Credit Union Commission proposes an amendment to §97.113 providing for the combination of supervision and examination fees into an annual operating fee.

Mr. Hale, Commissioner, has determined that there will not be fiscal implications as a result of enforcing or administering the rule.

Mr. Hale also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that adequate funding of the department will be assured through an annual operating fee which will be payable at the beginning of the State's fiscal year. The anticipated economic cost to persons (credit

unions) who are required to comply with the rule as proposed may be more or less than the amount of those fees which are currently being paid. The variances are estimated to be immaterial.

Comments on the proposal will be submitted to Harry L. Elliott, Staff Services Officer, 914 East Anderson Lane, Austin, Texas 78752-1699.

The amendment is proposed under the provisions of Texas Civil Statutes, Article 2481-11.07, which provide the Credit Union Commission with the authority to adopt reasonable rules necessary for the administration of the Texas Credit Union Act.

§97.113. Operating Fees.

(a) Remittance of fees. Effective September 1, 1991, each credit union authorized to do business under the Texas Credit Union Act shall remit to the Credit Union Department its annual operating fee [prior to October 1, 1991, and] prior to October 1 of each [succeeding] year. Such fees received after [September 30, 1991, or] September 30 of each [succeeding] year will be subject to a monthly 10% late fee unless waived by the commissioner for good cause.

(b) Calculation of operating fees. The schedule provided in this section shall serve as the basis for calculating operating fees. The base date shall be June 30 of the year in which operating fees are calculated. The asset base may be reduced by the amount of reverse-repurchase balances extant on the June 30 base date. The commissioner is authorized to increase or decrease the fee schedule annually by amounts not to exceed 10% per year without prior approval of the commission, as needed to match revenue with appropriations.

For Credit Unions with Total Assets Of:

Less than \$200,000
\$200,000 but less than \$500,000
\$500,000 but less than \$1M
\$1M but less than \$5M
\$5M but less than \$10M
\$10M but less than \$25M
\$25M but less than \$50M
\$50M but less than \$100M
\$100M and over

The Operating Fee is:

\$0
\$490 + \$2.45 per \$1,000 of the amount over \$200,000
\$1,225 + \$.93 per \$1,000 of the amount over \$500,000
\$1,690 + \$.38 per \$1,000 of the amount over \$1M
\$3,210 + \$.33 per \$1,000 of the amount over \$5M
\$4,860 + \$.13 per \$1,000 of the amount over \$10M
\$6,810 + \$.16 per \$1,000 of the amount over \$25M
\$10,810 + \$.17 per \$1,000 of the amount over \$50M
\$19,310 + \$.07 per \$1,000 of the amount over \$100M

[For Credit Unions with Total Assets Of:

[Less than \$200,000
[\$200,000 but less than \$500,000
[\$500,000 but less than \$1M
[\$1M but less than \$5M
[\$5M but less than \$10M
[\$10M but less than \$25M
[\$25M but less than \$50M
[\$50M but less than \$100M
[\$100M and over

The Operating Fee is:

\$0
\$446 + \$2.23 per \$1,000 of the amount over \$200,000
\$1,115 + \$.85 per \$1,000 of the amount over \$500,000
\$1,540 + \$.35 per \$1,000 of the amount over \$1M
\$2,940 + \$.30 per \$1,000 of the amount over \$5M
\$4,440 + \$.12 per \$1,000 of the amount over \$10M
\$6,240 + \$.14 per \$1,000 of the amount over \$25M
\$9,740 + \$.16 per \$1,000 of the amount over \$50M
\$17,740 + \$.06 per \$1,000 of the amount over \$100M]

(c) (No change.)

(d) Liquidations. [The fee for] Credit [credit] unions in liquidation shall pay an annual operating fee of \$100. [be as prescribed in subsection (c) of this section.]

(e) (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 May 24, 1993.

TRD-9323399

John H. Hale
Commissioner
Credit Union Department

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 837-9236

TITLE 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice

• 22 TAC §217.2

The Board of Nurse Examiners proposes an amendment to §217.2, concerning Licensure by Examination for Graduates of Basic Nursing Programs. This section is being amended as a result of recommendations made by the Educational Rules Task Force convened by the Board to review licensure rules related to new graduates. The task force considered a 1992 survey from deans and directors of nursing programs in relation to reeducation or remediation of candidates who failed the NCLEX-RN. The results of the survey indicated a majority believe candidates who fail three times should be reeducated.

Louise Waddill, Ph.D., R.N., executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Ms. Waddill also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be greater protection for the people of Texas by establishing the number of times a candidate can take the NCLEX-RN and the longest length of time from graduation to testing without reeducation. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the rule as proposed will be the cost of reentering and graduating from an accredited nursing program.

Comments on the proposal may be submitted to Louise Waddill, R.N., Ph.D., Executive Di-

rector, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

The amendment is proposed under Texas Civil Statutes, Article 4514, §1, which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

§217.2. Licensure by Examination[.] for Graduates of Basic Nursing Education Programs.

(a) The requirements for licensure by examination are as follows:

(1) filing of an application containing personal data, e.g. [i. e.], full name, date of birth, [etc.] background information; education information; notarized affidavit; and the required examination fee which is not refundable [and];

(2) verification of graduation, within four years of the date of the application, from an accredited nursing program or certification from the nursing program director of completion of all baccalaureate degree requirements which are prerequisites of an accredited masters degree program leading to a first degree in professional nursing; and

(3) passing the NCLEX-RN.

(b) Applicants for licensure by examination shall pass the examination within three attempts and within four years of graduation.

(1) A candidate who fails the NCLEX-RN may retake the examination at the next available testing opportunity. The number of retakes shall be limited to two.

(2) A candidate who is unsuccessful after three attempts, within four years of graduation, must complete a nursing curriculum in its entirety.

(3) An applicant who graduated more than four years from the date of application must complete a nursing program in its entirety.

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 May 28, 1993.

TRD-9323482

Louise Waddill, Ph.D., R.N.
Executive Director
Texas Board of Nurse
Examiners

Proposed date of adoption: July 20, 1993

For further information, please call: (512) 835-8650

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

General Provisions

• 22 TAC §501.2

The Texas State Board of Public Accountancy proposes an amendment to §501.2, concerning definitions. The proposed amendment expands the definition of "holding out to the public as a certificate or registration holder," to clarify the circumstances under which a person may use the term "para-accountant."

William Treacy, executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Treacy also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be that the public will not be misled and confuse those referring to themselves as "para-accountants" with CPAs licensed by the Board. This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the effect on small businesses is required. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding definitions used in the Rules of Professional Conduct.

The following is the statute that is affected by this rule Texas Civil Statutes, Article 41a-1, §8.

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

Holding out to the public as a certificate or registration holder—As that term is used in the definition of practice of (or practicing) public accountancy, any representation that a person holds a certificate or registration. Any such representation is presumed to invite the public to rely upon the professional skills implied by the certificate or registration. A representation includes an oral or written communication stating that the person holds a certificate or registration. Holding out to the public as a certificate or registration holder does not include:

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

(C) a representation made in a book, article, or other publication or in connection with the promotion of the publication; however, this exception does not apply to representations in a publication or in related promotional material either or both of which include an offer to perform a service or to sell a product other than the publication itself. No person, shall use the title "para-accountant" to indicate professional expertise in connection with offering accounting services to the public unless accompanied by a disclaimer to the effect that the designation "para-accountant" is not currently licensed or regulated by the board. A person may use the term "para-accountant" without disclaimer as an employee job title within the accounting function of a business organization that does not offer accounting services to the public or as an employee of a certified public accountant.

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 May 27, 1993.

TRD-9323550 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 450-7066

◆ ◆ ◆
Chapter 511. Certification as
CPA

Experience Requirements

• 22 TAC §511.22

The Texas State Board of Public Accountancy proposes an amendment to §511.122, concerning experience requirements. The amendment of this section will permit, on a case-by-case basis, experience acquired through an accounting internship program to be counted toward fulfillment of the experience requirement.

William Treacy, executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Treacy also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be that the public will be to increase the quality and usefulness of accounting internships. This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the

effect on small businesses is required. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding approved areas of work experience for CPA candidates.

The following is the statute that is affected by this rule: Public Accountancy Act of 1991, Texas Civil Statutes, Article 41a-1, §12(e) and §12(h)

§511.122. Acceptable Experience.

(a) All experience must be from the following categories or any combination of these and be acceptable to the board.

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

(6) Internship. The Board will consider, on a case-by-case basis, experience acquired through the accounting internship program, provided evidence is submitted demonstrating that the experience was comparable to that of a full-time staff accountant. If an accounting internship course is counted toward fulfilling the education requirement, the internship may not be used to fulfill the work experience requirement.

(7)[(6)] Other. Experience in other positions may be approved by the board as experience comparable to that gained in the practice of public accountancy under the supervision of a certified public accountant upon certification by the person or persons supervising the candidate that the experience was of a nonroutine accounting nature which continually required independent thought and judgment on important accounting matters.

(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 May 27, 1993.

TRD-9323551 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 450-7066

Certification

• 22 TAC §511.161

The Texas State Board of Public Accountancy proposes an amendment to §511.161, concerning qualifications for issuance of a certificate. The amendment deletes the requirement for an FBI fingerprint card for certification based on reciprocity.

William Treacy, executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Treacy also has determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to save the Board time and expense by acquiring the same information from the Texas Department of Public Safety for a substantially lower cost. This rule is promulgated under the authority of the Texas Tax Code, Title 2; therefore, no analysis of the effect on small businesses is required.

There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to J. Randel (Jerry) Hill, General Counsel, Texas State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The amendment is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding certification.

The following is the statute that is affected by this rule: Texas Civil Statutes, Article 41a-1, §12(d).

§511.161. Qualifications for Issuance of a Certificate. The certificate of a certified public accountant shall be granted by the board to any individual who qualifies under the current Act and has met the following qualifications:

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

(8) must successfully complete an examination on the rules of professional conduct promulgated by the board; and

[(9) must submit the FBI card properly completed; and

(9)[(10)] must provide any other information requested by the board.

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 May 27, 1993.

TRD-9323552 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 450-7066

Part XXV. Structural Pest Control Board

Chapter 593. Licenses

• 22 TAC §593.3

The Texas Structural Pest Control Board proposes an amendment to §593.3, concerning insurance requirements. The proposed language will remove the requirement for certified noncommercial applicators to have off-premises care, custody and control coverage.

Benny M. Mathis, Jr., executive director, has determined that for the first five-year period the rule is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Mr. Mathis also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be reduced complications in obtaining liability insurance for persons required to be licensed as noncommercial applicators. Insurance requirements tailored to meet the specific needs of those applicators. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Roger B. Borgelt, 9101 Burnet Road, #201, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 135b-6, which provide the Texas Structural Pest Control Board with the authority to license and regulate persons engaged in structural pest control services.

§593.3. Licenses.

(a) Each business license applicant and certified noncommercial applicator license applicant must submit with the application an insurance policy or certificate of coverage in the amount of not less than \$200,000 for bodily injury and property damage coverage with a minimum total annual aggregate of \$300,000 for all occurrences insuring him against liability for damage to persons or property occurring as a result of operations performed in the course of the business of structural pest control to premises and in the case of business license applicant, to property [or any other property] under his care, custody, or control. No new business license or certified noncommercial applicator license will be issued until insurance requirements are met. Policies shall contain a cancellation provision whereby notification of cancellation is received by the Board not less than 30 days prior to cancellation. Certified non-commercial applicators employed by gov-

ernmental entities are exempt from this provision. Certified applicators who are not actively engaged in the business of structural pest control and do not perform structural pest control work as a part of the duties of their employment are exempt from this provision.

(b)-(c) (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 May 26, 1993.

TRD-9323484 Benny M. Mathis, Jr.
Executive Director
Structural Pest Control Board

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 835-4066

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 53. Finance

License Fees and Boat and Motor Fees

• 31 TAC §53.8

The Texas Parks and Wildlife Commission proposes an amendment to §53.8, concerning license and stamp fees set by the Commission. Changes in certain fees are necessary to provide sufficient funding to maintain the current level of services and to comply with requirements prescribed by pending legislation.

Jim Dickinson, deputy executive director, has determined that for the first five-year period the rule is in effect there will be fiscal implications as a result of enforcing or administering the rule.

The effect on state government will be an Estimated Net Increase in revenue of \$1,370,129 in 1994; \$1,370,129 in 1995; \$1,370,129 in 1996; \$1,370,129 in 1997; \$1,370,129 in 1998.

Mr. Dickinson also has determined that for each year of the first five years the rule is in effect the public benefit will be sufficient license and stamp fees to permit continuation of services for the public good. There will be minimal fee increases for small businesses. The possible economic impact to Texas residents who choose to comply with the rule as proposed will be the payment of the fees indicated. The Department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A as this agency has

determined that the rules as proposed will not impact local economics.

Public comment is invited and may be submitted to Jim Dickinson, Deputy Executive Director, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4417.

The amendment is proposed under the authority of the Texas Parks and Wildlife Code, which provides the Texas Parks and Wildlife Commission with the authority to set certain license and stamp fees. The Parks and Wildlife Code, §11.027, directs the Commission to establish reasonable and necessary fees for the administration of department programs.

§53.8. License Fees Set by Commission.

(a) The following license fee amounts are effective for the licensing period beginning September 1, 1993 [1991]:

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

(3) special resident[-exempt] hunting-\$6.00;

(4)-(24) (No change.)

(25) wild caught alligator hide tag-\$10 [\$5.00];

(26)-(33) (No change.)

(34) blind[] or qualified disabled veteran or commercial fisherman-resident sportfishing-\$1.50;

[(35) shellfish culture-\$75;]

(35)[(36)] nonresident fishing-\$20;

(36)[(37)] fishing duplicate-\$6.00;

(37)[(38)] temporary nonresident fishing-\$10;

(38)[(39)] Lake Texoma fishing-\$7.50;

(39)[(40)] saltwater sportfishing stamp-\$7.00;

(40)[(41)] freshwater trout stamp-\$7.00;

(41)[(42)] retail fish dealer's-\$40;

(42)[(43)] saltwater trotline tags-\$3.00;

[(44) seine tags-\$3.00;]

(43)[(45)] fishing [fish] guide-\$75;

(44)[(46)] resident [freshwater] commercial fishing boat-\$15;

(45)[(47)] bait dealer's-\$30;

(46)[(48)] wholesale fish dealer's-\$500;

(47)[(49)] wholesale fish dealer's-truck-\$300;

(48)[(50)] retail fish dealer's truck-\$75;

[(51) resident saltwater commercial fishing boat-\$15;]

[(52) mussel, clam, and naiad-\$30;]

[(53) mussel dredge permit-power-\$80;]

(49)[(54)] commercial fishing boat-Menhaden Only-\$3,500;

(50)[(55)] Menhaden Fish Plant Permit-\$150;

(51)[(56)] resident commercial gulf shrimp boat-\$250 [\$150];

(52)[(57)] shrimp house operator-\$400;

(53)[(58)] individual bait shrimp trawl tags-\$20;

(54)[(59)] bait shrimp dealer's-\$100;

(55)[(60)] resident commercial bay shrimp boat-\$150;

(56)[(61)] resident commercial bait shrimp boat-\$170 [\$150];

(57)[(62)] nonresident general commercial fisherman-\$150;

[(63) nonresident general commercial fisherman vessel-\$150 per fisherman;]

(58)[(64)] nonresident general commercial finfish fisherman-\$150;

(59)[(65)] resident commercial finfish fisherman-\$75;

(60)[(66)] resident general commercial fisherman-\$20;

(61)[(67)] nonresident commercial gulf shrimp boat-\$1,000 [\$320];

[(68) resident general commercial fisherman vessel-\$20 per fisherman;]

(62)[(69)] finfish import-\$75;

(63)[(70)] resident fishing under 17, or 65 years old or older-no charge; [and]

[(71) person having a commercial fishing license of this state-no additional fee required to sportfish.]

(64)[(72)] Lifetime Combination Hunting and Fishing-\$800;

(65)[(73)] Lifetime Hunting-\$500; [and]

(66)[(74)] Lifetime Fishing-\$400;[.]

(67) resident commercial oyster boat captain's-\$25;

(68) nonresident commercial oyster boat captain's-\$100;

(69) nonresident commercial bait shrimp boat-\$500;

(70) duplicate resident commercial bay shrimp boat license plates-\$5.00;

(71) duplicate resident commercial bait shrimp boat license plates-\$5.00;

(72) duplicate resident commercial gulf shrimp boat license plates-\$5.00;

(73) duplicate nonresident commercial bay shrimp boat license plates-\$5.00;

(74) duplicate nonresident commercial bait shrimp boat license plates-\$5.00;

(75) duplicate nonresident commercial gulf shrimp boat license plates-\$5.00;

(76) duplicate resident commercial fishing boat license plates-\$5.00;

(77) duplicate resident commercial oyster boat license plates-\$5.00;

(78) duplicate nonresident commercial fishing boat license plates-\$5.00;

(79) duplicate nonresident commercial oyster boat license plates-\$5.00;

(80) commercial shrimp boat license transfer-\$5.00;

(81) transfer of any licenses authorized by the Parks and Wildlife Code, Chapter 47, 66, 76, or 77,-\$5.00;

(82) resident commercial mussel and clam fisherman's-\$30;

(83) nonresident commercial mussel and clam fisherman's-\$800;

(84) resident shell buyer's-\$100;

(85) nonresident shell buyer's-\$1,500;

(86) mussel dredge fee-\$30;

(87) upland game bird stamp-\$5.00; and

(88) muzzleloader stamp-\$10.

(b) The following license fee amounts are effective for the licensing period beginning September 1, 1994:

(1) resident commercial bay shrimp boat-\$170;

(2) nonresident commercial bay shrimp boat-\$500.

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 May 28, 1993.

TRD-9323570

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Proposed date of adoption: September 1, 1993

For further information, please call: 1 (800) 792-1112, Ext. 4433 or (512) 389-4433.

◆ ◆ ◆
• 31 TAC §53.10

The Texas Parks and Wildlife Commission proposes an amendment to §53.10, concerning boat fees set by the commission. This amendment is contingent upon passage of legislation by the 73rd Legislature and will conform terminology in the Texas Parks and Wildlife Code and the Texas Administrative Code. Changing "boat" to "vessel" will clarify that all sailboats 14 feet and over must be registered and titled.

Jim Dickinson, deputy executive director, has determined that for the first five-year period the rule is in effect there will be fiscal implications as a result of enforcing or administering the rule. This is due to registering and titling sailboats 14 feet and over and titling motorboats under 14 feet and outboard motors under 12 horsepower that were previously exempt. The effect on state government will be an Estimated Net Increase in revenue of \$1,595,708 in 1994; \$238,316 in 1995; \$1,232,932 in 1996; \$239,116 in 1997; \$1,243,732 in 1998.

Mr. Dickinson also has determined that for each year of the first five years the rule is in effect the public benefit anticipated will be that owners of sailboats over 14 feet, motorboats under 14 feet and outboard motors under 12 horsepower will share the cost to maintain public waters and law enforcement thereon. Registering will provide positive means of identification and a deterrent to theft. Titling will provide protection to boat owners and lienholders. There will be no effect on small businesses. Anticipated cost to persons who are required to comply with the proposed rule will be payment of the fees indicated. The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rule as proposed will not impact local economics.

Comments may be submitted to Jim Dickinson, Deputy Executive Director, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4417.

The amendment is proposed under the Texas Parks and Wildlife Code, Chapter 31, which provides Commission with statutory authority to set fees.

§53.10. Vessel [Boat] and Motor Fees Set by Commission. The following vessel [boat] and motor fee amounts are effective September 1, 1993 [1991]:

- (1) expedited "quick" title to a vessel [boat]-\$15;
- (2) (No change.)
- (3) livery vessel [boat]-\$9.00;
- (4) vessel [boat]-Class A -\$18;
- (5) vessel [boat]-Class 1-\$27;
- (6) vessel [boat]-Class 2-\$36;
- (7) vessel [boat]-Class 3-\$45;
- (8) vessel [boat]-transfer of ownership-\$3.00;
- (9) vessel [boat]-duplicate certificate of number-\$3.00;
- (10) vessel [boat]-duplicate decals-\$3.00
- (11) vessel [boat]-state assigned HIN-\$3.00;
- (12)-(13) (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 May 28, 1993.

TRD-9323564

Paul M. Shinkawa
Director of Legal Services
Texas Parks and Wildlife
Department

Proposed date of adoption: September 1, 1993

For further information, please call: 1 (800) 792-1111, Ext. 4419 or (512) 389-4419

• 31 TAC §53.17, §53.18

The Texas Parks and Wildlife Commission proposes new sections §53.17 and §53.18, Vessel Registration Agents and Surety Bonds. Boat dealers that are properly bonded would become agents for the department and would collect fees and taxes as a service to their customers. Registration numbers would be assigned and applications, fees, and taxes would be sent to the department for processing. These sections are contingent upon passage of legislation by the 73rd Legislature.

Jim Dickinson, deputy executive director, has determined that for the first five-year period the rules are in effect there will be minimum fiscal implications as a result of enforcing or administering the rules. There is some potential for some tax assessor-collectors to lose revenue if dealers that currently take applications to tax assessor-collectors become authorized to register and title vessels under these proposed rules. Tax assessor-collectors would not collect commissions on those transactions; however, expected impact is minimal.

Mr. Dickinson also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules are that dealers who are designated agents for the department will be able to collect registration, title

fees, and sales taxes; and issue vessel registration numbers. Agents will then forward the applications and fees to the department on behalf of their customers. In addition, vessels will have registration numbers at the time they are purchased enabling a means of identification in the event vessels are stolen. The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that the rules as proposed will not impact local economics.

Comments may be submitted to Jim Dickinson, Deputy Executive Director, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4417.

The new sections are proposed under the authority of the Texas Parks and Wildlife Code, Chapter 31, §31.006.

