

# Texas Register

Volume 18, Number 52, July 6, 1993

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## Texas Register



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## How to Use the Texas Register

**Information Available:** The 10 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

**Governor** - Appointments, executive orders, and proclamations.

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

**Secretary of State** - opinions based on the election laws.

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

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

**Proposed Sections** - sections proposed for adoption.

**Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

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

**Open Meetings** - notices of open meetings.

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

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

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published.

For example, a document published on page 2402 of Volume 18 (1993) is cited as follows: 18 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "18 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 18 TexReg 3."

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

### Texas Administrative Code

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

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

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

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

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

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

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

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

**How to update:** To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 22, April 16, July 13, and October 12, 1993). In its second issue each month the *Texas Register* contains a cumulative *Table of TAC Titles Affected* for the preceding month. If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

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

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

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

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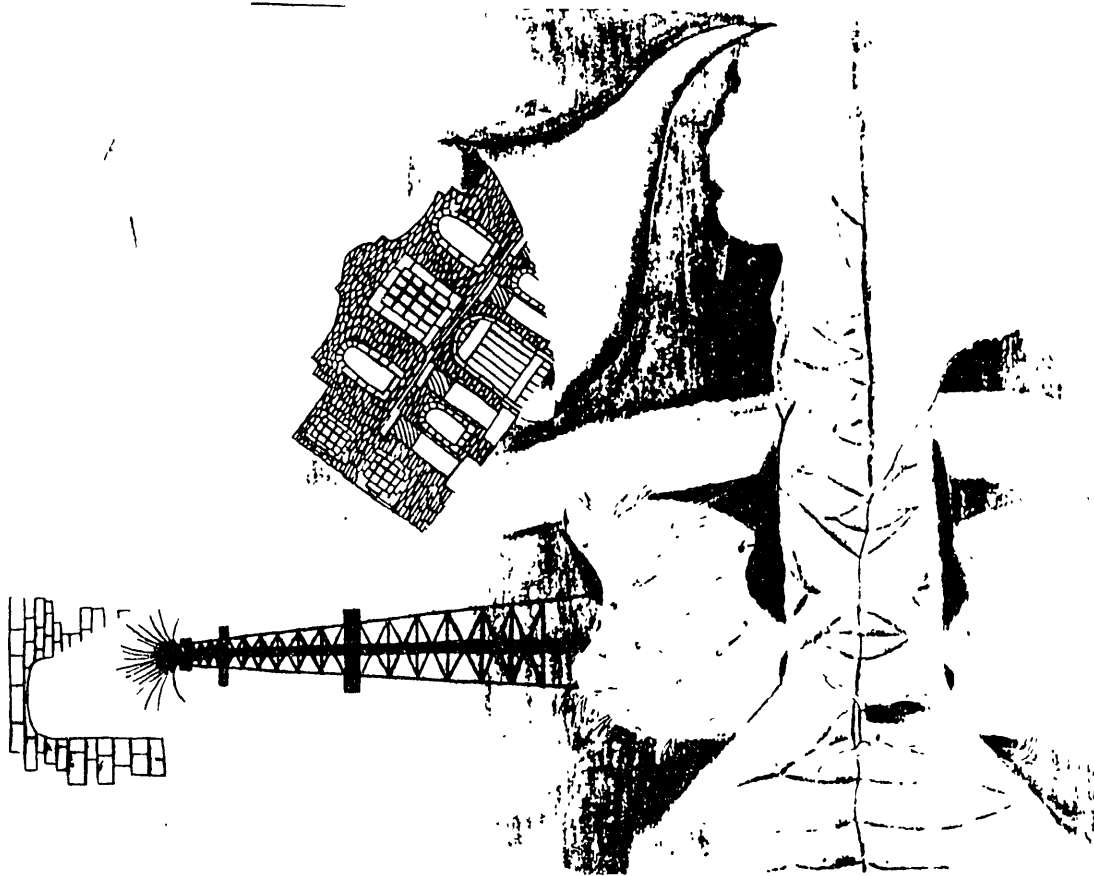
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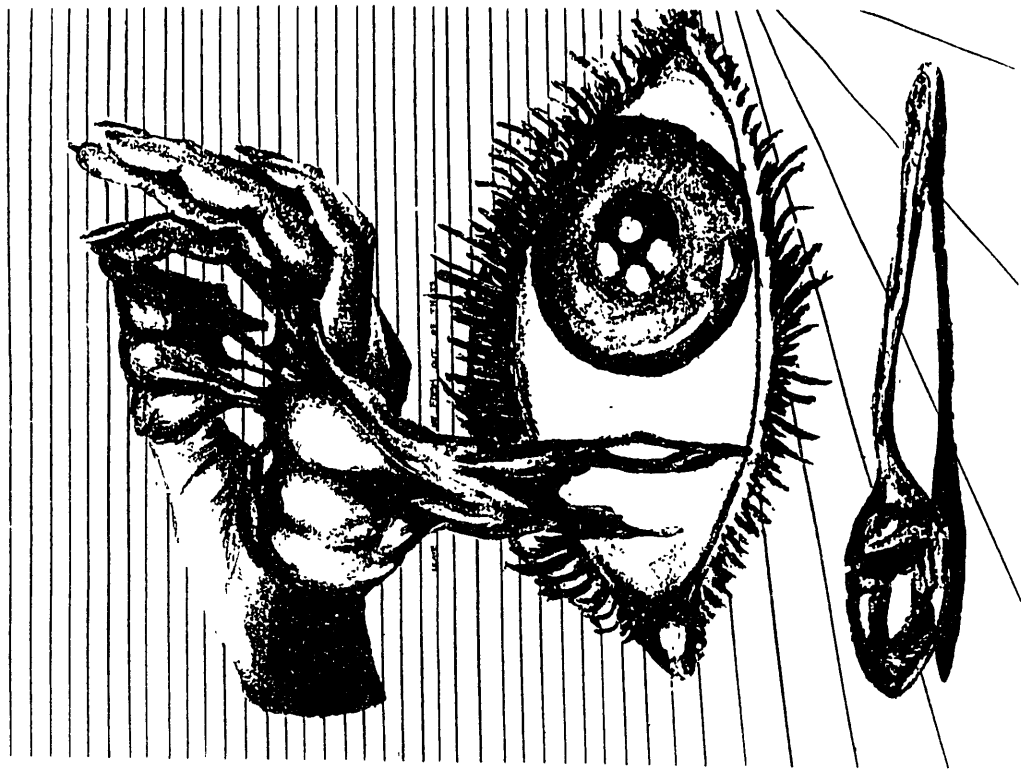
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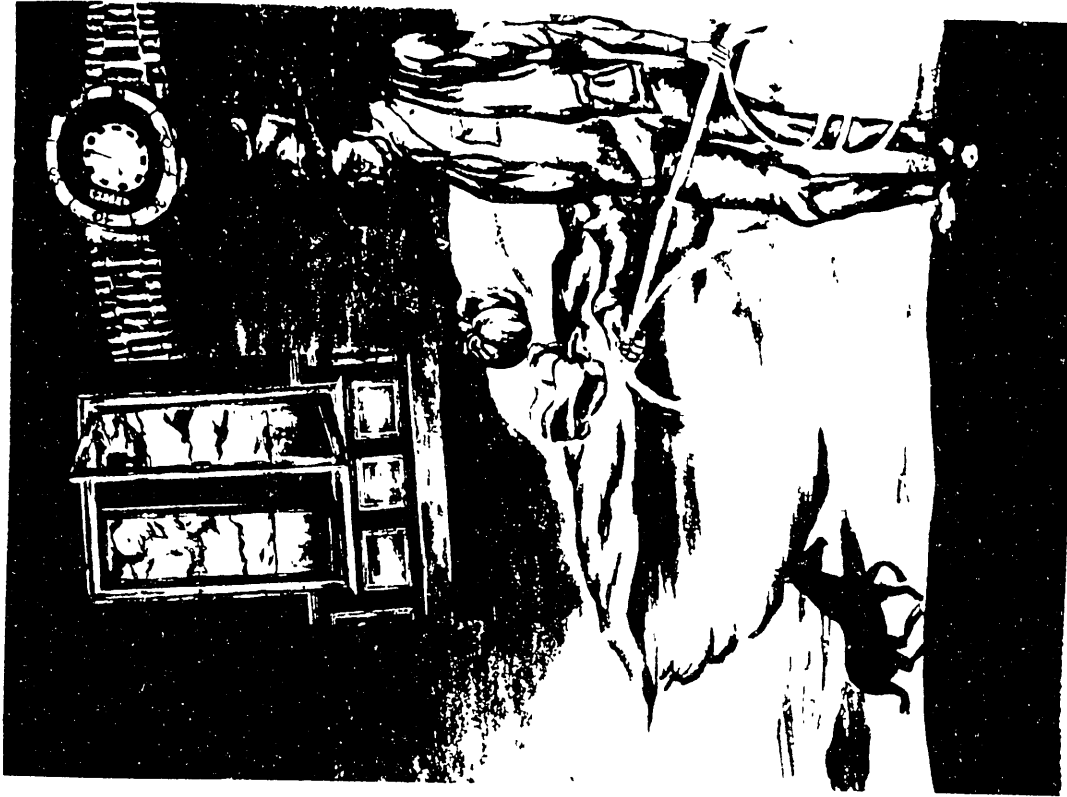
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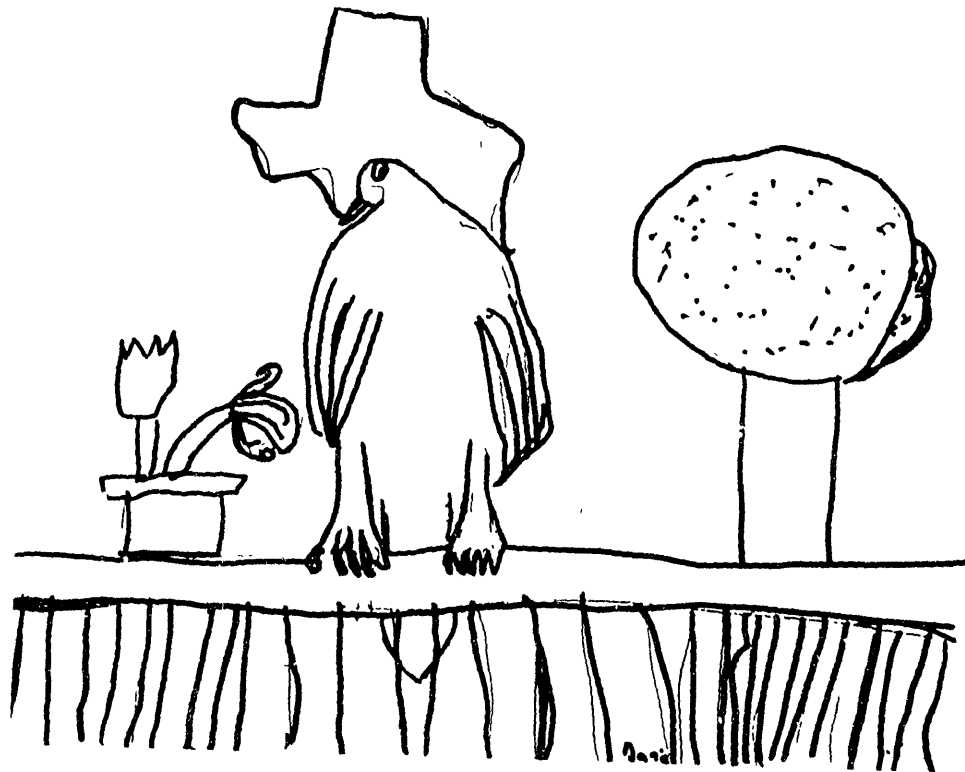
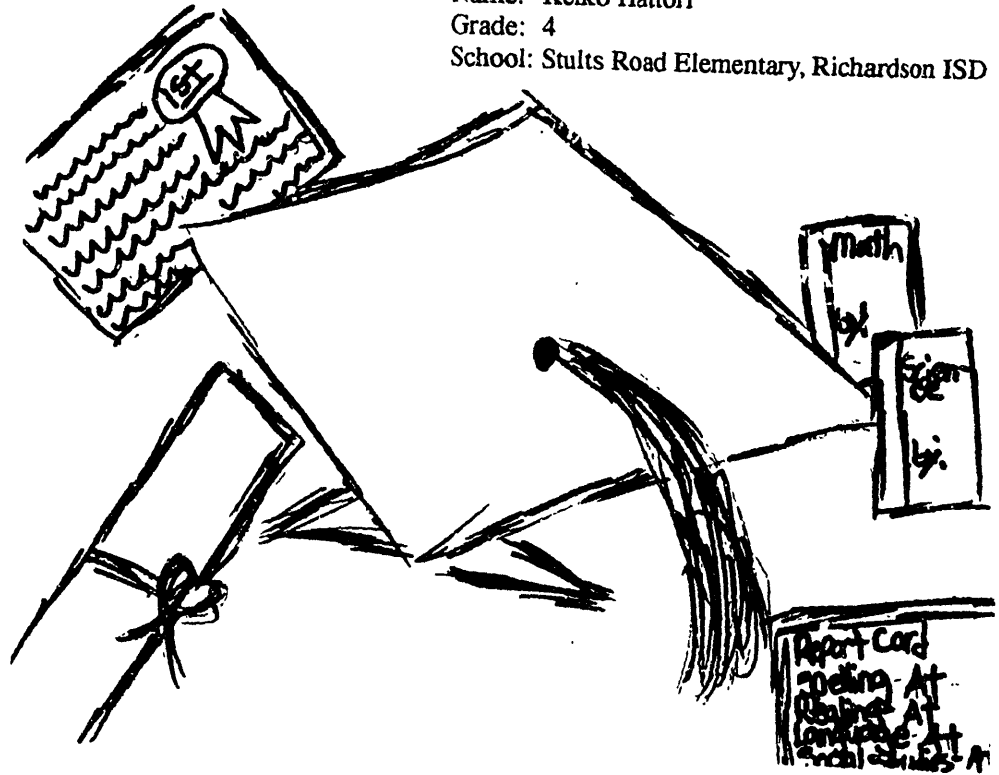


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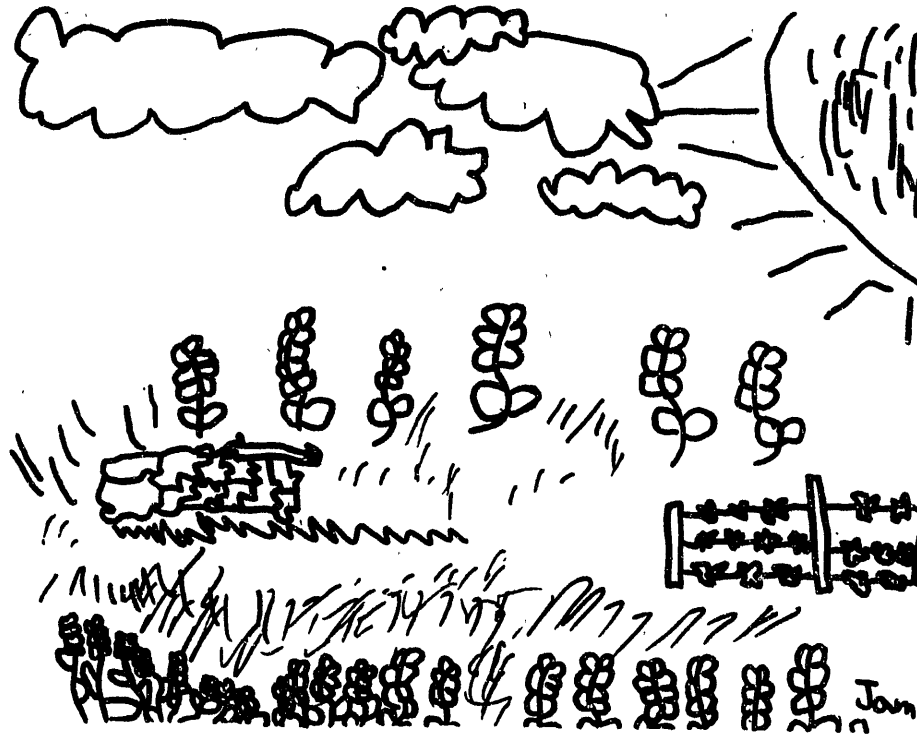
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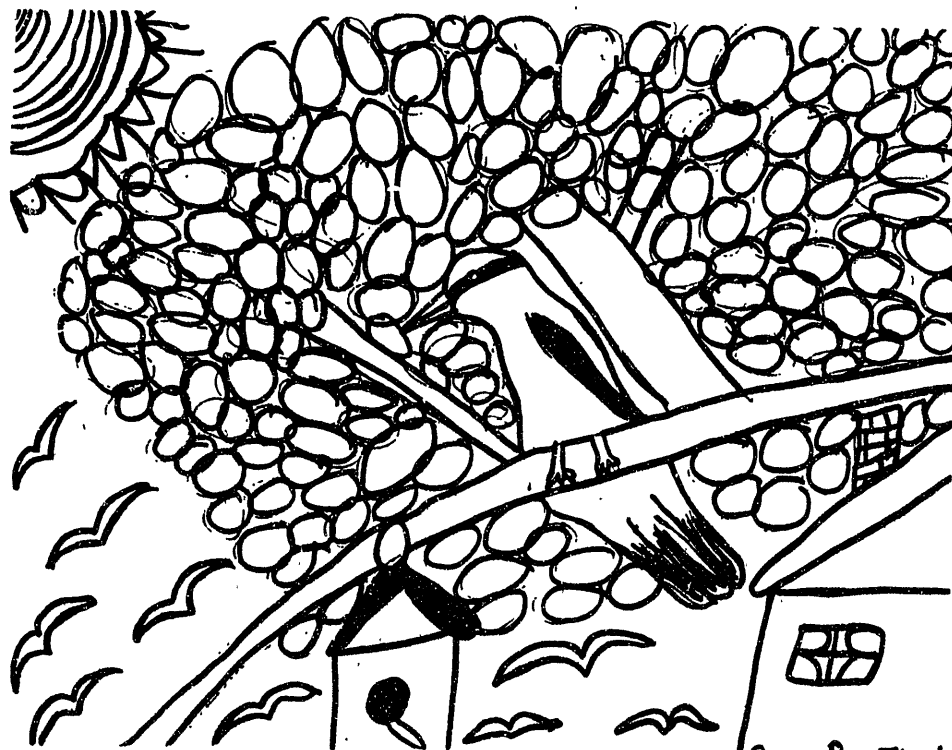




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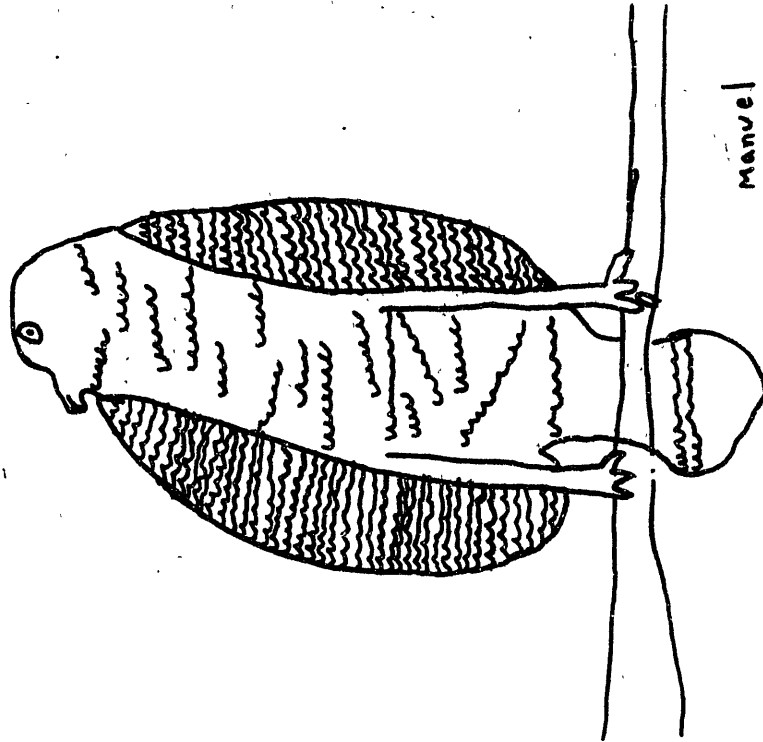


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# Texas Ethics Commission

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: Texas Civil Statutes, Article 6252-9b; the Government Code, Chapter 302; the Government Code, Chapter 305; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39.

Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

## Texas Ethics Commission Opinions

**AOR-182.** The Texas Ethics Commission has been asked to consider the method by which a political committee may incorporate for liability purposes only.

**AOR-183.** The Texas Ethics Commission has been asked what documents a candidate, officeholder, or political committee must file with the Ethics Commission to comply with the Election Code, §253.032.

The Texas Ethics Commission is authorized by Texas Civil Statutes, Article 6252-9d.1, §1.29, to issue advisory opinions in regard to the following statutes: (1) Texas Civil Statutes, Article 6252-9b; (2) Government Code, Chapter 302; (1) Government Code, Chapter 305; (3) Election Code, Title 15; (5) Penal Code, Chapter 36; and (6) Penal Code, Chapter 39.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Issued in Austin, Texas, on June 29, 1993.

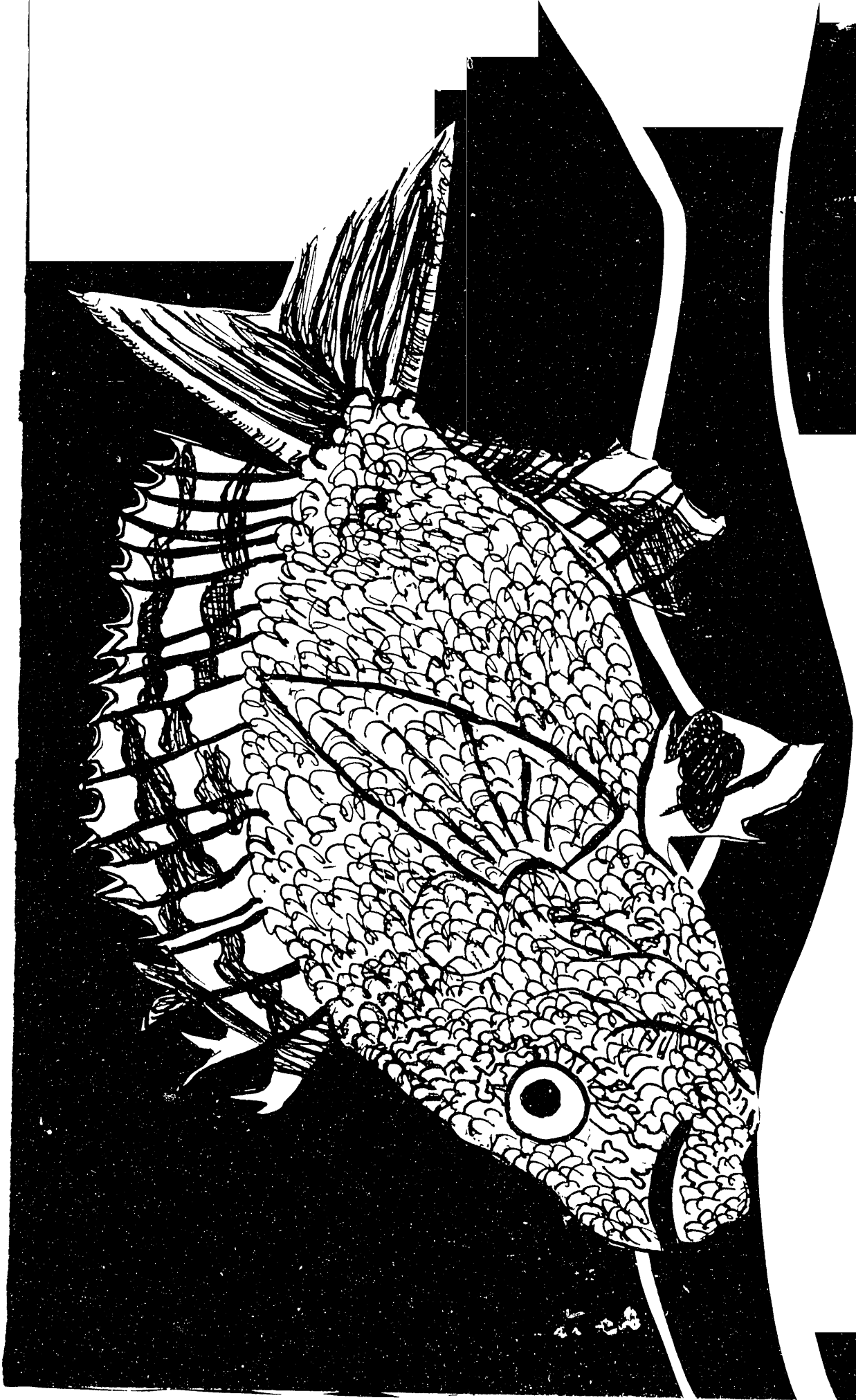
TRD-9325038

Sarah Woelk  
Director, Advisory Opinions  
Texas Ethics Commission

Filed: June 30, 1993

For further information, please call: (512)  
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21-08

# 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 113. Purchasing

#### Purchases of Information Resources Technology

##### • 1 TAC §113.18

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

The General Services Commission proposes the repeal of §113.18, concerning purchases of information resources technology. The repeal of §113.18 is to conform to Senate Bill 381, §1.28, 73rd Legislature, which repeals Texas Civil Statutes, Article 601b, §3.021, concerning purchases or leases of automated information and telecommunications items.

Charlie Bertero, purchasing manager, Purchasing Division, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Bertero also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be administrative rules that are consistent with applicable statutory provisions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Judith M. Porras, Director, 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 repeal is proposed under Texas Civil Statutes, Article 601b, Article 3, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of Article 3.

§113.18. *Purchases of Information Resources Technology.*

*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 June 29, 1993.*

TRD-9325011

Judith M. Porras  
Director, Legal Information  
and Human Resources  
Division  
General Services  
Commission

*Earliest possible date of adoption: August 6, 1993*

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

#### Purchase of Motor Vehicles

##### • 1 TAC §113.25

The General Services Commission proposes an amendment to §113.25, concerning purchase of motor vehicles. The amendment of this section is to conform to House Bill 2626, 73rd Legislature, §20, which amends Texas Civil Statutes, Article 601b, §3.29, to allow the purchase of larger vehicles if they are converted to use compressed natural gas or another alternative fuel.