§53.17. Authorized Vessel Registration Agent for the Department.

(a) A person is appointed as an authorized agent for the department when forms, prescribed by the executive director, have been properly executed and received by the Texas Parks and Wildlife Department. Such forms may include, but are not limited to, the following:

- (1) agent application;
- (2) public official bond or letter of credit;
- (3) agent agreement.

(b) These forms may be inspected at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

§53.18. Surety Bond Requirements. A public official (surety) bond or letter of credit is required of all persons approved as authorized vessel registration agents with the exception of departmental employees and county clerks. The public official (surety) bond must be executed by a bonding company licensed by the State Board of Insurance of the Texas Department of Insurance. The minimal penal sum and terms of the agent bond or letter of credit shall be prescribed by the executive director.

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 May 28, 1993.

TRD-9323563

Paul M. Shinkawa
Director of Legal Services
Texas Parks and Wildlife
Department

Proposed date of adoption: September 1, 1993

For further information, please call: 1 (800) 792-1111, Ext. 4419 or (512) 389-4419

Title 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts -

Chapter 3. Tax Administration

Subchapter S. Interstate Motor Carrier Sales and Use Tax

• 34 TAC §3.446

The Comptroller of Public Accounts proposes an amendment to §3.446, concerning lease price, sales price, and purchase price. This amendment is necessary to clarify the taxable value of leased motor vehicles by providing for both variable priced contracts and fixed price contracts.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the rule is in effect there will be no significant revenue impact on the state or local government as a result of enforcing the rule.

Dr. Plaut also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule would be in providing new information regarding tax responsibilities. This rule is adopted under the Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed rule.

Comments on the proposal may be submitted to Charles C. Johnstone, Manager, Tax Administration Division, P.O. Box 13528, Austin, Texas 78711.

The amendment is proposed under the Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of the Tax Code, Title 2.

§3.446. Lease Price, Sales Price, and Purchase Price.

(a) Lease price. Lease price may be calculated under either of the following methods.

- (1) Lease payment method.

(A) [(1)] Lease payment is the sum of all [price-The total amount of lease] payments specified in the lease contract without any deduction for:

- (i)[(A)] lessor's markup;
- (ii)[(B)] charges for depreciation; or
- (iii)[(C)] charges for accessories attached to the vehicle and included in the same lease contract.

(B)[(2)] Lease payment [price] does not include any separately stated charges for:

(i)[(A)] fuel;

(ii)[(B)] maintenance

(separately stated mileage charges that can be directly and solely related to the repair and maintenance of the leased vehicle will be considered to be separately stated maintenance charges);

(iii)[(C)] insurance; [or]

(iv) finance charges; or

(v)[(D)] pass-through

charges such as federal highway use tax, state sales or use taxes, and title and registration fees.

(C)[(3)] For purposes of computing the amount of Interstate Motor Carrier Tax that is due, the lease payment [price] may not be less than the amount which would be charged for the lease of the vehicle(s) in the open market for a similar period of time at retail. Retail means 25% of a published standard industry value for the motor vehicle at the inception of the lease for each year or part of a year of the lease contract [lessor's capitalized cost of the vehicle].

(D) If the lease payment is based on a variable charge (i.e., a flat mileage rate, percentage of revenue) the lease payment shall be 25% of a published standard industry value at the inception of the lease, for that motor vehicle for each and each part of a year for the contract.

(2) Optional method. Lease price means the sum of the lessor's purchase price plus the lessor mark-up of the leased vehicle, the combined value of which is typically reflected as the original value of schedule A or similar addendum to a lease contract. This amount may not be less than the lessor's capitalized value.

(3) Change of vehicle ownership. No additional tax is due from a motor carrier who had previously been subject to the tax imposed by this chapter on a lease contract provided that the terms of the lease contract and the motor carrier remain unchanged.

(b) Sales price.

(1) Sales price is [-] the total consideration paid or to be paid for a motor vehicle and all accessories attached at the time of sale, without any deduction for any of the following:

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

(2) (No change.)

(c) (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 May 26, 1993.

TRD-9323464

Marlin Cherry
Chief, General Law
Section
Comptroller of Public
Accounts

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 463-4038

Chapter 7. Administration of State Lottery Act

Subchapter F. ADA Requirements

• 34 TAC §§7.401-7.408

The Comptroller of Public Accounts proposes new §§7.401-7.408, concerning the compliance of lottery licensees with the Americans with Disabilities Act in order to have all locations where lottery tickets are sold accessible to and usable by people with disabilities. The Texas Lottery Act requires an individual, partnership, or corporation that obtains a retailer's license to certify that the physical location where tickets will be sold has complied with the Americans with Disabilities Act (ADA). The ADA is federal civil rights legislation that can be enforced by the filing of complaints with the federal courts or with federal regulatory agencies. It is the express intent of the comptroller to encourage and assist Texas businesses in achieving the goals of the ADA by enduring that retail establishments are accessible to and usable by Texans with disabilities. Notwithstanding the fact that the Comptroller of Public Accounts cannot directly enforce the ADA, it will suspend or revoke the license of a retailer who does not comply with the requirements of the Texas Lottery Act and this subchapter.

The comptroller proposes an administrative hearings process to allow affected, disabled individuals to request a review of the communications practices and physical facilities as they relate to the conduct of lottery activities by lottery licensees. A lottery employee who has completed ADA accessibility training will examine the retailer's facility. As noted, the comptroller is not empowered to directly enforce the ADA, and a ruling from the comptroller's office that a retailer has complied with these administrative rules does not insure that a retailer is in full compliance with the ADA accessibility guidelines promulgated under federal law.

If the Lottery Division determines that a lottery licensee has not complied with this subchapter, the retailer will be so notified and will be given a 90-day period to correct all deficiencies, and failure to do so will lead to the suspension or revocation of the license. Should the retailer show good faith efforts in this initial 90-day period to correct the identified deficiencies but has failed to correct all such deficiencies and needs additional time,

a second 90-day period may be allowed by the Lottery Division. This subchapter gives the affected lottery licensee the authority to request an Administrative Law Judge's ruling on the validity of a suspension or revocation action proposed by the Lottery Division.

Tom Plaut, chief revenue estimator, has determined that for the first five-year period the rules are in effect there will be no significant fiscal impact on the state or local government.

Dr. Plaut also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rule will be in allowing the comptroller to administer the lottery in a manner consistent with maximum public access and convenience. These rules are adopted under the State Lottery Act, §2.02, and do not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to persons who are required to comply with the proposed rules.

Comments on the proposals may be submitted to Nora Linares, Director, Lottery Division, 111 East 17th Street, Austin, Texas 78701.

The new sections are proposed under the State Lottery Act, §2.02, which provides the comptroller with the authority to adopt all rules necessary to administer the State Lottery Act.

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

ADA-The Americans with Disabilities Act of 1990 (42 United States Code, §§12101-12213 and 47 United States Code, §§225 and §611).

Disability—With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; having had a record of such an impairment; or being regarded as having such an impairment.

Lottery licensed facility—A place of public accommodation operated by a lottery retailer, including all or any portion of buildings, structures, sites, complexes, equipment, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located, to the extent used in the conduct of lottery activities.

Lottery retailer—Any person or entity licensed under the Texas Lottery Act.

Readily achievable—Easily accomplished and able to be carried out without much difficulty or expense. In determining whether an action is readily achievable, factors to be considered include:

(A) the nature and cost of the action needed under this part;

(B) the overall financial resources of the site or sites involved in the action; the number of persons employed at the site; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site;

(C) the geographic separateness and the administrative or fiscal relationship of the site or sites in question to any parent corporation or entity;

(D) if applicable, the overall financial resources of any parent corporation or entity with respect to the number of its employees; the number, type, and location of its facilities; and

(E) if applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

Undue burden—Significant difficulty or expense. In determining whether an action would result in an undue burden, factors to be considered include:

(A) the nature and cost of the action;

(B) the overall financial resources of the site or sites involved in the action; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the site; and

(C) if applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees; and the number, type, and location of facilities.

§7.402. General Requirements.

(a) Prohibition of discrimination. No lottery retailer shall discriminate against any individual on the basis of disability in the full and equal enjoyment of lottery related goods, services, facilities, privileges, advantages, or accommodations of any lottery licensed facility.

(b) Integrated accessibility. A lottery licensed facility shall afford lottery related goods, services, facilities, privileges, advantages, and accommodations to any individual with a disability in the most integrated setting appropriate to the needs of the individual.

(c) Lottery licensed facility located in private residences.

(1) When a lottery retailer is located in a private residence, the portion of the residence used exclusively as a residence is not covered by this subchapter, but that portion used exclusively in the operation of the lottery licensed facility or that portion used both for the lottery licensed facility and for residential purposes is covered by this subchapter.

(2) The portion of the residence covered under paragraph (1) of this subsection extends to those elements used to enter the lottery licensed facility, including the homeowner's front sidewalk, if any, the door or entryway, and hallways; and those portions of the residence, interior or exterior, available to or used by customers or clients, including restrooms.

§7.403. Readily Achievable Barrier Removal.

(a) General. A lottery retailer shall remove architectural and communication barriers in lottery licensed facility, where such removal is readily achievable.

(b) Examples. Examples of readily achievable steps to remove barriers include, but are not limited to, the following actions:

- (1) installing ramps;
- (2) making curb cuts in sidewalks and entrances;
- (3) creating designated accessible parking spaces;
- (4) widening aisles and doors;
- (5) rearranging tables, chairs, vending machines, display racks, and other furniture;
- (6) installing offset hinges to widen doorways;
- (7) installing accessible door hardware; and/or
- (8) modification of certain exclusionary policies such as:

(A) allowing service animals to enter the facility;

(B) assisting visually impaired individuals to utilize the retailer's facilities; provided, however, that the retailer or the retailer's agents will not provide assistance in filling out play slips or providing verification of instant or on-line tickets; and/or

(C) providing alternate forms of communication with hearing impaired individuals.

§7.404. Priority of ADA Compliance by Lottery Licensees. A lottery retailer will take readily achievable measures to comply with the barrier removal requirements of this subchapter in accordance with the following order of priorities.

(1) First, a lottery retailer will take measures to provide access to a lottery licensed facility from public sidewalks, parking, or public transportation. These measures include, for example, installing an entrance ramp, widening entrances, and providing accessible parking spaces.

(2) Second, a lottery retailer will take measures to provide access to those areas of a lottery licensed facility where lottery goods and services are made available to the public.

(3) Third, a lottery retailer will take any other reasonable measures necessary to provide access to lottery goods and services.

§7.405. Alternatives to Barrier Removal. Where a lottery retailer can demonstrate that barrier removal in its lottery licensed facility is not readily achievable in conjunction with federal guidelines, the retailer shall make lottery related goods, services, facilities, privileges, advantages, or accommodations available through alternative methods, if those methods are readily achievable. Examples of alternatives to barrier removal include, but are not limited to, the following actions:

- (1) providing curb service; and/or
- (2) relocating activities to accessible licensed locations.

§7.406. Future Alterations to a Lottery Licensed Facility. Any alteration to a lottery licensed facility shall be made so as to ensure that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities.

§7.407. Complaints Relating to Non-Accessibility.

(a) The Lottery Division will designate a specific employee or group of employees to receive and process all accessibility complaints concerning lottery retailers. As soon as practical, each complaint filed by an affected disabled individual will be investigated by Lottery Division personnel who have completed ADA accessibility training certified by the United States Department of Justice and a written compliance report will be issued to the lottery retailer and the affected disabled individual that filed the original complaint.

(b) If the written compliance report shows deficiencies in the communication practice or accessibility of the retailer's physical location, readily achievable modifications must be made within 90 days of the date the written report is mailed or delivered. Should the Lottery Division determine that the retailer demonstrated a good faith effort in this 90-day period to correct the deficiencies identified in the report but needs additional time to complete these modifications, a second 90-day period may be allowed. Notice of this extension will be sent to the affected disabled individual and the retailer.

(c) If the corrective action taken by a retailer meets the requirements of the compliance report as originally issued or as later revised or reissued, the Lottery Division will issue a notice of apparent compliance. Until this notice is issued, a complaint will be considered pending.

(d) Failure to make readily achievable modifications within the required time period will result in the initiation of proceedings to suspend or revoke the lottery license by the Lottery Division pursuant to the procedural requirements of state law.

(e) The standards and priorities contained in §7.404 of this title (relating to Priority of ADA Compliance by Lottery Licensees) will be utilized by the Lottery Division in determining the lottery retailer's compliance with this subchapter. A license will be suspended if the Lottery Division determines that the retailer has made significant progress toward correcting deficiencies listed in the compliance report under the order of priorities contained in §7.404 of this title but has not completed readily achievable barrier removal. If the Lottery Division determines that the retailer has not made a good faith effort to correct the deficiencies listed in the compliance report, this inaction will result in the revocation of the lottery license for that lottery licensed facility.

(f) While proceedings to suspend or revoke a retailer's license are pending pursuant to this subchapter, and until a notice of apparent compliance is issued pursuant to subsection (c) of this section, the Lottery Division may withhold incentive payments and other privileges from the retailer.

§7.408. Requests for Hearings.

(a) Should the Lottery Division issue a notice proposing the revocation or suspension of a lottery retailer's license pursuant to this subchapter, the retailer has the right to request an administrative hearing as provided by §§1.1-1.42 of this title (relating to Rules of Practice and Procedure). All requests for an administrative hearing must be filed with the Comptroller

of Public Accounts Lottery Division within 30 days of the date contained on the face of the notice of proposed license revocation or suspension. All notices related to the administrative hearing will be sent to the affected disabled individual and the retailer. The Lottery Division, the affected disabled individual, and the retailer will be parties to the administrative hearing. Issues in controversy in the hearing will include, but are not limited to: the compliance report prepared by the Lottery Division; whether the requested modifications are readily achievable; and whether reasonable substituted modifications will fulfill the requirements of this subchapter.

(b) If upon the receipt of the comptroller's compliance report the affected disabled individual is not satisfied with the suggested modifications to the retailer's facility and can demonstrate that further steps are necessary to correct accessibility problems, the original complainant may request an administrative hearing by filing a written request with the Lottery Division within 15 days of the date shown on the face of the compliance report; a copy of such written request must be delivered to the affected retailer. The Lottery Division, the affected disabled individual, and the retailer will be parties to the administrative hearing. Issues in controversy in the hearing will include, but are not limited to: the compliance report prepared by the Lottery Division, whether additional modifications should be required, whether such additional modifications are readily achievable, whether the modifications in the compliance report are readily achievable, and whether reasonable substituted modifications will fulfill the requirements of this subchapter. The compliance report will be reissued, revised, or withdrawn in accordance with the outcome of the hearing, and the retailer will then be allowed 90 days to take necessary corrective action.

(c) The administrative hearing authorized by this section shall be a contested case as provided by the Administrative Procedure and Texas Register Act and the Comptroller's Rules of Practice and Procedure, Texas Administrative Code, Title 34, Part I, Chapter 1. All relevant rules of evidence and time limits established in those rules shall apply to hearings conducted under 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 May 28, 1993.

TRD-8323543

Martin Cherry
Chief, Legal Counsel
Comptroller of Public
Accounts

Earliest possible date of adoption: July 5, 1993

For further information, please call: (512) 463-4608

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 19. Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification

Subchapter B. Definitions

The Texas Department of Human Services (DHS) proposes amendments to §§19.101, 19.203, 19.212, 19.302, 19.907, 19.1005, 19.1308, 19.1607, 19.1613, 19.1701, 19.1702, 19.1807, 19.1923, and 19.2003, concerning definitions, notice of rights and services, access and visitation rights, transfer and discharge, menus and nutritional adequacy, physician delegation of tasks, drug administration, denied medical necessity, reconsideration of medical necessity (MN) determination and effective dates, vendor payment (items and services included), additional charges (items and services excluded from vendor payment), rate setting methodology, incident or accident reporting, and additional participation requirements in its Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification chapter.

The purpose of the amendments is to make a number of technical changes concerning medical necessity time frames; reporting of drug errors and adverse drug reactions; diet manuals; vendor payment for prescription drugs not covered by the Medicaid Vendor Drug program; providing briefs (diapers) to nursing facility residents; physician duties performed in nursing facilities by nurse practitioners, physician assistants, and clinical nurse specialists; the procedure for Purpose Code U changes to the Form 3652 CARE form; and the Texas Department on Aging's ombudsman program.

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

Mr. Raiford also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules will be improved care of nursing facility residents resulting from clearer rule language. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed rules.

Questions about the content of the proposal may be directed to Susan Syler at (512) 450-3111 in DHS's Institutional Programs Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison,

Policy and Document Support-109, 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 §19.101

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

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

Ombudsman—An advocate who is a certified representative, staff, or volunteer, of the Office of the State Long Term Care Ombudsman, Texas Department on Aging.

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 May 27, 1993.

TRD-9323515 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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Subchapter C. Resident Rights

• 40 TAC §19.203, §19.212

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

§19.203. Notice of Rights and Services.

(a) (No change.)

(b) The facility must also inform the resident, upon admission and during the stay, in a language the resident understands, of the following:

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

(4) a written list of the rights and responsibilities contained in the Human Resources Code, Title 6, Chapter 102; [.] and

(5) a written description of the services available through the Office of the State Long Term Care Ombudsman,

Texas Department on Aging. This information must be made available to each facility by the ombudsman program. Facilities are responsible for reproducing this information and making it available to residents, their families, and legal representatives.

(c) -(n) (No change.)

§19.212. Access and Visitation Rights.

(a) The resident has the right to and the facility must provide immediate access to any resident by the following:

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

(4) any representative of the Office of the State Long Term Care Ombudsman Program, Texas Department on Aging [the state long-term-care ombudsman as established under the Older Americans Act of 1965, §307(a)(12)];

(5)-(8) (No change.)

(b)-(c) (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 May 27, 1993.

TRD-9323516 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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**Subchapter D. Admission,
Transfer, and Discharge
Rights**

• 40 TAC §19.302

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

§19.302. Transfer and Discharge.

(a)-(e) (No change.)

(f) Contents of the notice. For nursing facilities, the written notice specified in subsection (d) of this section must include the following:

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

(5) the name, address, and telephone number of the regional repre-

sentative of the Office of the State Long Term Care Ombudsman, Texas Department on Aging, and of the toll-free number of the Texas Long Term Care Ombudsman, 1-800-252-2412 or 1-800-252-2312 [Texas long term care ombudsman, which is Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711-2786, 1-800-252-9240].

(6) (No change.)

(g)-(k) (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 May 27, 1993.

TRD-9323512 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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**Chapter 19. Long Term Care
Nursing Facility
Requirements for Licensure
and Medicaid Certification**

Subchapter F. Quality of Life

The Texas Department of Human Services (DHS) proposes amendments to §§19.501, 19.602, 19.701, 19.801, 19.1001, 19.1501, and 19.1922, concerning quality of life, comprehensive care plans, quality of care, nursing services, physician services, physical plant and environment, and resident care policies, in its Long Term Care Nursing Facility Requirements for Licensure and Medicaid Certification chapter. The purpose for the amendments is to add provisions to the rules that emphasize that children have unique medical and psychosocial needs and that the care delivered must address those needs.

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

Mr. Raiford also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be improved care of children in nursing facilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendments.

Questions about the content of the proposal may be directed to Susan Syler at (512) 450-3111 in DHS's Institutional Programs

Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-122, 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 §19.501

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

§19.501. *Quality of Life.* A facility must care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life. If children are admitted to a facility, care must be provided to meet their unique medical and developmental needs.

(1)-(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 May 27, 1993.

TRD-9323520 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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Subchapter G. Resident Assessment

• 40 TAC §19.602

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

§19.602. *Comprehensive Care Plans.*

(a) The facility must develop a comprehensive care plan for each resident that includes measurable short-term and long-term objectives and timetables to meet a resident's medical, nursing, and mental and psychosocial needs that are identified in the comprehensive assessment. If children are admitted to the facility, the comprehensive care plan must be based on each child's individual needs. The care plan must describe the following:

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

(b)-(d) (No change.)

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

Issued in Austin, Texas, on May 27, 1993.

TRD-9323521 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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Subchapter H. Quality of Care

• 40 TAC §19.701

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

§19.701. *Quality of Care.* Each resident must receive and the facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, as defined by and in accordance with the comprehensive assessment and plan of care. If children are admitted to the facility, care and services must be provided to meet their unique medical and developmental needs.

(1)-(13) (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 May 27, 1993.

TRD-9323522 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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Subchapter I. Nursing Services

• 40 TAC §19.801

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

assistance programs and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§19.801. *Nursing Services.* The facility must have sufficient staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care. Nursing services to children must be provided by staff who have been instructed and have demonstrated competence in the care of children. Care and services are to be as specified in §19.701 of this title (relating to Quality of Care).

(1)-(9) (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 May 27, 1993.

TRD-9323523 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

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Subchapter J. Dietary Services

• 40 TAC §19.907

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

§19.907. *Menus and Nutritional Adequacy.*

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

(c) The facility must ensure that a current diet manual, approved by the facility dietician or the consultant dietician [Texas Department of Health (TDH)], is readily available to dietary service personnel and the supervisor of nursing service. To be current, the diet manual must be no more than five years old.

(d)-(m) (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 May 27, 1993.

TRD-9323511

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

Proposed date of adoption: September 1, 1993

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

Subchapter K. Physician Services

• 40 TAC §19.1001

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

§19.1001. Physician Services. A physician must personally approve in writing a recommendation that an individual be admitted to a facility. Each resident must remain under the care of a physician. The facility must ensure that:

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

(4) if children are admitted to the facility, appropriate pediatric consultative services are utilized, in accordance with the comprehensive assessment and plan of care.

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 May 27, 1993.

TRD-9323524

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

Proposed date of adoption: September 1, 1993

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

• 40 TAC §19.1005

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

§19.1005. Physician Delegation of Tasks.

(a) In a Medicare skilled nursing facility (SNF), except as specified in subsection (b) of this section, a physician may delegate tasks to a physician assistant, nurse practitioner, or clinical nurse specialist who:

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

(b) (No change.)

(c) In a Medicaid nursing facility, any required physician task [except certification, recertification, and the ordering of medications and treatments,] may also be satisfied when performed by a nurse practitioner, clinical nurse specialist, or physician assistant who is not an employee of the facility but who is working in collaboration with a physician. Services must be provided in the context of applicable state laws, rules, and regulations governing the practice of nurse practitioners, clinical nurse specialists, and physician assistants.

[(d) If physician assistant (PA), nurse practitioner (NP), or clinical nurse specialist's (CNS) services are used in the facility, facility staff must ensure that the following conditions exist.

[(1) The facility has written agreements with physicians who intend to use the services of PAs, NPs, or CNSs.]

[(2) The facility has established, written procedures specifying that:

[(A) the PA, NP, or CNS is identified clearly to residents, responsible parties, and to employees as a PA, NP, or CNS;

[(B) residents are informed that the PA, NP, or CNS is not a physician and that the resident may see the supervising physician at the resident's request;

[(C) residents or responsible party has given consent, in writing, to receive services from the PA, NP, or CNS; and

[(D) the resident's or responsible party's signed consent is included in the resident's record.]

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 May 27, 1993.

TRD-9323510

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

Proposed date of adoption: September 1, 1993

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

Subchapter N. Pharmacy Services

• 40 TAC §19.1308

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

§19.1308. Drug Administration.

(a)-(d) (No change.)

(e) The facility nursing staff must [immediately] report drug errors and adverse drug reactions to the resident's physician in a timely manner, as warranted by an assessment of the resident's condition, and record them in the resident's record. An incident report must be completed in accordance with §19.1923 of this title (relating to Incident or Accident Reporting). Medication errors include, but are not limited to, administering the wrong medication, administering at the wrong time, administering the wrong dosage strength, administering by the wrong route, omitting a medication, and/or administering to the wrong resident.

(f)-(g) (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 May 27, 1993.

TRD-9323509

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

Proposed date of adoption: September 1, 1993

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

Subchapter P. Physical Plant and Environment

• 40 TAC §19.1501

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

§19.1501. General Requirements. The facility must be designed, constructed, equipped, and maintained to protect the health and ensure the safety of residents, personnel, and the public. If children are admitted to the facility, accommodations, furnishings, and equipment appropriate to children must be provided. (See also §19.505 of this title (relating to Environment)).

(1)-(19) (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 May 27, 1993.

TRD-9323525

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

Proposed date of adoption: September 1, 1993

For further information, please call: (512) 450-3785

Subchapter Q. Medical Review and Re-evaluation

• 40 TAC §19.1607, §19.1613

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

§19.1607. Denied Medical Necessity. If the Utilization Review Committee [nurse] determines that the written criteria for admission or continued stay are not met, [the nurse's decision is reviewed by the Utilization Review Committee physician.

[(1) If the physician agrees with the decision,] the attending physician is notified in writing within two working days and allowed an opportunity to present [his views and any] additional information about the recipient's medical need for nursing facility placement [continued stay. This notification must be documented. If the Utilization Review Committee physician performs the admission or continued-stay review instead of the Utilization Review Committee nurse and finds that the admission or continued stay is not necessary, he may notify the attending physician directly].

(1) [(2)] If the attending physician does not respond or contest the findings of the Utilization Review Committee [nurse or physician who performed the ad-

mission or continued-stay review] within five [two] working days of receipt of the decision, [then] the findings are final.

[(A) Written notification of final determination must be sent to the attending physician, the recipient (or responsible party), the facility administrator, and the state office of the Texas Department of Human Services no later than two days after the determination, and in no event later than three working days after the end of the assigned continued-stay period.

[(B) If possible, the written notification should be received by all parties within the stated time period.]

(2)[(3)] If the attending physician contests the findings of the Utilization Review Committee [nurse, or those of the physician who performed the admission or continued-stay review, or if he presents additional information about the need for admission or continued stay], at least one additional physician in [member of] the Utilization Review Department [Committee] must review the case.

[(A)] If the additional [two] physician [members] determines [determine] that the recipient's admission or stay is not medically necessary [or appropriate after considering all the evidence], the [their] determination becomes final.

(3)[(B)] Written notification of the final determination of a denied medical necessity [this decision] must be sent to the attending physician, recipient (or responsible party), facility administrator, and the state office of the Texas Department of Human Services (DHS) no later than two days after the decision[, and in no event later than three workdays after the end of the assigned continued-stay period].

(4) A physician [non-physician] must [not] make the [a] final determination that a recipient's stay is not medically necessary [or appropriate].

(5) Recipients' [Recipient's] appeals will be processed as a fair hearing according to Texas Department of Human Services' fair hearings rules in Chapter 79 of this title (relating to Legal Services) [outlined in the Fair Hearings, Fraud, and Civil Rights Handbook of the Texas Department of Human Services]. The recipient should submit a written request for a hearing to the Medicaid Eligibility worker at the local DHS office. When the recipient does not appeal the denied medical necessity decision within 10 working days of receipt of the decision, vendor payments to the facility will be made at the rate for the previously established Texas Index for Level of Effort (TILE) [level] for a period

of 15 days or until the recipient is transferred, whichever occurs first. [(If the recipient does appeal within ten working days of receipt of the decision and the denied medical necessity is upheld, the effective date [of the decision] will be ten days after the hearing officer's written decision [original date of notification].)]

§19.1613. Reconsideration of Medical Necessity (MN) Determination and Effective Dates. When a facility provides care for a recipient for a period of time not covered by an effective MN determination at admission or between reviews, the Texas Department of Human Services (DHS) will reconsider the medical necessity effective dates.

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

(6) The Utilization Review Committee will notify the facility of the results of the reconsideration within 45 days. The facility may initiate an appeal, when reconsideration is denied, by submitting a request in writing as outlined in Chapter 79 of this title (relating to Legal Services) [DHS's Fair Hearings, Fraud, and Civil Rights Handbook]. The facility must initiate the appeal within ten workdays of receipt of notification that a reconsideration was denied.

(7) (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 May 27, 1993.

TRD-9323508

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

Proposed date of adoption: September 1, 1993

For further information, please call: (512) 450-3785

Subchapter R. Vendor Payment

• 40 TAC §19.1701, §19.1702

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

§19.1701. Vendor Payment (Items and Services Included).

(a) (No change.)

(b) The daily rate is compatible with reasonable charges consistent with ef-

iciency, economy, and quality of total care. The facility must ensure that care meets the health needs and promotes the maximum well-being of recipients. It includes:

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

(4) Legend drugs not covered by the Medicaid Vendor Drug program.

(5)[(4)] Medical accessories and equipment;

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

(6)[(5)] Medical supplies. Medical supplies include, but are not limited to, tongue depressors, swabs, bandaids, cotton balls, and alcohol.

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

(c)-(j) (No change.)

(k) The facility must furnish to recipients the basic personal need items that are essential in maintaining personal health, hygiene, and cleanliness. Personal need items included in the daily rate, but not all inclusive, are:

(1)-(13) (No change.)

(14) cloth or disposable briefs (diapers).

(A) If attaining or maintaining the resident's highest practicable physical, mental, or psychosocial well-being necessitates the use of briefs (diapers) [the attending physician orders diapers for incontinent care], the facility must provide them. The type of brief (diaper) provided should be based on an individual assessment of the resident's medical and psychosocial condition.

(B) If the family makes written request to the facility to put briefs (diapers) on the recipient, and the attending physician and Director of Nurses (DON) document in the clinical record that there is no real need for briefs (diapers), the recipient, responsible party, or family may be billed for the briefs (diapers), or the recipient's personal funds may be used to purchase the items, or both.

(l)-(o) (No change.)

§19.1702. Additional Charges (Items and Services Excluded from Vendor Payment).

(a)-(d) (No change.)

(e) The billing of flu shots to recipients by the nursing facility is not allowed. [If there are written orders by the physician that the individual recipient is to be given a flu shot, the cost is to be billed by the physician to the National Heritage Insurance Company. DHS does not pay for im-

munizations under its Vendor Drug Program.]

(f)-(g) (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 May 27, 1993.

TRD-9323507 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

Subchapter S. Reimbursement Methodology for Nursing Facilities

• 40 TAC §19.1807

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

§19.1807. Rate Setting Methodology.

(a) (No change.)

(b) Rate determination. The Texas Board of Human Services determines general reimbursement rates for medical assistance programs for Medicaid recipients under provisions of the Human Resources Code, Chapter 24 (relating to Reimbursement Methodology). The Texas Board of Human Services determines reimbursement rates for NFs based on consideration of DHS staff recommendations. To develop reimbursement rate recommendations for NFs, DHS staff apply the following procedures.

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

(6) Recipient assessment. Facility nurse assessors assess recipients for TILE determination by completing Texas Nursing Facility CARE forms. These assessments establish TILE classifications and set continued stay review (CSR) periods as follows.

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

(E) A Texas Nursing Facility CARE form may be submitted for the purpose of allowing a provider to correct errors previously made in the assessment

portion of the forms (Purpose Code U). (Items 30,31, and 50-99) This does not change the continued stay review period or necessarily change the TILE group. Purpose Code U corrections must be submitted within 60 days from the date of assessment. Request for Purpose Code U changes after the 60 days will not be accepted. Submit a copy of the Texas Nursing Facility CARE form containing the error, [and] a new form with a Purpose Code U, and supporting documentation for the changes to the Case-Mix Nurse Specialist, P.O. Box 149030 (Y-919) [to Provider Billing Unit, DHS], Austin, Texas 78714-9030.

(F)-(G) (No change.)

(7) (No change.)

(c)-(e) (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 May 27, 1993.

TRD-9323506 Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Human Services

Proposed date of adoption: September 1, 1993

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

Subchapter T. Administration

• 40 TAC §19.1922

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

§19.1922. Resident Care Policies.

(a) The facility must have written policies to govern the nursing care and related medical or other services provided. The written policies must include plans for promoting self-care and independence. If children are admitted to the facility, written policies must address the care of children. The written policies must also include, but are not limited to:

(1)-(24) (No change.)

(b)-(c) (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 May 27, 1993.

TRD-9323528

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

Proposed date of adoption: September 1, 1993

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

◆ ◆ ◆
• 40 TAC §19.1923

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

§19.1923. Incident or Accident Reporting.

(a)-(d) (No change.)

(e) The facility must make incident reports available for review, upon request and without prior notice, by representatives of the U.S. Department of Health and Human Services; [,] the Texas Department of Health; [, and] the Texas Department of Human Services; the Texas Department of Protective and Regulatory Services; and the designated regional staff ombudsman, Office of the State Long Term Care Ombudsman, Texas Department on Aging.

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 May 27, 1993.

TRD-9323505

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

Proposed date of adoption: September 1, 1993

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

◆ ◆ ◆
Subchapter U. State and Local Requirements

• 40 TAC §19.2003

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

§19.2003. Additional Participation Requirements.

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

(c) If the provider meets all criteria, DHS may exempt the following facilities from the policy stated in subsection (b) of this section.

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

(3) Facilities whose Medicaid contracts are terminated because of the imposition of any remedies as specified in Subchapter W of this chapter (relating to Remedies for Violations of Title XIX Nursing Facility Provider Agreements) [§19.2012 of this title (relating to Remedies for Violations of Title XIX Nursing Facility Provider Agreements)]. DHS limits contracting to no more than the number of certified Medicaid beds on the effective date of the contract cancellation. The facility must meet all certification and contract requirements within 12 months of the effective date of its contract cancellation.

(4)-(8) (No change.)

(d) (No change.)

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

Issued in Austin, Texas, on May 27, 1993.

TRD-9323504

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

Proposed date of adoption: September 1, 1993

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

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

Subchapter J. Medical Phase

• 40 TAC §33.140

The Texas Department of Human Services (DHS) proposes an amendment to §33.140, concerning reimbursement for provision of immunizations, in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) chapter. Currently, immunizations are provided only during an EPSDT medical screening or follow-up visit. The amendment allows payment for administration of immunizations under the EPSDT Comprehensive Care Program (CCP) outside of the medical screening procedure to Medicaid public and private providers, effective July 1, 1993. An administration fee is payable to both EPSDT medical screening providers and other Medicaid providers. Vaccines for immunizations of EPSDT clients would be provided free of charge to providers by the Texas Department of Health.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect is an estimated additional cost of \$142,023 for fiscal year 1993; \$1,759,717 for fiscal year 1994; \$2,035,667 for fiscal year 1995; \$2,035,667 for fiscal year 1996; and \$2,035,667 for fiscal year 1997. There will be no fiscal implications for 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 that more children will receive needed immunizations. 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 Janet Kres at (512) 338-6465 in DHS's Purchased Health Services. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-133, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

DHS will hold a public hearing concerning the proposed rule at 9:00 a.m., Tuesday, June 29, 1993, in the public hearing room of the John H. Winters Building, 701 West 51st Street, Austin.

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

§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)-(11) (No change.)

(12) Reimbursement for Provision of Immunizations. Effective for services performed on or after July 1, 1993, the Texas Department of Human Services (DHS) or its designee makes direct payment to providers of immunizations in the Medicaid program. Participating providers are reimbursed an administrative fee for the provision of immunizations. The administrative fee is established by DHS. DHS, under a contractual arrangement with the Texas Department of Health (TDH), provides

vaccines for immunization of EPSDT clients free of charge.

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 May 27, 1993.

TRD-9323527

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

Proposed date of adoption: September 1, 1993

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

Subchapter R. Dental Services

• 40 TAC §33.325, §33.326

The Texas Department of Human Services (DHS) proposes amendments to §33.325 and §33.326, concerning recipients' eligibility for orthodontic services and provider participation, in its Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) rule chapter. The purpose for the amendments is to clarify that federal financial participation is now available for continued EPSDT orthodontic service costs for clients losing EPSDT/Medicaid eligibility. Clients whose orthodontic treatment was already initiated and authorized may now complete the treatment.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed amendments will be in effect there will be fiscal implications as a result of enforcing or administering the amendments. The effect on state government for the first five-year period the amendments will be in effect is an estimated additional cost of \$5,470 for fiscal year 1993; \$36,562 for fiscal year 1994; \$41,310 for fiscal year 1995; \$44,519 for fiscal year 1996; and \$47,728 for fiscal year 1997. There will be no fiscal implications for local government as a result of enforcing or administering the amendments.

Mr. Raiford also has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be available funds to help Medicaid/EPSDT orthodontic clients complete a course of treatment begun when medically necessary and when the clients were eligible for EPSDT and Medicaid assistance. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Questions about the content of the proposal may be directed to Sharon Boatman at (512) 338-6932 in DHS's EPSDT Services. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-114, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

DHS will hold a public hearing concerning the amendments at 9:00 a.m., Tuesday, June 29, 1993, in the public hearing room, first floor, east tower, of the John H. Winters Building, 701 West 51st Street, Austin.

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

§33.325. Recipient's Eligibility for Orthodontic Services.

(a) Recipients must be under age 21 on the date [dates] that the prior authorization request is approved [submitted and the appliances first applied]. The recipient must also be eligible for Medicaid.

(b) If the recipient [has had appliances but] loses Medicaid eligibility or becomes age 21 before his orthodontic treatment ends, the EPSDT Dental Program provides [four months of] post-coverage payment to complete a single course of orthodontic treatment that was initiated and prior-authorized for payment while the recipient was under age 21 and Medicaid-eligible [for monthly appliance adjustments, appliance removal, or retainer application].

§33.326. Provider Participation.

(a) (No change.)

(b) The National Heritage Insurance Company (NHIC) associate dental director must authorize all orthodontic treatment. Providers must submit the following with each request for prior authorization:

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

(5) Complete orthodontic plan of treatment [Treatment plan] that is to be accomplished over a specified time period which includes all procedures required for completion of the single course of treatment.

(6)-(7) (No change.)

(c)-(d) (No change.)

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

Issued in Austin, Texas, on May 27, 1993.

TRD-9323513

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

Proposed date of adoption: September 1, 1993

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

Chapter 48. Community Care for Aged and Disabled

Eligibility

• 40 TAC §48.2902

The Texas Department of Human Services (DHS) proposes an amendment to §48.2902, concerning income and income eligibles in its Community Care for Aged and Disabled (CCAD) chapter. The purpose of the amendment is to allow Specified Low-Income Medicare Beneficiary recipients to be categorically eligible for CCAD services.

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

Mr. Raiford also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule will be a savings of time for these clients and caseworkers during the certification and recertification process. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed rule.

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-120, 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, Chapter 22, which provides the department with the authority to administer public assistance programs.

§48.2902. Income and Income Eligibles. To be eligible for CCAD services the applicant/client must:

(1) be categorically eligible by receiving Supplemental Security Income, Aid to Families with Dependent Children, food stamps, Medicaid, Specified Low-Income Medicare Beneficiary (SLMB) or Qualified Medicare Beneficiary (QMB) benefits; or

(2) (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 May 27, 1993.

TRD-9323514

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

Proposed date of adoption: September 1, 1993

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

◆ ◆ ◆
• 40 TAC §48.2911

The Texas Department of Human Services (DHS) proposes an amendment to §48.2911, concerning eligibility for family care, in its Community Care for Aged and Disabled chapter. The purpose of the amendment is to increase the maximum number of hours per week of family care services that a Priority 1 client can receive.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments 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 to assist individuals who need additional hours of service to remain in the community. 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-118, 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, Chapter 22, which provides the department with the authority to administer public assistance programs.

§48.2911. *Family Care.*

(a) Family care applicants/clients are eligible for services if they score at least

24 on the client needs assessment questionnaire. If eligible, an applicant/client may receive one or more of the following services: personal care, household tasks, meal preparation, and escort. Beginning July 1, 1992, the applicant/client is eligible for no more than 50 hours of family care services a week (effective May 1, 1993, 42 [39] hours a week for a priority 1 family care applicant/client).

(b)-(d) (No change.)

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

Issued in Austin, Texas, on May 27, 1993.

TRD-8323518

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

Proposed date of adoption: September 1, 1993

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

◆ ◆ ◆
• 40 TAC §48.2918

The Texas Department of Human Services (DHS) proposes an amendment to §48.2918, concerning eligibility for primary home care, in its Community Care for Aged and Disabled chapter. The purpose of the amendment is to increase the maximum number of hours per week of primary home care services that a Priority 1 client can receive.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments 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 to assist individuals who need additional hours of service

to remain in the community. 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-118, 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 and under Texas Civil Statutes, Article 4413 (502), §16, which provide the Health and Human Services Commission with the authority to administer federal medical assistance funds.

§48.2918. *Eligibility for Primary Home Care.*

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

(c) Beginning July 1, 1992, an eligible applicant or client cannot receive more than 50 hours of primary home care per week (effective May 1, 1993, 42 [39] hours a week for a priority 1 primary home care applicant or client).

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 May 27, 1993.

TRD-8323519

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

Proposed date of adoption: September 1, 1993

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

Withdrawn Sections

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

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board

Chapter 21. Student Services

Subchapter C. Hinson- Hazelwood College Student Loan Program for all Loans Which are Subject to the Provisions of the Guaranteed Student Loan Program, the College Access Loan Pro- gram, the Health Education Assistance Loan Program, and the Health Education Loan Program.

• 19 TAC §21.57

The Texas Higher Education Coordinating Board has withdrawn from consideration for permanent adoption a proposed amendment to §21.57 which appeared in the February 16, 1993, issue of the *Texas Register* (18 TexReg 1000). The effective date of this withdrawal is May 27, 1993.

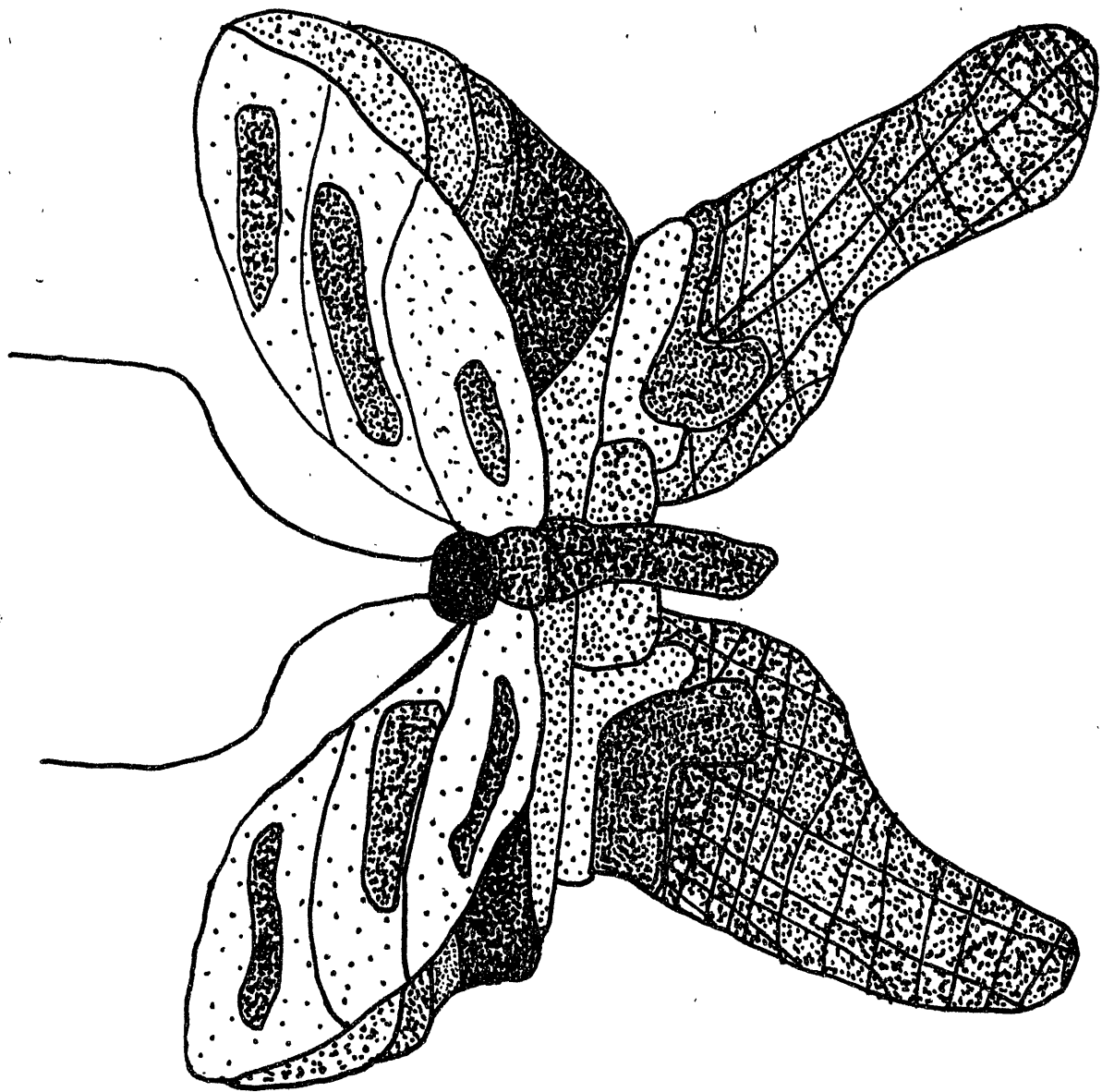
Issued in Austin, Texas, on May 27, 1993.