Tommy L. Crowe, purchasing manager, Purchasing 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. Crowe 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 administrative rules that conform to new statutory provisions regarding vehicle size and the use of alternative fuels. 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 M. Porras, Director, 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, which provide the General Services Commission with the au-

thority to promulgate rules necessary to accomplish the purpose of the Article.

#### §113.25. *Purchase of Motor Vehicle.*

(a) A state agency may not purchase or lease a vehicle designed or used primarily for the transportation of persons, including a station wagon, that has a wheel base longer than 113 inches or that has more than 160 SAE net horsepower, except that the vehicle may have a wheel base of up to 116 inches or SAE net horsepower of up to 280 if the vehicle will be converted so that it is capable of using compressed natural gas or another alternative fuel that results in comparably lower emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulates. The wheel base and horsepower limitations prescribed by this subsection do [This provision does] not apply to the purchase or lease of a vehicle to be used primarily for criminal law enforcement or a bus, motorcycle, pickup, van, truck, three-wheel vehicle, tractor, or ambulance.

(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 June 29, 1993.*

TRD-9325010

Judith M. Porras  
Director, Legal Information  
and Human Resources  
Division  
General Services  
Commission

*Earliest possible date of adoption: August 6, 1993*

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

#### Competitive Cost Review

##### • 1 TAC §§113.91, 113.93, 113.95, 113.97, 113.99

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the General Services Commission or in the Texas*

Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The General Services Commission proposes the repeal of §§113.91, 113.93, 113.95, 113.97, and 113.99, concerning competitive cost review. The repeal of these sections is to conform to House Bill 2626, §68, 73rd Legislature, effective September 1, 1993, which repeals Texas Civil Statutes, Article 601b, Article 13, concerning the competitive cost review program.

Sal Valdez, director, Policy and Staff Services, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Mr. Valdez also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be administrative rules that are consistent with applicable statutes. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Judith M. Porras, Director, 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 repeals are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the Article.

§113.91. General.

§113.93. Definitions.

§113.95. State Agency Responsibilities.

§113.97. State Auditor Responsibilities.

§113.99. General Services Commission Responsibilities.

*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 June 29, 1993.

TRD-9325014

Judith M. Porras  
Director, Legal Information  
and Human Resources  
Division  
General Services  
Commission

Earliest possible date of adoption: August 6, 1993

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

## Chapter 117. Centralized Services Division

### Interagency Cooperation Contracts

#### • 1 TAC §§117.11-117.18

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

The General Services Commission proposes the repeal of §§117.11-117.18, concerning interagency cooperation contracts. The repeal of these sections is to conform to House Bill 2626, 73rd Legislature, §§19, 53-56, and 68, which eliminate former requirements for commission approval and audit of interagency contracts.

Judith M. Porras, director, Legal Information and Human Resources Division, has determined that for the first five-year period the repeals are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeals.

Ms. Porras also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be applicable administrative rules that are consistent with statutes. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Judith M. Porras, Director, 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 repeals are proposed under Texas Civil Statutes, Article 601b, which provide the General Services Commission with the authority to promulgate rules necessary to accomplish the purpose of the Article.

§117.11. General.

§117.12. Definition of Terms and Phrases.

§117.13. Guidelines to Determine Validity of Proposed Interagency Contract.

§117.14. Review and Approval.

§117.15. Basic Contract Requirements.

§117.16. Prohibited Contracts.

§117.17. Amending an Interagency Contract.

§117.18. Submission of Vouchers for Reimbursement.

*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 June 29, 1993.

TRD-9325012

Judith M. Porras  
Director, Legal Information  
and Human Resources  
Division  
General Services  
Commission

Earliest possible date of adoption: August 6, 1993

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

## Chapter 125. Travel and Transportation Division

### Reduction and/or Waiver of Required Fleet Percentages

#### • 1 TAC §125.65

The General Services Commission proposes an amendment to §125.65, concerning the Texas Alternative Fuels Program. The amendments reflect changes made by legislation affecting the commissions authority to issue waivers to school districts from the requirements of this program.

Michael N. Powers, director, Travel and Transportation 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. Powers 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 streamlined process for school districts to seek waivers from the requirements of this program in compliance with applicable statutes.

Comments on the proposal may be submitted to Judith M. Porras, General Counsel, General Services Commission, P.O. Box 13047, Austin, Texas 78711-3037. Written 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, Article 14, which provide the General Services Commission with the authority to promulgate rules necessary to implement that article.

§125.65. Reduction and/or Waiver of Required Fleet Percentages.

(a) Any state agency operating a fleet of more than 15 motor vehicles, excluding law enforcement and emergency vehicles, [and any school district operating more than 50 motor vehicles used for trans-

porting school children] shall have a fleet percentage of alternative fuel vehicles equal to or greater than 30% of the total number of such vehicles operated by September 1, 1994, and a percent equal to or greater than 50% by September 1, 1996. Contingent upon a determination by the Texas Air Control Board by December 31, 1996, that the alternative fuel program reduced total annual emissions from vehicles, state agencies [and school districts] shall have a fleet percentage equal to or greater than 90% of alternative fuel vehicles by September 1, 1998, and thereafter.

(b) An agency [or school district] desiring a waiver or reduction from subsection (a) of this section shall submit a certification that:

(1) the vehicles will be operating primarily in an area in which neither the agency [or school district] nor a supplier has or can reasonably be expected to establish a central refueling station for alternative fuels;

(2) the agency [or school district] is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using an alternative fuel at a projected cost that is reasonably expected to result in no greater net costs than the continued use of traditional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied; or

(3) the agency [or school district] is unable to acquire or be provided any alternative fuel vehicles or equipment necessary for such vehicles.

(c)-(f) (No change.)

(g) The travel and transportation division keeps these waivers for up to two years for use in waiving the purchasing restrictions for state agencies [and school districts] in §113.21 of this title (relating to Purchases of Motor Vehicles).

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 June 29, 1993.

TRD-9325013

Judith M. Porras  
Director, Legal Information  
and Human Resources  
Division  
General Services  
Commission

Earliest possible date of adoption:  
August 6, 1993

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

## TITLE 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 5. Quarantines

#### Pink Bollworm Quarantine

##### • 4 TAC §§5.172, 5.175-5.179

The Texas Department of Agriculture proposes amendments to §§5.172, 5.175-5.179, concerning Pink Bollworm Quarantine. The amendments add the definition of "destruction", clarify the sections and the destruction methodology to be utilized by farmers, and establish rules for deadline extension requests. In addition, the amendments to §5.178 and §5.179 reestablish zones to delete those areas already covered for boll weevil control in Chapter 6 of this title (relating to Boll Weevil Control).

David Davis, director, plant quality program, has determined that for the first five-year period the rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rules.

Mr. Davis, 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 a reduced need for chemical treatment to control pink bollworm. 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 Darrell Williams, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

The amendments are proposed under Texas Agriculture Code, §74.054 which provides the Texas Department of Agriculture with the authority to adopt rules necessary for the control and eradication of the pink bollworm.

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

**Inspector**—An authorized inspector or other employee of the Texas State Department of Agriculture, or an inspector of the United States Department of Agriculture.

**Mechanical destruction**—Plowing, shredding, disking, or any other cultivation practice prescribed by the department that destroys the cotton plants, and prevents regrowth of stalks, fruit, bolls, squares, blooms, foliage, terminals, and root system.

**Moved (movement and move [moved])**—Shipped, offered for shipment to a common carrier, received for transportation or transported, moved, or allowed to be moved by any person within or from any quarantined area. (Movement and move shall be construed accordingly.)

**Quarantined area**—Any portion of the State of Texas which has been placed under quarantine on account of the pink bollworm of cotton by [proclamation of] the Commissioner of Agriculture of Texas.

**Quarantined articles**—Products and articles that may move under the restrictions in this quarantine as further defined in §5.174 of this title (relating to Quarantined Articles).

**Treatment (treated)**—A treatment applied under the observation of an inspector in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

#### §5.175. Movement of Quarantined Articles.

(a) Within quarantined areas. There are no restrictions to movement of quarantined articles within quarantined areas under normal conditions. The only restriction to movement within the quarantined area is [are] where an inspector [the commissioner of agriculture or one of his inspectors] decides that the movement may result in expansion of the quarantined area or in increased infestation, in [In] which case a [movement] permit may be required.

(b) Within free areas. There are no restrictions to movement of quarantined articles within free areas under normal conditions. However, if an inspector [the commissioner of agriculture or one of his inspectors] determines that such movement may result in expansion of the quarantined area or in increased infestation, a permit may be required.

(c) From a quarantined area to a free area. A permit is required except where an inspector [the commissioner of agriculture or one of his inspectors] determines that there will be little or no danger of increased infestation or expansion of the quarantined area by such movement, in which case [Under this exception] a permit [requirement] may be waived.

(d) From a free area into or through a quarantined area. No permit is required except where an inspector [the commissioner of agriculture or one of his inspectors] determines that the movement may cause an increase in infestation or expansion of a quarantined area. A permit may then be required.

#### §5.176. Permits.

(a) Issuing authority. Permits [Movement permits] are issued by inspectors of the Texas Department of Agriculture or by inspectors of the United States Department of Agriculture [the commissioner of agriculture or one of his inspectors].

(b) Attachments. When permits are required, they shall be securely fastened to the outside of the container in which the quarantined articles are being moved, except where the permit is attached to the shipping documents and the quarantined articles are adequately described on the shipping documents or on the permit. The attachment of the permit to each of the containers is not required.

(c) Conditions of issuance. Permits may be issued by an inspector if the quarantined articles:

(1) (No change.)

(2) are being moved for particular handling, utilization, processing, or for treatment in accordance with approved procedures, provided that the inspector has determined that such movement will not result in the spread of the pink bollworm [the above identified pests].

(d) Exemptions. An inspector may exempt any quarantined article from any condition governing movement of quarantined articles if he determines that such movement will not result in the spread of the pink bollworm [the above described pest].

(e) Cancellation. Any permits issued under these regulations may be withdrawn or canceled and further permits refused, whenever, in the judgment of an inspector [the commissioner of agriculture], the further use of such permits might result in the dissemination of the pink bollworm.

#### §5.177. *Inspection and Disposal.*

(a) Individuals authorized to inspect and dispose. Any properly identified inspector is authorized to stop and inspect, without a warrant, any person or means of conveyance moving within or from the State of Texas upon probable cause to believe that such is a means of conveyance of quarantined articles infested with the pink bollworm [above named pest]; and such inspector is authorized to seize, treat, or cause to be treated, destroy, or otherwise dispose of articles found to be moving in violation of these regulations.

(b) Articles subject to inspection and destruction. All quarantined articles imported into the State of Texas or transported [from county] within the state in violation of these regulations [rules] are subject to destruction or return to the point of origin at the discretion of an inspector [the commissioner of agriculture or his duly authorized agent].

#### §5.178. *[Pink Bollworm] Quarantine Zones.*

[(a) Zone 1. Includes the following listed whole and partial counties:

[(1) Whole counties. Cameron and Willacy.

[(2) Partial counties.

[(A) Hidalgo. The part of Hidalgo County subject hereto is that portion lying south and east of the boundary line described and located as: "Beginning at the intersection of the west line of Hidalgo County with the east boundary line of Starr County, Texas, at a point of the south boundary line of the Los Maguelles Grant in Hidalgo County, Texas; thence east along the south line of the Los Maguelles and Los Guagues Grants and continuing along the south line of League Number 1 of the Hidalgo County School lands to the southeast corner of said League Number 1 and the intersection of County Road; thence south along said County Road running through Section 212 of said county to a curve in the said County Road; thence following said curve turning east and following along said county Road through Sections 212 and 211 and through Jackson Subdivision of lands in the San Salvador Del Tule Grant in Hidalgo County, Texas, and following along said County road through the Old Monte Christo Townsite to the intersection of said County Road with the Railroad right-of-way running north and south; thence north along said Railroad right-of-way to a point where said Railroad right-of-way turns to the east; thence east along said Railroad right-of-way running through the said Jackson Subdivision, the Rio Grande Development Company Subdivision and Tract Number 160 of the Brazil Pasture, all in the San Salvador Del Tule Grant in said county; thence continuing along the said Railroad right-of-way running east through Lots 35 and 36 of the Baker Subdivision of said San Salvador Del Tule Grant to a point in the east line of Faysville Townsite; thence northeasterly following along said Railroad right-of-way through Lots 37, 38, 30, 29 of the said Baker Subdivision and continuing along said Railroad right-of-way running northeasterly through Tracts Number 154, 136, and 155 in the said San Salvador Del Tule Grant at a point on the northeast corner of said Tract Number 155 and the intersection of the west line of the Las Mestenas Grant in Hidalgo County, Texas; thence north along the west line of the Las Mestenas Grant and the east line of the San Salvador Del Tule Grant to a point on the intersection of State Highway running easterly from San Manuel in Hidalgo County, Texas, to Raymondville in Willacy County, Texas, and being a point also on the southwest corner of west 1/2 of Share Number 3 in the said Las Mestenas Grant; thence east along said State Highway and the south boundary line of said west 1/2 of Share Number 3 Las Mestenas Grant to the intersection of the east boundary line of Hidalgo County, Texas, and the west boundary line of

Willacy County, Texas, all according to the official map and plat of Hidalgo County, Texas, reference to which said map is here made for a more particular description of said proposed boundary line as above described."

[(B) Starr County. The part of Starr County subject hereto is that portion of Starr County lying south of U.S. Highway 83 (main highway from Mission to Laredo, Texas).

[(b) Zone 2. Includes the following listed whole and partial counties:

[(1) Whole counties. Aransas, Brooks, Duval, Jim Hogg, Jim Wells, Kennedy, Kleberg, Nueces, San Patricio, Webb, and Zapata.

[(2) Partial counties.

[(A) Hidalgo County. Subject hereto is that portion lying north and west of the boundary line described and located as: "Beginning at the intersection of the west line of Hidalgo County with the east boundary line of Starr County, Texas, at a point on the south boundary of the Los Maguelles Grant in Hidalgo County; thence east along the south line of the Los Maguelles and Los Guagues Grants and continuing along the south line of League Number 1 of the Hidalgo County lands to the southeast corner of said League Number 1; thence east along the south line of the Los Maguelles and Los Guagues Grants and continuing along the south line of League Number 1 of the Hidalgo County lands to the southeast corner of said League Number 1 and the intersection of County Road thence south along said County Road running through Section 212 of said county to a curve in the said County Road; thence following said curve turning east and following along said County Road through Sections 212 and 211 and through the Jackson Subdivision of lands in the San Salvador Del Tule Grant in Hidalgo County, Texas, and following along said County Road through the Old Monte Christo Townsite to the intersection of said County Road with the Railroad right-of-way running north and south thence north along said Railroad right-of-way to a point where said Railroad right-of-way turns to the east; thence east along said Railroad right-of-way running through the said Jackson Subdivision, the Rio Grande Development Company Subdivision and Tract Number 160 of the Brazil Pasture, all in the San Salvador Del Tule Grant in said County, thence continuing along the said Railroad right-of-way running east through Lots 35 and 36 of the Baker Subdivision of said San Salvador Del Tule Grant to a point in the east line of Faysville Townsite; thence northeasterly following along said Railroad right-of-way



through Lots 37, 38, 31, 30, 29 of the said Baker Subdivision and continuing along said Railroad right-of-way running north-easterly through Tracts 154, 136, and 155 in the said San Salvador Del Tule Grant to a point on the northeast corner of said Tract Number 155 and the intersection of State Highway running easterly from San Manuel in Hidalgo County, Texas, to Raymondville in Willacy County, Texas, and being a point also on the southwest corner of west 1/2 of Share Number 3 in the said Las Mestenas Grant; thence east along said State Highway and the south boundary line of said west 1/2 of Share Number 3 Las Mestenas Grant to the intersection of the east boundary line of Hidalgo County, Texas, and the west boundary line of Willacy County, Texas, all according to the official map and plat of Hidalgo County, Texas, reference to which said map is here made for a more particular description of the said proposed boundary line as above described." Starr County--the part of Starr County subject hereto is that portion of Starr County lying North of U.S. Highway 83 (main highway from Mission to Laredo, Texas).

(B) Bee County. That part of Bee County subject hereto is that portion of Bee County lying South and East of U.S. Highway 59.]

(a)[(c)] Zone 1 [3]. Includes the following listed whole [and partial] counties:

(1) Whole counties. Atascosa, Bexar, [Calhoun,] DeWitt, [Dimmitt,] Frio, Goliad, [Jackson,] Karnes, Kinney, [La-Salle,] Live Oak, Maverick, [McMullen,] Medina, [Refugio,] Uvalde, Val Verde, [Victoria,] Wilson, and Zavala.

(2) Partial counties. Bee County: That part of Bee County subject hereto is that portion lying North and West of U. S. Highway 59.]

(b) [(d)] Zone 2 [4]. Includes the following listed whole counties: [Austin, Brazoria,] Chambers, Colorado, Fayette, [Fort Bend,] Galveston, Gonzales, Harris, Jefferson, Lavaca, Liberty, [Matagorda,] Orange, Waller, and Washington [, and Wharton].

(c)[(e)] Zone 3 [5]. Includes the following listed whole counties: Bastrop, Caldwell, Comal, Guadalupe, Hays, Lee, Travis, and Williamson.

(d) [(f)] Zone 4 [6]. Includes the following listed whole counties: Anderson, Angelina, Bell, Bosque, Brazos, Burleson, Burnet, Coryell, Cherokee, Ellis, Falls, Freestone, Grimes, Hamilton, Hardin, Henderson, Hill, Hood, Houston, Jasper, Johnson, Lampasas, Leon, Limestone, McLennan, Madison, Milam, Montgomery, Nacogdoches, Navarro, Newton, Panola,

Polk, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Somervell, Trinity, Tyler, and Walker.

(e)[(g)] Zone 5 [7]. Includes the following listed whole counties: Pecos, Ward, and Reeves.

[(h)] Zone 8. Includes the following listed whole and partial counties:

[(1)] Includes the following listed whole county: El Paso County.

[(2)] Hudspeth County. That portion of Hudspeth County bounded by Interstate Highway 10 on the north, El Paso County line on the west, the Rio Grande River on the south, and a line from old Fort Whitman, north along Highway 34 to Interstate 10 on the east.]

#### §5.179. Authorized Planting and Stalk Destruction Dates.

(a) All cotton plants in any of the quarantine zones set forth in §5. 178 must be planted and mechanically destroyed by the authorized planting and stalk [plant] destruction deadlines [deadline] indicated below for each zone. This must [In zones (1)-(7), this may] be accomplished by shredding or plowing out the plants in such a way as to absolutely prevent further growth and to the point where there are no standing [live] cotton stalks or regrowth [containing, squares, blooms, or bolls present on plants during that time period]. [See paragraph (8) of this section for zone (8).]

[(1)] Zone 1.

[(A)] Planting dates. February 1 through midnight March 31.

[(B)] Stalk destruction date. By midnight August 31.]

[(2)] Zone 2.

[(A)] Planting dates. February 15 through midnight April 20.

[(B)] Stalk destruction date. By midnight September 28.

(1)[(3)] Zone 1 [3].

(A) Planting dates:[.] March 5 through [midnight] May 10.

(B) Stalk destruction date:[.] by [By midnight] October 10.

(2)[(4)] Zone 2 [4].

(A) Planting dates: [date.] March 10 through [midnight] May 20.

(B) Stalk destruction date:[.] by [By midnight] October 20.

(3)[(5)] Zone 3 [5].

(A) Planting dates: [date.] March 10 through [midnight] May 20.

(B) Stalk destruction date:[.] by [By midnight] October 31.

(4)[(6)] Zone 4 [6].

(A) Planting dates: [Planting date.] March 20 through [midnight] May 31.

(B) Stalk destruction date:[.] by [By midnight] November 30.

(5)[(7)] Zone 5 [7]. Stalk destruction date: [-] by [midnight] February 1.

[(8)] Zone 8.

[(A)] complete shredding of stalks and turning under all debris by plowing to a depth of six inches by midnight, February 1, or

[(B)] shredding stalks and disced and cross-disced to a depth of four inches by February 1 and irrigating prior to March 1.

[(C)] The Texas Department of Agriculture may grant permission to extend the deadlines in subparagraphs (A) and (B) of this paragraph under the following conditions:

[(i)] the grower applies for such extension before February 1 of each year; and

[(ii)] the grower grazes the land, completing such grazing by March 1 of each year.

(b)[(9)] Granting extensions of dates. The commissioner may, on written request by a farm owner or operator, grant an extension of the planting or stalk destruction dates. [The commissioner of agriculture or his authorized inspectors have the authority to grant extensions to either the planting or stalk destruction deadlines if it is deemed warranted or necessary.

(1) A written request must include the ASCS Farm/Tract Number, the reason for the request, the amount of acreage subject to the request, and the amount of time needed to complete planting or destruction. If an extension is requested on more than one farm, the farm operator or farm owner must submit a separate request for each farm or tract.

(2) All requests for extensions must be postmarked prior to the last planting date or stalk destruction date, whichever is applicable.

(c)[(10)] Responsibility for compliance. The owner of the land in question and the tenant, if any, leasing such land [for which a permit] to grow cotton [has been granted,] shall be jointly and/or severally responsible for conducting cotton production within the limitation of these regulations and any infraction of the law as incorporated in these regulations as a part of the pink bollworm law shall apply against both the owner, or his duly authorized agent, and tenant involved.

[(b) These regulations shall be effective on and after December 16, 1975, and shall supersede any previous rule, regulation, proclamation, or quarantine of the Pink Bollworm.]

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 June 29, 1993.

TRD-9325044 Dolores Alvarado Hibbs  
Chief Administrative Law  
Judge  
Texas Department of  
Agriculture

Earliest possible date of adoption: July 8, 1993

For further information, please call: (512) 463-7583

◆ ◆ ◆  
**TITLE 16. ECONOMIC  
REGULATION**

**Part IV. Texas Department  
of Licensing and  
Regulation**

**Chapter 68. Elimination of  
Architectural Barriers**

• 16 TAC §68.100

The Texas Department of Licensing and Regulation proposes new §68.100, concerning accessibility standards for the elimination of architectural barriers encountered by persons with disabilities in buildings and facilities subject to the Architectural Barriers Act, Texas Civil Statutes, Article 9102. The section is being proposed to allow for the adoption of new accessibility standards intended to be consistent with those adopted under federal law in accordance with the Act, §5(c). The format of the proposed standards differs from the Administrative Code format and does not appear in this notification. This deviation was necessary to maintain the numbering sequence of the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the capability to distinguish between the ADAAG and language added by the department using italics. Copies of the

proposed Texas Accessibility Standards (TAS) are available from the Office of the Secretary of State, Texas Register Division, P.O. Box 13824, Austin, Texas 78711-3824, 1019 Brazos Street, Room 245, Austin, Texas 78701, (512) 463-5561, TTD (800) 735-2989, FAX (512) 463-5569. The cost is \$10 per copy, check, Visa, and MasterCard are accepted.

James D. Brush, director, policies and standards 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. Brush 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 accessibility for persons with disabilities and increased compliance with state and federal laws. There will be no effect on small businesses who construct or substantially renovate, modify, or alter their facilities. There is anticipated economic costs to persons who are required to comply with the rule as proposed; however, cost are not expected to exceed 1 1/2% of the total construction cost. Cost may be slightly higher in revocations or multi-level facilities.

Written comments on the proposal may be submitted to Rick Baudoin, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. Comments should be received not later than August 20, 1993.

The new section is proposed under Texas Civil Statutes, Article 9102, which provide the Texas Department of Licensing and Regulation with the authority to adopt standards that are consistent with federal law.

*§68.100. Technical Standards.* The Texas Department of Licensing and Regulation adopts by reference the Texas Accessibility Standards (TAS), July 6, 1993, edition. Copies may be obtained from the Office of the Secretary of State, Texas Register Division, P.O. Box 13824, Austin, Texas 78711-3824, 1019 Brazos Street, Room 245, Austin, Texas 78701, (512) 463-5561, TTD (800) 735-2989, FAX (512) 463-5569. The cost is \$10 per copy and check, Visa, and MasterCard are accepted.

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 June 29, 1993.

TRD-9324980 Jack W. Garison  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: August 6, 1993

For further information, please call: (512) 463-3127

• 16 TAC §68.112

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

The Texas Department of Licensing and Regulation proposes the repeal of §68.112, concerning standards for the elimination of architectural barriers encountered by persons with disabilities in buildings and facilities subject to the Architectural Barriers Act, Texas Civil Statutes, Article 9102. The section is being repealed to allow for the adoption of new accessibility standards intended to be consistent with those adopted under federal law in accordance with the Act §5(c).

James D. Brush, director, policies and standards division, has determined that for the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the repeal.

Mr. Brush also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be improved accessibility for persons with disabilities and increased compliance with state and federal law. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Rick Baudoin, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711.

The repeal is proposed under Texas Civil Statutes, Article 9102, which provide the Texas Department of Licensing and Regulation with the authority to adopt standards that are consistent with federal law.

*§68.112. Standards and Specifications.*

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 June 29, 1993.

TRD-9324979 Jack W. Garison  
Executive Director  
Texas Department of  
Licensing and  
Regulation

Earliest possible date of adoption: August 6, 1993

For further information, please call: (512) 463-3127

## TITLE 22. EXAMINING BOARDS

### Part IX. Texas State Board of Medical Examiners

#### Chapter 193. Standing Delegation Orders

##### • 22 TAC §193.9

The Texas State Board of Medical Examiners proposes new §193.9, concerning Electromyographic (EMG) and Nurse Conduction Velocity (NCV) testing. The Board, having determined that EMG and NCV testing constitute the practice of medicine, is proposing rules to maximize the safety in the utilization of these procedures.

Tim Weitz, senior attorney, has determined that for the first five-year period the rule are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the rule.

Pat Wood, secretary to the executive director, 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 will be to maximize the safety in EMG and NCV testing by defining what tasks can and cannot be delegated to nonphysicians. 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 Pat Wood, P.O. Box 149134, Austin, Texas 78714-9134. A public hearing will be held at a later date.

The new section is proposed under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

##### §193.9. *Electromyography and Nerve Conduction Velocity Testing.*

(a) Electromyography (EMG) and Nerve Conduction Velocity (NCV) testing involve the exercise of medical judgment in a diagnostic process which constitutes the practice of medicine under the Medical Practice Act, Texas Civil Statutes, Article 4495b. To maximize safety in the utilization of these procedures, delegation of tasks involved in EMG and NCV procedures to non-physicians is limited as follows.