TRD-9323483 Sharon Jahaman
Assistant Commissioner for
Administration
Texas Higher Education
Coordinating Board

Effective date: May 27, 1993

For further information, please call: (512)
483-6160





9
Logan Hansen
3-11-93

Name: Logan Hansen
Grade: 9
School: Richardson Junior High, Richardson ISD

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 22. EXAMINING BOARDS

Part XI. Board of Nurse Examiners

Chapter 217. Licensure and Practice

• 22 TAC §217.1, §217.3

The Board of Nurse Examiners adopts an amendment to §217.1 and new §217.3, concerning definitions and candidate with a disability, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2284).

In 1992 the Americans with Disabilities Act (ADA) required that persons with disabilities be offered the opportunity to demonstrate competency in their chosen field of endeavor. The National Council has provided interpretations of this law as it relates to nursing licensure and examination. This amendment and new section support language changes in applications and processing of requests from a candidate with a disability.

Bring the rules and regulations into compliance with ADA simplifies procedures for providing reasonable accommodations based on documented need of the candidate with a disability.

No comments were received regarding adoption of the amendment and new section.

The amendments are adopted under Texas Civil Statutes, Article 4514, §1 which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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 May 27, 1993.

TRD-9323481 Louise Waddill, Ph.D., R.N.
Executive Director
Texas Board of Nurse
Examiners

Effective date: June 17, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 835-8650

• 22 TAC §217.3

The Board of Nurse Examiners adopts the repeal of §217.3, concerning handicapped candidate, without changes to the proposed text as published in the April 6, 1993, issue of the *Texas Register* (18 TexReg 2284).

Rewrite of the section is necessary to comply with the Americans with Disabilities Act (ADA); therefore, the section is being repealed and a new section adopted.

The repeal of the rule is clarification by omission.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 4514, §1 which provide the Board of Nurse Examiners with the authority to make and enforce all rules and regulations necessary for the performance of its duties and conducting of proceedings before it.

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 May 27, 1993.

TRD-9323480 Louise Waddill, Ph.D., R.N.
Executive Director
Texas Board of Nurse
Examiners

Effective date: June 17, 1993

Proposal publication date: April 6, 1993

For further information, please call: (512) 834-8650

Part XXII. Texas State Board of Public Accountancy

Chapter 501. Professional Conduct

Professional Practices

• 22 TAC §501.11

The Texas State Board of Public Accountancy adopts an amendment to rule §501.11, without changes to the proposed text as published in the April 2, 1993 issue of the *Texas Register* (18 TexReg 2184).

The adoption of the amendment ensures that audit services will not be compromised by a certificate or registration holder's relationship with a close relative who is involved with the client.

The amendment adds an additional situation of impaired independence which is necessary to define close relatives and situations in which the involvement of a close relative would impair independence.

One comment was received which suggested that the Board more closely conform its rule to the independence rules of the American Institute of Certified Public Accountants (AICPA), and consider not acting on the proposed revision until proposed AICPA rules have been finalized.

Don Weldon, Executive Director of the Texas Society of Certified Public Accountants, was not opposed to the rule, but asked the Board to delay consideration.

The Board disagrees with the reasoning because it is important that this amendment be adopted as soon as possible to provide some guidance in those situations where a CPA's relationship with a close relative might impair independence. The Board will examine the AICPA rule and proposed rule to determine if the Board's rule can be amended at a later date.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding independence and the impairment thereof.

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 May 27, 1993.

TRD-9323549 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 18, 1993

Proposal publication date: April 2, 1993

For further information, please call: (512) 450-7066

Chapter 513. Registration

Partnerships

• 22 TAC §513.31

The Texas State Board of Public Accountancy adopts new §513.31, with changes to the proposed text as published in the April 2, 1993, issue of the *Texas Register*, (18 TexReg 2185).

The new section is necessary to permit CPAs to take advantage of the Texas Limited Liability Company Act by enabling them to register with the Board, the newly created limited liability companies.

All limited liability companies engaged in the practice of public accounting shall register with the Board.

No comments were received regarding adoption of the new section.

The new rule is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding the registration of limited liability companies.

§513.31. General Rule. Every limited liability company (LLC) engaged or to be engaged in the practice of public accountancy whose articles of organization are approved by the Secretary of State and which meet the requirements of the Texas Limited Liability Company Act (Texas Civil Statutes, Article 1528n) and the Public Accountancy Act of 1991, shall register with the board.

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 May 27, 1993.

TRD-9323554 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 18, 1993

Proposal publication date: April 2, 1993

For further information, please call: (512) 450-7066

Chapter 519. Practice and Procedure

• 22 TAC §519.27

The Texas State Board of Public Accountancy adopts an amendment to §519.27, with changes to the proposed text as published in the April 2, 1993, issue of the *Texas Register* (18 TexReg 2185).

The amendment allows the agency to recover administrative costs.

The amendment provides that administrative costs will be paid by the individuals and firms that incur the costs.

Two individuals opposed §519.27(h) at a public hearing stating that "reasonable" attorneys' fees could be interpreted to be market value, and could thus place an undue financial burden on respondent CPAs. They further, stated that they believe the proposed rule to be illegal because the legislature did not give the Board the authority to assess costs for attorneys' fees.

The Board agreed with the concern regarding assessing attorneys' fees at market value and revised the rule as proposed to address that concern. The Board disagreed with the concern regarding the legality of assessing attorneys' fees and expert witness fees as part of administrative costs. Although attorneys' fees are not awarded in civil litigation, actions by administrative agencies are substantially different from civil actions. An administrative agency is bringing an action at the taxpayers' expense, against an individual for violating a state law which is designed to protect the public interest. There is no taxpayer expense or public interest involved in civil litigation between private party litigants. The legislature has authorized the Texas State Board of Accountancy to recoup its costs when it successfully protects the public interest. It is only fair that a person violating the laws of the state be required to reimburse the state for its costs in correcting a wrong.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding hearings in disciplinary actions.

§519.27. Hearings in Disciplinary Actions.

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

(h) Administrative Cost Recovery Rule. The board may for good cause and in accordance with the Public Accountancy Act 1991, after notice and hearing, impose direct administrative costs in addition to other sanctions provided by law or these rules. Direct administrative costs include, but are not limited to, attorneys' fees, investigative costs, witness fees and deposition expenses, travel expenses of witnesses, fees for professional services of expert witnesses, the cost of a study, analysis, audit or other projects the board finds necessary in preparation of the state's case.

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 May 27, 1993.

TRD-9323555 William Treacy
Executive Director
Texas State Board of
Public Accountancy

Effective date: June 18, 1993

Proposal publication date: April 2, 1993

For further information, please call: (512) 450-7066

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 145. Long-Term Care

Subchapter G. Licensing and Medical Certification Standards

• 25 TAC §145.111

The Texas Department of Health (department) adopts an amendment to §145.111, without changes to the proposed text as published in the April 2, 1993, issue of the *Texas Register* (18 TexReg 2187).

The amendment to §145.111 concerns standards for nursing homes jointly developed by the department and the Texas Department of Human Services (TDHS) that apply to licensure and to Medicaid certification. The standards are in TDHS rules in 40 TAC §§19.1-19.2216, which the department adopts by reference in §145.111.

The department's amendment to 25 TAC §145.111 shows the effective date that the department adopts TDHS's changes to the standards. The sections covered under this amendment to 25 TAC §145.111 cover the adopted amendments to 40 TAC §19.302 and §19.604 which were published in the May 14, 1993, and May 28, 1993, issues of the *Texas Register* (18 TexReg 3092 and 3397) under TDHS adopted rules.

The amended sections cover the admission and discharge rules which allow residents who have received a notice of discharge and are appealing it to remain in the facility until the appeal decision is made and alternate placement rules for residents who have specialized needs because of mental illness, mental retardation or a related condition.

No comments were received during the 30-day comment period.

The amendment is adopted under the Health and Safety Code, Chapter 242, which provides for the Texas Board of Health to promulgate rules relative to its licensing authority for long-term care facilities; §12.001, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Department, and the Commissioner of Health; and Senate Bill 487, §8, 71st Legislature, 1989, which provides the Department and TDHS with the authority to jointly develop one set of standards for nursing homes that applies to licensure and to certification for participation in the medical assistance program under the Human Resources Code, Chapter 32, and to adopt by rule the standards and any amendments to them.

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 May 26, 1993.

TRD-9323451

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

Effective date: June 16, 1993

Proposal publication date: April 2, 1993

For further information, please call: (512)
834-6770

◆ ◆ ◆
**TITLE 31. NATURAL RE-
SOURCES AND CON-
SERVATION**

**Part II. Texas Parks and
Wildlife Department**

Chapter 55. Law Enforcement

**Subchapter E. Depredating An-
imal Control and Wildlife
Management from Aircraft**

• 31 TAC §55.152

The Texas Parks and Wildlife Commission in a regularly scheduled public hearing May 20, 1993, adopts an amendment to §55.152, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2522). This rule is titled to Depredating Animal Control and Wildlife Management from Aircraft Proclamation. Section 55.152(c) (4) was amended by deleting commercial from the pilot license requirement and adding pilot's license as required by the Federal Aviation Administration.

The amendment will enable persons with a private pilots' license to proceed with their control of depredating animals or the management of wildlife. the change will allow more individuals to qualify for aerial permits.

The rule will allow a person to pilot an aircraft to control depredating animals and manage wildlife, if they meet the Federal Aviation Administration license requirements.

Three telephone call from individuals were received. All were very positive and were in agreement with the change.

The amendment is adopted under the Parks and Wildlife Code, Chapter 43, Subchapter G, which authorizes that the Commission may make regulations concerning the control of depredating animals and wildlife management by aircraft.

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 May 27, 1993.

TRD-9323562

Paul M. Shinkawa
Director, Legal Services
Texas Parks and Wildlife
Department

Effective date: June 18, 1993

Proposal publication date: June 4, 1993

For further information, please call: 1 (800)
792-1112, Ext. 4419 or (512) 389-4419

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**TITLE 40. SOCIAL SER-
VICES AND ASSIS-
TANCE**

**Part I. Texas Department
of Protective and
Regulatory Services**

**Chapter 736. Memoranda of
Understanding with Other
State Agencies**

**Memorandum of Understanding
for Services to Multiproblem
Children and Youth**

• 40 TAC §736.701

The Texas Department of Protective and Regulatory Services (TDPRS) adopts an amendment to §736.901 concerning coordinated services for multiproblem children and youth, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2551).

The justification for the amendment is to comply with House Bill (H.B.) 7, Article 1, §1.06, as passed by the 72nd Texas Legislature, and to comply with the Human Resources Code (HRC), §41.0011, as passed by the 71st Texas Legislature.

HB 7 transfers all functions, programs, and activities related to the Texas Department of Human Services' (TDHS's) child protective services program from TDHS to TDPRS. The HRC requires TDHS, the Texas Commission for the Blind (TCB), the Texas Department of Health (TDH), the Texas Department of Mental Health and Mental Retardation (TXMHMR), the Texas Education Agency (TEA), the Texas Juvenile Probation Com-

mission (TJPC), the Texas Rehabilitation Commission (TRC), and the Texas Youth Commission (TYC) to adopt a memorandum of understanding (MOU) to coordinate services for multiproblem children and youth.

The adopted amendment, accordingly, includes three substantive changes to §736.901. First, in compliance with HB 7, the amendment revises the list of participating agencies by substituting TDPRS for TDHS. Second, it incorporates references to the Health and Human Services Commission established under HB 7. And third, by agreement of all the participating agencies, as specified in §41.0011 of the HRC, the amendment incorporates the Model of Community Resource Coordination Groups approved by the Commission on Children, Youth, and Family Services in April 1990. The amendment also includes editorial changes to improve the clarity and directness of the section.

The amendment will function by assuring that multiproblem children and youth continue to receive coordinated services from TDPRS, TCB, TDH, TXMHMR, TEA, TJPC, TRC, and TYC.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 41, which authorizes TDHS to enter into a memorandum of understanding with the TCB, TDH, TXMHMR, TEA, TJPC, TRC, and TYC regarding the coordination of services to multiproblem children and youth; and under Texas Civil Statutes, Article 4413 (503) historical note (Vernon Supplement 1993), 72nd Legislature, which transferred all functions, programs, and activities related to the child protective services program from TDHS to TDPRS.

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 May 27, 1993.

TRD-9323517

Nancy Murphy
Section Manager, Policy
and Document Support
Texas Department of
Protective and
Regulatory Services

Effective date: July 1, 1993

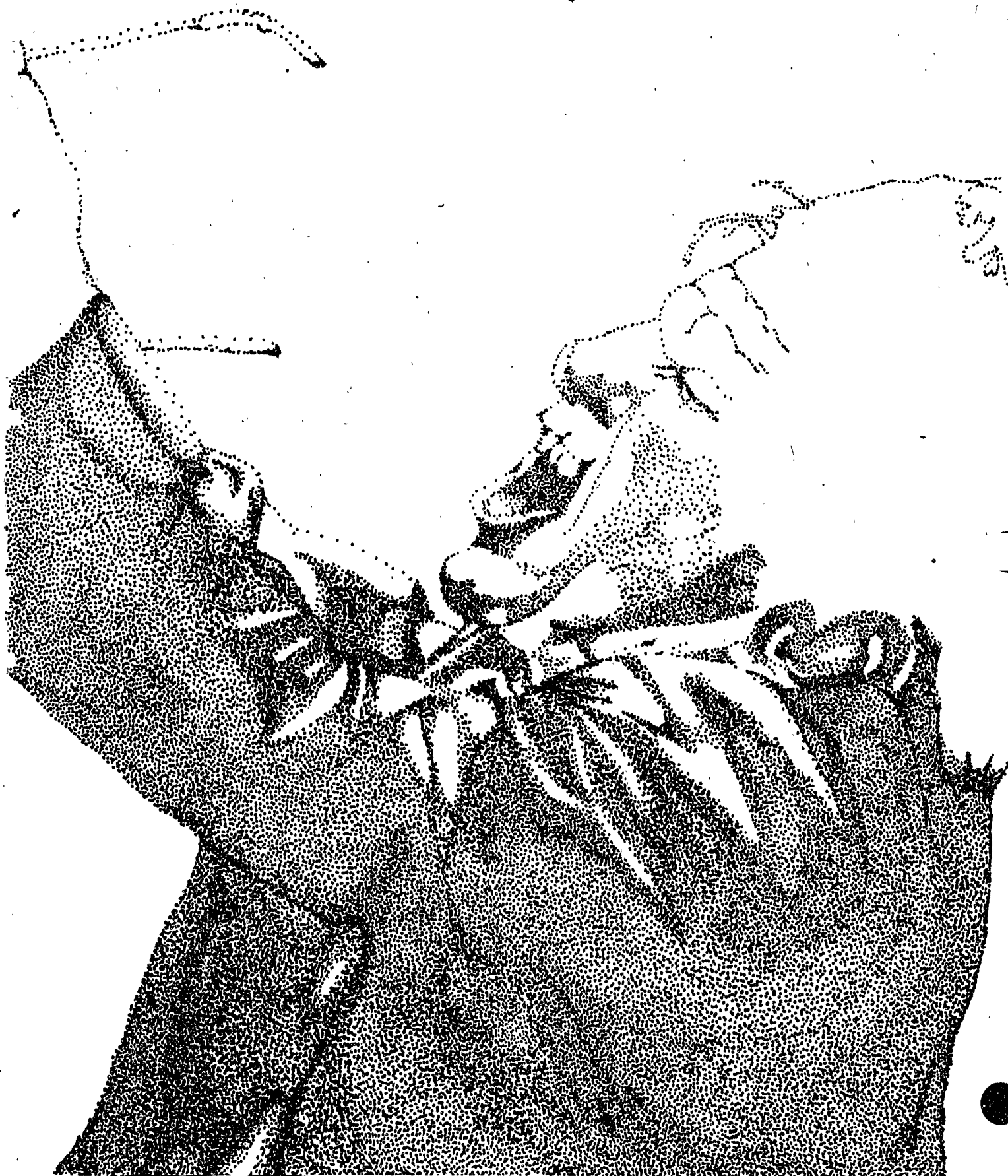
Proposal publication date: April 20, 1993

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

Name: Suk Won Mun

Grade: 9

School: Richardson Junior High, Richardson 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 Bond Review Board

Tuesday, June 8, 1993, 10:00 a.m. The Staff of the Texas Bond Review Board will meet in the Committee Room Number Five, Fifth Floor, Clements Building, 300 West 15th Street, Austin. According to the agenda summary, the staff will call the meeting to order; discuss approval of minutes; proposed issues; other business; and adjourn.

Contact: Jim Thomassen, 300 West 15th Street, Clements Building, Suite 409, Austin, Texas 78701, (512) 463-1741.

Filed: May 28, 1993, 1:13 p.m.

TRD-9323588

Texas State Board of Examiners of Professional Counselors

Friday-Saturday, June 4-5, 1993, 8:30 a.m. The Rules and Specialties Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-402, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on amendments to Texas Civil Statutes, Article 4512(g), §§681.1-681.220.

Contact: Kathy Craft, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6628. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 27, 1993, 3:00 p.m.

TRD-9323496

Texas Office for Prevention of Developmental Disabilities

Tuesday, June 8, 1993, 2:00 p.m. The Executive Committee 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 complete agenda, the committee will call the meeting to order; make opening remarks; introductions; hear task force reports; discuss head/spinal cord injury; teen pregnancy prevention and teen substance abuse; bicycle helmet legislation; Injury Control Act and surveillance of Birth Defects Act status; advisory committee meeting report; discuss requests for presentations and exhibit status; schedule next meeting; and adjourn.

Contact: Jerry Ann Robinson, 4900 North Lamar Boulevard, Austin, Texas 78721, (512) 483-4052.

Filed: May 28, 1993, 9:35 a.m.

TRD-9323558

Texas Education Agency

Monday-Tuesday, June 7-8, 1993, 1:00 p.m. The Apprenticeship and Training Advisory Committee (ATAC) of the Texas Education Agency will meet at the Radisson Hotel, 6060 North Central Expressway, Dallas. According to the complete agenda, the committee will welcome visitors and guests; make introductions; hear comments from ATAC chairperson; discuss approval of minutes of March 11-12, 1993; presentation on "SCANS: From the Classroom to the Workplace"; overview of the Unemployment Insurance Program; update on

Vocational Training Programs in Dallas ISD; update on Quality Work Force planning; update on Tech-Prep; update on the Apprenticeship Program and hold subcommittee hearings. On Tuesday, a presentation on the "Value of Apprenticeship Training Through the Eyes of the College"; report from the Bureau of Apprenticeship and Training; OSHA update; and reports from the Subcommittees.

Contact: Toni M. Dean, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: May 28, 1993, 2:48 p.m.

TRD-9323601

Monday, June 7, 1993, 4:00 p.m. The Apprenticeship and Training Advisory Committee-Finance and Budget Subcommittee of the Texas Education Agency will meet at the Radisson Hotel, 6060 North Central Expressway, Dallas. According to the complete agenda, the subcommittee will discuss administrative procedures.

Contact: Toni M. Dean, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: May 28, 1993, 2:48 p.m.

TRD-9323602

Monday, June 7, 1993, 4:00 p.m. The Apprenticeship and Training Advisory Committee-Planning Subcommittee of the Texas Education Agency will meet at the Radisson Hotel, 6060 North Central Expressway, Dallas. According to the complete agenda, the subcommittee will discuss possible topics, dates and locations for future meetings.

Contact: Toni M. Dean, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9294.

Filed: May 28, 1993, 2:48 p.m.

TRD-9323603

Texas Employment Commission

Tuesday, June 1, 1993, 9:00 a.m. The Texas Employment Commission met in Room 644, TEC Building, 101 East 15th Street, Austin. According to the emergency revised agenda summary, the commission met in executive session to discuss relocation of agency headquarters; and actions, if any, resulting from executive session. The emergency status was necessary response to new legislative requirements.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 28, 1993, 4:10 p.m.

TRD-9323619

Tuesday, June 8, 1993, 9:00 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss approval of prior meeting notes; meet in executive session to discuss Ben Hogan versus Texas Employment Commission and consider relocation of agency headquarters; actions, if any, resulting from executive session; consider and possibly approve bid for interior and exterior renovation at the Abilene agency-owned building; interior renovation at the Fort Worth agency-owned building; consider new legislation and possibly act with respect thereto; discuss internal procedures of commission appeals; consider and possibly act on higher level appeals in unemployment compensation cases listed on Commission Docket 23; and set date of next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: May 28, 1993, 4:10 p.m.

TRD-9323621

Texas Funeral Service Commission

Wednesday, June 9, 1993, 9:00 a.m. The Texas Funeral Service Commission will meet at the Holiday Inn-Town Lake, 20 North Interregional, Austin. According to the revised agenda summary, the commission will discuss approval of minutes; introduce visitors; items for consideration to include: public comment period; hear committee reports; request of Myrtle E. Littles for partial waiver of Rule 203.6; reconsideration of proposal for decision, TFSC versus Greenwood Funeral Home and Deborah Houston; consider proposal for deci-

sion: TFSC versus Paul Wesley Cason; TFSC versus Johnny Lynn Strong; consider proposed agreed orders/settlement offers; consider cases to be closed and penalties to be assessed; hear executive director's report; legislative update; consider proposed rules/rule amendments; consider adoption of memorandum of understanding with the Texas Department of Banking and the Texas Department of Insurance; consider proposed fee increases; and selection of meeting dates.

Contact: Larry A. Farrow, 8100 Cameron Road, Suite 550, Austin, Texas 78754-3896, (512) 834-9992.

Filed: May 28, 1993, 11:10 a.m.

TRD-9323575

Interagency Council for Genetic Services

Friday, June 4, 1993, 9:00 a.m. The Texas Genetics Network Committee of the Interagency Council for Genetic Services will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the committee will hear public comments; discuss approval of the minutes of March 18, 1993 meeting; discuss and possibly act on: Interagency Council for Genetic Services; hear TEXGENE Subcommittee reports (education, laboratory services, clinical services, data collection and ethics); reports from agency representatives regarding the activities of their respective agencies or institutions (Texas Department of Health-House Bill (HB) 7 reorganization update; Texas Department of Human Services-HB 7 reorganization update; Texas Department of Mental Health Mental Retardation-HB 7 reorganization update; The University of Texas System; private service providers; and consumers); Ad Hoc Committee future organization of Genetics in Texas (activity report); by-law changes; budget status; positions (alternate delegate to Council of Regional Networks for Genetic Services (CORN)-Dr. Prentice's appointment expired March of 1993; delegate to CORN-Dr. Lewandowski's appointment expires December 1993); progress toward grant objectives, member/committee assignments; and hear announcements and comments.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 27, 1993, 3:00 p.m.

TRD-9323495

Friday, June 4, 1993, noon. The Interagency Council for Genetic Services will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the council will hear public comments; discuss approval of the minutes of the meeting of March 18, 1993; discuss and possibly act on: TEXGENE report (Advisory Committee report and activities of the Ad Hoc Committee); agency activities and future plans (Texas Department of Health-status of House Bill (HB) 7 reorganization update; Texas Department of Mental Health and Mental Retardation-HB 7 reorganization update and progress on screening of state school residents; Texas Department of Human Services-HB 7 reorganization update; University of Texas System; and representative of contractors); House Bill 1799 status; budget status; positions (Mr. Martinec's term as chair and Doctor McCabe's term as contractor representative which both expire in August of 1993; progress toward legislative mandates/member assignments; and hear announcements and comments.

Contact: Bill Moore, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7700. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 27, 1993, 2:59 p.m.

TRD-9323494

Texas Department of Health

Friday, June 11, 1993, 9:30 a.m. The Chronically Ill and Disabled Children's Health Service Systems Advisory Committee (HSSAC) of the Texas Department of Health will meet in Room M-653, Texas Department of Health, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of the last meeting; discuss and possibly act on: chronically ill and disabled children's (CIDC) program update; managed care/outcomes for children with special health care needs; case management update; Title V update; and hear chairman's report.

Contact: Lisa Walker, 1100 West 49th Street, Austin, Texas 78756, (512) 458-3019. For ADA assistance, call Richard Butler (512) 458-7488 or T.D. D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 28, 1993, 4:20 p.m.

TRD-9323622

Friday, June 11, 1993, 10:00 a.m. The advisory Committee on Nursing Facility Affairs of the Texas Department of Health will

meet at the Texas Department of Health, Room M-739, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes; discuss and possibly act on: review of policy on visitor's input/participation; bureau chief's update; Medicaid reimbursement; subcommittee reports (Nursing Subcommittee-nurse aide reimbursement and staffing ratios; Requirements Coordination Subcommittee; and Administrative Subcommittee-proposed administrative penalties); investigation process of facility reported incidents; other items of interest; and next meeting date and agenda items.

Contact: Marlin Johnston, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7709. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 27, 1993, 2:59 p.m.

TRD-9323493

Friday, June 25, 1993, 10:00 a.m. The Texas HIV Medication Advisory Committee of the Texas Department of Health will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the committee will discuss approval of the minutes of previous meeting; discuss and possibly act on: staff reports (budget; letters requesting formulary amendments); rifabutin; report on treatment for Kaposi's Sarcoma; current research and drug update; and date of next meeting.

Contact: Sheral Skinner, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7357. For ADA assistance, call Richard Butler (512) 458-7488 or T.D.D. (512) 458-7708 at least two days prior to the meeting.

Filed: May 27, 1993, 3:00 p.m.

TRD-9323497

Texas Department of Human Services

Thursday-Friday, June 10-11, 1993, 1:00 p.m. The Council for Social Work Certification of the Texas Department of Human Services will meet at 701 West 51st Street, Fourth Floor, West Tower, Austin. According to the complete agenda, the council will welcome visitors and guests; meeting of committees on continuing competency and standards and practices; hear report from associate commissioner of government relations; committee reports; discuss legislative actions; general staff reports; discuss other business; and adjourn.

Contact: Michael Doughty, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3248.

Filed: May 27, 1993, 3:00 p.m.

TRD-9323498

Texas Incentive and Productivity Commission

Thursday, June 10, 1993, 10:00 a.m. The Texas Incentive and Productivity Commission will meet at the Clements Building, 15th and Lavaca Streets, Fifth Floor, Committee Room Five, Austin. According to the revised agenda summary, the commission will add an additional agency to Agenda Item VIII, "Consideration of Agency Applications for Productivity Bonus Program Awards:" Texas School for the Blind and Visually Impaired (1992 Application).

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

Filed: May 28, 1993, 2:45 p.m.

TRD-9323599

Texas Department of Insurance

Friday, June 4, 1993, 9:00 a.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, Room 1350I, 333 Guadalupe Street, 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) 463-6527.

Filed: May 27, 1993, 4:24 p.m.

TRD-9323537

Wednesday, June 9, 1993, 9:00 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; staff reports; consider filings by Aetna Casualty and Surety Company, et al, Employers Insurance of Wausau, Utica Mutual Insurance Company, International Insurance Company, et al, Western Surety Company and INA County Mutual Insurance Company; consider to hold a meeting or hearing regarding a petition filed by the Office of Public Insurance Counsel requesting amendment to Part E of personal automobile policy; consider to hold a meeting or hearing regarding a petition filed by the Automobile Insurance Plan requesting approval of amendments to its Plan of Operation.

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

Filed: May 27, 1993, 4:25 p.m.

TRD-9323539

Wednesday, June 16, 1993, 10:00 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 complete agenda, the board will hold a public hearing under Docket Number 2005 to consider a rate filing of statutory rate limitation deficit filed by the Maryland Insurance Group-Maryland Casualty Company pursuant to Article 5.101, §3(f), which request a rate of -73.6% below the benchmark rate on all antique auto liability and physical damage coverages for private passenger auto.

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

Filed: May 28, 1993, 10:58 a.m.

TRD-9323572

Board of Law Examiners

Wednesday, June 9, 1993, 1:30 p.m. The Hearings Panel of the Board of Law Examiners will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the complete agenda, the panel will hold public hearings; consider stipulated agreements; and conduct deliberations on character and fitness matters affecting applicants and/or declarants.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: May 28, 1993, 10:31 a.m.

TRD-9323569

Thursday-Friday, June 10-11, 1993, 8:30 a.m. The Board of Law Examiners will meet at the Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the board will discuss approval of the minutes; hear financial reports; investment reports; hear various reports from staff, chair and Supreme Court liaison; hold public hearings on character and fitness matters; discuss formal and informal review procedures; consider special requests for waivers and special testing accommodations; review July 1993 exam questions; discuss relevant publications; communications from public; adopt budget proposal for Fiscal Year 1994; possibly act on administration of Short Form Exam; change in format of Texas Bar Exam; adoption of rule amendments; changing method score reporting and on examination re-grade policy; implementation policy for House

Bill 850; and formal reviews of failing examinees' February 1993 exam papers.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: May 28, 1993, 10:30 a.m.

TRD-9323568

Saturday, June 12, 1993, 8:00 a.m. The Board of Law Examiners will meet at 205 West 14th Street, Suite 500 (Tom C. Clark Building), Austin. According to the agenda summary, the board will discuss approval of minutes; financial reports; investment reports; hear various reports from staff, chair and Supreme Court liaison; hold public hearings on character and fitness matters; discuss formal and informal review procedures; consider special requests for waivers and special testing accommodations; review July 1993 exam questions; discuss relevant publications; communications from public; adopt budget proposal for Fiscal Year 1994; possibly act on administration of Short Form Exam; take action on change in format of Texas Bar Exam; adoption of rule amendments; changing method score reporting and on examination re-grade policy; implementation policy for House Bill 850; and formal reviews of failing examinees' February 1993 exam papers.

Contact: Rachael Martin, P.O. Box 13486, Austin, Texas 78711-3486, (512) 463-1621.

Filed: May 28, 1993, 10:29 a.m.

TRD-9323567

Texas Department of Licensing and Regulation

Wednesday, June 9, 1993, 9:00 a.m. The Inspections and Investigations: Vehicle Storage Facilities of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the license for Melvin R. Hines doing business as All-Tex Towing, Inc. for violation of Texas Civil Statutes, Article 6687-9a, §13(a) and §14(a), 16 TAC, §79.70(b) and §79.101(a), Article 6252-13a, and Article 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 463-3192.

Filed: May 27, 1993, 4:25 p.m.

TRD-9323540

Texas Board of Pardons and Paroles

Monday-Tuesday, June 7-8, 1993, 9:00 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 202 Airport Plaza, Midland. According to the agenda summary, a panel(s) of the board, composed of three board member(s), will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 28, 1993, 9:12 a.m.

TRD-9323545

Monday-Tuesday, June 7-8, 1993, 9:30 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 2821 Guadalupe Street, Suite 106, San Antonio. According to the agenda summary, a panel(s) of the board, composed of three board member(s), will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 28, 1993, 9:12 a.m.

TRD-9323546

Monday-Friday, June 7-11, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 2503 Lake Road, Suite Two, Huntsville. According to the agenda summary, a panel(s) of the board, composed of three board member(s), will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 28, 1993, 9:11 a.m.

TRD-9323544

Tuesday-Wednesday, June 8-9, 1993, 1:30 p.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, a panel(s) of the board, composed of three board member(s), will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 28, 1993, 9:12 a.m.

TRD-9323547

Thursday, June 10, 1993, 9:00 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1212 North Velasco, Suite 201, Angleton. According to the agenda summary, a panel(s) of the board, composed of three board member(s), will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 28, 1993, 9:04 a.m.

TRD-9323542

Thursday-Friday, June 10-11, 1993, 9:00 a.m. The Parole Board Panel(s) of the Texas Board of Pardons and Paroles will meet at 1550 East Palestine, Suite 100, Palestine. According to the agenda summary, a panel(s) of the board, composed of three board member(s), will receive, review and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction, and initiate and carry through with appropriate actions to include decisions involving the withdrawal of warrants, issuing of subpoenas, the imposition of special conditions of parole and requests for parole services.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78759, (512) 406-5407.

Filed: May 28, 1993, 9:13 a.m.

TRD-9323548

Public Utility Commission of Texas

Monday, June 7, 1993, 8:30 a.m. (Rescheduled from Tuesday, June 1, 1993, 10:00 a.m.). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing Conference in Docket Number 11999-application of Houston Lighting and Power Company for approval of tariff for economic improvement service-rate schedule EIS.

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

Filed: May 28, 1993, 3:19 p.m.

TRD-9323611

Monday, June 9, 1993, 9:00 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing Conference in Docket Number 11373, application of Southwestern Bell Telephone Company to revise tariff with regard to common line 800 service.

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

Filed: May 27, 1993, 3:34 p.m.

TRD-9323499

Railroad Commission of Texas

Monday, June 7, 1993, 9:30 a.m. The Railroad Commission of Texas will meet in the First Floor Conference Room 1-111, 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. Box 12967, Austin, Texas 78711-2967, (512) 463-7257.

Filed: May 28, 1993, 11:16 a.m.

TRD-9323583

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

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-6981.

Filed: May 28, 1993, 11:16 a.m.

TRD-9323582

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. Box 12967, Austin, Texas 78701, (512) 463-7251.

Filed: May 28, 1993, 11:16 a.m.

TRD-9323580

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

Contact: Brian W. Schaible, P.O. Box 12967, Austin, Texas 78701, (512) 463-6710

Filed: May 28, 1993, 11:16 a.m.

TRD-9323581

The commission will consider various applications and other matters within the jurisdiction of the agency including oral arguments. 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. Box 12967, Austin, Texas 78711, (512) 463-6921.

Filed: May 28, 1993, 11:17 a.m.

TRD-9323586

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. Box 12967, Austin, Texas 78711-2967, (512) 463-6828.

Filed: May 28, 1993, 11:15 a.m.

TRD-9323577

The commission will consider and act on the division director's report on budget, personnel and policy matters related to operation of the Alternative Fuels Research and Education Division.

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

Filed: May 28, 1993, 11:15 a.m.

TRD-9323578

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

Contact: Margie Osborn, P.O. Drawer 12967, Austin, Texas 78701, (512) 463-6755.

Filed: May 28, 1993, 11:15 a.m.

TRD-9323579

The commission will consider and act on the Surface Mining and Reclamation Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Melvin Hodgkiss, P.O. Box 12967, Austin, Texas 78701, (512) 463-6901.

Filed: May 28, 1993, 11:16 a.m.

TRD-9323584

The following matters will be taken up for consideration and/or decision by the commission: commission budget, fiscal, administrative or procedural matters, strategic planning; personnel and staffing; contracts and grants; and may meet in executive session on any items listed above as authorized by the Open Meetings Act.

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

Filed: May 28, 1993, 11:16 a.m.

TRD-9323585

Texas Real Estate Commission

Monday, June 7, 1993, 9:30 a.m. The Texas Real Estate Commission will meet in the Conference Room 235, Second Floor, TREC Headquarters Office, 1101 Camino La Costa, Austin. According to the agenda summary, the commission may consider and act on: staff and committee reports; legislation; budget matters; amendment to 22 TAC §535.164 and repeal of §535.165 concerning disclosure of agency; draft contract forms; petitions for adoption of rules by the Texas Land Surveyor's Council; application for accreditation by Stewart Real Estate School; MCE courses and providers; proposed amendment to 22 TAC §534.66(n) concerning participation of schools in job retraining programs; meet in executive session to discuss pending litigation; discuss recovery fund claims; complaint information; motions for rehearing or probation; motion to revoke probation in Hearing Number 91-73-910872. For ADA assistance, call Nancy Guevremont at (512) 465-3923 at least two days prior to meeting.

Contact: Camilla Shannon, P.O. Box 12188, Austin, Texas 78711-2188, (512) 465-3900.

Filed: May 28, 1993, 9:37 a.m.

TRD-9323561

Structural Pest Control Board

Tuesday, June 15, 1993, 9:00 a.m. The Integrated Pest Management Committee of the Structural Pest Control Board will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Austin. According to the complete agenda, the committee will introduce new committee members; hear public comments; assignment of new committee members to team writing groups; report and discussion of the following IPM team writing first draft of IPM standards: introduction; education curriculum; structural pest management standards; landscape pest management standards; model contract specifications for schools; discuss future committee activities; public hearing schedule; and update by Benny M. Mathis and John M. Gonzales of funding status for distribution of standards and for plans to notify school districts about public hearings.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: June 1, 1993, 9:38 a.m.

TRD-9323639

Tuesday, June 15, 1993, 1:30 p.m. The Termite Task Force of the Structural Pest Control Board will meet at the Joe C. Thompson Conference Center, 2405 East Campus Drive, Room 3.120, Austin. According to the complete agenda, the task force will review §§599.1-599.7 of the Structural Pest Control Board regulations; determine objectives of the task force; and set schedule for completion of objectives and future meeting dates.

Contact: Benny M. Mathis, Jr., 9101 Burnet Road, Suite 201, Austin, Texas 78758, (512) 835-4066.

Filed: June 1, 1993, 9:37 a.m.

TRD-9323638

Texas Department of Transportation

Tuesday, June 15, 1993, 9:00 a.m. The Environmental Advisory Committee of the Texas Department of Transportation will meet at 200 East Riverside Drive, Room 102, Building 200, Austin. According to the agenda summary, the committee will discuss approval of the minutes; preliminary review of proposed rulemaking concerning a comprehensive environmental policy; and staff presentation of TxDOT mitigation initiatives.

Contact: Roland Gamble, 125 East 11th Street, Austin, Texas 78701, (512) 475-0701.

Filed: May 28, 1993, 2:11 p.m.

TRD-9323592

University of Texas System

Thursday, June 10, 1993, 10:00 a.m. The Board of Regents and Standing Committees of the University of Texas System will meet in Room 310, Geological Sciences Building, U. T. El Paso, University Avenue and Hawthorne Street, El Paso. According to the agenda summary, the committees will consider: amendments to RRR; Chancellor's Docket (submitted by System Administration); UT System-wage rates for contract construction projects; UT System-budget policies and limitations; appointments to development boards and advisory councils and endowed academic positions; medical/dental insurance rates; housing rates; fees; degree programs; agreement; buildings and grounds matters including approval of projects and preliminary plans; acceptance of gifts, bequests and estates; establishment of endowed positions and funds; and real estate matters and potential litigation.

Contact: Arthur H. Dilly, P.O. Box N, U. T. Station, Austin, Texas 78713-7328, (512) 499-4402.

Filed: June 1, 1993, 9:01 a.m.

TRD-9323632

Texas Board of Veterinary Medical Examiners

Wednesday, June 9, 1993, 10:00 a.m. The September Examination Preparation Committee of the Texas Board of Veterinary Medical Examiners will meet at 1946 South IH-35, Fourth Floor Conference Room, Austin. According to the complete agenda, the committee will convene in open session, then go into executive session to prepare the September 1993 state board examination. The executive session is held in accordance with Article 6452-17 and Attorney General Opinion H-484, 1974.

Contact: Buddy Matthijetz, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: May 28, 1993, 2:18 p.m.

TRD-9323597

Thursday-Saturday, June 10-12, 1993, 8:30 a.m. The Texas Board of Veterinary Medical Examiners will meet at 1946 South IH-35, Fourth Floor Conference Room, Austin. According to the agenda summary, the board will act on proposals for decision and negotiated settlement for the cases listed on agenda; discuss the implementation of the mandates contained in the new

Veterinary Licensing Act; consider petitions for license reinstatements and special licenses; act on Rule 575.23 "Conditions Relative to License Suspension"; discuss other possible rule revisions; and discuss ethical advertising policies. Persons requiring reasonable accommodations are requested to contact Judy Smith, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183 within 72 hours of the meeting in order that appropriate arrangements can be made. Items may be taken out of order and/or continued from June 10 until June 11 or June 12, 1993. Where appropriate and permitted by law, executive sessions may be held on subjects listed on the agenda.

Contact: Buddy Matthijetz, 1946 South IH-35, #306, Austin, Texas 78704, (512) 447-1183.

Filed: May 28, 1993, 2:18 p.m.

TRD-9323596

Texas Water Commission

Monday, June 7, 1993, 1:30 p.m. The Texas Water Commission will meet at the River Place Country Club, 4207 River Place Boulevard, Austin. According to the agenda summary, the commissioners will consider application of Wal-Mart Stores, Inc. for authorization to construct a new wastewater treatment plant facility near Palestine, Anderson County.

Contact: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Filed: May 27, 1993, 12:24 p.m.

TRD-9323479

Wednesday, June 23, 1993, 9:00 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 TA-7037 submitted by Weirich Brothers, Inc. for a permit to divert and use 180 acre-feet of water for a three-year period from the North Llano River, tributary of the Llano River, tributary of the Colorado River, Colorado River Basin, for mining purposes (gravel washing) in Kimble County.

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

Filed: May 28, 1993, 3:07 p.m.

TRD-9323606

Monday, June 28, 1993, 10:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 1149 A & B, 1700 North Congress Avenue, Austin. According to the agenda summary, the com-

mission will hold a hearing on Granbury Water Service, Inc.'s water rate increase effective April 22, 1993 for its service area located in Hood County. Docket Number 9989-R.

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

Filed: May 28, 1993, 3:07 p.m.

TRD-9323607

Thursday, July 1, 1993, 9:00 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 118, 1700 North Congress Avenue, Austin. According to the revised agenda summary, the commission will hold an amended public hearing on application for renewal of Permit Number 12215-01 made by Hurst Creek Municipal Utility District for authorization to discharge treated domestic wastewater effluent.

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

Filed: May 28, 1993, 9:36 a.m.

TRD-9323560

Thursday, July 8, 1993, 10:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at 302-Hide-A-Way Lane Central Lodge, Restaurant Area, Lindale. According to the agenda summary, the commission will hold a hearing on Crystal Systems Texas, Inc.'s water rate increase effective February 15, 1993 for its Hide-A-Way Lake subdivision service area located in Smith County. Docket Number 9901-R.

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

Filed: May 28, 1993, 3:08 p.m.

TRD-9323609

Thursday, July 15, 1993, 9:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 119, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a public hearing on application made by Village of Briarcliff (Proposed Permit Number 13639-01) for permit to authorize disposal of treated domestic sewage effluent by subsurface drain fields.