(1) In needle EMG, the insertion of needles shall be performed only by a licensed physician and shall not be delegated.

(2) The interpretation of EMG and NCV test results and any diagnosis

based on such results shall be made only by licensed physicians and shall not be delegated.

(3) The performance of the following EMG related tasks may be delegated by a licensed physician to an individual qualified to perform such task by training, experience, or licensure so long as the delegee acts under the supervision and direction of the delegating physician which is sufficiently appropriate for the delegee's qualifications:

(A) explaining the testing process and procedures to the patient;

(B) obtaining and recording basic patient information, characteristics, and histories;

(C) preparation of the patient for the examination, but specifically not including the insertion of needles;

(D) recording of data in writing or in another form as directed by the delegating physician, so long as any written descriptions of needle electrode recordings are recorded as dictated by the delegating physician;

(E) care and maintenance of equipment, including, but not limited to, sterilization, calibration, and set up of equipment.

(4) The performance of NCV testing may be delegated by a licensed physician to an individual qualified to perform such tests by training, experience, or licensure so long as the delegee acts under the direct supervision of the delegating physician.

(b) A licensed physician who violates subsection (a)(1) or (2) of this section shall be subject to discipline under the Medical Practice Act, §3.08(15), Texas Civil Statutes, Article 4495b, for aiding or abetting, directly or indirectly, the practice of medicine by any person, partnership, association, or corporation not duly licensed to practice medicine by the board.

(c) A physician who delegates EMG or NCV procedures in violation of subsections (a)(3) and (4) of this section shall be subject to discipline under the Medical Practice Act, §3.08(4)(H) and §3.08(4)(I) Texas Civil Statutes, Article 4495b, for failing to supervise adequately the activities of those acting under the supervision of the physician or for delegating professional medical responsibility or acts to a person the physician knew or should have known was not qualified by training, experience, or licensure to perform the responsibility or acts.

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 June 28, 1993.

TRD-9324965

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Earliest possible date of adoption: August 7, 1993

For further information, please call: (512) 834-4502

### Part XII. Board of Vocational Nurse Examiners

#### Chapter 231. Administration

##### General Practice and Procedure

##### • 22 TAC §§231.12, 231.16, 231.22, 231.27, 231.32, 231.34, 231.36, 231.40, 231.41, 231.43, 231.46, 231.48, 231.49

The Board of Vocational Nurse Examiners proposed amendments to §§231.12, 231.16, 231.22, 231.27, 231.32, 231.34, 231.36, 231.40, 231.41, 231.43, 231.46, 231.48, and 231.49 concerning General Practice and Procedure. The amendment of these rules is to comply with the revised statute which governs vocational nurses. This revised statute will be effective September 1, 1993.

Marjorie A. Bronk, executive director, has determined that for the first five year period the rules are in effect there will be no fiscal implication for local government as a result of enforcing or administering the rules. The fiscal impact on state government will be the expenses for three additional board members. This cost is estimated at \$10,500 per year.

Ms. Bronk 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 the addition of three public members to the board. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposed amendments may be submitted to Marjorie A. Bronk, R.N., M.S.H.P., Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to carry in effect the purposes of the law.

§231.12. *Organization of the Board.* The board is composed of 15 [12] duly appointed members, seven licensed vocational nurses, one registered nurse, one physician, one hospital administrator, and five [two] Public members appointed for a term of six years.

§231.16. *Officers of the Board.* The officers of the Board shall consist of a president, vice-president, and secretary-treasurer. The Governor shall designate from the members of the board the president of the board. The person designated as president serves in that capacity at the will of the Governor. The vice president and secretary-treasurer shall be elected by members of the board at the yearly annual meeting [Officers shall be elected at the annual meeting to serve for a term of one year].

§231.22. *Vacancies in the Board.* A vacancy occurring in the office of the president shall be temporarily filled by the vice-president. [for the unexpired term]. A vacancy occurring in the office of the vice-president or secretary-treasurer shall be filled by appointment by the president of the board for the unexpired term.

§231.26. *Board Meetings (Special).* Special meetings may be called by the President or upon request of five [six] members of the board.

§231.27. *Quorum of the Board.* Eight [six] members of the board shall constitute a quorum for the transaction of business. Should a quorum not be present on the day appointed for any meeting, those persons present may adjourn from day to day until a quorum shall be present, providing that such period shall not be longer than three successive days as specified in the Act, §5(h)(j).

§231.32. *Record of Meeting.* The Secretary-Treasurer shall keep a record of all meetings and such records shall be retained as a permanent record of the transactions of the board. A certified copy of the minutes of each meeting shall be filed in the Texas State Library [Office of the Governor, the Legislative Budget Board, and the Texas State Library].

§231.34. *Auditing of Books.* The State Auditor shall audit the books of the board. [annually].

§231.36. *Executive Director.* The executive director shall be employed by the board and shall perform the administrative func-

tions of the board. The executive director shall be a licensed nurse holding a current license in Texas and have had experience in business administration. Necessary expenses incurred in traveling in performance of the duties of the executive director shall be paid on vouchers. [The executive director shall be the custodian of the seal of the board and shall affix same to all official documents upon order of the president, secretary-treasurer of the board and/or the board.] The executive director shall conduct and care for all correspondence in the name of the board [; keep a record of all meetings and maintain a proper account of all business of the board; approve and co-sign all bills and vouchers for board expenditures; publish annually a roster of LVNs as required by the Act; prepare annual report of the board for the Governor, the presiding officer of each house of the Legislature, the Legislative Budget Board and State Auditor; arrange for audits by the State Auditor] and perform such other duties and responsibilities as may be assigned or delegated by the board not otherwise precluded by law.

§231.40. *State Board Examination.* It shall be the responsibility of the board to ascertain the qualifications of the vocational nurse by examination. The board shall contract with the National Council of State Boards of Nursing and specified testing service for use of the examination. The examination shall be administered [at least twice each year] in various cities throughout the state for qualified applicants for licensure.

§231.41. *Fees.* The board shall establish reasonable and necessary fees for the administration of the Act [in the following amounts:

[(1) examination and application fee: \$80 (effective May 1, 1990);

[(2) reexamination fee: \$80 (effective May 1, 1990);

[(3) renewal fee: \$10/year (effective September 1, 1990);

[(4) endorsement fee: \$50;

[(5) approval of new programs fee: \$75;

[(6) duplicate temporary permit or license fee: \$10;

[(7) filing of affidavits in rechange of name fee: \$5.00;

[(8) endorsement to another state fee: \$30;

[(9) reactivating from inactive status fee: \$30 plus renewal fee (effective September 1, 1990);

[(10) penalty fees: \$40 before 90 days; \$80 after 90 days (effective September 1, 1990);

[(11) Texas Peer Assistance Program for Nurses (TPAPN) Surcharge: \$4.00 (effective July 1, 1990)].

§231.46. *Identifying Insignia [on White Caps or Uniforms].* Any nurse who is licensed under the provisions of this Act, when on duty, shall wear insignia identifying [insignia] the nurse as a Licensed Vocational Nurse [on white caps or uniforms as stated in the Act, §6].

§231.48. *Bylaws.*

(a) Article I, title and purposes.

(1) The name shall be the "Board of Vocational Nurse Examiners," House Bill 47-Chapter 118, Acts 52nd Legislature, 1951.

(2) The purposes of the Board shall be:

(A) administer the Act;

(B) safeguard the public health and welfare;

(C) elect officers;

(D) employ a full time executive director, and other persons as the board deems necessary to carry out the provisions of the Act;

(E) the board shall institute disciplinary proceedings as outlined in Roberts' Rules of Order, newly revised, in all cases in which they are applicable, and which are inconsistent with the Vocational Nurse Act, and these bylaws;

(F) establish rules and policies as are necessary to carry out the provisions of the Vocational Nurse Act;

(G) prepare curriculum and set standards for schools of vocational nursing, preparing persons for licensure under this Act;

(H) provide through the Director of Education surveys of schools and curriculum approved by the board and the Act;

(I) approve schools and courses that meet the board curriculum and standards;

(J) deny or withdraw approval from vocational nursing programs for failure to meet curriculum and standards set by the board;

(K) to provide for examination of graduates of approved schools [, at least twice a year];

(L) to examine and approve credentials of applicants for endorsement;

(M) to renew biennially the licenses of persons licensed under the Vocational Nurse Act;

(N) record all proceedings of the board and make an annual report to the Governor;

(O) revoke or suspend any license issued under the provisions of the Act, §10.

(b) Article II, officers and duties.

(1) The officers of the board shall be: president, vice-president, and secretary-treasurer.

(2) The term of office for the vice president and secretary-treasurer shall be for one year. The president serves at the will of the Governor.

(3) The annual meeting shall be September for election of officers.

(4) The officers of the board shall perform such duties as are usually performed by such officers, as specified in the Vocational Nurse Act and these bylaws.

(c) Article III, Amendments. These bylaws may be amended, with or without previous notice, at any meeting by eight [two-thirds of] members present and voting.

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 June 25, 1993.

TRD-9324957

Marjorie A. Bronk, R.N.,  
M.S.H.P.  
Executive Director  
Board of Vocational Nurse  
Examiners

Earliest possible date of adoption: August 6, 1993

For further information, please call: (512) 835-2071

◆ ◆ ◆  
**Part XIV. Texas  
Optometry Board**  
**Chapter 271. Examinations**

• 22 TAC §§271.1-271.3, 271.6

The Texas Optometry Board proposes amendments to §§271.1-271.3, and 271. 6, concerning procedural rules for examinations.

As a result of changes to the Texas Optometry Act by the 73rd Legislature (House Bill 1479), including fee changes, the amendments as proposed are basically those of a house-keeping nature to bring all rule language into compliance, as well as to eliminate gender specifics. The rules, as amended, will keep candidates for licensure fully informed of the application process.

Lois Ewald, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the rules. During the first-year period the rules are in effect, the estimated cost to state government will be \$30,000 in 1994, \$30,000 in 1995, \$30,000 in 1996, \$30,000 in 1997, and \$30,000 in 1998. The estimated increase in revenue during the same five-year period will be \$31,000 in 1994, \$30,000 in 1995, \$30,000 in 1996, \$30,000 in 1997, and \$30,000 in 1998. The fees are based on cost recovery. There will be no effect on local government.

Ms. Ewald 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 that the public will benefit from qualified candidates for licensure obtaining a license to practice, following examination. There will be no effect on small businesses. The anticipated economic cost to persons required to comply with the rules as proposed will be \$150 per person taking the board examination.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendments are proposed under Texas Civil Statutes, Article 4552, §2. 14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

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

Act—The Texas Optometry Act, Texas Civil Statutes, Article 4552.

APTRA [APA]—The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

Board—Texas Optometry Board.  
Executive director—Executive director of the Texas Optometry Board.

Respondent—A person against whom a formal charge has been made alleging conduct that violates the Act or rules, regulations, or orders of the board and whose legal rights are to be determined by the board after the opportunity for an adjudicative hearing in a contested case as defined by the APTRA [APA].

Contested case—A proceeding, including but not restricted to licensing, in which the legal rights, duties, or privileges of a party are to be determined by the board after an opportunity for adjudicative hearing.

SOAH—State Office of Administrative Hearings.

PFD—Proposal for Decision.

§271.2. *Applications.*

(a) The applicant shall make application furnishing to the executive director, on forms to be furnished by the board, satisfactory sworn evidence that the applicant [he] has attained the age of 21 years, is of good moral character, and has [at least graduated from a first grade high school or has] a preliminary education equivalent to permit [him to] matriculation [matriculate] in the University of Texas, and that the applicant [he] has attended and graduated from a reputable university or college of optometry which meets with the requirements of the board and such other information as the board may deem necessary for the enforcement of the Act.

(b) (No change.)

(c) In such application, the applicant shall state that the applicant [he] will abide by the laws of this state regulating the practice of optometry.

(d) Such application shall be subscribed and sworn to by the applicant [and sworn to be him] before any officer legally qualified to administer oaths.

(e) (No change.)

(f) Certified [A certificate of graduation from a first grade high school and certified] copies of the transcript of record from the preoptometry and optometry colleges attended by the applicant shall accompany each application, which certified transcript of record shall show the total number of hours of attendance, the subjects studied, the grades or marks given, and the date of graduation of the applicant.

(g) (No change.)

(h) The fee for taking the initial examination shall be \$150 [\$55]. Any applicant who is refused a license because of failure to pass the first examination shall be permitted to take a second examination on the payment of \$150 [\$20], provided the second examination is taken within a period of one year.

(i) Any applicant required to take the examination any subsequent times after the second examination shall pay a [\$55] fee of \$150 to the board. No application fee for examination will be returned to any applicant after the [his] application has been approved by the board, because of the decision of the applicant not to stand for the examination or [his] failure for any reason to take the examination.

§271.3. *Examination Administration.*

(a)-(c) (No change.)

(d) [Applicants shall be permitted to bring computer calculators to the examination room.] Applicants shall not commu-

nicate any words or signs with another applicant while the examination is in progress without the permission of the presiding examiner, nor leave the examination room except when so permitted by the presiding examiner. Violations of this rule shall subject the offender to expulsion.

(e) (No change.)

(f) At the beginning of an examination each applicant shall be assigned a number. Applicants shall use the number assigned to them for purposes of identification throughout the examination, and no applicant's name [shall enter his or her name] or any other identification mark other than the assigned [his or her] number shall be entered on any paper containing answers to the questions of an examination. Members of the board shall in every way endeavor to avoid identification of an applicant prior to the awarding of the general averages.

(g) (No change.)

#### §271.6. National Board Examination.

(a) The board [Board] determines that the written examination by the National Board of Examiners in Optometry (NBEO) complies in all material respects with the requirements of the Act, §3.05 and §3.06. The passing score on each Part [part] of the National Board examination [national board] is determined by a criterion-referenced standard setting approach, in which the passing score is set at a scaled score of 300.

(b) (No change.)

(c) All applicants must comply with the application process and qualification criteria of the Act, §3.02, as well as all applicable board [Board] rules.

(d) All applicants must pay an examination fee of \$150 [\$55] to the Texas Optometry Board. No fee for examination will be returned to any applicant after the application has been approved by the board [Board].

(e) (No change.)

(f) Each applicant shall submit a true and correct copy of the applicant's score report to the executive director, and such other evidence of having achieved a passing grade on each Part [part] of the NBEO examination as the executive director [in hers discretion] may determine. Such satisfactory evidence of passage of the NBEO written examination must be submitted to the executive director prior to approval by the board of the issuance of a license to an applicant.

(g)-(h) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and

found to be within the agency's authority to adopt.

Issued in Austin, Texas, on June 28, 1993.

TRD-9324968

Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: August 7, 1993

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

#### • 22 TAC §271.5

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

The Texas Optometry Board proposes the repeal of §271.5, concerning endorsement of licensure. The 73rd Legislature amended the Texas Optometry Act and eliminated endorsement language from §3.01. In lieu of endorsement, provisional licensure was established, which will be addressed under Chapter 273 of the Board Rules.

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

Ms. Ewald also has determined that for each year of the first five years the repeal as proposed is in effect there will be no public benefit anticipated as a result of enforcing the repeal as proposed. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The repeal is proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

#### §271.5. Endorsement of Licensure.

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 June 29, 1993.

TRD-9324968

Lois Ewald  
Executive Director  
Texas Optometry Board

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

## Chapter 273. General Rules

### • 22 TAC §273.1, §273.4

The Texas Optometry Board proposes an amendment to §273.1, and §273.4, concerning the surrender of a license and setting of fees, respectively. As a result of passage of House Bill 1479 by the 73rd Legislature, housekeeping language was required to be made in §273.1 for compliance; §273.4 establishes all fees for revenue to cover appropriations request for the agency.

Lois Ewald, executive director, has determined that for the first five-year period the rules are in effect there will be fiscal implications for state or local government as a result of enforcing or administering the rules. During the first five-year period the rule will be in effect, the effect on state government will be an estimated additional cost of \$394,362 in 1994, \$376,216 in 1995, \$376,216 in 1996, \$376,216 in 1997, and \$376,216 in 1998. Also during the first five-year period, the estimated increase in revenue will be \$394,362 in 1994, \$376,216 in 1995, \$376,216 in 1996, \$376,216 in 1997, and \$376,216 in 1998. The revenue generated will offset appropriations/cost. There will be no effect on local government.

Ms. Ewald 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 that procedural rules regarding procedures involving expired licenses will serve to protect the general public and assure that only competent, current optometrists are licensed to practice in the state. The fees generated from fee increases will allow the agency to be self-supporting in meeting appropriations' obligations with no assistance from General Revenue. There will be no effect on small businesses. The fees will be assessed individually.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendments are proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

*§273.1. Surrender of License.* Any person formerly licensed to practice optometry in this state, who receives notification from the board [Board] that the person's [his or her] license to practice optometry has expired for failure to pay the annual renewal fee, shall within ten days of receipt of such notification from the board [Board] either pay the applicable renewal fee or surrender the [his or her] license by mailing or otherwise delivering such license to the Board Office. Alternatively, rather than physically surrender the license, the person may file with the board [Board] an affidavit in the form acceptable to the executive director to the effect that such person is not and will not practice optometry.

§273.4. Fees (Not Refundable).

- (a) Examination Fee-\$150.
- (b) Initial Therapeutic License-\$50.
- (c) Provisional License-\$75.
- (d) Limited Faulty License-\$50.
- (e) Duplicate License (lost, destroyed, or name change)-\$25.
- (f) Duplicate/Amended Renewal Certificate (lost, destroyed, inactive, active)-\$25.
- (g) License Renewal-\$140.
- (h) Late fees (for all renewal, one to 90 days)-\$75.
- (i) Late fees (for all renewals, (for all renewals, 90 days to 2 years)-\$150.
- (j) Late fees (for all renewals with delayed continuing education) -\$140.
- (k) Therapeutic Certification Application-\$55.
- (l) Therapeutic Certificate-\$25.
- (m) Certificates of Licensure Status-\$25.
  - [(a) Examination Fee (First)-\$55.
  - [(b) Examination Fee (Second)-\$20.
  - [(c) Examination Fee (Third and Subsequent)-\$55.
  - [(d) License-\$25.
  - [(e) License Renewal-\$125.
  - [(f) Duplicate License [(lost, destroyed, or name change)-\$10.
  - [(g) Late fees (for all renewals), One to 180 days,-\$27.50; 181 days to less than three years-\$55.
  - [(h) Therapeutic Certification Application-\$55.
  - [(i) Therapeutic Certificate-\$25.]

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 June 28, 1993.

TRD-9324971      Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: July 7, 1993

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

## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Optometry Board

#### Chapter 273. General Rules

##### • 22 TAC §§273.5-273.8

The Texas Optometry Board proposes new §§273.5-273.8, concerning limited faculty license, provisional licensure (in lieu of endorsement, inactive licensure, and renewal of license respectively). House Bill 1479 passed by the 73rd Legislature authorizes the issuance of the licenses referenced, as well as establishes certain renewal procedures, thus, new rules to implement such licensure was required in order to fully inform candidates and licensees.

Lois Ewald, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the rules. For the first five-year period the rule will be in effect the effect on state government cannot be determined; however, any costs will be offset by licensure fees. There will be no effect on local government.

Ms. Ewald 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 that the public can be assured that only competent licensees obtain and retain a license to practice optometry. Further, by providing limited faculty licenses, the State can be reimbursed by third-parties for examination fees incurred at the teaching institution. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The new sections are proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

##### §273.5. Limited License for Clinical Faculty.

(a) Issuance of Limited License. The Board hereby designates the University of Houston College of Optometry in Houston, Texas, as approved by the board for the issuance of limited licenses (teaching permits) to those faculty members performing professional optometric services in programs of the school.

(b) Duties and Responsibilities of Dean of College. As a condition to continued approval of this college, the board imposes the following duties and responsibilities upon the dean of the college relating to those faculty members performing professional optometric services in programs of the school. The dean shall:

(1) annually certify to the board the names and addresses of the members of the college faculty who are not currently licensed to practice optometry in Texas;

(2) promptly notify the board of any changes in personnel on the faculty;

(3) furnish each applicant for a limited faculty license a certificate that such applicant is a bona fide member of the college faculty;

(4) report immediately to the board any information received relating in any way to a member of the faculty holding only a limited license who is performing professional optometric services other than as an adjunct to such faculty member's function at the school. Every reasonable means to prevent such unlawful practice shall be used by the dean; and

(5) cooperate fully and completely with the board toward the end that the limited license provided hereby will be used only for the purpose for which it is intended.

(c) Application and Renewal. Each member of the faculty desiring a limited license shall make written application to the executive director of the board and attach to the application the original certificate of the dean herein above provided and shall enclose therewith the payment of a fee of \$50 for the issuance of the limited license or teaching permit and the fee imposed by the Act, §3.03B. The annual renewal fee for a limited license is equal to the fee charged for a regular license as specified in §273.4 of this title (relating to Optometry Fees). Holders of limited licenses shall also be required to meet the same continuing education requirements as holders of regular licenses. Said renewal fee shall be due on January 1 and expire after December 31 of each year. Failure to pay the renewal fee on or before January 1 shall subject the license to the same requirements of renewal as a regular license, including late penalties.

(d) Validity of Limited License. The limited license shall be valid as long as the holder thereof remains a member of the faculty of the school and abides by all regulations of the Board.

(e) Limitation of Limited License. It shall be a violation of this rule for the holder of a limited license who is not regularly licensed under the statutes to perform optometric services in any manner except as part of the program of the college and as an adjunct to teaching functions in the college.

(f) Revocation of Limited License. Those persons granted a limited license shall be subject to the same disciplinary procedures as the holder of a regular license. If, after disciplinary proceedings as set out in board rules, a holder of a limited license is found to be in violation of the



Texas Optometry Act or board rules, the board may revoke the limited license. In such an event, the executive director shall promptly notify the limited licensee and the dean of College of Optometry at the University of Houston.

*§273.6. Provisional License.*

(a) Requirements for Provisional License. On application for examination, a candidate may apply for a provisional license under the following circumstances.

(1) The applicant must be licensed in good standing as a therapeutic optometrist in another state, the District of Columbia, or a territory of the United States, that has licensing requirements that are substantially equivalent to the requirements of the Texas Optometry Act, and must furnish proof of such licensure on board forms provided.

(2) The applicant must have passed the National Board of Examiners in Optometry (NBEO) Examination after January 1, 1984, as well as the Treatment and Management of Ocular Disease (TMOD) Examination after January of 1985, and must submit a true and correct copy of the applicant's score report.

(3) The applicant must not have failed an examination for a license conducted by the board.

(4) The applicant's license to practice optometry must not have been revoked or suspended in any jurisdiction.

(b) Sponsorship. A candidate for provisional licensure must be sponsored by a therapeutic optometrist who is currently licensed by the board with the following conditions applicable.

(1) Prior to practice in Texas, on forms provided by the board, the sponsor licensee will certify to the board the following:

(A) that such candidate will be working within the same office as the licensee, under direct supervision of the sponsor licensee; and

(B) that such sponsor licensee is aware of the Act and rules governing provisional licensure and that the sponsorship will cease upon the invalidity of the provisional license.

(2) Sponsor licensee will be held responsible for the unauthorized practice of optometry should such provisional license expire.

(c) Hardship. An applicant for a provisional license may be excused from the requirements of sponsorship if the Board determines that compliance constitutes a hardship to the applicant.

(d) Application and Fee.

(1) The candidate for provisional licensure will be subject to all application requirements required by Chapter 271 of this title (relating to Examinations) and subject to the applicable examination fees established under §273.4 of this title (relating to Optometry Fees). In addition, the candidate will be subject to a fee for issuance of a provisional license, as established under §273.4.

(2) No provisional license can be issued until all application forms and fees are received in the Board Office and the application is approved.

(3) A provisional license expires upon the earlier to occur of the passage of 180 days or notice by the board of the candidate's successful passage or failure of all examinations required by Chapter 271 of this title. It shall be the responsibility of the candidate and sponsor to return the provisional license to the Board Office upon expiration.

(4) The candidate's failure to sit for the first scheduled board examination following application for examination invalidates the provisional license, unless in the discretion of the board, sufficient and reasonable evidence regarding nonappearance exists.

(5) Each candidate for provisional license shall receive only one nonrenewable license prior to the issuance of a therapeutic optometry license.

(e) If at any time during the provisional licensure period it is determined that the holder of such provisional license has violated the Optometry Act or board rules, such provisional license will be subject to termination.

*§273.7. Inactive Licenses.*

(a) Placing a license on inactive status. A person who is licensed by the board to practice optometry but who is not engaged in the practice of optometry in this state may place the license on inactive status at the time of license renewal or during a license year as follows.

(1) To place a license on inactive status at the time of renewal, the licensee shall:

(A) complete and submit before the expiration date of January 1 of each year a license renewal application provided by the board;

(B) state on the renewal application that the license is to be placed on inactive status and that the licensee shall not practice optometry in Texas while the license is inactive;

(C) pay the fee for renewal of license as specified in §273.4 of this title (relating to Optometry Fees). The fee for renewal of license shall not be subject to the Texas Optometry Act, §3.03B. Penalty fees as provided by the Act, §4.01, will apply to those received after December 31 of the applicable renewal period.

(2) To place a license on inactive status at a time other than the time of license renewal, the licensee shall:

(A) return the current renewal certificate to the Board Office;

(B) submit a signed statement stating that the licensee shall not practice optometry in Texas while the license is inactive, and the date the license is to be placed on inactive status;

(C) pay the fee for issuance of an amended renewal certificate as specified in §273.4 of this title.

(b) Reactivation of an Inactive License.

(1) A holder of a license that is on inactive status may return the license to active status by:

(A) applying for active status on a form prescribed by the board;

(B) providing proof of completion certificates from approved continuing education programs as specified in Chapter 275 of this title (relating to Continuing Education Requirements) for the number of hours that would otherwise have been required for the renewal of the license. Approved continuing education earned within the calendar year prior to the licensee applying for the return to active status may be applied toward the continuing education requirement;

(C) paying the fee for issuance of an amended renewal certificate as specified in §273.4 of this title;

(D) paying the fee imposed by §3.03B if the licensee begins practice within the state.

(2) If the application for reactivation of the license is made at the time of license renewal, the applicant shall pay the license renewal fee specified in §273.4 of this title. If the application for reactivation of the license is made at a time other than the time license renewal, the applicant shall pay the license renewal fee as well as a fee for issuance of an amended certificate to



practice optometry as specified in §273.4 of this title.