Contact: Bill Zukauckas, P.O. Box 13087, Austin, Texas 78701, (512) 463-7875.

Filed: May 28, 1993, 3:07 p.m.

TRD-9323604

Thursday, July 15, 1993, 11:00 a.m. The Office of Hearings Examiners of the Texas Water Commission will meet at the Faith Christian Center, 10118 Tidwell Road, Houston. According to the agenda summary, the commission will hold a hearing

on a sewer rate increase effective February 19, 1993 authorized by the Board of Directors of Tidwell Timbers Municipal Utility District. Inside district ratepayers have filed an appeal with the Texas Water Commission.

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

Filed: May 28, 1993, 3:08 p.m.

TRD-9323608

Wednesday, August 18, 1993, 9:00 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 5456 for a water use permit to construct and operate a sedimentation control pond (Pond H-2) on an unnamed tributary of Blundell Creek, tributary of Cypress Creek, Cypress Basin. Applicant is also requesting authorization to redirect an adjacent unnamed tributary of Blundell Creek into an H-2 Diversion (ditch) which will direct water into Pond H-2. The water will be used for the control and treatment of disturbed area runoff within the Texas Utilities Mining Company's (TUMCO) Monticello-Winfield South H-Area Mine located approximately eight miles southwest of Mount Pleasant in Titus County.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 463-8195.

Filed: May 28, 1993, 3:07 p.m.

TRD-9323605

Texas Youth Commission

Tuesday, June 8, 1993, 1:30 p.m. The Board of the Texas Youth Commission will meet at 4900 North Lamar Boulevard, Room 2301, Austin. According to the agenda summary, the board will hear report of activities of the 73rd Legislature; report on the over-representation of minorities in the Juvenile Justice System; statistical summary/report on student population; approval of the sale of land in Henderson County; and review of alleged mistreatment investigations.

Contact: Ron Jackson, P.O. Box 4260, Austin, Texas 78765, (512) 483-5000.

Filed: May 28, 1993, 8:48 a.m.

TRD-9323541

Regional Meetings

Meetings Filed May 27, 1993

The Aqua Water Supply Corporation met at 305 Eskew, Bastrop, June 1, 1993, at

7:30 p.m. Information may be obtained from Adlinie Rathman, P. O. Drawer P, Bastrop, Texas 78602, (512) 321-3943. TRD-9323501.

The Austin-Travis County MHMR Center Public Relations Committee met at 1430 Collier Street, Conference Room Number One, Austin, June 2, 1993, at 12:30 p.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141. TRD-9323502.

The Blanco County Appraisal District Appraisal Review Board met at the Courthouse Annex, Avenue G and Seventh Street, Johnson City, June 3, 1993, at 1:30 p.m. Information may be obtained from Hollis Boatright, P.O. Box 338, Johnson City, Texas 78636, (210) 868-4013. TRD-9323485.

The Colorado County Central Appraisal District Board of Directors will meet at the Colorado County Courthouse (County Courtroom), 400 Spring Street, Columbus, June 8, 1993, at 1:00 p.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222. TRD-9323487.

The Colorado County Central Appraisal District Board of Directors will meet at the Colorado County Courthouse (County Courtroom), 400 Spring Street, Columbus, June 8, 1993, at 1:30 p.m. Information may be obtained from Billy Youens, P.O. Box 10, Columbus, Texas 78934, (409) 732-8222. TRD-9323486.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at 113 North Main Street, Hallettsville, June 16, 1993, at 9:00 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9323478.

Meetings Filed May 28, 1993

The Coryell County Appraisal District Appraisal Review Board met at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, June 2, 1993, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9323627.

The Coryell County Appraisal District Appraisal Review Board will meet at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, June 4, 1993, at 9:30 a.m. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9323628.

The Creedmoor Maha Water Corporation Board of Directors met at 1699 Laws Road, Mustang Ridge, June 2, 1993, at 7:30

p.m. Information may be obtained from Charles Laws, 1699 Laws Road, Buda, Texas 78610, (512) 243-1991. TRD-9323573.

The Dallas Area Rapid Transit (DART) Administrative Committee met at 1401 Pacific Avenue (DART Headquarters), Board Conference Room B, Dallas, June 1, 1993, at Noon. Information may be obtained from Nancy McKethan, 1401 Main Street, Dallas, Texas 75202, (214) 749-3347. TRD-9323589.

The Dallas Area Rapid Transit (DART) Public Affairs met at 1401 Pacific Avenue (DART Headquarters), Conference Room C, Dallas, June 1, 1993, at 1:00 p.m. Information may be obtained from Nancy McKethan, 1401 Main Street, Dallas, Texas 75202, (214) 749-3347. TRD-9323566.

The Dallas Area Rapid Transit (DART) Rail met at 1401 Pacific Avenue (DART Headquarters), Dallas, June 1, 1993, at 3:00 p.m. Information may be obtained from Nancy McKethan, 1401 Main Street, Dallas, Texas 75202, (214) 749-3347. TRD-9323565.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, June 4, 1993, at 5:00 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9323590.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, June 11, 1993, at 5:00 p.m. Information may be obtained from John Brown, 3911 Morse Street, Denton, Texas 76208, (817) 566-0904. TRD-9323591.

The East Texas Council of Governments JTPA Board of Directors met at the Kilgore Community Inn, Kilgore, June 3, 1993, at 11:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9323574.

The East Texas Council of Governments (Revised agenda). JTPA Board of Directors met at the Kilgore Community Inn, Kilgore, June 3, 1993, at 11:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9323630.

The Grayson Appraisal District Appraisal Review Board will meet at 205 North Travis, Sherman, June 8-10, 14-17, 21-24, 28-30, July 1, 5-8, 12-15, 19-22, 26-29, 1993, at 9:00 a.m. Information may be obtained from Angie Keeton, 205 North Travis, Sherman, Texas 75090, (903) 893-9673. TRD-9323559.

The Johnson County Rural Water Supply Corporation Board of Directors met at the JCRWSC Office, Highway 171 South, Cleburne, June 3, 1993, at 1:00 p.m. Information may be obtained from Terry D. Kelley, P.O. Box 509, Cleburne, Texas 76033, (817) 645-6646. TRD-9323587.

The Kendall County Education District Board of Trustees met at 121 South Main Street, Boerne, June 3, 1993, at 6:00 p.m. Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9323600.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 10, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323610.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 15, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323612.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 16, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323613.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 16, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323613.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 17, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323614.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 22, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323615.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 23, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323616.

The Kendall County Appraisal District Appraisal Review Board will meet at 121 South Main Street, Conference Room, Boerne, June 24, 1993, at 9:00 a.m. Information may be obtained from Joe P. Davis, Box 788, Boerne, Texas 78006, (210) 249-8012. TRD-9323617.

The Mason County Appraisal District will meet at 206 Fort McKavitt, Mason, June 9, 1993, at 5:30 p.m. Information may be obtained from Deborah Geistweidt, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989. TRD-9323595.

The Shackelford Water Supply Corporation Regular Monthly Director's meeting was held at the Fort Griffin Restaurant, Albany, June 2, 1993, at Noon. Information may be obtained from E. D. Fincher, Box 1295, Albany, Texas 76430, (915) 762-2519. TRD-9323571.

The Upshur County Appraisal District Appraisal Review Board will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, June 7, 1993, at 9:00 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280, (903) 843-3041. TRD-9323629.

The Wise County Appraisal District Board of Directors will meet at 206 South State, Decatur, June 8, 1993, at 7:30 p.m. Information may be obtained from Brenda Jones, 206 South State Street, Decatur, Texas 76234, (817) 627-3081, Ext. 04. TRD-9323618.

Meetings Filed June 1, 1993

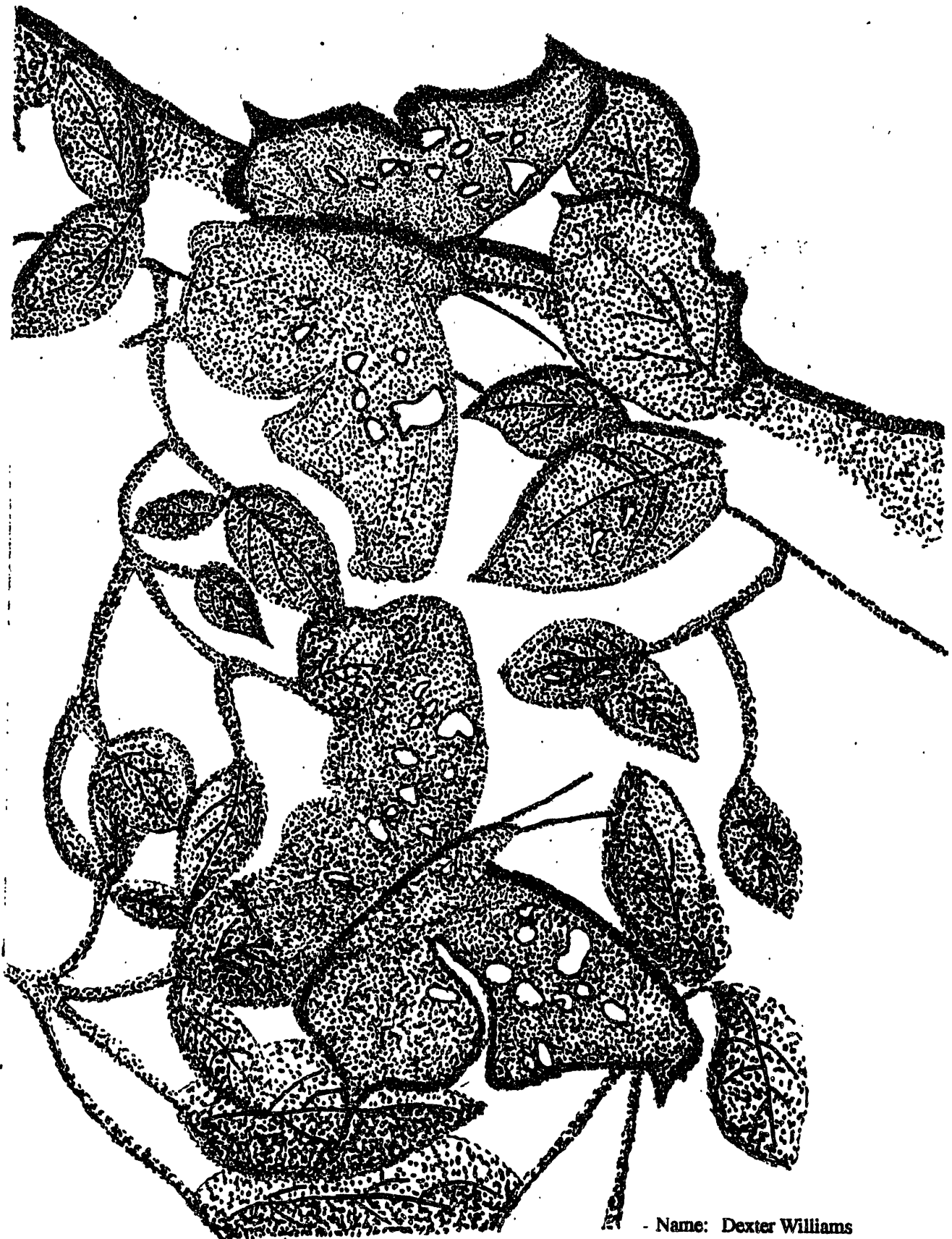
The Capital Area Planning Council Executive Committee will meet at 2520 IH-35 South, Suite 100, Austin, June 9, 1993, at 1:30 p.m. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD-9323633.

The Capital Area Economic Development District Executive Board will meet at IH-35 South, Suite 100, Austin, June 9, 1993, at 1:30 p.m. Information may be obtained from Richard G. Bean, 2520 IH-35 South, Suite 100, Austin, Texas 78704, (512) 443-7653. TRD-9323634.

The Hale County Appraisal District Board of Directors will meet at 302 West Eighth Street, Plainview, June 8, 1993, at 7:30 p.m. Information may be obtained from Linda Jaynes, P.O. Box 29, Plainview, Texas 79072, (806) 293-4226. TRD-9323636.

The Millersview-Doole Water Supply Corporation Board of Directors will meet at the Corporation's Business Office, One Block West of FM 765 and FM 2134, Millersview, June 7, 1993, at 8:00 p.m.

...may be obtained from ...
...PO Box ...
...7802-1005 (015) 483-9439 TRD
3577



Name: Dexter Williams
Grade: 9
School: Richardson Junior High, Richardson ISD

In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

Texas Air Control Board

Public Hearing Notice

Notice is hereby given that pursuant to the requirements of the Texas Clean Air Act (TCAA) §382.017(a); the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5; the Procedural Rules of the Texas Air Control Board (TACB), §103.11(4), and 40 Code of Federal Regulation of the United States Environmental Protection Agency regulations concerning State Implementation Plans, the TACB will conduct a public hearing to receive testimony concerning revisions to its rules.

The TACB proposes revisions to §117.105, concerning Emission Specifications, and to §117.205, concerning Emission Specifications, to require the application of the lower of Reasonably Available Control Technology (RACT) or Best Available Control Technology (BACT) limits at existing nitrogen oxide (No_x) emission sources which are subject to RACT and have BACT limits specified by permit. Also, the TACB proposes to replace the existing §117.540 with a new §117.540, concerning Phased Reasonably Available Control Technology, to facilitate approval of requests for extensions past the May 31, 1995 compliance date for installation of No_x controls. In addition, the TACB proposes to replace the existing §117.550 with a new §117.550, concerning General Construction Permits for No_x Emission Sources, to provide limited new source review exclusions for No_x sources which may experience CO increases or production output increases as a result of the installation of No_x control equipment. Finally, a new §117.580, concerning Plant Caps, is proposed to establish a flexible method of emissions averaging which will set a limit on the total amount of No_x emissions which can be produced at a plant over a period of time.

A public hearing will be held at 2:00 p.m. on June 30, 1993, in the City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston. The hearing is structured for the receipt of oral or written

comments by interested persons. Interrogation or cross-examination is not permitted, however, the TACB staff will discuss the proposal and answer questions 30 minutes prior to the hearing at 1:30 p.m.

Written comments not presented at the hearing may be submitted to the TACB Central Office, 12124 Park 35 Circle, Austin, Texas 78753 through July 2, 1993. Material received by the Regulation Development Division by 4:00 p.m. on that date will be considered by the Board prior to any final action on the proposed rules.

Copies of the proposal are available at the TACB Central Office, Air Quality Planning Annex, located at 12118 North IH-35, Park 35 Technology Center, Building A, Austin, Texas 78753 and at all TACB regional offices. For further information, contact Randy Hamilton at (512) 908-1512.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the agency at (512) 908-1815. Requests should be made as far in advance as possible.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323557

Lane Hartsack
Deputy Director, Air Quality Planning
Texas Air Control Board

Filed: May 28, 1993

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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, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (3)/Agricultural/ Commercial (4) thru \$250,000</u>	<u>Commercial(4) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/31/93-06/06/93	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(1)	06/01/93-06/30/93	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/93-09/30/93	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11(3)	07/01/93-09/30/93	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d)(3)	07/01/93-09/30/93	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2)(2)	07/01/93-09/30/93	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11(3)	07/01/93-09/30/93	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	06/01/93-06/30/93	10.00%	10.00%

(1) For variable rate commercial transactions only. (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S. (3) Credit for personal, family or household use. (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on May 24, 1993.

TRD-9323455 Al Endsley
Consumer Credit Commissioner

Filed: May 26, 1993

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Texas Commission for the Deaf and Hearing Impaired

Request for Proposals

The Texas Commission for the Deaf and Hearing Impaired (TCDHI) announces the availability of up to \$20,000 to develop and implement pilot projects to promote early intervention and prevention of hearing loss. Grants will range in size from \$5,000 to \$10,000. Pursuant to Texas Civil Statutes, Article 6252-11c, (Use of Private Consultants by State Agencies), TCDHI is requesting proposals (RFP) for the provision of services including, but not limited to, the early detection of hearing loss and the production and dissemination of information regarding the causes and prevention of hearing loss and information that raises public awareness of deafness/hearing loss and the existence of available services. Methods that may be employed include, but are not limited to, the provision of hearing screenings or referral to state agencies that conduct hearing screenings and the creation of brochures, public service announcements, or other means of dispersing the desired information. Proposed projects should be designed to serve as models for other service providers throughout the State and should serve people of all ages. Proposals that demonstrate the respondents' ability and willingness to work with associations or organizations representing persons who are deaf or hard of hearing will be viewed favorably. Applicants that have access to non-State matching funds are encouraged to apply. These services are for the 1994 Fiscal Year which begins September 1, 1993.

Contact Person. Requests for application packets and for further information regarding the provision of the above-stated services may be directed to Mike Broderick, Research Specialist, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904, (512) 444-3323 (V/TDD).

Deadline for Submission of Proposals. Deadline for the receipt of proposals in the offices of the Texas Commission for the Deaf and Hearing Impaired is July 15, 1993, at

5:00 p.m. Proposals received after 5:00 p.m. will not be considered. Proposals are to be addressed to Billy Collins, Director of Service Programs, Texas Commission for the Deaf and Hearing Impaired, P.O. Box 12904, Austin, Texas 78711-2904.

Guidelines for Submitting Proposals. Each respondent must submit a program narrative of not more than ten double-spaced pages that shows that the respondent is an agency, organization, or individual able to develop and implement a pilot project to provide services related to early intervention and prevention of hearing loss. Each narrative should indicate: the need for services related to early intervention and prevention of hearing loss; the services that will be provided as part of the proposed pilot project; a strategy for implementing those services; the skills, knowledge, and expertise that will be used in the planning, development, and implementation of the project; the elements of the proposed project that can be easily replicated by other service providers throughout the State; the location and description of the intended headquarters (and resources) to be used in the coordination and delivery of services; the anticipated number of persons that will utilize each service provided; a willingness to cooperate with the Commission regarding its goals, standards, requirements, and recommendations; that the respondent will utilize, to the highest degree possible, local/community and other resources; that the respondent will furnish the Commission with all required reports, within the deadlines and in the formats prescribed by the Commission; that the respondent will establish and maintain a method to secure and maintain the confidentiality of records and services relating to clients in accordance with any and all applicable state and federal rules, laws, and regulations; and that the respondent will provide acknowledgement of TCDHI funding on publications, letterhead, materials, etc. (art-work will be supplied).

In addition to the program narrative, Each respondent must submit a fiscally conservative budget showing the anticipated costs of the program and the amount of funds requested.

Each respondent must also submit a detailed description of how it plans to evaluate the success of the proposed program. This program evaluation plan should describe measurable objectives, methods that will be used to measure the objectives, a process through which the program can be reviewed and strengthened, and a method through which the respondent will inform other service providers of the results of the program.

Proposal Evaluation Criteria. Proposals will be reviewed

and recommendations made to TCDHI's Commissioners. The Commissioners will have authority to accept or reject any or all proposals based on the established proposal evaluation criteria listed below. Selection of contractors will be done by vote in open session of the TCDHI Commission meeting to be held in August 1993. Proposals will be evaluated by the Commission on the following basis: the program narrative addresses items A-L above; submission of required budget; submission of required program evaluation plan; the strength of the respondent's program design and implementation strategy; the overall ability of the respondent to implement the proposed program, and the ability of the respondent to implement the proposed program expeditiously upon receiving notification from the Commission of award of contract; the extent to which the proposed project can serve as a model for other service providers across the State; operations of the program are within Commission authority; letters of endorsement and/or cooperation; and the ability of the respondent to cooperate with the Commission, local organizations, and associations serving persons who are deaf or hard of hearing.

Contract Award and Allocation Procedures. Final selection will be made by the Commission, using the previously mentioned evaluation procedures. Award will not necessarily be made to the contractor or applicant offering the lowest cost. Close consideration will be given to the ability to provide quality services based on the Commission's evaluation criteria.

The Commission reserves the right to accept or reject any or all proposals submitted.

The Commission is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends the materials provided only as a means of identifying the various elements which the Commission considers basic to the delivery of the requested services. The Commission will base its choice on demonstrated competence, qualifications, and evidence of superior conformance to established criteria. This request does not commit the Commission to pay any costs incurred prior to execution of a contract.

The Commission will announce the contract awards for FY 1994 in the Commission's last open meeting prior to September 1, 1993. The contracted services shall begin on September 1, 1993.

Contracts include the possibility for amendments to permit additional funds, if such funds become available, or reallocation of funds during the contract period if determined necessary by the Commission.

Conditions for Termination of Contract. Failure to comply with contract requirements may result in the termination of the contract.

Issued in Austin, Texas, on May 26, 1993.

TRD-8323457 **Ralph H. White**
Interim Executive Director
Texas Commission for the Deaf and
Hearing Impaired

Filed: May 26, 1993

Interagency Council on Early Childhood Intervention Request for Proposal for Marketing Design Development and Implementation

The Texas Interagency Council on Early Childhood Intervention (ECI) announces a request for proposal (RFP) for funding a marketing project in Fiscal Year 1994 to determine approaches to accessing hard-to-reach audiences. The services include a written review of current applicable marketing studies and recommendations for a design for implementation at the end of the first three months of the project. Contingent upon approval of the design, services for the second (six-month) phase of the project include the implementation of the design, a written summary of the results, and recommendations and prioritization of marketing strategies.

One contract of no more than \$125,000 will be awarded for the nine-month contract period of this proposal. The limit to costs for the design phase of the project is \$25,000. The implementation phase of the project is contingent upon approval of the design by the ECI Program and is limited to \$100,000. Applicants must submit separate budgets and workplans for the development and implementation phases of the project.

The RFP will be available on June 7, 1993, to all interested respondents upon request from the Early Childhood Intervention Program, 1100 West 49th Street, Austin, Texas 78756, or by calling (512) 458-7673. Questions should be directed to the Early Childhood Intervention office at (512) 458-7673.