(c) Prohibition against Practicing Optometry in Texas. A holder of a license that is on inactive status shall not practice optometry in this state. The practice of optometry by a holder of a license that is on inactive status constitutes the practice of optometry without a license.

#### §273.8. Renewal of License.

##### (a) Expired license.

(1) If a license is not renewed on or before January 1 of each year, it becomes expired.

(2) If a person's license has been expired for 90 days or less, the person may renew the license by paying to the board the required renewal fee and a fee that is one-half of the examination fee for the license as established by §273.4 (relating to Optometry Fees).

(3) If a person's license has been expired for longer than 90 days but less than two years, the person may renew the license by paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the license.

(4) If a person's license has been expired for two years or longer, the person may not renew the license but may obtain a new license by submitting to re-examination and complying with the requirements and procedures for obtaining an initial license.

(5) The board, however, may renew without examination an expired license of a person who was previously licensed in Texas, is currently licensed in another state, and has been in practice for two years immediately preceding application for renewal. The person shall be required to furnish documentation of continuous practice for the two-year period, pay the renewal fee as established by §273.4 of this title, and a fee that is equal to the examination fee for the license.

(6) The annual renewal application will be deemed to be written notice of the impending license expiration forwarded to the person at the person's last known address, according to the records of the board.

##### (b) Mandatory Continuing Education for Renewal of License.

(1) The board may not issue a renewal license to a licensee who has not complied with the mandatory continuing education requirements, unless an exemption provided by §275.1 of this title (relating to Continuing Education) is applicable.

(2) If a licensee has not fulfilled the required continuing education require-

ments within the calendar year preceding the license renewal date, the license shall expire. To renew that expired license, the licensee may obtain and provide the Board with certified attendance records that the licensee has, since the expiration of the license, completed sufficient hours of approved continuing education courses to satisfy any deficiency in the previous year. Education obtained for renewal of an expired license cannot be applied toward renewal of license for the following year.

(3) The licensee cannot practice optometry until such time as education is obtained and the expired license has been renewed.

(4) The licensee must pay to the Board the license renewal fee plus a penalty in an amount equal to the amount of the license renewal fee.

(5) The executive director shall determine if all requirements for renewal of license have been fulfilled, and will notify the licensee when the practice of optometry can resume.

(6) To practice optometry with an expired license shall constitute the practice of optometry without a license.

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 June 28, 1993.

TRD-9324970

Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: August 6, 1993

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

## Chapter 275. Continuing Education

### • 22 TAC §275.1, §275.2

The Texas Optometry Board proposes amendments to §275.1 and §275.2, concerning continuing education requirements for licensees. House Bill 1479 passed by the 73rd Legislature, amended the Texas Optometry Act and specifically addressed changes to the mandatory continuing education language. Licensees are required to obtain 16 hours of education per year, and a portion of those hours must be in a specialty of diagnostic or therapeutic education. Rule changes as proposed are housekeeping changes to incorporate the statutory language.

Lois Ewald, executive director, has determined that there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government for the first five-year period the rules will be in effect will be additional costs, however any costs will be offset by licensure fees. No excess

revenue is expected. There will be no effect on local government.

Ms. Ewald, 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 that all optometrists licensed by the Texas Optometry Board will maintain proficiency in the practice of optometry, thereby assuring the general public of competency and resultant examinations. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the rules as proposed will relate only to attendance at courses, but should not increase over current cost requirements. The specific cost is unable to be determined.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendments are proposed under Texas Civil Statutes, Article 4552, §2. 14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules.

#### §275.1. General Requirements.

(a) The Act requires each optometrist licensed in this state to take 16 [12] hours of continuing education per calendar year. The calendar year is considered to begin January 1 and run through December 31.

(b) The board accepts for continuing education credit all courses sponsored by any board-accredited college or schools of optometry and such other programs or courses of other organizations as are approved by the board upon recommendation from the Continuing Education Committee, appointed by the Board Chair [chairman of the board]. The Continuing Education Committee will consider, among other things in its discretion, the following criteria in approving courses:

(1)-(8) (No change.)

(c) Licensees who have not complied with the education requirements may not be issued a renewal license unless such person is entitled to an exemption under §4.01B:

(1) a licensee who holds a Texas license, but does not practice optometry in Texas; provided, however, that if at any time during the calendar year for which such exemption has been obtained such person desires to practice optometry, such person shall not be entitled to practice optometry in Texas until 16 [12] hours of continuing education credits are obtained and the board has been notified of the completion of such continuing education requirements;

(2) (No change.)

(3) a licensee who submits proof satisfactory to the board that the licensee [he] suffered a serious or disabling illness or physical disability which prevented the licensee [him] from complying with the requirements of this section during the 12 months immediately preceding the annual license renewal date; or

(4) (No change.)

(d)-(e) (No change.)

(f) Written proof of attendance and completion of approved courses must be supplied by the licensed optometrist to the board in conjunction with the [his] renewal application for an [his] optometry license. If the licensed optometrist is practicing in Texas, the licensee [he] should submit the original proof of attendance or the approved sponsors of continuing education may submit to the board [Board] written proof of attendance and completion of approved courses on behalf of the licensed optometrist. Information such as the following will be required: sponsoring organizations; location and dates; course names; instructors [instructor]; name of attendee; number of education hours completed; and any other information deemed necessary by the board. Forms must be properly signed by the education chairman or [and] an education session assistant verifying attendance at the particular course. Applicable forms will be available from the Texas Optometry Board Office.

(g) Names of the educational committee chairman and education assistants must be received by the board one month prior to the occurrence of the session.]

#### §275.2. Required Education.

(a) Education for an advanced degree in optometric field or optometrically-related field. One hour credit will be given for each semester hour earned, and a total of 16 [12] credit hours will be allowed for each full academic year of study.

(b) Research in lieu of training. Credit will be given only for full-time research. Sixteen [Twelve] credit hours will be given for each full year of research.

(c)-(f) (No change.)

(g) Diagnostic or therapeutic education courses. Beginning January 1, 1993, a minimum of six hours of the mandatory sixteen [twelve] hours will be required per calendar year in diagnostic or therapeutic continuing education.

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

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TRD-9324972

Lois Ewald  
Executive Director  
Texas Optometry Board

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

## Chapter 279. Interpretations

### • 22 TAC §§279.2, 279.5-279.7, 279.11-279.13

The Texas Optometry Board proposes amendments to §§279.2, 279.5-279.7, 279.11-279.13, concerning interpretations of statute regarding general practice matters. House Bill 1479, 73rd Legislature, was passed which affected Texas Optometry Act, and necessitated housekeeping changes to the above-referenced rules. Such changes included basic competency requirements, specifically in §279.5 and §279.7. The remainder of the rules is basically incorporating therein the classification or certification of a therapeutic optometrist, with no substantive change to the rules.

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

Ms. Ewald 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 that licensees will practice within the parameters of the law, thereby assuring the public of the best care possible. The Basic Competence requirements incorporates new procedures which can only serve to enhance the quality of care given to a patient by an optometrist. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendments are proposed under Texas Civil Statutes, Article 4552, §2. 14, which provide the Texas Optometry Act with the authority to promulgate substantive and procedural rules.

§279.2. Board Interpretation Number Two. It is the interpretation of the board that the Texas Optometry Act requires that the fitting of contact lenses may be done only by a licensed physician, [or] optometrist or therapeutic optometrist and that ophthalmic dispensers may make mechanical adjustments to contact lenses and dispense contact lenses only after receipt of a fully written contact lens prescription from a licensed optometrist, therapeutic optometrist, or a licensed physician, (Texas Optometry Act, §1.02), [or a licensed

physician.] that includes the specifications listed in §279.1 of this title (relating to Board Interpretation Number One) (Texas Optometry Act, §1.02), whereupon the ophthalmic dispenser may fabricate or order the contact lenses and dispense them to the patient with appropriate instructions for the care and handling of the lenses, but an ophthalmic dispenser shall make no measurement of the eye or the cornea or evaluate the physical fit of the contact lenses, by any means whatever, subject solely and only to the exception contained in the Act, §5. 17.

#### §279.5. Board Interpretation Number Five.

(a) The Texas Optometry Act makes no provision for nonlicensed employees performing any of those acts defined as the practice of optometry which requires professional judgment but expressly forbids same. There is no such thing as supervision of nonlicensed employees by an optometrist or therapeutic optometrist while performing those acts which only optometrists or therapeutic optometrists can do under the Texas Optometry Act. For anyone other than an optometrist or therapeutic optometrist to do any thing or act defined as the practice of optometry or therapeutic optometry is in violation of the Act, §1.02(3)(c), which states: "It shall be construed as a violation of this Act for any person not a licensed optometrist, therapeutic optometrist, or [a licensed] physician to do any one thing or act, or any combination of things or acts, named or described in this Article.

(b) The Act, §1.02, defines the practice of optometry and therapeutic optometry, and only a licensed optometrist or therapeutic optometrist can do those things set out in that section.

(c) Assistants to optometrists are permitted to perform the following duties or acts, or both, under the direction and supervision of a licensed optometrist or therapeutic optometrist, when working in the same office, which do not necessarily require the use of professional judgment:

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

(d) (No change.)

(e) The optometrist or therapeutic optometrist shall, in the initial examination of the patient, make and record, if possible, the following findings of the condition of the patient, but not necessarily limited to, the following findings:

(1) biomicroscopy [external] examination (lids, cornea, sclera, etc.);

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

(5) assessment of binocular function [phorias or ductions, far and near, lateral and vertical];

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

(f) The willful or repeated failure or refusal of an optometrist or therapeutic optometrist to comply with any of the requirements in the Texas Optometry Act, §5.12(a) and (b), shall be considered by the board to constitute prima facie evidence that the licensee [he] is unfit or incompetent by reason of negligence within the meaning of the Act, §4.04(a)(3), and shall be sufficient ground for the filing of charges to cancel, revoke, or suspend the [his] license. The charges shall state the specific instances in which it is alleged that the rule was not complied with. At a hearing pursuant to the filing of such charges, the person charged shall have the burden of establishing that compliance with the rule in each instance in which proof is adduced that it was not complied with was not necessary to a proper examination of the patient in that particular case (§5.12).

*§279.6. Board Interpretation Number Six.*

(a) The Texas Optometry Act, §5.15(b), requires that "the space occupied by the optometrist or therapeutic optometrist shall be separated from the space occupied by the dispensing optician by solid partitions or walls from floor to ceiling." The intent of the legislature in passing §5.15 is specifically spelled out in §5.15(a) and is "to insure that the practices [practice] of optometry and therapeutic optometry shall be carried out in such a manner that they are [...] completely and totally separated from the business of any dispensing optician."

(b) In light of the overriding legislative intent in passing §5.15 that the practices [practice] of optometry and therapeutic optometry be completely and totally separate from the business of any dispensing optician, it is the interpretation of the board that the quoted portion of the Act, §5.15(b), set forth in subsection (a) of this section prohibits the space occupied by an optometrist or therapeutic optometrist and space occupied by a dispensing optician from being joined by a wall in which there is a door, either locked or unlocked.

*§279.7. Board Interpretation Number Seven.*

(a) In order to insure an adequate examination of a patient for whom an optometrist or therapeutic optometrist prescribes contact lenses, in the initial examination of the patient, the optometrist or therapeutic optometrist shall make and record, if possible, the following findings of the condition of the patient:

(1) (No change.)

(2) visual [far point] acuity [O.D., O.S., O.U., unaided; with old

glasses or contact lenses, if available, and with new contact lenses, if any];

(3) biomicroscopy [external] examination (lids, cornea, sclera, etc.);

(4) (No change.)

(5) static retinoscopy O.D., O.D. or autorefractor;

(6) (No change.)

(7) assessment of binocular function [phorias or ductions, far and near, lateral and vertical];

(8) (No change.)

(9) tonometry [amplitude or range of convergence];

(10) (No change.)

(b) In addition to the steps required under the Act, §5.12, the optometrist or therapeutic optometrist shall perform and record keratometry testing [and slit lamp examination].

(c) At a minimum, the optometrist or therapeutic optometrist must schedule one follow-up visit for examination within 30 days of the contact lens fitting, and must inform the patient on the initial visit regarding the requirement of the follow-up care.

(d) The optometrist or therapeutic optometrist must observe proper hygiene in the handling and dispensing of the contact lenses and in the conduct of the examination. Proper hygiene includes sanitary office conditions, running water in the office where contact lenses are dispensed, and proper sterilization of diagnostic lenses and instruments.

(e) The optometrist or therapeutic optometrist, or staff members [of his/her staff], must instruct the patient in the proper care of lenses, including proper hygiene.

(f) (No change.)

*§279.11. Board Interpretation Number Eleven.* The Texas Optometry Act was enacted in part to safeguard the visual welfare of the public and the optometrist-patient relationship and to fix professional responsibility with respect to the patient. In order to comply with these objectives and to assure patients will have adequate follow-up care, licensed optometrists or therapeutic optometrists who practice optometry or therapeutic optometry, including the prescribing or supplying of lenses to patients confined in nursing homes or other abodes, must have an office location or place of practice within 100 miles of such nursing home or other abode, or, in the alternative must have made arrangements, confirmed in writing prior to offering or providing services, for continued care with a qualified eye health professional with an office location or place of practice within one hundred

(100) miles of such nursing home or other abode. Failure to comply with this rule shall be deemed as practicing from house-to-house and the improper solicitation of patients in violation of the Act, §5.04(5). In addition, the optometrist must comply with the requirements of §5.02 to maintain current information regarding practice locations with the Board Office [record and register his or her license in all counties in which the optometrist examines patients].

*§279.12. Board Interpretation Number Twelve.* Under the Texas Optometry Act, §1.02(3)(a), the practice of optometry and therapeutic optometry includes prescribing lenses or prisms, and an ophthalmic dispenser is charged to fill such prescription in accordance with the specific directions of a written prescription signed by a licensed physician, optometrist, or therapeutic optometrist. It is the interpretation of the board [Board] that the prescribing optometrist or therapeutic optometrist has the authority to specify any and all parameters of an optical prescription for the therapeutic and visual health and welfare of a patient, but the prescription shall not contain restrictions limiting the parameters to private labels not available to the optical industry as a whole. The specifications of the prescription may not be altered without the consent of the prescribing doctor.

*§279.13. Board Interpretation Number Thirteen.* The Texas Optometry Act was enacted in part to safeguard the visual welfare of the public and the optometrist-patient relationship and to fix professional responsibility with respect to the patient. In order to comply with these objectives and to assure patients will have adequate follow-up care, licensed optometrists or therapeutic optometrists who, when requested to do so, practice optometry or therapeutic optometry at an industrial site, including the examination and prescribing or supplying of lenses to patients, must have an office location or place of practice within 100 miles of such examination site, or, in the alternative must have made arrangements, confirmed in writing prior to offering or providing services, for continued care with a qualified eye health professional with an office location or place of practice within 100 miles of such examination site. Failure to comply with this rule shall be deemed as practicing from house-to-house and the improper solicitation of patients in violation of the Act, §5.04(5). In addition, the optometrist must comply with the requirements of §5.02 to maintain current information regarding practice locations with the Board Office [record and register his or her license in all counties in which the optometrist examines patients].

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 June 28, 1993.

TRD-9324973      Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: August 6, 1993

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

## Chapter 280. Therapeutic Optometry

### • 22 TAC §280.1

The Texas Optometry Board proposes an amendment to §280.1, concerning the issuance of a duplicate certificate authorizing therapeutic optometry. This proposed rule amendment was required due to a fee change. House Bill 1479 passed by the 73rd Legislature required a number of changes to rules, as well as fee changes.

Lois Ewald, 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. Ewald 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 is made aware of those optometrists who have been certified as a therapeutic optometrist by the certificate being displayed in the principal office of the optometrist; this rule would provide for a duplicate certificate in certain instances. 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 Lois Ewald, Executive Director, Texas Optometry Board, 9101 Burnet Road, Suite 214, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate substantive and procedural rules.

#### §280.1. Application for Certification.

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

(f) In the event the original certification is lost or destroyed, the board may issue a duplicate certificate; the person entitled thereto must make written application to the board for a duplicate, under affidavit setting forth that such certificate was lost or destroyed, and the circumstances under which loss or destruction occurred. Should the original subsequently be found, it must be forwarded immediately to the board and not used by the person to whom issued

originally or by any other person. A fee of \$25 [\$10] must be submitted to the board along with the affidavit for the duplicate issue.

(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 June 28, 1993.

TRD-9324974      Lois Ewald  
Executive Director  
Texas Optometry Board

Earliest possible date of adoption: August 6, 1993

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

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 10. Family Self-Support Services

##### Child Care Management Services Statewide Implementation

### • 40 TAC §§10.3413, 10.3428, 10.3429

The Texas Department of Human Services (DHS) proposes amendments to §§10.3413, 10.3428, and 10.3429, concerning eligibility for Title IV-A funded child care services, attendance requirements, and termination of enrollment due to excessive absences in its Family Self-Support Services chapter. The purpose of the amendments is to clarify the circumstances for terminating child care services based on absences from care and to facilitate collaboration between DHS and the Texas Education Agency for the provision of IV-A At-risk Child Care to children enrolled in certain pre-kindergarten programs.

Burton F. Raiford, commissioner, has determined that for the first five-year period the rules are 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 that limited child care benefits will be used effectively and efficiently and the number of children served will be increased. 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 Mary Beth O'Hanlon at (512) 450-4169 in DHS's Self-support Ser-

vices. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-151, 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 amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 44, which provides the department with the authority to administer public assistance and day care programs.

#### §10.3413. Eligibility for Title IV-A Funded Child Care Services.

(a) (No change.)

(b) To be eligible for At-risk Title IV-A funded child care, a family must meet the following eligibility requirements:

(1) (No change.)

(2) the parent(s) must need child care in order to work; [and,]

(3) the family's total gross income must be equal to or less than 150% of the applicable, current federal poverty income level (FPIL). These families will continue to receive child care for 1 year after the family income exceeds 150% [percent] of the FPIL, provided the family income remains below 185% [percent] of the FPIL; [.] or

(4) the family must have children enrolled in a State pre-kindergarten program offered by a school district participating in Title IV-A At-risk Child Care certification. Only those children enrolled in the pre-kindergarten program will be eligible for Title IV-A At-risk Child Care services provided through the Texas Education Agency (TEA).

(c) (No change.)

§10.3428. Attendance Requirements. Vendors must document and maintain a record of each child's attendance. When an enrolled child is absent, vendors must inform the Child Care Management Services (CCMS) contractor and must follow procedures required by the Texas Department of Human Services (DHS) and the CCMS contractor. The CCMS contractor must follow up on each child's absences, as required by the [Texas Department of Human Services (DHS)] DHS. Failure by the CCMS contractor to follow up each child's absences as required by DHS may result in withholding payment from the CCMS contractor. Failure by the vendor to keep attendance records as required by DHS may result in withholding payment from the vendor or in termination of the vendor agreement.

**§10.3429. Termination of Enrollment Due to Excessive Absences.**

(a) The Child Care Management Services (CCMS) contractor must [is permitted to] terminate a child's enrollment for excessive absences.

(b) (No change.)

(c) Termination of enrollment based on excessive absences may result from the following:

(1) an absence of 5 consecutive days without parental notice to the vendor or CCMS contractor. This is considered a voluntary withdrawal from child care services and constitutes grounds for immediate termination of the absent child's enrollment. The parent(s) may appeal the determination of absence without notice, but the effective date of the termination is not delayed by the appeal. The termination is effective at the end of the fifth consecutive day of absence. [When the child is a Child Protective Services (CPS) referral for child care, the caseworker who authorized the child care must concur with the decision to terminate child care services];

(2) an absence of 30 days in a 1-year period. The CCMS contractor must notify the parent(s) in writing that the child's enrollment will be terminated. The parent(s) may appeal the determination of excessive absences, but the effective date of the termination is not delayed by the appeal. [(2)An absence of at least 10 days in one billing period is considered grounds for termination. If the CCMS contractor authorizes continued care or the child is a CPS referral and a caseworker concurs that child care must continue, child care must not be terminated.]

[(d) DHS purchased services staff must review and approve the authorizations to continue care.

[(e) Procedures for termination of enrollment based on excessive absences include the following.

[(1) When a child's enrollment is terminated for absence without parental notice, the CCMS contractor must give the parent(s) written notification of the effective date of the termination.

[(2) When a child's enrollment is terminated for absence of at least 10 days, the CCMS contractor must give the parent(s) written notification at least 10 calendar days before the termination date. If the notice is mailed, it must be mailed at least 12 calendar days before the termination date. The child's enrollment continues until the termination date, unless the parent(s) requests an appeal before the termination date. If the parent(s) requests an appeal, the enrollment continues until the appeal decision.]

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

Issued in Austin, Texas, on June 30, 1993.

TRD-9325059

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

Proposed date of adoption: October 1, 1993

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

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

**1915(c) Medicaid Home and  
Community-based Waiver  
Services for Aged and Dis-  
abled Adults Who Meet Cri-  
teria for Alternatives to  
Nursing Facility Care**

• 40 TAC §§48.6001-48.6014,  
48.6020

The Texas Department of Human Services (DHS) proposes new §§48.6001- 48.6014 and §48.6020, concerning the nursing facility waiver, in its Community Care for Aged and Disabled chapter. The purpose of the new sections is to provide home and community-based services as cost-effective alternatives to nursing facility placement for aged and disabled adults who choose to remain in the community.

Burton F. Raiford, commissioner, has determined that for the first five-year period the proposed sections will be in effect there will be fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government for the first five-year period the sections will be in effect is an estimated additional cost of \$830,754 in fiscal year (FY) 1993, and an estimated reduction in cost of \$973,076 in fiscal year (FY) 1994; \$7,788,109 in FY 1995; \$13,032,814 in FY 1996; and \$15,329,467 in FY 1997. There will be no fiscal implications for local government. The estimated cost in FY 1993 is due to start-up costs for the program.

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that clients who have been determined eligible for nursing facility care will be allowed to receive waiver services outside of institutions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Anita Anderson at (512) 450-3195 in DHS's Community Care Section. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document

Support-163, 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 new sections are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department 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.

**§48.6001. Introduction.** Effective September 1, 1993, the Social Security Act, §1915(c) Medicaid Home and Community-based Waiver Program for Aged and Disabled Adults Who Meet Criteria for Alternatives to Nursing Facility Care will begin operation.

**§48.6002. Definitions.** The following words and terms, when used in this undesignated head, shall have the following meanings, unless the context clearly indicates otherwise.

**Waiver Program**—A Medicaid program that provides home and community-based services to a limited number of eligible adults who are aged and/or disabled as an alternative to institutional care in a nursing facility in accordance with the waiver provisions of the Social Security Act, §1915(c).

**Waiver Program Services**—Medicaid home and community-based services provided under waiver provisions of the Social Security Act, §1915(c).

**§48.6003. Client Eligibility Criteria.**

(a) To be determined eligible by the Texas Department of Human Services (DHS) for the Social Security Act, §1915(c) Medicaid waiver program provided as an alternative to care in a nursing facility, an applicant must:

(1) be age 21 or above;

(2) meet the level-of-care criteria for nursing facility care in accordance with §§19.1601-19.1612 of this title (relating to Medical Review and Reevaluation);

(3) meet the requirements for Preadmission Screening and Annual Resident Review (PASARR) and be determined appropriate for nursing facility care;

(4) choose home and community-based waiver services as an alternative to nursing facility placement based on an informed choice with approval conditional on feasible alternatives available under the waiver in accordance with 42 Code of Federal Regulations §441.302(d)(1);

(5) meet one of the requirements in subparagraphs (A), (B), or (C) of this paragraph:

(A) have ongoing needs for personal assistance services (including health-related tasks requiring delegation by a registered nurse);

(B) have ongoing needs for foster care, or assisted living; or

(C) meet the Priority One criteria described in §48.6004 of this title (relating to Priority One Criteria);

(6) have an individual plan of care for waiver services as specified in §48.6006 of this title (relating to Individual Plan of Care for Waiver Services);

(7) meet the financial eligibility criteria for waiver services as specified in §48.6007 of this section (relating to Financial Eligibility Criteria); and

(8) receive waiver services at least monthly.

(b) Enrollment in this waiver program is limited to the number of participants approved by the Health Care Financing Administration (HCFA).

(c) Participants may be enrolled in only one waiver program at a time.

**§48.6004. Priority One Criteria.** Establishment of a priority one level for enrollment into the waiver program is made by the Texas Department of Human Services (DHS) case manager based on an assessment of the client's circumstances and on discussions with the applicant and others actively involved with the applicant. A priority one waiver client is an individual who is dependent upon the services of an attendant for certain personal care and health-related tasks and whose health, safety, or well being may be jeopardized if services on a normally-scheduled service shift were not provided. An individual is considered a priority one client if the following criteria are met:

(1) the individual is completely unable to perform one or more of the following activities without hands-on assistance from another person:

(A) transferring to a bed, chair or toilet;

(B) feeding;

(C) getting to or using the toilet;

(D) preparing a meal; or

(E) taking self-administered prescribed medications.

(2) during a normally-scheduled service shift, as prescribed on the plan of care, no one other than the attendant is readily available or willing and capable of providing the needed assistance;

(3) the DHS case manager determines that there is a high likelihood that the individual's health, safety, or well-being would be jeopardized if waiver home care services were not provided in a single given shift.

**§48.6005. Level-of-Care Criteria.**

(a) Waiver participants must meet the level-of-care/medical necessity criteria for nursing facility placement according to applicable state and federal regulations, and as verified by a current assessment.

(b) A preadmission level of care and medical necessity determination expires 90 days from its issuance.

(c) Level-of-care assessments/medical necessity determinations must be performed annually for all waiver clients.

**§48.6006. Individual Plan of Care for Waiver Services.**

(a) Waiver clients must have an individual plan of care for waiver services developed by the interdisciplinary team as described in the waiver request. The individual plan of care must specify the type of waiver services required to support the individual in the community, the units of waiver services and their frequency.

(b) The individual plan of care must be signed and dated by the interdisciplinary team prior to implementation. The interdisciplinary team must certify in writing that the waiver services are necessary as an alternative to institutionalization and appropriate to meet the needs of the individual in the community.

(c) The individual plan of care must be approved by the Texas Department of Human Services (DHS) and updated by the interdisciplinary team at least annually.

**§48.6007. Financial Eligibility Criteria.** To be determined financially eligible by the Texas Department of Human Services (DHS) for home and community-based services through this waiver program, an applicant must:

(1) be eligible for Supplemental Security Income (SSI) benefits,

(2) have been eligible for and received SSI benefits and continue to be eligible for Medicaid as a result of protective coverage mandated by federal law, or

(3) be eligible for SSI benefits in the community except for income and meet the special institutional income limit for Medicaid benefits in Texas without regard to spousal income.

**§48.6008. Spousal Impoverishment Provisions.**

(a) For waiver recipients with community spouses, the income and resource eligibility requirements are determined in accordance with the spousal impoverishment provisions in the Social Security Act, §1924, and as specified in the Medicaid State Plan and in §48.6007 of this title (relating to Financial Eligibility Criteria).

(b) After the recipient is determined to be eligible for Medicaid, a determination is made by the Texas Department of Human Services regarding the amount of the recipient's income applicable to payment.

**§48.6009. Calculation of Client Copayment.**

(a) Clients who are determined to be financially eligible based on the special institutional income limit are required to share in the cost of waiver services. The method for determining the client's copayment is described in subsection (b) of this section and documented on the Texas Department of Human Services (DHS) copayment worksheet for the Social Security Act, §1915(c), waiver programs. When calculating the copayment amount for clients with incomes that exceed the SSI federal benefit rate (FBR), DHS staff deduct the following:

(1) the cost of the client's maintenance needs which must be equivalent to:

(A) the special institutional income limit for waiver recipients residing in their own homes; or

(B) the SSI federal benefit rate per month for individuals residing in foster homes and assisted living settings;

(2) the cost of a couple's maintenance needs must be equivalent to \$2604 per month, which for couples residing in adult foster care or assisted living must be equivalent to the federal benefit rate for couples living in other community living arrangements;

(3) the cost of the maintenance needs of the client's spouse. This amount is equivalent to the amount of the SSI federal benefit rate, less the spouse's own income;

(4) the cost of the maintenance needs of the client's dependent children. This amount is equivalent to the Aid to Families with Dependent Children (AFDC) basic monthly grant for children, or a



spouse with children, using the recognizable needs amounts in the AFDC Budgetary Allowances Chart; and

(5) the costs incurred for medical or remedial care which are necessary but are not subject to payment by Medicare, Medicaid, or any other third party. These include the cost of health insurance premiums, deductibles, and coinsurance.

(b) The copayment amount is the client's remaining income after all allowable expenses have been deducted. The copayment amount is applied only to the cost of home and community-based services which are funded through this waiver program and specified on the client's individual plan of care. The copayment must not exceed the cost of services actually delivered.

(c) Clients must pay the cost-sharing amount directly to the providers contracted to deliver authorized waiver services.

**§48.6010. Client's Right to Appeal.** Any applicant or client who is denied waiver program services is entitled to a fair hearing conducted by the Texas Department of Human Services (DHS) according to DHS's fair hearing rules in Chapter 79 of this title (relating to Legal Services).

**§48.6011. Provider Claims Payment.**

(a) The organizations contracted to provide waiver program services are reimbursed based on a fee-for-service reimbursement methodology. The following conditions must be met for payment.

(1) Services must be delivered to eligible clients based on an individual plan of care.

(2) Units of service that have been provided must be documented according to the individual plan of care.

(3) The organizations contracted to provide waiver program services must accept the payment from the Texas Department of Human Services (DHS) plus the client's copayment as determined by DHS as payment in full for waiver program services.

(b) Room and board are not included in the reimbursement rate to providers except for respite care services which must not exceed 30 calendar days per year per client.

(c) The organizations providing waiver program services are not entitled to payment if:

(1) the client is ineligible for Medicaid benefits or is an inpatient of a hospital, intermediate care facility, skilled nursing facility, or intermediate care facility

for persons with mental retardation or related conditions;

(2) DHS has not authorized client enrollment;

(3) the initial claim for service is not received in the DHS Provider Services Section within 95 calendar days from the end of the month of service; or

(4) the provider fails to deliver the services authorized on the individual plan of care for waiver program services.

**§48.6012. Delegation of Signature Authority.** Organizations providing waiver program services and delegating signature authority to employees or to a billing service for claims preparation are responsible for the accuracy of the claim submitted for payment.

**§48.6013. Rejected Claims.** If the Texas Department of Human Services (DHS) rejects a claim for payment of waiver program services because of errors, the provider must research the errors, initiate appropriate corrective action, and submit a corrected claim to DHS with supporting documentation within 95 calendar days from the date of rejection. Providers may not attempt to obtain payment from waiver participants when failure to be paid by Medicaid was due to billing errors on the part of the provider.

**§48.6014. Provider's Right to Appeal.** Any provider who is denied payment for waiver program services is entitled to a contract appeal conducted by the Texas Department of Human Services (DHS) according to Subchapter Q of Chapter 79 of this title (relating to Contract Appeals).

**§48.6020. Reimbursement Methodology.**

(a) General. The Texas Department of Human Services (DHS) will reimburse qualified Texas Medicaid contracted providers for waiver services provided to individuals who meet the criteria for alternatives to nursing facility care. Additionally, DHS will reimburse qualified Texas Medicaid contracted providers for an initial assessment of potential waiver participants. The initial assessment covers care planning for the participant and will be reimbursed by a one-time administrative expense fee which is not included in the waiver services but will be paid from Medicaid administrative funds.

(1) The Texas Board of Human Services determines, for Medicaid waiver services and the one-time administrative expense fee, reimbursement rates that are uniform, prospective, and cost-related. DHS staff submit rate recommendations to the DHS Board.

(2) DHS determines waiver service and the administrative expense fee rates at least annually. Rates may be determined more often if the DHS Board determines that it is necessary.

(b) Public Rate Hearing. DHS holds a public hearing before the Texas Board of Human Services sets payment rates. The purpose of the hearing is to give interested persons an opportunity to comment on DHS's proposed rates. DHS must provide notice of the hearing to the public; and at least ten working days before the hearing takes place, DHS must make material pertinent to the proposed rates available to the public. At a minimum, this material must include DHS's proposed rates. DHS furnishes this material to anyone who requests it from the DHS division responsible for rate recommendations. After the hearing, DHS provides the Texas Board of Human Services with a written summary of the comments made during the public hearing.

(c) Waiver Rate Determination Methodology. The Texas Board of Human Services determines for each waiver service and the administrative expense fee, reimbursement rates which will reimburse the reasonable and prudent costs of a provider. Recommended rates are determined in the following manner.

(1) Providers will be reimbursed using a method based on modeled projected expenses. Modeled projected expenses will be developed by using data from surveys; cost report data from other similar programs or services; information from professionals experienced in the delivery of similar services; and other relevant sources. The room and board payments for Adult Foster Care and Assisted Living Services are not covered in these rates and will be paid to providers from the client's Supplemental Security Income, less a personal needs allowance.

(2) The approved reimbursement rates and administrative fee that are calculated will be:

(A) within budgetary constraints;

(B) adequate to reimburse the cost of operations for an efficient and economic provider; and

(C) justifiable given current economic conditions.

(3) DHS may adjust rates according to §24.501 of this title (relating to Adjusting Rates When New Legislation, Regulations, or Economic Factors Affect Costs) if new legislation, regulations, or economic factors affect costs.

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 June 30, 1993.

TRD-8325058

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 56. Family Planning**  
**Subchapter E. Joint TDH/DHS**  
**Family Planning Agency**  
**Standards (Titles XIX and**  
**XX)**

The Texas Department of Human Services (DHS) proposes the repeal of §§56.503-56.511, 56.515, 56.519, and 56.522-56.524; new §§56.503-56.511, 56.515, 56.519, and 56.522-56.524; and amendments to §§56.512-56.514, 56.516-56.518, 56.520, and 56.521, concerning the joint Texas Department of Health and Texas Department of Human Services family planning agency standards for the Title XIX and XX programs. The purpose of the repeals, new sections and amendments is to update the family planning agency standards.

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 that the quality of care for indigent family planning agency clients will be consistent across all four federal funding sources. 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 Beth Weber at (512) 338-6460 in DHS's Family Planning/Genetic Services Section. Comments on the proposal may be submitted to Nancy Murphy, Agency Liaison, Policy and Document Support-150, 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 §§56.503-56.511, 56.515, 56.519, 56.522-56.524

The repeals 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.

§56.503. *Health History, Laboratory Tests, and Examination.*

§56.504. *Plan of Care.*

§56.505. *Education and Counseling.*

§56.506. *Written Informed Consent.*

§56.507. *Office or Medical Clinic Visits.*

§56.508. *Management and Referral for Abnormal Findings.*

§56.509. *Provision of Contraceptive Method.*

§56.510. *Family Planning Services for Adolescents.*

§56.511. *Clients Requesting Pregnancy Testing.*

§56.515. *Timeliness.*

§56.519. *Staff Qualifications.*

§56.522. *Community Participation.*

§56.523. *Client Education Component.*

§56.524. *Accessibility to Services.*

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

Issued in Austin, Texas, on June 30, 1993.

TRD-8325057

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

Proposed date of adoption: August 31, 1993

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

◆ ◆ ◆  
• 40 TAC §§56.503-56.511, 56.515, 56.519, 56.522-56.524

The new sections 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.

§56.503. *Client Assessment: Health History, Physical Examination, and Laboratory Tests.*

(a) Every client requesting family planning medical services or a surgical or

prescriptive contraceptive method must be provided an assessment.

(b) For female clients, the assessment must include the following.

(1) Health history. The following information must be obtained initially and annually:

(A) gynecologic history including sexual history and STD/HIV risk;

(B) menstrual history;

(C) contraceptive history;

(D) obstetric history;

(E) medical and surgical history;

(F) family/genetic history; and

(G) social history, i.e., tobacco, substance abuse, alcohol, and domestic violence.

(2) Physical examination. The following physical examination procedures must be performed initially and annually:

(A) height (annually for clients until they are five years post-menarcheal);

(B) weight;

(C) blood pressure;

(D) head, neck (including thyroid);

(E) lymph nodes;

(F) heart;

(G) lungs;

(H) breasts (including instruction in self-examination initially, reinforcement annually);

(I) abdomen;

(J) back;

(K) extremities;

(L) pelvic examination; and



(M) rectal examination, as indicated.

(3) Laboratory tests. The following laboratory tests must be provided initially and annually:

(A) hemoglobin or hematocrit (initially for all clients; annually for IUD clients; as indicated otherwise);

(B) pap smear;

(C) tests for gonorrhea and chlamydia for clients requesting IUD insertion (only required pre IUD insertion, not annually); and

(D) urinalysis for sugar and protein (initially for all clients and as indicated thereafter).

(4) Additional laboratory tests. The following tests must be provided directly or by referral, if medically indicated:

(A) tests for gonorrhea, chlamydia, and herpes;

(B) complete urinalysis (dipstick and micro) and urine culture and sensitivity;

(C) syphilis serology;

(D) rubella titer;

(E) tests for abnormal lipid and/or glucose levels (or equivalent multiple test profile);

(F) pregnancy test (must be available on-site);

(G) microscopic examination of wet mount of vaginal smear;

(H) sickle-cell test;

(I) TB test; and

(J) HIV test.

(c) For male clients, the assessment will vary according to the scope of services requested and provided. A complete male assessment must include a similarly appropriate history, physical exam, and set of laboratory studies.

#### §56.504. Education and Counseling.

(a) Initial client education. Every new client requesting contraceptive services

or family planning medical services must be provided initial client education either verbally, in writing, or by audio/visual materials. Over-the-counter contraceptive methods may be provided before the client receives the initial client education but must be accompanied by written instructions on correct use. The following initial client education content may vary according to the educator's evaluation of the client's current knowledge:

(1) general benefits of family planning services and contraception;

(2) information on male and female basic reproductive anatomy and physiology;

(3) information regarding particular benefits and potential side effects and complications of all available contraceptive methods;

(4) information concerning all of the clinic's available services, the purpose and sequence of clinic procedures and routine schedule of return visits;

(5) breast self-examination rationale and instruction unless provided during physical exam (for females); and

(6) information on HIV/STD infection and prevention and safer sex discussion.

(b) Post assessment counseling. There must be a discussion of the findings from the client's history, physical exam and lab tests. Information regarding the recommended schedule of return visits must be discussed. If a new method is initiated then method specific counseling must be given to include:

(1) verbal and written instructions for correct use of the method and self monitoring;

(2) information regarding the method's mode of action, safety, benefits and effectiveness;

(3) information regarding risks, potential side effects and complications of the method and what to do if they occur;

(4) back up method review when appropriate and instructions on the correct use; and

(5) demonstration of appropriate insertion and removal of diaphragms or caps by the client at the time of the fitting.

(c) Preconceptional counseling. Clients who may become pregnant and in whom the assessment reveals potential pregnancy risk(s), must receive counseling regarding the modification/reduction of that risk(s).

(d) Education/counseling. Other client education and/or referral must be provided as indicated, based on the client assessment.

§56.505. Written Informed Consent. The client's general consent must be obtained for receipt of medical services and an informed consent must be obtained for receipt of a prescriptive or surgical contraceptive method. A consent form must be obtained whenever a client begins a new form of prescriptive contraception or undergoes a reinsertion procedure. (Does not apply to pill changes). The following standards apply.

(1) Only the client may consent to her/his contraceptive care; neither spousal nor parental consent may be requested or required.

(2) The client's consent must be voluntary.

(3) The client's consent must be in writing.

(4) The client's consent for a prescriptive or surgical method must be obtained before provision of the method.

(5) If the client does not understand the language of the consent form, it must be interpreted. Consent information must be effectively communicated to every client including those who are blind, deaf, or otherwise have a disability.

(6) The consent form for contraception must contain a statement that the client has been counseled, and has received appropriate information about the chosen method.

(7) If sterilization services using federal funds are provided or arranged, the federal sterilization consent guidelines must be followed.

#### §56.506. Office or Medical Clinic Visits.

(a) During any visit for a medical problem or follow-up visit the following must occur:

(1) an update of the client's relevant history;

(2) physical exam, if indicated;

(3) laboratory tests, if indicated;

(4) treatment and/or referral, if indicated;

(5) education/counseling or referral, if indicated; and

(6) scheduling of follow up visit if indicated.

(b) The first routine follow-up visit after a contraceptive method is initially provided must be scheduled to occur as follows, unless specifically indicated otherwise:

(1) between three and four months for oral contraceptors (visit must include blood pressure and weight);

(2) one week and three to four months for Norplant users or, in accordance with protocols (three to four month visit must include blood pressure and weight);

(3) after the next normal menses or no more than six weeks after an IUD is inserted.

(c) Subsequent routine visits for non-high-risk clients must not occur more frequently than annually unless indicated.

(d) Supply visits for oral contraceptive refills must not be more frequent than every three months, unless specifically indicated. Annual supply visits are encouraged. Other supply-only visits must occur as indicated. More frequent supply visits may be scheduled for reasons other than medical indications.

*§56.507. Management and/or Referral for Abnormal Findings.*

(a) The provider must have a system for:

(1) informing the client or making at least three attempts within 30 days after diagnosis to inform the client of a diagnosed or suspected disorder. All attempts must be documented with dates; the final attempt must be in writing;

(2) counseling the client about diagnosed or suspected abnormalities; and

(3) offering the client treatment or referral for treatment when counseled about diagnosed or suspected abnormalities.

(b) Clients must be offered treatment or referral for treatment of sexually transmitted diseases (STD) when diagnosed. STD clients must be counseled to have their partner(s) evaluated and treated. Providers must comply with state STD reporting requirements.

*§56.508. Provision of Contraceptive Method.*

(a) A contraceptive method must not be provided to the client if an absolute medical contraindication exists for that client in accordance with the provider's protocols.

(b) If a contraceptive method is provided for a client for whom a relative medical contraindication exists, a specific inquiry and evaluation regarding the relative contraindication must be made at all contraceptive surveillance visits.

*§56.509. Family Planning Services for Adolescents.*

(a) Adolescents age 17 and younger must be provided counseling and medical services that meet their special needs.

(b) The provider must ensure that:

(1) appointment schedules are flexible enough to accommodate immediate access for adolescents requesting services;

(2) counseling informs adolescents regarding use of all medically approved birth control methods including abstinence;

(3) counseling encourages them to discuss their family planning needs with a trusted or significant adult if they choose to do so;

(4) for the adolescent electing a nonprescriptive method, full participation in medical procedures is encouraged but may be deferred by the client; and

(5) the adolescent is assured that all services are confidential and that any necessary follow-up contact will protect the client's privacy.

*§56.510. Pregnancy Testing.*

(a) Clients having a pregnancy test must be provided an assessment, counseling and a referral, if indicated.

(b) At a minimum, the following must be obtained or updated prior to the laboratory test being performed:

(1) date of last normal menstrual period; and

(2) current contraceptive method.

(c) Clients must be advised that the laboratory test for pregnancy cannot be considered 100% accurate.

(d) Clients with positive results must receive a pelvic examination or be advised to have a pelvic examination within 15 days to confirm the pregnancy and must be provided basic pregnancy education and counseling; and if:

(1) desiring to maintain the pregnancy, must be encouraged to enroll in prenatal care as soon as possible; or

(2) requesting information about options for an unintended pregnancy, must be provided non-directive counseling and a referral for the following:

(A) prenatal care and delivery;

(B) infant care, foster care, or adoption; and

(C) pregnancy termination (not required of natural family planning agencies).

(e) Clients with bleeding, pain, or any symptoms of an abnormal pregnancy,

must receive appropriate management immediately or a timely referral for further evaluation.

(f) Clients with negative results who are not seeking pregnancy must be offered information about contraception, at least a non-prescriptive contraceptive method and a return appointment for a family planning visit. Clients seeking pregnancy must be appropriately counseled.

(g) If the results of the pregnancy test are inconclusive, the client must be instructed to return to the clinic or referral source for another assessment within one week.

*§56.511. Documentation.* All services provided to a client must be appropriately documented in an appropriate medical record.

*§56.515. Timeliness.*

(a) Clients requesting contraception and who cannot be seen immediately must be offered a non-prescriptive method without delay.

(b) Complete family planning services must be provided within 30 calendar days after the client's request, unless the desired method is unavailable.

*§56.519. Staff Qualifications.*

(a) Medical director. The provider's medical care services must be provided under the supervision, direction, and responsibility of a qualified medical director.

(1) At all times, the provider must have a medical director who is a physician currently licensed to practice medicine in Texas. The medical director must be responsible for the overall direction, supervision, and coordination of medical services provided by the provider, and assume final responsibility for the content of all medical information and services given to clients. Licensure verification and qualifications must be available in the personnel records.

(2) The medical director must participate in quality assurance activities.

(b) Other staff. The provider must ensure that all medical, educational, counseling and administrative staff are qualified, and appropriately licensed, certified, registered, and/or recognized to function in their respective roles as follows.

(1) Physicians must be currently licensed by the Texas Board of Medical Examiners and nurses must be currently licensed by the Texas Board of Nurse Examiners for Registered Nurses or Vocational Nurses. Physician assistants must be registered with the Texas Board of Medical Examiners. All must meet the provider's qualifications.

(2) Other staff must be properly trained in the area they are assigned to work.

(3) Performance of all medical duties by staff must be defined by the medical director and approved based upon the director or delegate's evaluation of the individual's education, experience and clinical expertise.

(4) Documentation of educational credentials, professional training, licensure, certification, recognition, registration, and periodic work performance evaluations must be maintained in the personnel files of all staff.

**§56.522. Community Outreach/Education.** The provider must provide community education in order to inform the public of its purpose, to disseminate basic family planning knowledge, to enlist community support and to attract potential clients.

**§56.523. Provider Protocols.** The provider must have written protocols and standing delegation orders which are comprehensive enough to cover all services offered. They must be approved by the medical director, reviewed and signed at least annually by both director and all appropriate staff. There must be a complete copy of the protocols and standing delegation orders at all clinical sites.

**§56.524. Quality Assurance.** The provider must have a written quality assurance plan which outlines a systematic approach to assess and monitor services provided and to correct problems identified in the assessment. The plan must include at least the following activities to occur at least annually:

- (1) formalized patient record review/audit;
- (2) staff performance review;
- (3) facility review;
- (4) formalized patient complaint process; and
- (5) systematic review and follow-up for adverse patient outcomes.

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 June 30, 1993.

TRD-9325056

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

Proposed date of adoption: August 31, 1993

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

◆ ◆ ◆  
• 40 TAC §§56.512-56.514,  
56.516-56.518, 56.520, 56.521

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.

**§56.512. Range of Methods.** All [family planning services and] medically approved methods of contraception must be made available to the client, either directly or by referral to a subcontractor. This does not mean that all brands of the different contraceptive methods need to be available, but each major contraceptive category must be made available.

**§56.513. Confidentiality.**

(a) The [agency] provider must ensure client confidentiality and provide safeguards for clients against the invasion of personal privacy.

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

(d) The [agency] provider must obtain the client's written consent to release information to a specific entity or entities when it is requested.

(e) -(f) (No change.)

**§56.514. Privacy.**

(a) (No change.)

(b) There must be private offices, rooms, or areas for interviewing, counseling, educating [informing], and referring clients.

(c) (No change.)

(d) The examining rooms or areas must permit complete privacy for the examination and any discussion between the client and the clinic staff [physician or nurse].

**§56.516. Protection Against Discrimination.**

(a) (No change.)

(b) The [agency] provider must have a written policy statement that prohibits its discrimination on the basis of marital status, parenthood, handicap, age, color, religion, sex, sexual orientation, ethnicity, national origin, [or] contraceptive preference, or medical condition. This statement must be displayed in a public viewing area.

(c) (No change.)

(d) The provider must comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), Section 504 of

the Rehabilitation Act of 1973 (Public Law 93-112), The Americans with Disabilities Act of 1990 (Public Law 101-336), and all amendments to each, and all requirements imposed by the regulations issued pursuant to these Acts.

**§56.517. Voluntary Participation.**

(a) Clients must not be subjected to any coercion to receive services. Also acceptance of services must not be a prerequisite [requisite] for eligibility for any other service or program.

(b) The [agency] provider must have a policy statement that prohibits coercion of clients to receive services or to use any particular method of contraception. During the orientation of paid staff and volunteers, the [agency] provider must stress this policy.

**§56.518. Client Understanding.**

(a) (No change.)

(b) Bilingual interpreters, agreed to by both the client and provider, [staff] must be [made] available for clients who do not speak English.

(c) Written communication and selected educational materials must be available in English and Spanish [the language that the client understands].

[(d) During staff orientation, the provider must stress sensitivity to client differences in cultural expectations or disabling conditions.

[(e) Services must be accessible to clients who have disabilities.]

(d)[(f)] During staff orientation, the [agency] provider must stress sensitivity to client differences in cultural expectations or disabling conditions.

**§56.520. Staff Development.**

(a) The [agency] provider must have a documented plan of organized staff development based on an assessment of training needs.

(b) The [agency] provider's plan for a staff development program must include orientation and inservice training for all personnel, including volunteers.

**§56.521. Emergencies.**

(a) The [agency] provider must be adequately prepared to handle emergency situations.

(b) Each site must have a written plan for the management of onsite medical emergencies, [for] emergencies requiring ambulance services and hospital admission, and [for] emergencies requiring evacuation

of the premises; evacuation plans for the premises must be posted.

(c) Each site where sterilization procedures are performed must have a [an] written arrangement with a licensed facility for emergency treatment of any surgical complication.

(d) Each site must have [at least one] staff trained in Cardio-Pulmonary Resuscitation (CPR) and emergency medical action; staff trained in CPR must be present during all hours of clinic operation.

(e) (No change.)

(f) If sterilization procedures are performed in a free-standing surgical care center or on an in-patient basis in a hospital, [standards of the Joint Commission for the Accreditation of Hospitals (JCAH) or] Medicare standards applicable to the facility and staff must be met.

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 June 30, 1993.

TRD-9325055

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

Proposed date of adoption: August 31, 1993

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

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# 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 IX. Texas State Board of Medical Examiners

#### Chapter 161. General Provisions

##### • 22 TAC §161.1

The Texas State Board of Medical Examiners adopts an amendment to §161. 1, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3238).

The amendment will clarify the duties of the Board committees.

The amendment will function by providing guidelines for committee members.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 June 21, 1993.

TRD-9324960

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: July 20, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 834-4502

#### Chapter 163. Licensure

##### • 22 TAC §163.9

The Texas State Board of Medical Examiners adopts an amendment to §163. 9, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2510).

The amendment allows an additional examination to be considered in lieu of the Special Purpose Examination for reciprocal endorsement applicants not examined within the past ten years.

The amendment will function by allowing physicians who have training equal to that required for specialty certification to be considered for licensure, without the necessity of taking the Special Purpose Examination.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 June 21, 1993.

TRD-9324959

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: July 20, 1993

Proposal publication date: April 20, 1993

For further information, please call: (512) 834-4502

#### Chapter 179. Investigation Files

##### • 22 TAC §179.2

The Texas State Board of Medical Examiners adopts an amendment to §179. 2, without changes to the proposed text as published in the May 18, 1993, issue of the *Texas Register* (18 TexReg 3240).

The adopted amendment will clarify the rules regarding information needed for investigation files.

The amendment will function by clearly defining the information to be submitted by physicians regarding medical records.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 June 21, 1993.

TRD-9324961

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: July 20, 1993

Proposal publication date: May 18, 1993

For further information, please call: (512) 834-4502

##### • 22 TAC §179.6

The Texas State Board of Medical Examiners adopts an amendment to §179. 6, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2511).

The amendment will clarify the physician's responsibility in reporting professional liability claims.

The amendment will function by giving examples of those claims that are not required to be reported and by reducing the amount of paperwork regarding the reporting of unnecessary claims.

One comment was received proposing a future amendment to this section; however, the comment did not relate to the current amendment.

The amendment is adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 June 21, 1993.

TRD-9324962

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: July 20, 1993

Proposal publication date: April 20, 1993

For further information, please call: (512)  
834-4502

## Chapter 187. Procedure

### Subchapter D. Posthearing

#### • 22 TAC §§187.31, 187.32, 187.34, 187.36

The Texas State Board of Medical Examiners adopts amendments to §§187.31, 187.32, 187.34, and 187.36, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2513).

The amendments will allow the Board flexibility in rendering a decision on disciplinary matters when it is in the best interest of the public.

The amendments will establish policy reasons, or legal grounds, to enable the Board to disagree with the recommendation of the administrative law judge on proposals for decision.

One comment was received questioning the necessity of the change in §187.34(d).

An attorney commented against the adoption of §187.34(d).

The agency disagreed with the comment because it amounted to criticism of form of rule and not substance. The substance of the rule is significant enough to avoid delay based on a criticism of the form of the rule, and no action was taken as a result of the comment.