A telephone conference call will be held with all bidders who wish additional information. The conference call will be held on June 21, 1993 at 10:00 a.m. To participate, contact Julia Kirby (512) 458-7673 by June 17, 1993.

All applications to be considered for funding must be received by the Early Childhood Intervention Program by 5:00 p.m. on July 18, 1993, or postmarked by July 17, 1993. The contract will begin on October 15, 1993.

The Council's required proposal format and instructions are available starting June 7, 1993, from: The Texas Interagency Council on Early Childhood Intervention, 1100 West 49th Street, Austin, Texas 78756.

Issued in Austin, Texas, on May 27, 1993.

TRD-8323538 **Tammy Tiner, Ph.D.**
Chairperson
Interagency Council on Early Childhood
Intervention

Filed: May 27, 1993

Texas Health and Human Services Commission

Public Notices

The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical

Assistance Plan by Transmittal Number 93-06, Amendment Number 391.

The amendment incorporates into the Plan the State's payment rates for obstetrical and pediatric services (as required by the Social Security Act, §1926). The amendment is effective July 1, 1993.

If additional information is needed, please contact Joe Branton at (512) 338-6505.

Issued in Austin, Texas on May 27, 1993.

TRD-9323490 Bryan P. Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: May 27, 1993

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The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 93-07, Amendment Number 392.

The amendment revises the State's provisions for monetary penalties and other remedies for nursing facilities which are found to be out of compliance with certification requirements. The amendment is effective February 1, 1993.

If additional information is needed, please contact Susan Syler at (512) 450-3111.

Issued in Austin, Texas on May 27, 1993.

TRD-9323491 Bryan P. Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: May 27, 1993

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The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 93-10, Amendment Number 395.

The amendment incorporates the preprint paces issued under Program Memorandum 93-1 relative to the PASARR provisions. The amendment is effective January 29, 1993.

If additional information is needed, please contact Marc Gold at (512) 450-3174.

Issued in Austin, Texas on May 27, 1993.

TRD-9323492 Bryan P. Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: May 27, 1993

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The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 93-05, Amendment Number 390.

The amendment incorporates the preprint pages contained in PM-93-2 as referencing coverage for Specified Low-Income Medicare Beneficiaries (OBRA '90, §4501). The amendment is effective January 1, 1993.

If additional information is needed, please contact Judy Coker at (512) 450-3227.

Issued in Austin, Texas on May 27, 1993.

TRD-9323489 Bryan P. Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: May 27, 1993

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The Health and Human Services Commission State Medicaid Office has received approval from the Health Care Financing Administration to amend the Title XIX Medical Assistance Plan by Transmittal Number 92-38, Amendment Number 377.

The amendment establishes the Health and Human Services Commission as the Medicaid Single State Agency. The amendment is effective January 1, 1993.

If additional information is needed, please contact Cathy Rossberg (512) 502-3219.

Issued in Austin, Texas on May 27, 1993.

TRD-9323488 Bryan P. Sperry
Deputy Commissioner
Texas Health and Human Services
Commission

Filed: May 27, 1993

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Texas Department of Housing and Community Affairs

Request for Proposal

The Texas Department of Housing and Community Affairs (TDHCA), as the administering agency for the State of Texas Home Investment Partnerships Program (HOME), Housing Opportunities for People Everywhere (HOPE) and Housing Trust Fund (HTF), is seeking proposals for the development of a small group of regional technical advisors who will work with NFPs and CHDOs who have or may be awarded HOME/HOPE/HTF funds over the next two years. These housing developers must be prepared to immediately begin to make available housing under the Department's programs. The assistance to be offered by the technical advisors will target areas of need identified by the NFPs or CHDOs.

General Scope of Work. Technical Advisors will be required to supply the following: provide technical assistance statewide on call as needed that will enable CHDOs and NFPs to more effectively address the housing needs of low income persons and families within their service area; support projects that are directly related to the implementation of strategies and plans to meet housing needs in a community that will result in the production of housing within the next 24 months; assist organizations operating in areas of the state where housing development capacity is insufficient to address local housing needs. Examples of areas where assistance may be offered, include project financing, fundraising, board development, property management, internal financial management of Not-For-

Profits, needs assessments, and budgeting for building projects; access the needs of the Not-For-Profits and Community Housing Development Organizations and prepare a plan for their organization's development in housing.

Preferred Qualifications. The person or organization chosen must have the following experience and expertise: extensive knowledge of Federal and State requirements for the HOME and HOPE programs; knowledge of State requirements for the Housing Trust Fund program; knowledge of the State of Texas CHAS/Statewide Low Income Housing Plan and priorities of the HOME program; experience in developing applications for funding under federal programs such as the Community Development Block Grant (CDBG), Rental Rehabilitation and Low Income Houston Tax Credit (LIHTC) Programs; experience in assisting non-profit housing developers for a minimum of a one year period in the State of Texas or housing experience resulting in actual housing production for minimum period of three years; experience in project (number and type) financial packaging; knowledge of funding resources available to Not-For-Profits; knowledge in the areas of accounting, legal, engineering and architectural matters pertinent to Not-For-Profits so that adequate guidance can be offered; demonstrated ability and experience in accessing the needs of Not-For-Profits or Community Housing Development Organizations.

Proposals must be received by TDHCA no later than 5:00 p.m., July 12, 1993.

Furthermore, the TDHCA reserves the right to accept or reject any or all proposals submitted. TDHCA is under no obligation to execute a contract on the basis of this RFP. TDHCA intends to use responses as a basis for further negotiation of specific program details with potential contractors. If a contractor(s) is selected to provide the services described in this RFP, the decision will be based upon criteria including, but not limited to, the following: proposal order and content according to the RFP packet instructions; applicant's background and experience; measurable steps of progress in program narrative; description of project operations and staffing responsibilities; a plan of project review with TDHCA as well as an outline of each phases of the project; the assurance of timeliness in accomplishing each phase as agreed; applicant's plan of coordination with public and private entities; and applicant's ability to support the project after funding terminates.

This request does not commit TDHCA to pay for any cost incurred prior to the execution of contracts. TDHCA specifically reserves the right to vary all provisions at any time prior to the execution of a contract(s) if such variances are deemed to be in the best interest of TDHCA and to otherwise act as it determines at its sole discretion.

To obtain an RFP packet or additional information regarding this notice, please contact: Ninfa Moncada, Director of Marketing and Program Development Division, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941, (512) 475-3827.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323503 Henry Flores
Executive Director
Texas Department of Housing and
Community Affairs

Filed: May 27, 1993

Texas Department of Human Services Public Notice

Pursuant to Title 2, Chapters 22 and 32 of the Human Resources Code and 40 TAC §19.2004, in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is announcing the reopening of the open solicitation period for Zapata County, County Number 253, identified in the April 9, 1993, issue of the *Texas Register* (18 TexReg 2434). Potential contractors desiring to construct a 90-bed nursing facility in the previously referenced area must submit a written reply (as described in 40 TAC §19.2004) to TDHS, Gary L. Allen, Institutional Programs Section, Long-Term Care Department, Mail Code W-519, P. O. Box 149030, Austin, Texas 78714-9030. Upon receipt of a reply from a potential contractor, TDHS will place a notice in the *Texas Register* to announce the closing date of the reopened solicitation period.

Issued in Austin, Texas, on May 28, 1993.

TRD-9323556 Nancy Murphy
Section Manager, Policy and Document
Support
Texas Department of Human Services

Filed: May 28, 1993

Texas Department of Insurance Company Licensing

The following applications have been filed with the Texas Department of Insurance and are under consideration:

1. Application for Name Change in Texas for Aetna Health Management, a foreign third party administrator. The home office is in Dover, Delaware. The proposed new name is Aetna Health Management, Inc.
2. Application for Admission in Texas for Aurora National Life Assurance Company, a foreign life insurance company. The home office is in Los Angeles, California.
3. Application for Admission in Texas for C.E. Heath Compensation & Liability, a foreign fire insurance company. The home office is in Burlingame, California.
4. Application for Name Change in Texas for Security Title and Guaranty Company, a foreign title insurance company. The home office is in New York, New York. The proposed new name is Fidelity National Title Insurance Company of New York.
5. Application for Admission in Texas for First Health Strategies (TPA), Inc., a foreign third party administrator. The home office is in Midvale, Utah.
6. Application for Incorporation in Texas for Heartland Lloyds Insurance Company, a domestic lloyds company. The home office is in Austin.
7. Application for Name Change in Texas for Podiatry Insurance Company of America, a Mutual Company. The home office is in Brentwood, Tennessee. The proposed new name is Podiatry Insurance Company of America (Risk Retention Group), a Mutual Company.

Issued in Austin, Texas, on May 26, 1993.

TRD-9323468

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: May 26, 1993

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Public Utility Commission of Texas
Notice of the Application of Alltel
Corporation for Sale, Transfer, or
Merger of SLT Communication, Inc.

Notice is given to the public of an application filed by Alltel Corporation (Alltel) for sale, transfer, or merger. Alltel, a Delaware corporation, is acquiring all the outstanding preferred and common stock of SLT Communications, Inc., a Texas corporation. SLT became a wholly-owned subsidiary of Alltel effective December 31, 1992.

Alltel's position is that this transaction does not require any transfer of a certificate of convenience and necessity. It does not involve any sale, lease, or rental of any Texas public utility property, or the merger or consolidation of any Texas public utilities. Therefore, Alltel maintains that this transaction does not require Commission approval pursuant to the Public Utility Regulatory Act (PURA), Texas Civil Statutes, Article 1446c (Vernon Supplemental 1993). Rather, Alltel has filed this application to apprise the Commission of the nature of the transaction.

A prehearing conference was conducted in this docket on April 30, 1993. Appearances were made by Alltel and the Commission's General Counsel. As a result of the agreement reached at the conference, the parties are currently engaged in discovery. General Counsel's statement of position and list of contested issues is due on or before July 16, 1993. Alltel's response to that filing is due on or before July 23, 1993. No formal procedural schedule has been approved.

Interested persons wishing to participate in the proceeding should file a motion to intervene with the Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Austin, Texas 78757 and should specifically refer to Docket Number 11927. Motions should be either mailed or delivered. Further information may be obtained by calling the Public Utility Commission Public Information Office at (512) 458-0256 or (512) 458-0221, teletypewriter for the deaf.

Issued in Austin, Texas on May 27, 1993.

TRD-9323500

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 27, 1993

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Notices of Intent to File Pursuant to
Public Utility Commission Substantive
Rule 23.27

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rules 23.27 for approval of customer-specific PLEXAR-Custom Service for LaPorte ISD, LaPorte.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for LaPorte ISD pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12040.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for LaPorte ISD. The geographic service market for this specific service is the LaPorte area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas on May 26, 1993.

TRD-9323459

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 26, 1993

◆ ◆ ◆
Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for the City of Hurst.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for the City of Hurst pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12032.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for the City of Hurst. The geographic service market for this specific service is the Hurst area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas on May 26, 1993.

TRD-9323460

John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 26, 1993

◆ ◆ ◆
Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for Northern Engineering, Houston.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for Northern Engineering pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12031.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for

Northern Engineering. The geographic service market for this specific service is the Houston area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas on May 26, 1993.

TRD-9323461 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 26, 1993

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for 3M, Austin.

Docket Title and Number. Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for 3M pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12030.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for 3M. The geographic service market for this specific service is the Austin area.

Persons who wish to comment upon the action sought should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas on May 26, 1993.

TRD-9323462 John M. Renfrow
Secretary of the Commission
Public Utility Commission of Texas

Filed: May 26, 1993

Texas Water Commission Enforcement Orders

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 agreed enforcement order was entered regarding Harris County WCID 133 (Permit Number 11153-01) on May 17, 1993, assessing \$6,700 in administrative penalties. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Robert Martinez, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8098.

Issued in Austin, Texas, on May 17, 1993.

TRD-9323531 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

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 agreed enforcement order was entered regarding E-Z Mart Stores Inc. (Texas Water Commission Facility Identification Number 22479) on May 17, 1993, assessing \$138,428 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2053.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323530 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

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 agreed enforcement order was entered regarding Tom Holmes, Jr. doing business as Holmwood Subdivision (No Permit) on May 21, 1993, assessing \$9,600 in administrative penalties with \$960 deferred and waived pending compliance.

Information concerning any aspect of this order may be obtained by contacting Jennifer Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2059.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323532 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

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 agreed enforcement order was entered regarding Chromium Corporation-Lufkin Plant (Solid Waste Registration Number 30194) on May 21, 1993, assessing \$134,800 in administrative penalties with \$64,800 deferred pending compliance.

Information concerning any aspect of this order may be obtained by contacting Glen Grunberger, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8075.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323528 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

◆ ◆ ◆

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 agreed enforcement order was entered regarding City of Gregory (Permit Number 10092-01) on May 21, 1993, assessing \$8,200 in administrative penalties with \$5,100 deferred and waived pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Jennifer Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2059.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323529 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

◆ ◆ ◆

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 agreed enforcement order was entered regarding Wylie Inc. (Texas Water Commission Facility Identification Number 08877) on May 17, 1993, assessing \$22,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2053.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323536 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

◆ ◆ ◆

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 agreed enforcement order was entered regarding Via Metropolitan Transit Authority (Solid Waste Registration Number 52110) on May 17, 1993, assessing \$21,760 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Bill Ballard, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8009.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323535 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

◆ ◆ ◆

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 agreed enforcement order was entered regarding Kmart Corporation (Texas Water Commission Facility Identification Numbers 15694 and 15762) on May 17, 1993, assessing \$1,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Raymond Winter, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2053.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323533 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

◆ ◆ ◆

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 agreed enforcement order was entered regarding Larry Martindale doing business as Lar-Lin Farms (No Permit) on May 21, 1993, assessing \$8,700 in administrative penalties with \$4,350 deferred and waived pending compliance.

Information concerning any aspect of this order may be obtained by contacting Jennifer Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 908-2059.

Issued in Austin, Texas, on May 27, 1993.

TRD-9323534 Gloria A. Vasquez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993

Notice of Application for Authorization to Proceed in Federal Bankruptcy

The Texas Water Commission has received an application by Montgomery County Municipal Utility District Number 56 for Authorization to Proceed in Federal Bankruptcy, under Chapter 9 of the Federal Bankruptcy Code, 11 United States Code, §901-941, as amended. The District is proposing to seek Bankruptcy Court approval of a plan of adjustment of the District's debts. The Commission shall investigate the financial condition of the District, including assets, liabilities, and sources of revenues. If the Commission determines that the District cannot through the full exercise of its rights and powers under the laws of this state, reasonably expect to meet its debt and other obligations as they mature, the Commission may authorize the District to proceed in bankruptcy.

No Public Hearing will be held on this application unless an affected person has requested a public hearing. Any person wishing to protest the application of the District is requested to file the protest in written form within 30 days of the issuance of the notice. The protest should contain

the name, mailing address, and phone number of the person making the request; and a brief statement of the person's interest in the application and the reasons for the protest. If the Commission determines that the protest shows reason that the District is able to meet its debt and other obligations, or that an evidentiary public hearing would serve the public interest, the Commission may direct the Office of Hearing Examiners to conduct an evidentiary public hearing, after issuance of proper and timely notice of the hearing. Protests should be submitted to the Water Utilities Division, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087, Attention: Susan Walton. A copy of the protest must also be furnished to the District.

Information concerning these applications may be obtained by writing the Texas Water Commission at the above-mentioned address or by calling (512) 908-6170.

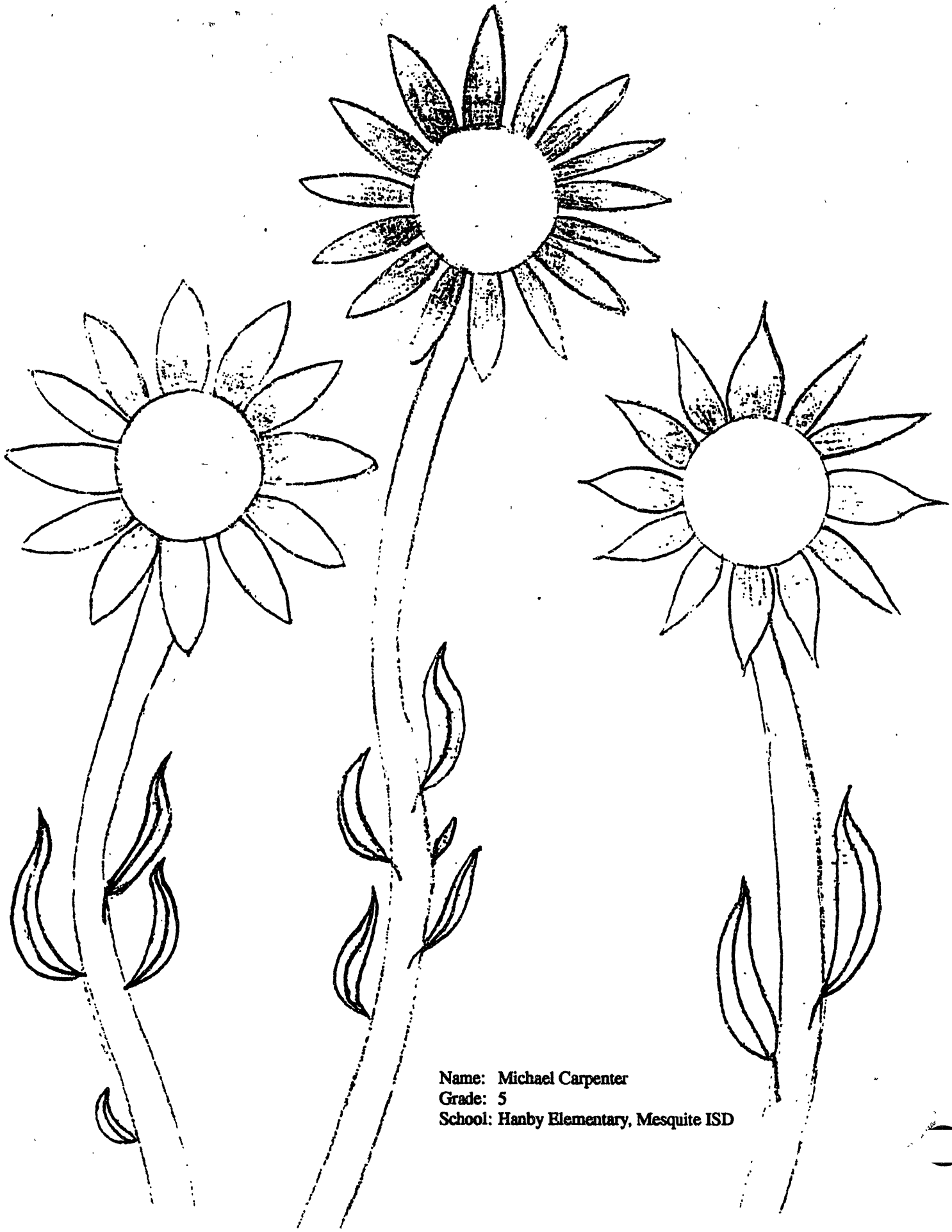
Issued in Austin, Texas, on May 26, 1993.

TRD-9323475

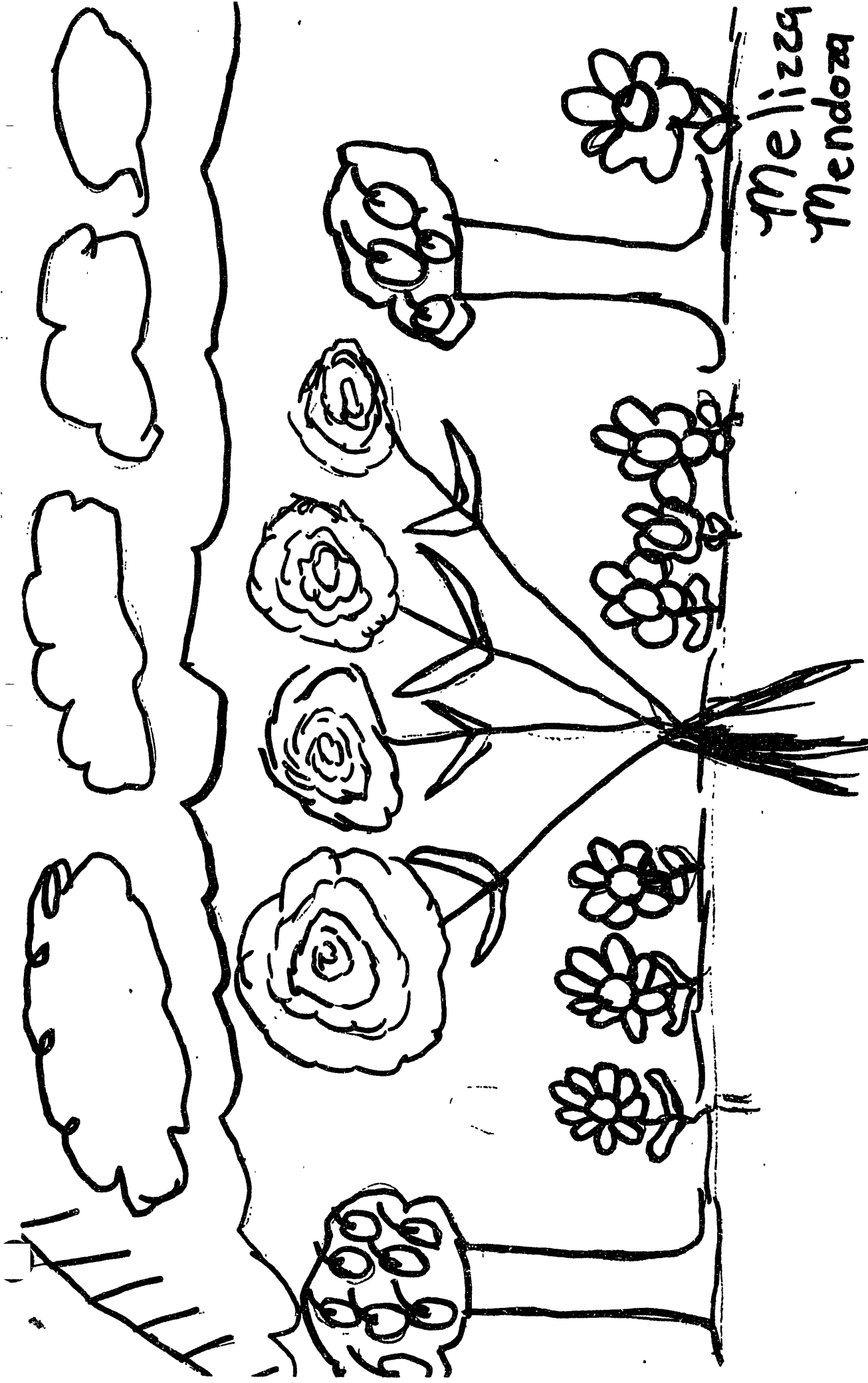
Gloria A. Vaequez
Chief Clerk
Texas Water Commission

Filed: May 27, 1993





Name: Michael Carpenter
Grade: 5
School: Hanby Elementary, Mesquite ISD



Melizza
Mendoza

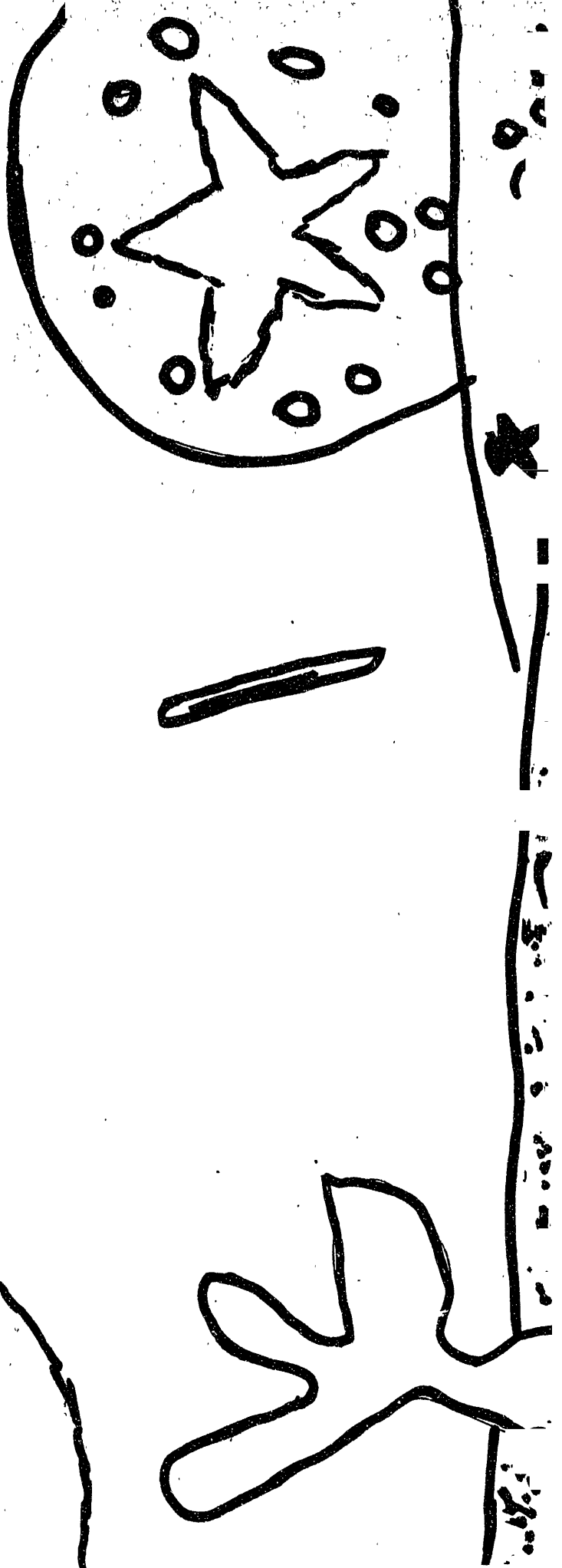
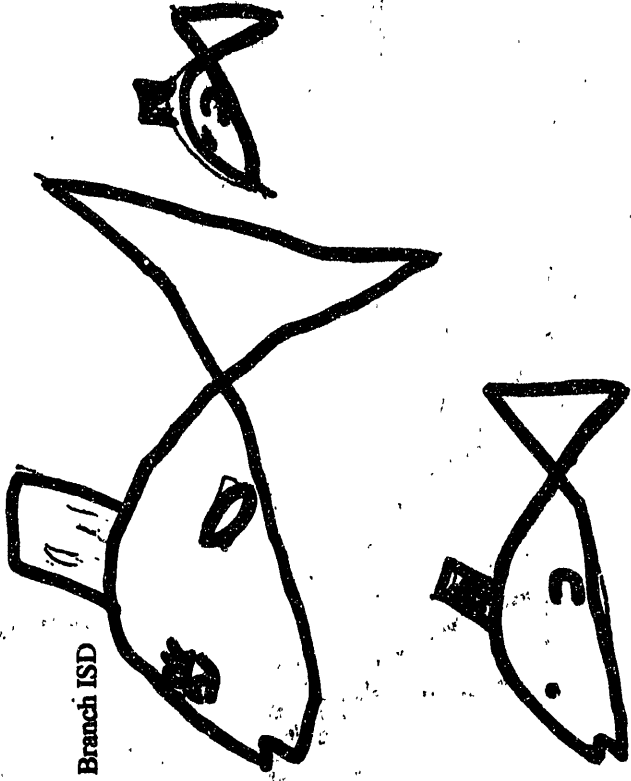
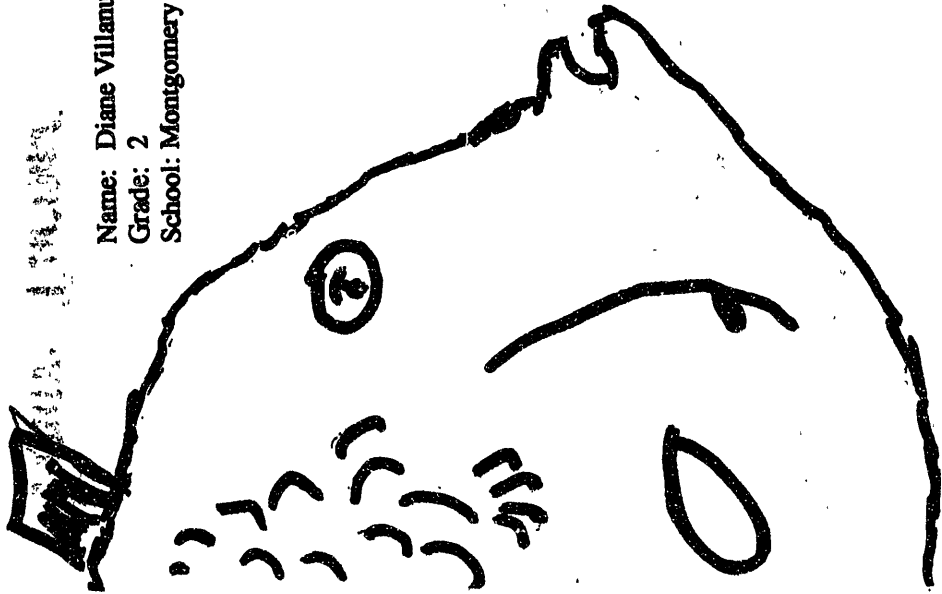
Name: Melizza Mendoza
Grade: 2

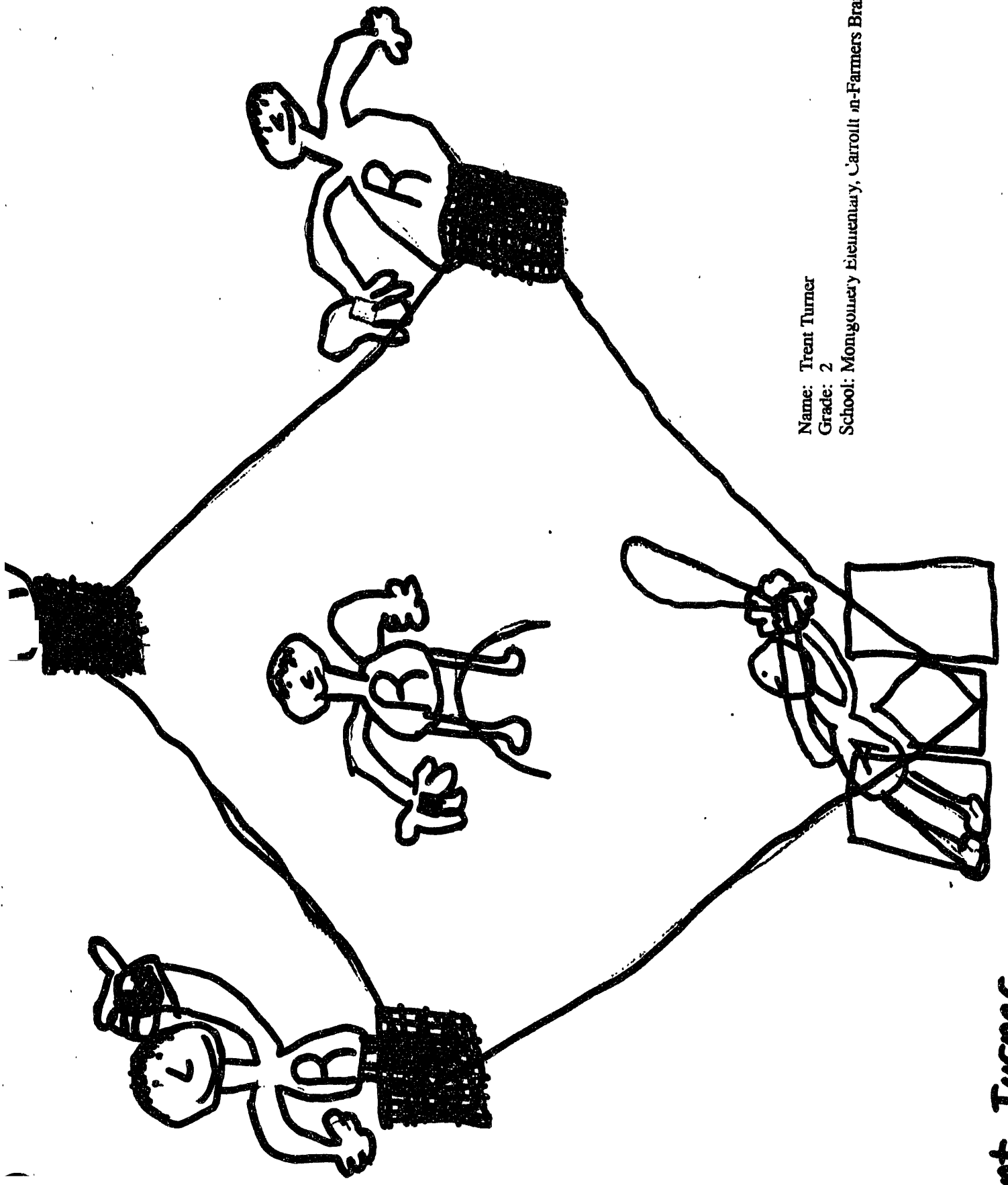
School: Montgomery Elementary, Carrollton-Farmers Branch ISD

Name: Diane Villanueva

Grade: 2

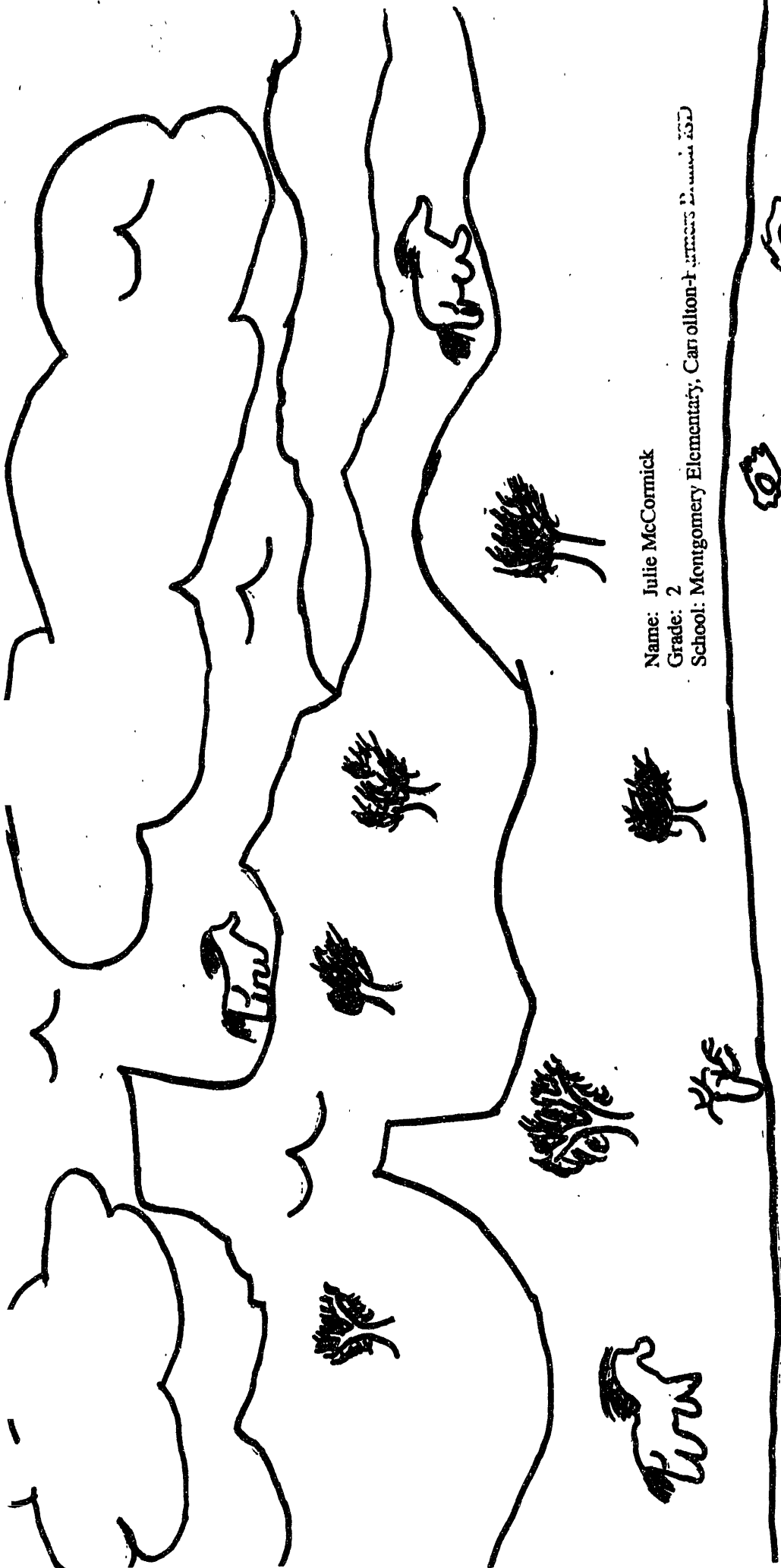
School: Montgomery Elementary, Carrollton-Farmers Branch ISD



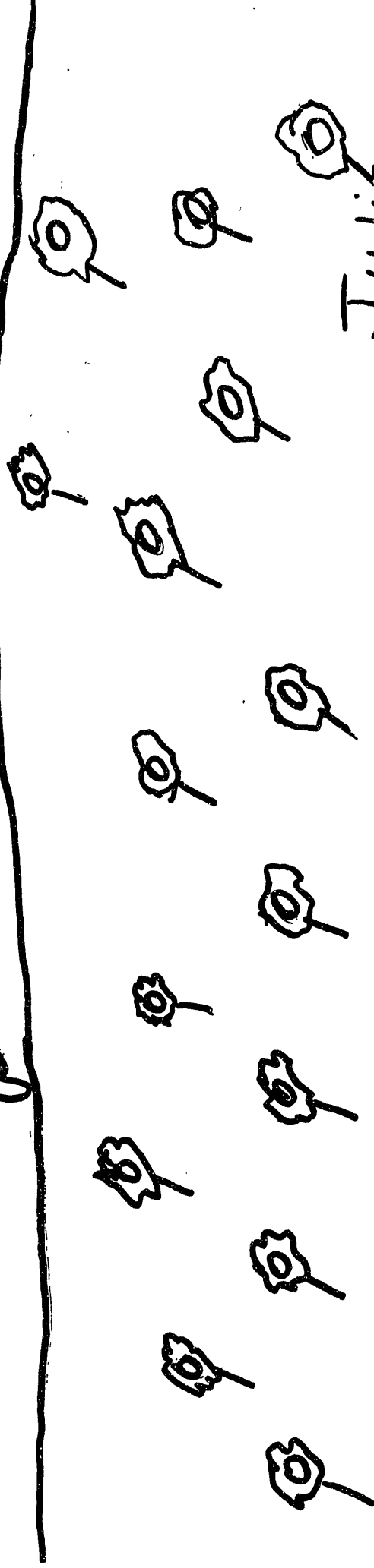


Name: Trent Turner
Grade: 2
School: Montgomery Elementary, Carroll n-Farmers Branch ISD

Trent Turner



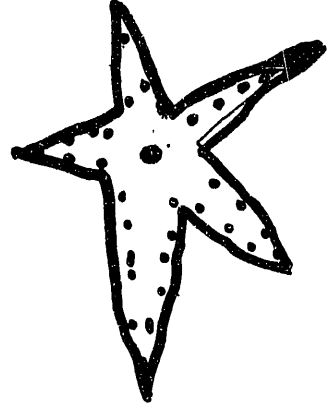
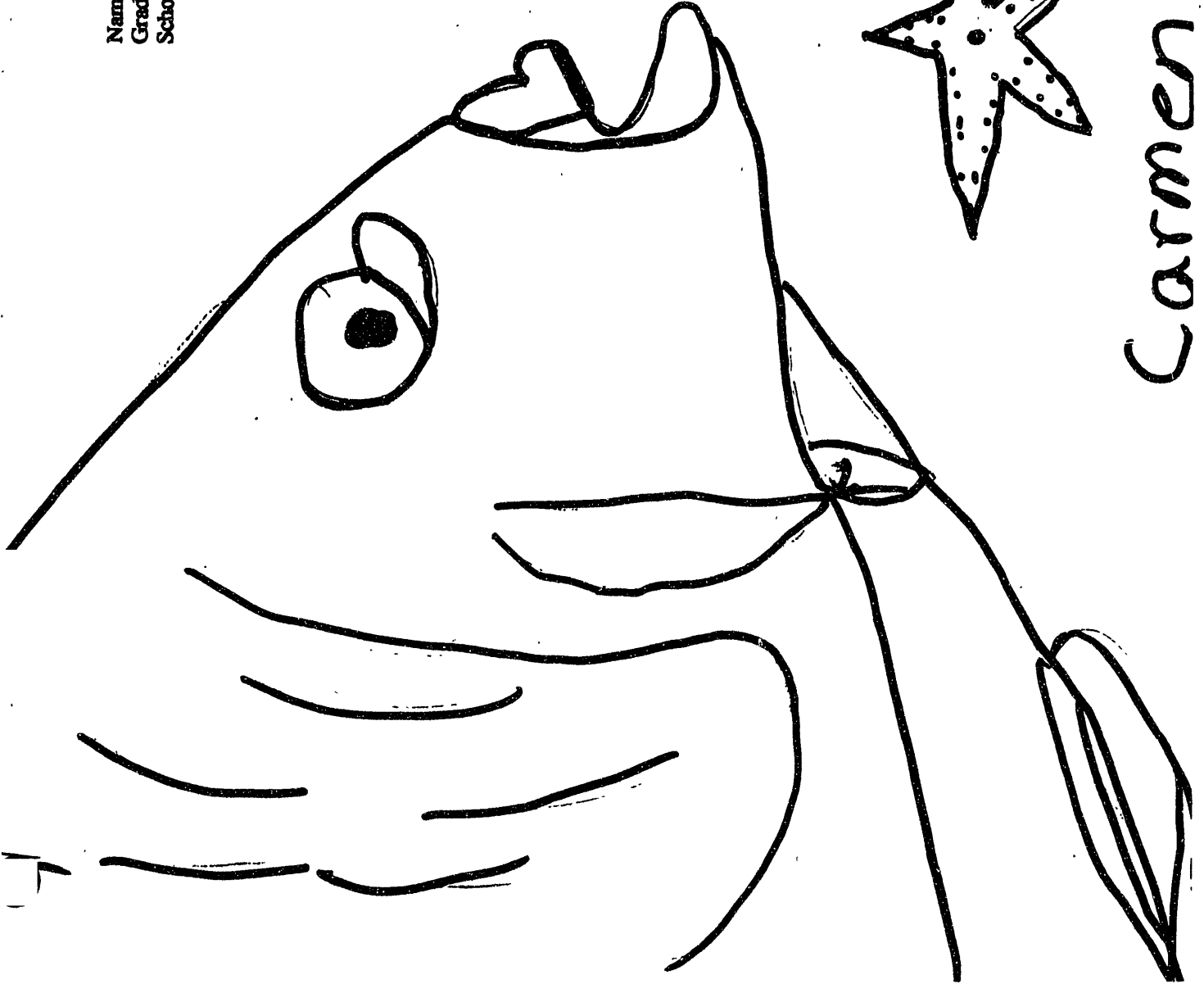
Name: Julie McCormick
Grade: 2
School: Montgomery Elementary, Carrollton-Farmers Branch ISD



Julie McCormick

Name: Carmen Wilson
Grade: 2

School: Montgomery Elementary, Carrollton-Farmers Branch ISD



Carmen

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.
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	

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 2.1% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

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