The amendments are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaw not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 June 21, 1993.

TRD-9324963

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: July 20, 1993

Proposal publication date: April 20, 1993

For further information, please call: (512)  
834-4502

## Chapter 199. Disciplinary Hearings Panels

### • 22 TAC §§199.1-199.5

The Texas State Board of Medical Examiners adopts the repeal of §§199.1-199.5, without changes to the proposed text as published in the April 20, 1993, issue of the *Texas Register* (18 TexReg 2514).

The adopted repeal is necessary due to a change in law establishing the State Office Administrative Hearings to handle all contested cases.

The section will function by deletion.

No comments were received regarding adoption of the repeals.

The repeals are adopted under Texas Civil Statutes, Article 4495b, which provide the Texas State Board of Medical Examiners with the authority to make rules, regulations, and bylaws not inconsistent with this Act as may be necessary for the governing of its own proceedings, the performance of its duties, the regulation of the practice of medicine in this state, and the enforcement of this Act.

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 June 21, 1993.

TRD-9324964

Homer R. Goehrs, M.D.  
Executive Director  
Texas State Board of  
Medical Examiners

Effective date: July 20, 1993

Proposal publication date: April 20, 1993

For further information, please call: (512)  
834-4502

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 229. Food and Drug Synthetic Narcotic Drugs in the Treatment of Drug Dependent Persons

##### • 25 TAC §229.148

The Texas Department of Health (department) adopts an amendment to §229.148, concerning Minimum Standards for Approved Drug Treatment Programs, with changes to the proposed text as published in the May 11, 1993, issue of the *Texas Register* (18 TexReg 3014).

The amendment establishes licensing and operating requirements for narcotic treatment programs pursuant to the requirements of Chapter 466 of the Texas Health and Safety Code and the rules adopted thereunder entitled "Minimum Standards for Approved Narcotic Drug Treatment Programs." The

amendment will require yearly tuberculosis screening tests utilizing the Mantoux technique for narcotic treatment program patients and employees.

The following comments were received relating to the proposed amendments.

COMMENT: Several commenters stated that HIV-positive patients who have a negative reaction to the tuberculin screening test should receive energy screening.

RESPONSE: The department agrees and has made changes to the final §229.148(u).

COMMENT: Several commenters stated that tuberculosis screening tests should be required every 6 months.

RESPONSE: The department feels that annual testing is sufficient but will reevaluate this recommendation after 1 year to determine if semi-annual testing would be advantageous.

COMMENT: One commenter stated that energy testing should be required for all patients who are found to be tuberculin-negative because of the increased incidence of energy among IV drug users and the unknown incidence of HIV infection among program patients.

RESPONSE: The department has insufficient data at this time to amend the section to reflect this change but will gather information relevant to this request in order to assess feasibility of this requirement.

The commenters were the Bureau of Disease Control and Epidemiology at the Texas Department of Health, the University of Texas Health Science Center at Houston, and several individuals. None of the commenters were totally for or against the sections, but they had concerns, recommendations, and questions.

The amendments are adopted under Texas Health and Safety Code, §466.004, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of this Chapter; and §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 Texas Department of Health and the Commissioner of Health.

#### §229.148. State Operational Requirements.

(a)-(t) (No change.)

(u) Upon admission, each patient must receive an intradermal skin test using the Mantoux technique, or, when available, a procedure of equal or better sensitivity. A patient is not required to be retested at each admission if he or she can provide documentation that a Mantoux test was performed within the previous 12 months. Patients who had negative tuberculin skin tests on admission must be retested each year. Patients with a positive skin test result of five millimeters or greater must be referred for diagnostic evaluation. HIV seropositive patients found to be tuberculin-

negative must be tested for anergy. Anergic HIV-positive patients must be referred for clinical assessment and possible preventative therapy.

(v) Each employee working in a narcotic treatment program must receive an intradermal skin test using the Mantoux technique at the start of employment and annually thereafter, or present a certificate signed by a physician that states that:

(1) the employee has been tested for tuberculosis infection within the previous 90 days; and

(2) the results of the test indicates that the person does not have tuberculosis.

(w) In lieu of a screening test an employee with a history of a positive screening test must provide:

(1) documentation of that positive test result and of any diagnostic and therapeutic follow-up; and

(2) a certificate signed by a physician that states that the person does not have tuberculosis.

(x) All notations by NTP personnel on patient files and other files kept by the NTP for purposes of this chapter shall be typed, printed, or legibly handwritten so that any regulatory authority could read the writing.

(y) A NTP may not refuse to allow an inspection or otherwise interfere with personnel of the State Methadone Authority in the performance of their duties, including the photocopying of patient records during an inspection. It is a violation for a NTP not to fully cooperate in any inspection by the State Methadone Authority.

(z) Each NTP shall notify the State Methadone Authority in writing of any change in the employment status of any of its program personnel. This notice shall be provided within 20 days of the event.

(aa) NTP counselors not exempted must be licensed by the Texas Commission on Alcohol and Drug Abuse (TCADA).

(bb) Any theft from or illegal break-in to the clinic must be reported in writing to the State Methadone Authority within 10 days of the event.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324915

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

Effective date: July 29, 1993

For further information, please call: (512) 458-7248

### Registration of Manufacturers of Food-Including Good Manufacturing Practices

• 25 TAC §229.182, §229.183

The Texas Department of Health (department) adopts amendments to §229.182 and §229.183, concerning registration fee and procedures; and minimum standards for registration of manufacturing of food-including good manufacturing practices, without change to the proposed text as published in the May 11, 1993, issue of the *Texas Register* (18 TexReg 3015).

The amendments will enable the department to register and regulate manufacturers of food so as to ensure compliance with the federal regulations titled "Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food." The changed deadlines will enable the department to process the registrations in a more timely manner, help reduce the massive peak workload which results from processing over 9,200 food and drug applications at the same time, eliminate the need for temporary workers to assist with registration, and afford the department more time to follow up on firms that are delinquent in fee payment.

No comments were received relating to the proposed amendments.

The amendments are adopted under the Texas Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of this chapter; §431.225, which provides the Board the authority to adopt regulations to provide that registrations may expire at different dates during the year and to prorate registration fees payable on or before September 1 so that each registrant is required to pay only that portion of the registration fee allocable to the number of months during which the registration is valid; and §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 Texas Department of Health, and the Commissioner of Health.

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 June 28, 1993.

TRD-9324977

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

Effective date: July 20, 1993

Proposal publication date: May 11, 1993

For further information, please call: (512) 458-7248

### Licensing of Wholesale Distributors of Drugs-Including Good Manufacturing Practices

• 25 TAC §229.252

The Texas Department of Health (department) adopts an amendment to §229.252, concerning licensing fees and procedures for wholesale distributors of drugs-including good manufacturing practices, with changes to the proposed text as published in the May 11, 1993, issue of the *Texas Register* (18 TexReg 3016).

The amendment will enable the department to license and regulate wholesale distributors of drugs so as to ensure compliance with the federal regulations entitled "Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding of Drugs; General." The changed deadlines will enable the department to process the applications in a more timely and efficient manner, help reduce the massive peak workload which results from processing over 1,600 drug applications at the same time, eliminate the need for temporary workers to assist with registration, and afford the department more time to follow up on firms that are delinquent in fee payment.

No comments were received; however, the department felt clarification was needed as to the requirements necessary to amend licenses. The department has included the necessary language in §229.252(q)(3)(A) which will clarify the intent of the statute.

The amendment is adopted under the Texas Health and Safety Code, §431.241, which provides the department with the authority to adopt necessary regulations pursuant to the enforcement of this chapter; §431.205, which provides the Board the authority to adopt regulations to provide that licenses may expire on different dates during the year and to prorate license fees payable on or before September 1 so that the licensee is required to pay only that portion of the fee that is allocable to the number of months during which the license is valid; and §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 Texas Department of Health, and the Commissioner of Health.

#### §229.252. Licensing Fee and Procedures.

(a) License fee. All wholesale distributors of drugs who sell drugs in Texas shall obtain a license annually with the Texas Department of Health (department) and shall pay a licensing fee for each wholesale distribution place of business operated as follows:

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

(b)-(e) (No change.)

(f) Issuance of license. The department may license a wholesale distributor of drugs who meets the requirements of this

section and §229.253 of this title (relating to Minimum Standards for Licensing).

(1) The initial license shall be valid for one year from the date of issuance which becomes the anniversary date.

(2) The renewal license shall be valid for one year from the anniversary date.

(g) Renewal of license.

(1) Each year, the wholesale distributor of drugs shall renew its license following the requirements of this section and §229.253 of this title (relating to Minimum Standards for Licensing).

(2) A person who holds a license issued by the department under the Health and Safety Code shall renew the license by filing an application for renewal on a form prescribed by the Department, accompanied by the appropriate licensure fee. A licensee must file for renewal before the expiration date of the current license. A person who files a renewal application after the expiration date must pay an additional \$100 as a delinquency fee.

(3) Failure to submit the renewal annually may subject the wholesale distributor of drugs to the enforcement provisions under Health and Safety Code, Chapter 431, and to the provisions of §229.254 of this title (relating to Refusal, Revocation, or Suspension of License).

(A) Amendment of license.

A license that is amended, including a change of name, ownership, or a notification of a change in the location of a licensed place of business required under the Health and Safety Code, §431.206, will require submission of fees as outlined in subsection (a) of this section.

(B) Notification of change of location of place of business. Not fewer

than 30 days in advance of the change, the licensee shall notify the Commissioner of Health (commissioner) or the commissioner's designee in writing of the licensee's intent to change the location of a licensed place of business. The notice shall include the address of the new location, and the name and residence address of the individual in charge of the business at the new location. Not more than 10 days after the completion of the change of location, the licensee shall notify the commissioner or the commissioner's designee in writing to verify the change of location, the address of the new location, and the name and residence address of the individual in charge of the business at the new address. Notice will be deemed adequate if the licensee provides the intent and verification notices to the commissioner or the commissioner's designee by certified mail, return receipt requested, mailed to the Texas Department of Health, 1100 West 49th Street, Austin.

(h) Exemption from licensing. Persons who engage only in the following types of wholesale drug distribution are exempt from the licensing requirements of this undesignated head, to the extent that it does not violate provisions of the Texas Dangerous Drug Act or the Texas Controlled Substances Act, the Health and Safety Code:

(1) intracompany sales;

(2) the purchase or acquisition by a hospital or other health care entity that is a member of a group purchasing organization of a drug for its own use from the group purchasing organization or from other hospitals or health care entities that are members of such organizations;

(3) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug by a charitable organization, as described in the Internal Revenue Code of 1986, §501(c)(3), to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(4) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug among hospitals or other health care entities that are under common control. For the purpose of this subsection, "common control" means the power to direct or cause the direction of the management and policies of a person or an organization, whether by ownership of stock, voting rights, contract, or otherwise;

(5) the sale, purchase, or trade of a drug or an offer to sell, purchase, or trade a drug for emergency medical reasons. For purposes of this section, "emergency medical reasons" includes transfers of prescription drugs by a retail pharmacy to another retail pharmacy to alleviate a temporary shortage;

(6) the sale, purchase, or trade of a drug, an offer to sell, purchase, or trade a drug, or the dispensing of a drug pursuant to a prescription;

(7) the distribution of drug samples by manufacturers' representatives or distributors' representatives; or

(8) the sale, purchase, or trade of blood and blood components intended for transfusion.

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 June 29, 1993.

TRD-9324976

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

Effective date: July 20, 1993

Proposal publication date: May 11, 1993

For further information, please call: (512) 458-7248



# Open Meetings

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

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

**Posting of open meeting notices.** All notices are posted on the bulletin board at the Office of the Secretary of State in lobby of 221 East 11th Street, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

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

## Texas Department on Aging

Thursday, July 8, 1993, 9:30 a.m. The Texas Board on Aging of the Texas Department on Aging will meet at 1949 South IH-35, Third Floor Large Conference Room, Austin. According to the agenda summary, the board will consider and possibly act on: call the meeting to order; discuss approval of the minutes of June 9, 1993 board retreat meeting; approve minutes of June 10, 1993 joint board/citizens advisory council (CAC) meeting; receive public testimony; hear executive director's report; recognize Texas Silver Haired Legislature; CAC representative from Tarrant County region; programmatic/fiscal reports on various discretionary grants; reconsider discretionary grant process; contract with Texas State Comptroller's Office; prior internal audit updates; internal audit of field operations division; Fiscal Year 1994 internal audit proposal; officers' and directors' liability insurance; proposed policy on TDoA Board travel; Fiscal Year 1994 options for independent living projects funding; access and assistance waiver process; area agency on aging signage; future role of networking/advocacy/legislation committee; aging policy consortium; general announcements; and adjourn.

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

Filed: June 30, 1993, 4:17 p.m.

TRD-9325082

## Texas Department of Agriculture

Monday, July 12, 1993, 10:30 a.m. The Texas Department of Agriculture will meet

at The Meeting Place at Victoria Mall, 7800 North Navarro, Victoria. According to the complete agenda, the department will hold a public hearing to take public comment on the department's proposed new rules §§3.20-3.24 concerning the establishment of rules, procedures, and methods of treatment by the Boll Weevil Eradication Foundation, to be published in the Friday, July 2, 1993 edition of the *Texas Register*.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: June 30, 1993, 9:31 a.m.

TRD-9325043

Monday, July 12, 1993, 1:00 p.m. The Texas Department of Agriculture will meet at the Texas A&M Research and Extension Center Auditorium, 1102 East FM 1294, Lubbock. According to the complete agenda, the department will hold a public hearing to take public comment on the department's proposed new rules §§3.20-3.24 concerning the establishment of rules, procedures, and methods of treatment by the Boll Weevil Eradication Foundation, to be published in the Friday, July 2, 1993 edition of the *Texas Register*.

Contact: Katie Dickie, P.O. Box 12847, Austin, Texas 78711, (512) 463-7593.

Filed: June 30, 1993, 9:31 a.m.

TRD-9325042

Tuesday, July 13, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the State Farm Bureau Office, 7420 Fish Pond Road, Waco. According to the complete agenda, the department will hold a public hearing to take public comment on the department's proposed new rules §§3.20-3.24 concerning the establishment of

rules, procedures, and methods of treatment by the Boll Weevil Eradication Foundation, to be published in the Friday, July 2, 1993 edition of the *Texas Register*.

Contact: Dolores Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: June 30, 1993, 9:31 a.m.

TRD-9325041

Tuesday, July 13, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the Abilene Civic Center, Conference Room #1, 1100 North Sixth Street, Abilene. According to the complete agenda, the department will hold a public hearing to take public comment on the department's proposed new rules §§3.20-3.24 concerning the establishment of rules, procedures, and methods of treatment by the Boll Weevil Eradication Foundation, to be published in the Friday, July 2, 1993 edition of the *Texas Register*.

Contact: Katie Dickie, P.O. Box 12847, Austin, Texas 78711, (512) 463-7593.

Filed: June 30, 1993, 9:31 a.m.

TRD-9325040

Wednesday, July 14, 1993, 10:00 a.m. The Texas Department of Agriculture will meet at the Texas A&I Citrus Center Auditorium, 312 North International, Weslaco. According to the complete agenda, the department will hold a public hearing to take public comment on the department's proposed new rules §§3.20-3.24 concerning the establishment of rules, procedures, and methods of treatment by the Boll Weevil Eradication Foundation, to be published in the Friday, July 2, 1993 edition of the *Texas Register*.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: June 30, 1993, 9:30 a.m.

TRD-9325039

Thursday, July 15, 1993, 10:00 a.m. The Texas Sheep and Goat Commodity Board of the Texas Department of Agriculture will meet at the Holiday Inn, Room 162, 920 East Main Street, Uvalde. According to the complete agenda, the board will hear opening remarks; review and discuss approval of the minutes of June 17, 1993 meeting; fiscal affairs; hear reports of officers and feedlot/slaughter contract committee; discuss and possibly act on new business and unfinished business; discuss other business; act on scheduling of the next meeting; and adjourn.

Contact: Minnie Savage, 233 West Twohig, San Angelo, Texas 76902-3543, (915) 659-8777.

Filed: June 30, 1993, 9:31 a.m.

TRD-9325045

### The State Bar of Texas

Thursday-Friday, July 8-9, 1993, 10:00 a.m. and 8:30 a.m. respectively. The Commission for Lawyer Discipline of the State Bar of Texas will meet at the Texas Law Center, 1414 Colorado Street, Rooms 202/203, Austin. According to the agenda summary, the commission will call the meeting to order; make introductions; discuss approval of the minutes of prior meetings; status reports; review commission's compliance with the State Bar Act, the Texas Rules of Disciplinary Procedure and orders of the Supreme Court of Texas; discuss operations of general counsel's office; grievance committees; discuss special counsel program; operations of the commission; use of grievance forms; staff presentations; closed executive session pursuant to Article 6252-17(2)(e) and (g); discuss pending litigation; matters pending before evidentiary panels of grievance committees; special counsel assignments; personnel matters; discuss and authorize offers or other actions with respect to those items discussed in closed executive session; discuss future meetings of commission; other matters as appropriate; hear public comment; and adjourn.

Contact: Anne Dorris, P.O. Box 12487, Austin, Texas 78711, (512) 463-1381.

Filed: June 30, 1993, 4:19 p.m.

TRD-9325083

### Texas Department of Commerce

Thursday, July 22, 1993, 10:00 a.m. The Capital Certified Development Corporation,

Board of Director's and Annual Members of the Texas Department of Commerce will meet at the Holiday Inn Villa Convention Center, 4300 West Highway 80, Midland. According to the agenda summary, the board will call the meeting to order in open meeting; discuss approval of the minutes of the June 17, 1993 board meeting; adjourn board of directors meeting; call to order annual members meeting; hear annual activities report from the president; presentation of SBA certificate; review minutes of annual members meeting of June 24, 1992; hear treasurer's report; introduce new members; hear board of directors policy and activity report; SBA 504 loan program overview; board of directors nominating committee report; election of expired board of directors positions; discuss other old and new business; adjourn annual members meeting; call the meeting to order in open meeting of the board of directors at 1:00 p.m.; nominations and election of corporate officers; presentation of fiscal year 1994 marketing plans; 504 loan activity report; discuss other old and new business; and adjourn. (Notice: Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Eileen Kelly at (512) 320-9649 at least two days before this meeting so that appropriate arrangements can be made. Please also contact Eileen Kelley at (512) 320-9649 if you need assistance in having English translated into Spanish.

Contact: Colleen Rowland, 410 East Fifth Street, Austin, Texas 78701, (512) 320-9649.

Filed: June 29, 1993, 10:42 a.m.

TRD-9324975

### Texas State Board of Examiners of Professional Counselors

Thursday, July 8, 1993, 1:00 p.m. The Complaints 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 order concerning the license of N.M.; and pending complaints.

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: June 29, 1993, 2:22 p.m.

TRD-9324992

Thursday, July 8, 1993, 1:00 p.m. The Complaints 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 revised agenda, the committee will discuss and possibly act on order concerning the license of N.M.; dismissal of the license suspension of P.J.B.; and act on pending complaints.

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

Filed: June 30, 1993, 1:13 p.m.

TRD-9325067

Friday, July 9, 1993, 8:30 a.m. The Testing and Continuing Education Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room N-218, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on American Association for State Counseling Board's (AASCB) request for proposal concerning examination.

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: June 29, 1993, 2:22 p.m.

TRD-9324991

Friday, July 9, 1993, 9:30 a.m. The Rules and Specialties Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room N-218, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on amendments to Title 22, Texas Administrative Code, Chapter 681; and petition for rule change concerning self-study programs for continuing education.

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: June 29, 1993, 2:22 p.m.

TRD-9324990

Friday, July 9, 1993, 1:30 p.m. The Applications, Licensing and Renewals Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room N-218, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: applications (Alfred Lewis Jones, Julius Lundy, Patricia Romo, Thomas W. Schulte, Shari Hughes Scott,

Paul David Smith, Lana Carol Stripling and others); and status of license renewals.

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: June 29, 1993, 2:22 p.m.

TRD-9324989

Friday, July 9, 1993, 3:30 p.m. The Personnel and Administration Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room N-218, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on approval of a seasonal and hourly employee to work during upcoming leaves absence; and possibility of future staffing upgrades.

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: June 29, 1993, 2:22 p.m.

TRD-9324988

Friday, July 9, 1993, 4:00 p.m. The Fees and Budget Committee of the Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room N-218, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and possibly act on: approval of one board member to attend the Council on Licensing Enforcement and Regulation (CLEAR) conference in San Diego; seasonal and hourly employee to work during upcoming leaves absence; and financial report through May 31, 1993.

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: June 29, 1993, 2:22 p.m.

TRD-9324987

Saturday, July 10, 1993, 9:00 a.m. The Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the agenda summary, the board will discuss and possibly approve the minutes of May 1, 1993, meeting; discuss and possibly act on committee reports (applications, licensing and renewals, testing and continuing education, rules and specialties, personnel and administration, fees and budget, complaints and public and professional relations); election of officers;

committee appointments; persons wishing to appear before the board; and setting of the next meeting date.

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: June 29, 1993, 2:23 p.m.

TRD-9324993

Saturday, July 10, 1993, 9:00 a.m. Texas State Board of Examiners of Professional Counselors will meet at the Exchange Building, Room N-400, 8407 Wall Street, Austin. According to the revised agenda summary, the board will discuss and possibly approve the minutes of the May 1, 1993, meeting; committee reports (applications, licensing and renewals, testing and continuing education, rules and specialties, personnel and administration, fees and budget, complaints, and public and professional relations); election of officers; committee appointments; persons wishing to appear before the board; and setting of the next meeting date.

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

Filed: June 30, 1993, 4:50 p.m.

TRD-9325089

### ◆ ◆ ◆ Interagency Council on Early Childhood Intervention

Friday, July 14, 1993, 9:00 a.m. The Interagency Council on Early Childhood Intervention will meet at the Texas Department of Health, Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the council will receive public comments; discuss approval of the minutes of the June 9, 1993, meeting; discuss and possibly act on: reports of the advisory committee and director's forum; fiscal year 1994 funding recommendations for Beaumont State Center and update on issues related to the establishment of indirect cost rates for fiscal year 1994; requests for emergency funding for fiscal year 1993 and an update on requests presented to the council at the June 9, 1993 meeting; adoption of rule changes to §§621.23, 621.25, 621.45-621.44, 621.46, and 621.64 related to the program's service delivery; administrative hearings concerning individual child rights and the advisory committee; proposed changes to §621.23 of the Early Childhood Intervention Rules related to payment of the state Medicaid share for private providers;

fiscal year 1994 operating budget; and update on interagency options for administrative support, office move and separate agency status plans.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7673. 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: June 30, 1993, 10:08 a.m.

TRD-9325062

### ◆ ◆ ◆ Texas Education Agency

Wednesday July 7, 1993, 9:30 a.m. The State Board of Education Task Force on Early Childhood and Elementary Education of the Texas Education Agency will meet at 1701 North Congress Avenue, William B. Travis Building, Room 1-104, Austin. According to the agenda summary, the task force will make welcoming remarks; discuss Preventing Early School Failure-a discussion of research, programs, and practices; effective literacy instruction in early childhood and elementary education; and discussion of draft policy statement and recommendations.

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

Filed: June 29, 1993, 3:01 p.m.

TRD-9325001

Thursday, July 8, 1993, 10:30 a.m. The State Board of Education (SBOE) Committee of the Whole of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; commissioner's overview of the July 1993 SBOE meeting; discuss request for SBOE confirmation regarding establishment of advisory committees; report on the review of education for self-responsibility materials; and pending litigation. The discussion of pending litigation will be held in executive session in accordance with Texas Civil Statutes, Article 6252-17, §2(e), in Room 1-103.

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

Filed: June 30, 1993, 8:29 a.m.

TRD-9325029

Thursday, July 8, 1993, 1:00 p.m. The State Board of Education (SBOE) Committee on Students of the Texas Education Agency will meet at the William B. Travis Building, Room 1-100, 1701 North Congress Avenue, Austin. According to the

agenda summary, the committee will hear public testimony; discuss recommended high school program; evaluation topic-Integration of Academic and Vocational Education; update on assessment program; and middle school health and physical education.

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

Filed: June 30, 1993, 8:30 a.m.

TRD-9325031

Thursday, July 8, 1993, 1:00 p.m. The State Board of Education (SBOE) Committee on School Finance of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; discuss school finance update; proposed new 19 TAC §67.97, Penalties; allocation of funds for the purchase and distribution of textbooks; large type textbooks for the visually handicapped; request for permission to allow the agency to apply for a partnership grant and to accept federal funds for programs to encourage minority students to become teachers; recommendation of the apprenticeship and training advisory committee contact-hour rate for apprenticeship training programs; review of the operating budget, program budget, and strategic plan for the 1993-1994 fiscal year; review of annual audit plan of the school audits division; and project to develop a new public school accounting system.

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

Filed: June 30, 1993, 8:30 a.m.

TRD-9325032

Thursday, July 8, 1993, 1:00 p.m. The State Board of Education (SBOE) Committee on Personnel of the Texas Education Agency will meet at the William B. Travis Building, Room 1-111, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; discuss proposed amendments 19 TAC §143.11, Requirements for Assignment of School Personnel; proposed amendments to 19 TAC §137.194, Teacher Certificate-All Level; proposed repeal of 19 TAC §145.2, Paperwork Reduction and proposed amendments Programs for: University of Texas at El Paso, West Texas A&M University, Houston ISD, Fort Worth ISD, Lamar University, Region II Education Service Center (ESC), Region IV ESC, and Region XVIII ESC; request for adoption of examination for the Certification of Educators in Texas (ExCET) competencies: physical education, English as a second language, generic special education; adoption of standards exempting students from the

basic skills test required for admission to teacher preparation programs; follow-up to health services report; passing standards for the Examination for the Certification of Educators in Texas (ExCET); update on the Texas Academic Skills Program (TASP) test; proposed revision to 19 TAC Chapter 149, Education Personnel Development; discussion of Teach for America: An Alternative Certification Program; and hear status report on the accreditation of school districts.

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

Filed: June 30, 1993, 8:29 a.m.

TRD-9325030

Friday, July 9, 1993, 8:30 a.m. The State Board of Education (SBOE) Committee on Long-Range Planning of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; expert session-issues related to gender equity in education; discuss proposed amendments to 19 TAC Chapter 65, Subchapter A, Center for Educational Technology; hear status report on the activities of the task force on early childhood and elementary education; federal governmental relations activities; and family and community support-coordinated educational, health and human services.

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

Filed: June 30, 1993, 8:30 a.m.

TRD-9325033

Friday, July 9, 1993, 8:30 a.m. The State Board of Education (SBOE) Committee on the Permanent School Fund (PSF) of the Texas Education Agency will meet at the William B. Travis Building, Room 1-109, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear public testimony; discuss recommended PSF investment program for July and August and funds available for the program; recommendation for continuance of investment counsel contract for the PSF; recommended PSF investment strategy for the 1994-1995 biennium; review of PSF securities transactions and the investment portfolio; and hear report of the PSF manager.

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

Filed: June 30, 1993, 8:30 a.m.

TRD-9325034

Friday, July 9, 1993, 1:00 p.m. The State Board of Education (SBOE) of the Texas Education Agency will meet at the William

B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the board will hear public testimony; discuss approval of the June 11, 1993 minutes; request for SBOE confirmation of advisory committees; requirements for assignment of personnel; teacher certificate-all level; paperwork reduction and school district information requirements; alternative certification programs; request for adoption of examination for the Certification of Educators in Texas (ExCET) competencies-physical education, English as a second language, generic special education; adoption of standards exempting students from the basic skills test required for admission to teacher preparation programs; recommended high school program; penalties [to be imposed on publishers for errors in textbooks]; allocation of funds for the purchase and distribution of textbooks; large type textbooks for the visually handicapped; request for permission to allow the agency to apply for a partnership grant and to accept federal funds for programs to encourage minority students to become teachers; recommendation of the Apprenticeship and Training Advisory Committee contact-hour rate for apprenticeship training programs; Center for Educational Technology; recommended Permanent School Fund (PSF) investment program for July and August and funds available for the program; recommendation for continuance of investment counsel contact for the PSF; recommended PSF investment strategy for the 1994-1995 biennium; and information on agency administration.

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

Filed: June 30, 1993, 8:31 a.m.

TRD-9325035

## ◆ ◆ ◆ Finance Commission of Texas

Friday, July 9, 1993, 8:30 a.m. The Audit Committee of the Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the complete agenda, the committee will review and discuss approval of the minutes of previous meeting; hear Department of Banking internal audit report on special audits division and management response; status report on current audit activities; and review of audit plan.

Contact: Randall James, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: June 29, 1993, 2:34 p.m.

TRD-9324998

Friday, July 9, 1993, 9:15 a.m. The Consolidation Subcommittee of the Finance

Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the complete agenda, the subcommittee will review and discuss approval of the minutes of the previous meeting; discuss status of responses to the consolidation questionnaire to the trade associations; status of status of responses to the consolidation questionnaire to the other state commissioners; and review and discuss timeline for subcommittee work.

Contact: Randall James, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: June 29, 1993, 2:34 p.m.

TRD-9324997

Friday, July 9, 1993, 9:30 a.m. The Finance Commission of Texas will meet at the Finance Commission Building, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the commission will review and discuss approval of the minutes of previous meeting; finance commission matters; hear report from the Office of the Consumer Credit Commissioner; report from the Savings and Loan Department; report from the Banking Department; and meet in executive session to discuss supervisory, litigation and personnel matters.

Contact: Randall James, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: June 29, 1993, 2:33 p.m.

TRD-9324996

### Office of the Governor, Criminal Justice Division

Monday, July 12, 1993, 10:00 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet at the Permian Basin Law Enforcement Academy, 2910 La Force Boulevard, Midland. According to the complete agenda, the council will welcome guests; make introductions; discuss Fiscal Year 1994 funding guidelines for Crime Stoppers Assistance Funds; Fiscal Year 1994 financial and administrative guidelines for Crime Stoppers Assistance Fund; accounting and reporting requirements of grants; and adjourn.

Contact: David Cobbs, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: July 1, 1993, 9:56 a.m.

TRD-9325100

Tuesday, July 13, 1993, 10:00 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet at the Pharr Police Training Academy, 415 South Palm

Drive, Pharr. According to the complete agenda, the council will welcome guests; make introductions; discuss Fiscal Year 1994 funding guidelines for Crime Stoppers Assistance Funds; Fiscal Year 1994 financial and administrative guidelines for Crime Stoppers Assistance Fund; accounting and reporting requirements of grants; and adjourn.

Contact: David Cobbs, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: July 1, 1993, 9:56 a.m.

TRD-9325101

Monday, July 19, 1993, 10:00 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet at the Capitol La Quinta Inn, 300 East 11th Street, Lady Bird Room, Austin. According to the complete agenda, the council will welcome guests; make introductions; discuss Fiscal Year 1994 funding guidelines for Crime Stoppers Assistance Fund; Fiscal Year 1994 financial and administrative guidelines for Crime Stoppers Assistance Fund; accounting and reporting requirements of grants; and adjourn.

Contact: David Cobbs, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: July 1, 1993, 9:56 a.m.

TRD-9325102

Tuesday, July 20, 1993, 10:00 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet at the Lexington Suites, 8701 Airport Freeway, Room 200, Fort Worth. According to the complete agenda, the council will welcome guests; make introductions; discuss Fiscal Year 1994 funding guidelines for Crime Stoppers Assistance Funds; Fiscal Year 1994 financial and administrative guidelines for Crime Stoppers Assistance Fund; accounting and reporting requirements of grants; and adjourn.

Contact: David Cobbs, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: July 1, 1993, 9:56 a.m.

TRD-9325103

Wednesday, July 21, 1993, 10:00 a.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet at the Amarillo Police Department, 200 SE Third Street, Amarillo. According to the complete agenda, the council will welcome guests; make introductions; discuss Fiscal Year 1994 funding guidelines; Fiscal Year 1994 financial and administrative guidelines; accounting reporting requirements; and adjourn.

Contact: David Cobbs, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: July 1, 1993, 9:56 a.m.

TRD-9325104

### Texas Department of Health

Thursday, July 8, 1993, 10:00 a.m. The Advisory Council on Massage Therapy of the Texas Department of Health will meet at the Exchange Building, Room S-400, 8407 Wall Street, Austin. According to the complete agenda, the committee will discuss and approve the minutes from the March 12, 1993 meeting; discuss and possibly act on massage therapy rules, Chapter 141; ethics; examination report; comments not requiring council action; and setting of next date.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 834-6616. 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: June 30, 1993, 10:08 a.m.

TRD-9325061

### Health and Human Services Commission

Friday, July 9, 1993, 9:00 a.m. The Hospital Payment Advisory Subcommittee of the Health and Human Services Commission will meet at the Texas Department of Health, 1100 West 49th Street, Tower Building, Room T-607, Austin. According to the complete agenda, the subcommittee will make opening comments; hear state medicaid director's comments; discuss approval of the minutes; disproportionate share program update; rules to implement the appropriations rider for the Governor's health care cost containment; open discussion; set next meeting; and adjourn.

Contact: Geri Willems, 4807 Spicewood Springs Road, Building Four, Austin, Texas 78759, (512) 502-3256.

Filed: June 29, 1993, 2:19 p.m.

TRD-9324985

Friday, July 9, 1993, 10:30 a.m. The Medical Care Advisory Committee of the Health and Human Services Commission will meet at 1100 West 49th Street, Austin. According to the complete agenda, the committee will make opening comments; hear state medicaid director's comments; discuss approval of the minutes; Medical Care Advisory Committee procedures/guidelines; LTC assessments report; long/short term care for children with disabilities agency workgroup-update; reimbursement methodology rules for the medically dependent children program; methodology rules for the home and community-based services

waiver program; enrollment of military hospitals as medicaid providers; rules to implement the appropriations rider for the Governor's health care cost containment; coverage for special transportation services provided by school districts for children with disabilities; nursing facility waiver rule changes; EPSDT program; preventive services visits; authorized representatives in the Aid to Families with Dependent Children (AFDC) and medical programs; technical amendments to the long term care nursing facility requirements for licensure and medicaid certification; changes to client eligibility criteria for home and community-based services-OBRA waiver program; changes to client eligibility criteria for home and community-based services waiver program; subcommittee report-EPSDT dental professional; open discussion by members; plan next meeting; and adjourn.

Contact: Geri Willems, 4807 Spicewood Springs Road, Building Four, Austin, Texas 78759, (512) 502-3256.

Filed: June 29, 1993, 2:18 p.m.

TRD-9324984

## Texas Department of Housing and Community Affairs

Wednesday, July 7, 1993, 4:00 p.m. The Audit Committee of the Board of Directors of the Texas Department of Housing and Community Affairs will hold an emergency meeting at 811 Barton Springs Road, Suite 300, Austin. According to the agenda summary, the committee will consider and possibly act on approval of Fiscal Year 1993 revised internal audit plan; hear reports on voucher processing system; second quarter performance and funds management; review of Section 8 housing funds from the U.S. Department of Housing and Urban Development for fiscal year 1986-1992 and review on Section 8 housing expenditures during 1986 and 1987; updates on Community Developing program on grant accounting system of KPMD Peat Marwick's audit of the Community Affairs Division; update on review of revolving loan fund; and review process for selecting recipients of department's programs. The emergency status is necessary to increase the availability of decent, safe, and sanitary housing for low-income residents of Texas.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3916.

Filed: June 30, 1993, 9:37 a.m.

TRD-9325047

Thursday-Saturday, July 8-10, 1993, 5:00 p.m. The Board of the Texas Department of Housing and Community Affairs will meet

at the Red Lion Hotel, IH-35 North and Highway 290 East, Austin. According to the agenda summary, the board will consider and possibly act on resolution for Resolution Trust Corporation; working session to discuss budget, programs, and vision, direction, goals and objectives of the Board. Individuals who require auxiliary aids or services for this meeting should contact Aurora Carvajal, ADA responsible employee, at (512) 475-3822 or Relay Texas at 1 (800) 735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Contact: Henry Flores, 811 Barton Springs Road, Austin, Texas 78704, (512) 475-3916.

Filed: June 30, 1993, 4:00 p.m.

TRD-9325081

## Texas Department of Insurance

Thursday, July 8, 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 complete revised agenda, the board will consider a petition filed on behalf of the Texas Catastrophe Property Insurance Association (the Association) requesting approval of exemption of the Association from the requirement that an actuarial statement of opinion be included or attached to its annual statement.

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

Filed: June 29, 1993, 10:34 a.m.

TRD-9324966

Monday, July 12, 1993, 1:30 p.m. (Rescheduled from August 18, 1993, 1:30 p.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 revised agenda, the board will consider an administrative law judge proposal for decision in the matter of Docket Number 1904 concerning a request by Sechrist-Hall Company for a hearing on the calculation of an experience rating modifier applicable to workers' compensation insurance premiums; and consider an administrative law judge proposal for decision in the matter of Docket Number 1973 concerning the request by the Bowler Hat Antique Mall from a decision of the Texas Workers' Compensation Insurance Facility.

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

Filed: June 29, 1993, 10:34 a.m.

TRD-9324967

## Texas Department of Licensing and Regulation

Tuesday, July 20, 1993, 9:00 a.m. The Inspections and Investigations, Air Conditioning of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, 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 Robert Daniel Duffin doing business as Danny Duffin Air Conditioning and Heating for violation of Texas Civil Statutes, Article 8861, 16 TAC, §§75.40(b), (d), and (e), 75.1(b) and 75.90(f), Article 6252-13a, and Article 9100.

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

Filed: June 30, 1993, 4:40 p.m.

TRD-9325084

Tuesday, August 3, 1993, 9:00 a.m. The Inspections and Investigations, Air Conditioning of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, 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 Kenneth E. Morris doing business as Modern Mechanical for violation of Texas Civil Statutes, Article 8861, 16 TAC, §§75.40(b), (d), (e) and (f), 75.70(c), 75.90(a), and 75.90(h), Article 6252-13a, and Article 9100.

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

Filed: June 30, 1993, 4:41 p.m.

TRD-9325085

Thursday, August 5, 1993, 9:00 a.m. The Inspections and Investigations, Auctioneers of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the claims of American Automotive, Gardendale Motors, Easy Credit Motors, C&R Motors, Texas Bank, N.A., Homer Walker, Loma Park Auto Sales, Good News Motors, and Auto Truck Mart against Robert Richie doing business as Mid-Tex Auto Auction and determine the amount due the aggrieved parties pursuant to the Texas Civil Statutes, Article 8700, §5C, and Article 6252-13a.



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

Filed: June 30, 1993, 4:41 p.m.

TRD-9325086

Thursday, August 5, 1993, 1:00 p.m. Inspections and Investigations, Auctioneers of the Texas Department of Licensing and Regulation will meet at 920 Colorado, E.O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the claim of Herb Patlis against Donnie Dickerson doing business as Jim Keeping Auction and determine the amount due the aggrieved party pursuant to the Texas Civil Statutes, Article 8700, §5C, and Article 6252-13a.

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

Filed: June 30, 1993, 4:41 p.m.

TRD-9325087

### Texas Council on Offenders with Mental Impairments

Monday, July 12, 1993, 11:00 a.m. The Executive Committee of the Texas Council on Offenders with Mental Impairments will meet at the Texas Department of Criminal Justice, Board of Pardons and Paroles, 8610 Shoal Creek Boulevard, Austin. According to the complete agenda, the committee will call the meeting to order; hear introductions; public comments; discuss approval of minutes of previous meeting; discuss overview/update; hear committee reports; executive director's report; and adjourn.

Contact: Dee Kifowit, 8610 Shoal Creek Boulevard, Austin, Texas 78757, (512) 406-5406.

Filed: June 30, 1993, 8:49 a.m.

TRD-9325037

### Texas Department of Mental Health and Mental Retardation

Wednesday, July 14, 1993, 6:00 p.m. The Fort Worth State School Alternative Use Committee of the Texas Department of Mental Health and Mental Retardation will meet at 5301 Campus Drive (TCJC), Student Center, Second Floor, Fort Worth. According to the complete agenda, the committee will hear chairman's report; resource connection master plan presentation; committee discussion; consider a recommendation to the TXMHMR Board; and adjourn.

Contact: Steve Craddock, 909 West 45th Street, Austin, Texas 78751, (512) 465-4579.

Filed: June 30, 1993, 10:06 a.m.

TRD-9325060

### Texas National Guard Armory Board

Friday, July 9, 1993, 1:00 p.m. The Texas National Guard Armory Board will meet at 2200 West 35th Street, Building 64, Austin. According to the agenda summary, the board will discuss administrative matters; hear executive director's update; construction/renovation/maintenance update; discuss property/leases; and establish date of next meeting.

Contact: Sandra Hille, P.O. Box 5426, Austin, Texas 78763, (512) 406-6907.

Filed: June 30, 1993, 1:50 p.m.

TRD-9325069

### Board of Nurse Examiners

Tuesday, July 20, 1993, 8:00 a.m. The Board of Nurse Examiners will meet at 1812 Centre Creek Drive, #204, Austin. According to the agenda summary, the board will receive the minutes of the May meeting; discuss financial statements from May and June and an overview of the budget for Fiscal Year 1994; consider practice and compliance issues; education and exam issues; receive reports from the executive director and various outside agency committees; hold a public forum at 1:30 p.m. on July 20 to receive input from interested parties; consider adoption of amendments to §217.2, Licensure by Examination for Graduates of Basic Nursing Programs; consider proposed repeal and new education rules, §§215.1-215.20; consider ratification of proposed board orders; and being the annual meeting, election of officers will be held.

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

Filed: June 30, 1993, 1:51 p.m.

TRD-9325071

Wednesday, July 21, 1993, 8:00 a.m. The Board of Nurse Examiners will meet at 9101 Burnet Road, Suite 104, Austin. According to the agenda summary, the board will receive the minutes of the May meeting; hear financial statements from May and June and an overview of the budget for Fiscal Year 1994; consider practice and compliance issues; education and exam issues; receive reports from the executive director and various outside agency committees; hold a public forum at 1:30 p.m. on July 20 to receive input from interested parties; consider adoption of amendments to §217.2, Licensure by Examination for

Graduates of Basic Nursing Programs; consider proposed repeal and new education rules, §§215.1-215.20; consider ratification of proposed board orders; and being the annual meeting, election of officers will be held.

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

Filed: June 30, 1993, 2:54 p.m.

TRD-9325075

### Texas Parks and Wildlife Department

Wednesday, July 7, 1993, 2:00 p.m. The Regulations Committee, Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Commission Hearing Room, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of the Regulations Committee minutes from the May 19, 1993 meeting; proposed 1993-1994 public hunts on State Parks; proposed early season migratory game bird regulations; proposed extension in length of the Menhaden Season; briefing items, actions to be taken as a result of recently-passed legislation; proposed late season migratory game bird regulations; proposed amendments to wildlife management plans for antlerless deer permits and deer herd control tags; triploid grass carp permit fee structure; proposed amendments to the fur-bearing animal proclamation; proposed amendments to the alligator proclamation; proposed amendments and new rules concerning freshwater and saltwater mussels and clams.

Contact: Andrew Samsom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 29, 1993, 3:07 p.m.

TRD-9325005

Wednesday, July 7, 1993, 6:00 p.m. The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at Ruth's Chris Steakhouse, 3010 Guadalupe Street, Austin. According to the agenda summary, the members of the commission plan to have dinner at 6:00 p.m., July 7, 1993. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing scheduled for 9:00 a.m., July 8, 1993.

Contact: Andrew Samsom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 29, 1993, 3:08 p.m.

TRD-9325008

**Thursday, July 8, 1993, 9:00 a.m.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters Complex, Commission Hearing Room, 4200 Smith School Road, Austin. According to the agenda summary, the commission will discuss approval of the minutes from May 20, 1993 meeting; presentation of retirement certificates and service awards; presentation of Texas Recreation and Parks Society; early season migratory game bird proclamation, 1993-1994; extension of commercial Gulf Menhaden fishing season; license fees, vessel and motor fees and vessel registration agents; proposed 1993-1994 public hunts on state parks; briefing on finfish tag plans; and briefing on departmental impacts of the 73rd Legislative Session.

Contact: Andrew Samsom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 29, 1993, 3:08 p.m.

TRD-9325009

**Thursday, July 8, 1993, 9:00 a.m.** The Policy and Planning Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters Complex, Executive Office Conference Room, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of the committee minutes from the May 20, 1993 committee meeting; update on policy inventory and cataloging; review of current commission policy manual; consider additional actions to review commission policy manual; discuss goals and process for completion of commission policy manual revision; and deputy game warden training rule.

Contact: Andrew Samsom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 29, 1993, 3:08 p.m.

TRD-9325007

**Thursday, July 8, 1993, 9:00 a.m.** The Finance Committee of the Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters Complex, Conference Room C-200, 4200 Smith School Road, Austin. According to the agenda summary, the committee will discuss approval of the committee minutes from May 19, 1993 meeting; Fiscal Year 1994 operating budget; and other business.

Contact: Andrew Samsom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: June 29, 1993, 3:08 p.m.

TRD-9325006

## Public Utility Commission of Texas

**Thursday, July 8, 1993, 9:00 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission will consider the following dockets: P-11445, P-11541, P-11680, 11888, 9981, 11515, 10541, 11036, 11346, 11825, 11513, 11248, and 11287.

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

Filed: June 30, 1993, 3:08 p.m.

TRD-9325076

**Thursday, July 8, 1993, 9:00 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the revised complete agenda, the commission will give an update on the regional hearing presented in Docket Number 11735, Application of Texas Utilities Electric Company for authority to change rates.

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

Filed: June 30, 1993, 4:49 p.m.

TRD-9325088

**Thursday, July 8, 1993, 9:05 a.m.** The Administrative Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will discuss reports; discuss and possibly act on Overview of FERC policy; in regards: EPEC, US Bankruptcy Court; in the US before the FERC, Entergy Services and GSU; integrated resources planning; proposed revisions to earnings reports; budget and fiscal matters; adjourn for executive session to consider litigation and personnel matters; reconvene for discussion and decisions on matters considered in executive session; set time and place for next meeting. and adjourn.

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

Filed: June 30, 1993, 3:09 p.m.

TRD-9325077

**Friday, July 9, 1993, 1:00 p.m.** The Relay Service Advisory Committee of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the committee will consider issues concerning COC; outreach proposals; rule change to substantive rule; and guidelines for obscene and harassment calls for RT. The committee

was appointed by the Public Utility Commission pursuant to House Bill 174, passed by the 71st Texas Legislature.

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

Filed: June 30, 1993, 3:09 p.m.

TRD-9325078

**Tuesday, July 12, 1993, 10:00 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11870-application of Brazos Electric Power Cooperative, Inc. to amend Certificate of Convenience and Necessity for a proposed transmission line in Cooke County.

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

Filed: June 29, 1993, 3:06 p.m.

TRD-9325003

**Monday, August 9, 1993, 9:00 a.m. (Rescheduled from July 26, 1993).** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 11351-petition of the General Counsel to inquire into the reasonableness of the service practices and rates of Cherokee County Electric Cooperative Association, Inc. regarding switchover fees.

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

Filed: June 29, 1993, 3:06 p.m.

TRD-9325002

## Teacher Retirement System of Texas

**Tuesday, July 13, 1993, noon.** The Medical Board of the Teacher Retirement System of Texas will meet at 1000 Red River Street, Room 420E, Austin. According to the complete agenda, the board will discuss the files of members who are currently applying for disability retirement; and the files of disability retirees who are due a re-examination report.

Contact: Don Cadenhead, 1000 Red River Street, Austin, Texas 78701-2698, (512) 397-6400.

Filed: July 1, 1993, 9:39 a.m.

TRD-9325098



## Texas Water Commission

**Tuesday, July 13, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 618, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Beechnut Municipal Utility District of Harris County's application for authority to adopt and impose a standby fee on undeveloped property in the district. The nature and purpose of standby fees is to distribute a fair portion of the cost burden for financing capital costs of the district facilities to owners of property who have not constructed improvements but have water and/or wastewater facilities or capacity available. Any revenues collected from the standby fees shall be used to pay debt service on the bonds. The amount of the standby fee requested is \$20 per month per allocated equivalent single-family connection (ESFC).

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

Filed: June 29, 1993, 4:41 p.m.

TRD-9325019

**Wednesday, July 14, 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 to determine whether to affirm, modify, or set aside Emergency Order Number 93-6E granted on June 23, 1993 to Spring Valley Water Company. The order requires Spring Valley Water Company to provide continuous and adequate water service to every customer currently or previously provided water service by Spring Valley Water System.

Contact: John Carlton, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: July 1, 1993, 9:24 a.m.

TRD-9325092

**Monday, July 19, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 1149B, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on Dogwood Springs Water Supply Corporation's application for a Certificate of Convenience and Necessity (CCN) to allow it to provide water utility service in Anderson County. The proposed utility service area is located approximately six miles south of downtown Frankston, and includes approximately 10,000 acres and 139 current customers. Docket Number 9993-C.

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

Filed: June 29, 1993, 4:41 p.m.

TRD-9325022

**Friday, July 30, 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 commission will hold a hearing on Lakeline Acres Water Company's water rate increase effective March 1, 1993 for its service area in Bosque County. Docket Number 9941-G.

Contact: Joseph W. O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 29, 1993, 4:41 p.m.

TRD-9325020

**Friday, July 30, 1993, 10:00 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at the Stephen F. Austin Building, Room 1028-A, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will hold a hearing on the City of Palmview's application for a Certificate of Convenience and Necessity (CCN) to provide sewer utility service in Hidalgo County. The proposed utility service area is located approximately five miles North/South of downtown Palmview, and includes approximately 21,480 acres and 0- current customers. Docket Number 9965-C.

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

Filed: June 29, 1993, 4:41 p.m.

TRD-9325021

**Tuesday, August 10, 1993, 10:30 a.m.** The Office of Hearings Examiners of the Texas Water Commission will meet at the Brazos River Authority Conference Room (Non-Smoking Facility), 4400 Cobbs Drive, Waco. According to the agenda summary, the commission will hold a public hearing on an application by General Tire for renewal of Permit Number 01951 which authorizes an intermittent flow variable discharge of stormwater runoff from a tire manufacturing plant in the City of Waco, McLennan County.

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

Filed: June 29, 1993, 4:41 p.m.

TRD-9325018

**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 consider Application Number 5460 submitted by the County of Somervell for a permit to divert 356.25 acre-feet of

water per annum from an existing on-channel reservoir (Reservoir C) on Squaw Creek, tributary of Paluxy River, tributary of Brazos River, Brazos River Basin. The water is impounded in an existing on-channel reservoir (Reservoir C), and two off-channel reservoirs (Reservoirs A and B), which are used for recreational purposes. Applicant is requesting authorization to divert water from Reservoir C into Reservoir A for subsequent diversion from Reservoir A. Diverted water will be used to irrigate 160.74 acres of land (golf course and corresponding areas) located approximately 2 1/2 miles northeast of Glen Rose in Somervell County.

Contact: Mark Evans, P.O. Box 13087, Austin, Texas 78711, (512) 475-4584.

Filed: June 30, 1993, 9:47 a.m.

TRD-9325053

**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 Torch Operating Company's Application Number 5359-A to amend their Permit Number 5359 to increase the diversion from 100 acre-feet per annum to 200 acre-feet per annum. Permit Number 5359 authorizes permit owners the right to divert and use not to exceed 100 acre-feet of water per annum from the underflow of the South Fork Double Mountain Fork Brazos River, tributary of Double Mountain Fork Brazos River, tributary of the Brazos River, Brazos River Basin. Permit Number 5359 also authorizes a maximum diversion rate of 0.4 cfs (180 gallons per minute) for mining use (oil repressurization and waterflood) in Garza County.

Contact: Arlette Capehart, P.O. Box 13087, Austin, Texas 78711, (512) 475-7875.

Filed: June 30, 1993, 9:46 a.m.

TRD-9325052

**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 C. J. Holloway's (Individually and as Trustee) Application Number 5462 for a permit to construct and maintain a dam and 575.0 acre-foot reservoir on Pickens Branch, tributary of Caney Creek, tributary of Cedar Creek, tributary of the Trinity River, Trinity River Basin. The reservoir will have a capacity of 575.0 acre-feet and a surface area of 62 acres. Water held in the reservoir will be used for domestic and livestock purposes.

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

Filed: June 30, 1993, 9:46 a.m.

TRD-9325049

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 the City of Denton's Application Number 5463 for a water use permit to construct and maintain three dams and lakes (referred to as Lake Numbers 1, 2 and 3) on Fletcher Branch, tributary of Hickory Creek, tributary of the Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin. The lakes will be created by the dams as well as by excavation, and will be used for in-place recreational purposes in a proposed park located within the city limits of Denton, approximately three miles south-southeast of the Denton County Courthouse in Denton County.

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

Filed: June 30, 1993, 9:46 a.m.

TRD-9325050

Wednesday, August 25, 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 Meadows At Chandler Creek Municipal Utility District of Williamson County's application for authority to adopt and impose a standby fee on undeveloped property in the utility district. Any revenues collected from the fees shall be used to pay operation and maintenance expenses and debt service on the bonds. The amount of the annual standby fee requested is \$118.11 per equivalent single family connection.

Contact: Randy Nelson, P.O. Box 13087, Austin, Texas 78711, (512) 908-6161.

Filed: June 29, 1993, 4:42 p.m.

TRD-9325024

Wednesday, September 8, 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 the City of Dallas' Application Number 5464 for a water right permit to modify and maintain a dam and 17 acre-foot reservoir on Pleasant Branch, tributary of Prairie Creek, tributary of the Trinity River, Trinity River Basin. The dam and reservoir are located approximately 8.7 miles east of the City of Dallas in Dallas County, and will be used for in-place recreational purposes.

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

Filed: June 30, 1993, 9:46 a.m.

TRD-9325051

Wednesday, September 15, 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 4210-B to amend Permit Number 3902 to extend the expiration date from December 31, 1992 to December 31, 2002 (an additional ten year period). Permit Number 3902 is owned by Paul Rains, Gary Hall and Dennis Shelton and authorizes permittees to impound 25 acre-feet of water in an exempt reservoir located on Jimmys Creek, Brazos River Basin. Permittees are currently authorized to divert and use not to exceed a total of 60 acre-feet of water per annum from the reservoir to irrigate a total of 115 acres of land in Comanche County, approximately 9.5 miles northwest of Comanche.

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

Filed: June 29, 1993, 4:41 p.m.

TRD-9325023

## Regional Meetings

### Meetings Filed June 29, 1993

The Aqua Water Supply Corporation met at 305 Eskew, Aqua Office, Bastrop, July 5, 1993, at 7:30 p.m. Information may be obtained from Adlinie Rathman, P.O. Drawer P, Bastrop, Texas 78602, (512) 321-3943. TRD-9325026.

The Erath County Appraisal District Appraisal Review Board held an emergency meeting at 1390 Harbin Drive, Board Room, Stephenville, July 1, 1993, at 9:00 a.m. The emergency status was necessary due to the purpose of the meeting was to reconsider tabled accounts in Golf Country Estates. The board will meet at 9:00 a.m. to have a discussion, with the protestors coming at 11:00 a.m. to hear the board's decision, to clarify tabled accounts in Golf Country Estates. Information may be obtained from Mitzi Meekins, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-5434. TRD-9325025.

The 50th Judicial District Juvenile Board will meet at the District Courtroom, King County Courthouse, Guthrie, July 8, 1993, at 1:30 p.m. Information may be obtained from David Hajek, P.O. Box 508, Seymour, Texas 76380, (817) 888-2852. TRD-9324978.

The Gonzales County Appraisal District Board of Directors will meet at 928 St. Paul Street, Gonzales, July 8, 1993, at 6:00 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9325028.

The Gonzales County Appraisal District Appraisal Review Board will meet at 928 St. Paul Street, Gonzales, July 13 and 15, 1993, at 9:00 a.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (210) 672-2879. TRD-9325027.

The Lamb County Appraisal District Board of Directors will meet at 331 LFD Drive, Littlefield, July 15, 1993, at 6:00 p.m. (Revised agenda). Information may be obtained from Vaughn E. McKee, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474. TRD-9324995.

The San Patricio County Appraisal District Board of Directors will meet at 1146 East Market, Sinton, July 8, 1993, at 10:00 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402. TRD-9324983.

### Meetings Filed June 30, 1993

The Aqua Water Supply Corporation met at 305 Eskew, Aqua Office, Bastrop, July 5, 1993, at 7:30 p.m. Information may be obtained from Adlinie Rathman, P.O. Drawer P, Bastrop, Texas 78602, (512) 321-3943. TRD-9325080.

The Brazos River Authority Lake Management Committee, Board of Directors will meet at 4400 Cobbs Drive, Waco, July 8, 1993, at 10:00 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76714-7555, (817) 776-1441. TRD-9325046.

The Education Service Center, Region 20 Board of Directors will meet at 1314 Hines Avenue, San Antonio, July 15, 1993, at 2:00 p.m. (Rescheduled from June 23, 1993). Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (210) 299-2471. TRD-9325036.

The Middle Rio Grande Development Council Private Industry Council will meet at the Del Rio Civic Center, 1915 Avenue F, Del Rio, July 7, 1993, at 10:00 a.m. Information may be obtained from Michael M. Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9325072.

The Scurry County Appraisal District Appraisal Review Board will meet at 2612 College Avenue, Snyder, July 7-8, 1993, at 9:00 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue,

Snyder, Texas 79549, (915) 573-8549.  
TRD-9325073.

The Upshur County Appraisal District Appraisal Review Board will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, July 8, 1993, at 8:30 a.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644-0280, (903) 843-3041. TRD-9325048.



### Meetings Filed July 1, 1993

The Bell-Milam-Falls Water Supply Corporation Board of Directors will meet at the WSC Office, West FM 485, Cameron, July 8, 1993, at 8:30 a.m. Information may be obtained from Dwayne Jekel, P.O. Drawer 150, Cameron, Texas 76520, (817) 697-4016. TRD-9325090.

The Brazos Valley Development Council Regional Advisory Committee on Aging will meet at the Council Offices, 3006 East 29th Street, Suite #2, Bryan, July 6, 1993, at 2:30 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9325094.

The Dallas Central Appraisal District Board of Directors will meet at 2949 Stemmons Freeway, Dallas, July 7, 1993, at 7:30 a.m. Information may be obtained from Rick Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0529. TRD-9325097.

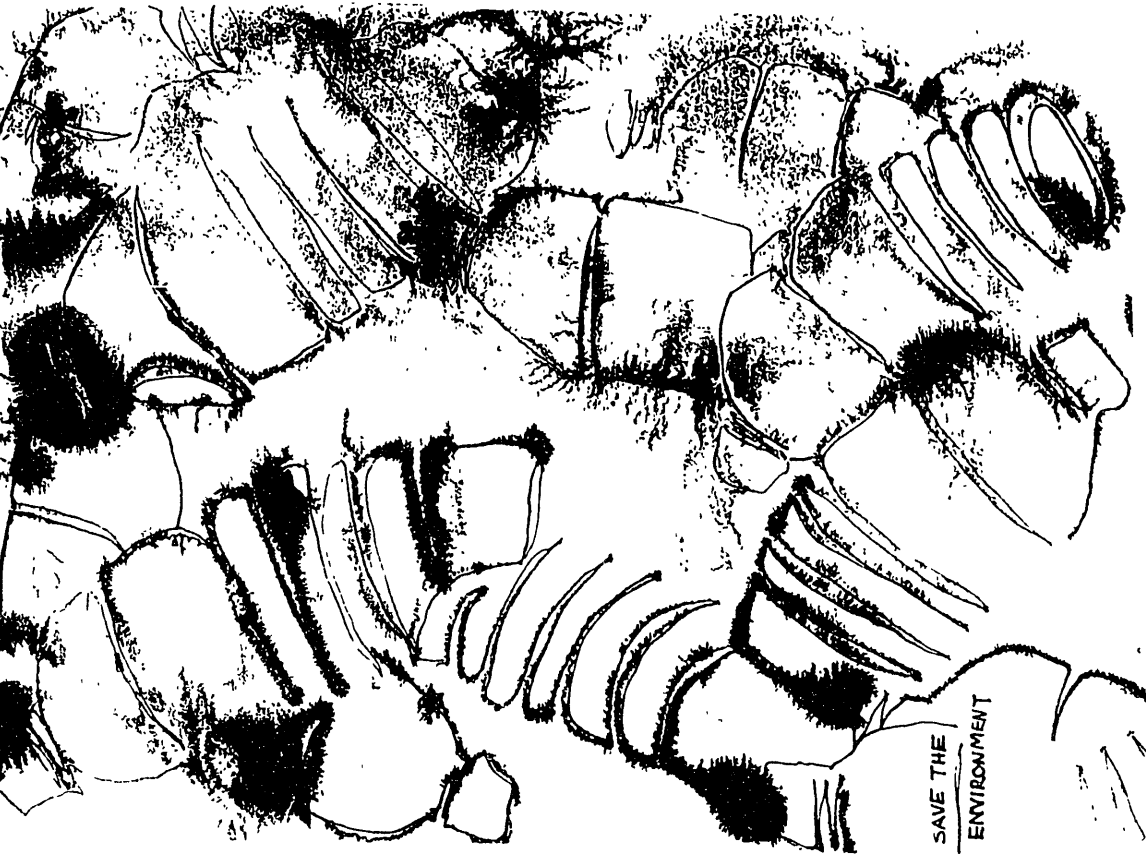
The Dawson County Central Appraisal District Board of Directors will meet at 1806 Lubbock Highway, Lamesa, July 7, 1993, at 7:00 a.m. Information may be ob-

tained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060. TRD-9325095.

The Middle Rio Grande Development Council Texas Review and Comment System Committee will meet at the Civic Center, 1915 Avenue F, Del Rio, July 6, 1993, at 4:00 p.m. Information may be obtained from Dora T. Flores, P. O. Box 1199, Carrizo Springs, Texas 78834, (210) 876-3533. TRD-9325099.

The Texas Regional Planning Commissions Employee Benefit Board of Trustees will meet at the Omni Hotel, Austin, July 7, 1993, at 4:30 p.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9325091.

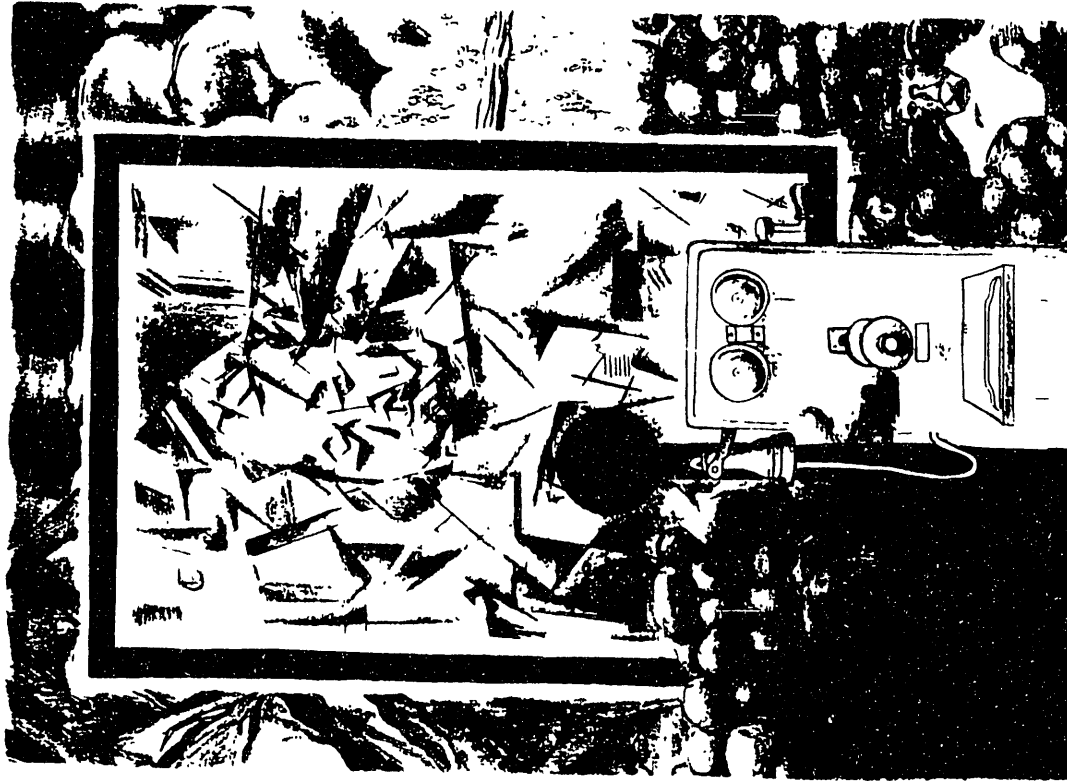




Name: Amanda Whitt

Grade: 12

School: Plano East Senior High, Plano ISD



Name: Cala Coats

Grade: 12

School: Plano East Senior High, Plano 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.

## Office of the Attorney General of Texas

### Notice of Consulting Services Contract Amendment

In accordance with the provisions of the Consulting Services Act, Texas Civil Statutes, Article 6252-11c, §7, the Office of the Attorney General hereby gives notice that it has executed an amendment to an agreement under the Act for advice concerning the enhancement, design, development, and installation of an automated system for the initiation, management, accounting, and enforcement of child support obligations. The contract so amended originally was executed by the Attorney General and Andersen Consulting, 701 Brazos Street, Suite 1020, Austin, Texas 78701, in response to the Notice of Invitation for Offers of Consulting Services published in the February 16, 1990, issue of the *Texas Register* (15 TexReg 893). Notice of the execution of the original agreement was published in the issue of the August 30, 1991, *Texas Register* (16 TexReg 4755). A Notice of Invitation for Offers in connection with this amendment was published in the May 21, 1993, issue of the *Texas Register* (18 TexReg 3317) as required by §7 of the Consulting Services Act. In the selection of a consultant for the services to be performed pursuant to this amendment and in the execution of this amendment, the Attorney General has complied with the provisions of §3 and §4 of the Consulting Services Act. The consulting services rendered pursuant to the contract commenced on August 26, 1991, and shall end upon final and unconditional certification by the United States Department of Health and Human Services that the system developed with the advice of the consultant meets all of the requirements of the Social Security Act of 1935, as amended. Receipt of such certification is estimated to be on or about February 1, 1995.

The maximum anticipated liability of the Office of Attorney General to the consultant as specified in the amended contract as executed is \$7,728,615. The Attorney General expects to be reimbursed under federal law for 90% of any and all liability of the Attorney General to the consultant. The federal government may permit the expenditure of more than the maximum amount specified in the contract upon execution. Pursuant both to the notice of invitation for offers of consulting services published on February 16, 1990, and to the notice of contract award given on August 30, 1991, the Attorney General has amended the consulting services agreement to provide further detail concerning the performances to be rendered by the consultant and to increase the maximum liability of the Attorney General to the Consultant.

The principal result of the contract shall be the design of an automated system for child support enforcement. The design will be evidenced by written documentation of the design as well as by actual electronic computer program-

ming necessary to implement the design of the system. The written documentation of the design will be due prior to final and unconditional certification by the federal government that the system meets the requirements of the federal Social Security Act of 1935, as amended.

Issued in Austin, Texas, on July 1, 1993.

TRD-9325000      Jerry Benedict  
Assistant Attorney General  
Office of the Attorney General

Filed: June 29, 1993

## Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a trust company to file an application with the Banking Commissioner for the Commissioner's approval to purchase control of a particular trust company. A hearing may be held if the application is denied by the Commissioner.

On June 23, 1993, the Banking Commissioner received an application to acquire control of MEMBERS Trust Company, Farmers Branch, by CUNA Mutual Investment Corporation, Madison, Wisconsin.

Additional information may be obtained from: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1317.

Issued in Austin, Texas, on June 28, 1993.

TRD-9324994      William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: June 29, 1993

## State Banking Board Notice of Hearing

The State Banking Board has accepted a trust company charter application for the Boatmen's Trust Company of Texas to be located in El Paso. The proposed site of the bank is 416 North Stanton Street.

The hearing officer of the Board will conduct a public hearing on this application on August 24, 1993, in Austin. Anyone who desires to become a party to the application must file a written notice of intent to appear, including a brief statement of position, with the State Banking Board, 2601 North Lamar Boulevard, Austin, Texas 78705, no later than August 16, 1993. A copy of this notice and any other correspondence must be sent to the representative of the applicants, Thomas C. Erb, Lewis, Rice, and Fingersh, 611 Olive Street, St. Louis, Missouri 63101, and to Everett Jobe, General Counsel, Texas Department of Banking.

Issued in Austin, Texas, on June 25, 1993.

TRD-9324958

William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: June 29, 1993

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**Texas Commission For The Blind**  
**Computer Access Technology Training**  
**FFY 1994 Request for Proposals**

Pat D. Westbrook, Executive Director of the Texas Commission For The Blind, has announced the availability of funds to contract for individualized computer and software program training to consumers receiving services from the Commission and staff of the Commission who are blind or severely visually impaired.

**Objectives.** The Commission intends to enter into contracts with individuals and organizations to provide computer access technology interfacing services and training on a fee-for-service basis to staff and consumers (who are determined eligible by the Commission). The primary objective of the contract is to enable consumers and staff who are blind or severely visually impaired to have access to work-place, task-specific, advanced training in the use of access hardware and software systems and to the integration of software programs and hardware systems for employment, education, and training applications. This is achieved by the provision of computer access technology training by individuals familiar with computer technology, applications of this technology for consumers and staff who are blind or severely visually impaired, as well as the ability to set software environments and create windows/macros (Form Fill) specific to an individual's needs on the job. Preference will be given to applicants with skills in computer interfacing and training. The following examples are provided as guides. They are not meant to be inclusive. Computer interfacing: software customization to access mainframe or personal computer via adaptive software and devices; integration of adaptive software and hardware within a local area network. Training: advanced skills with computer hardware/software; advanced skills with DOS; advanced skills with specific software, e.g., WordPerfect, Lotus 1-2-3, PC-File+, and other off-the-shelf software. Adaptive technology: large print programs, e.g., Vista, ZoomText, LPDOS; speech screen review software, e.g., Vert, Vocal-Eyes, Artic, JAWS; braille systems, e.g., Navigator, ALVA, Brailloterm.

**Targeted population.** Consumers served under these contracts are persons who are legally or totally blind or severely visually impaired and who have met the basic requirements for receiving services and who have been referred by an authorized agency representative. Staff served under these contracts would be persons referred by a regional supervisor/program supervisor.

**Who is eligible to apply.** Organizations and individuals that provide computer technology training are eligible to apply for contracts.

**Application procedures.** Submit to Glenda Embree, Supervisor of Program Specialists, Texas Commission For The Blind, 4800 North Lamar Boulevard, Suite 220, Austin, Texas 78756, a narrative no longer than five typed pages which describes: individual or organization applying; proposed geographic coverage; quality and extent of services to be provided (list specific software and adaptive devices for visual loss); experience in providing adaptive technology interface and training to persons with visual loss; cost per person per hour for proposed training and method used to calculate cost. Also include: qualifications of key personnel; additional information about you or your organizations and past achievements in serving the consumer who is visually impaired or blind.

All applications must be postmarked no later than August 1, 1993.

**Inquiries.** Interested parties are urged to contact the Texas Commission For The Blind with related questions prior to drafting proposals to facilitate the request for proposal process. Inquiries should be directed to Cathy Duvall at (512) 467-6309.

**Method of payment.** The service provider will be reimbursed monthly via: monthly submission of a voucher with a detailed listing of services provided; and agency review and approval of submitted material.

**Review criteria.** Reviewers will use the following criteria to evaluate proposals; addresses the explicit purpose of the RFP; addresses their expertise with the subject matter; provides evidence of their professional and organizational capacity to achieve the objectives in a timely manner; agrees to provide services to the consumer or staff at their work place. In addition to the written criteria, the applicant may be requested by the Commission to demonstrate their proficiency in providing training in the use of adaptive technology with application software.

Issued in Austin, Texas, on June 25, 1993.

TRD-9324981

Pat D. Westbrook  
Executive Director  
Texas Commission For The Blind

Filed: June 29, 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, Article 1.04, as amended (Texas Civil Statutes, Articles 5069-1.04).

<u>Types of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer (1)/Agricultural/ Commercial (2) thru \$250,000</u>	<u>Commercial(2) over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	07/05/93-07/11/93	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(3)	07/01/93-07/31/93	18.00%	18.00%

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324982 Al Endsley  
Consumer Credit Commissioner

Filed: June 29, 1993

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### Texas Education Agency Notice of Request for Information

The Texas Education Agency (TEA) is requesting information relating to a proposed project in the area of school district business operations and a training program, as described within this document. Information is desired regarding the feasibility of the project deliverables and deadlines for said deliverables. Please note this is not a request for proposals. TEA will not be liable for any costs incurred in connection with responding to this request for information.

The goal of the project is to improve the quality of reported information and enhance the level of and quality of accountability in elementary and secondary education. Improvements in the accounting standards and proficiency of users of the standard accounting system are effective means of accomplishing the goal of this project.

TEA will engage a public accounting firm or other capable business consultant to produce the following project deliverables: a study of present accounting system for schools, publication of a financial accounting manual for public schools, and report on pilot of account codes/manual; a training program for public school officials regarding accounting and business procedures, and report on statewide training of school officials; and a study of the most efficient and cost effective method for central administration of the accounting system.

**Requests for Additional Information.** Any person wishing to obtain a copy of the preliminary draft request for proposals or additional information may contact: Thomas D. Canby, Jr., School Audits Division, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9095.

Issued in Austin, Texas, on June 30, 1993.

TRD-9325054 Lionel R. Meno  
Commissioner of Education  
Texas Education Agency

Filed: June 30, 1993

### Texas Department of Health Correction of Error

The Texas Department of Health submitted a Notice of Intent to Revoke Certificates of Registration, which appeared in the Jun 18, 1993, *Texas Register* (18 TexReg 4112).

Due to an error in the agency's submission, John D. Morgan, D.D.S. was incorrectly listed as being from Beeville. The line should read as follows. "John D. Morgan, D.D.S., Fairfield, R18432.

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The Texas Department of Health submitted a notice titled Public Hearings for Proposed Grants for HIV Education, which appeared in the June 18, 1993, *Texas Register* (18 TexReg 4113).

Due to an error in the agency's submission, the first public hearing listed contains incorrect information for the address and the contact person's telephone number. The announcement for the public hearing should be as follows: 9:00 a.m., Friday, July 2, 1993, at the Texas Department of Health, Public Health Region 1, 1921 Cedar Bend Drive, Suboffice Building #200, Austin, Texas (Jennifer Smith - phone (512) 834-8673).

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### Emergency Medical Services (EMS) Local Projects

**Project Description:** The EMS Local Projects Grant Program was implemented in 1990 as a way to improve emergency medical services (EMS) throughout Texas by providing money and technical assistance to eligible organizations. This program is administered through the Bureau of Emergency Management (Bureau) of the Texas Department of Health (TDH). This grant provides reimbursement for costs incurred for a specific project completed during a specified contract period. Project costs must be approved by TDH for the organization to receive reimbursement. Technical assistance is provided by TDH project, regional and central office staff.

**Project Goals:** The TDH is inviting applications for local EMS projects to increase the availability and quality of emergency prehospital health care. Only projects that impact the delivery of emergency prehospital health care will be considered for funding. Types of projects eligible for funding include but are not limited to EMS certification training, specialty training related to prehospital health

care (management, medical, etc.), EMS equipment, ambulances, computers, research on topics impacting emergency prehospital health care, public information and education and system development.

**Performance Requirements:** Contracts will be developed between TDH and successful applicants. The contract will detail the approved budget, the length of the contract, contract specifics and reporting requirements. The length of the contract may vary depending on the type of project and amount of funds awarded. All licensed, registered, or certified organizations (e.g., EMS agencies, hospitals, First Responder groups) must maintain appropriate credentials throughout the contract period. Reports will be required during the contract period. The number of reports will be dependent on the length of the contract. Organizations receiving funds through this program are required to maintain records of costs and activities related to the project. A final narrative report evaluating the effectiveness of the funded project is required within forty-five days of the end of the contract period from all organizations receiving funds. This grant program provides reimbursement for approved costs incurred in the implementation of an approved project. Reimbursement may be withheld if reports are not submitted as specified in the contract. For EMS certification training, proof of successful certification must be submitted within 45 days of the end of the contract. Projects must start after November 1, 1993 and be completed prior to August 31, 1994.

**Applicant Eligibility:** Proposals will be accepted from public or private non-profit organizations, directly or indirectly responsible for providing or impacting emergency prehospital health care (e.g., licensed EMS providers, EMS training institutions, registered First Responder organizations, local governments; professional organizations involved with training). Priority is given to non-profit licensed EMS provider agencies serving rural and frontier areas.

**Application Procedure:** Submit a typewritten or printed letter of intent on letter size paper. The letter of intent should not exceed five pages in length and should include the following information: a) describe the organization; b) describe the service area; c) describe the problem; d) explain what the proposed project is, how much it will cost and how much money is requested from TDH; e) provide an itemized budget of the costs of the project; and f) explain the long and short term benefits of the project and how those benefits will be measured. The letter of intent should be submitted directly to: Gene Weatherall, Chief, Bureau of Emergency Management, Texas Department of Health, Attention: EMS Local Projects Grant Program, 1100 West 49th Street, Austin, Texas 78756.

Letters of intent will be reviewed and further information (e.g., proof of non-profit status, detailed project plan, and budget justification) will be requested from the organizations receiving tentative approval for funding (see sections Evaluation Process and Evaluation Criteria). Funding of projects will be dependent on legislative approval of the state Local Projects program budget.

**Deadlines:** The deadline for submitting the initial letter of intent is 5:00 p.m., August 31, 1993. Only letters of intent postmarked or delivered to TDH's Bureau of Emergency Management by the deadline will be considered for funding regardless of the circumstance. If hand delivered, the letter of intent must be taken to The Exchange Building, 2nd Floor, 8407 Wall Street, Austin, Texas, no later than 5:00 p.m. on August 31, 1993. Each letter of intent will be

date stamped on arrival. Organizations receiving tentative funding approval will be provided with deadline information as it applies to the remainder of the application process.

**Range of Financial Assistance/Matching Requirements/Special Considerations:** In previous years, the average individual award amount was approximately \$6600 with a range of \$334 to \$36,000. The maximum award for the 1992-93 funding period was \$30,000. For this funding period, approximately \$750,000 is available for grants.

Organizations receiving funding will be required to provide 50% matching funds for each equipment item with a useful life of more than one year costing more than \$1000 including shipping costs. These matching funds must be cash and cannot be obtained from governmental grant sources.

Any project involving the provision of Advanced Life Support, including the use of automated external defibrillators, requires that the organization have a medical director.

**Types of Assistance:** This program provides reimbursement for approved costs associated with the implementation of an approved project. The following project costs are not eligible for funding: personnel salaries and/or fringe benefits and day-to-day operating expenses (e.g., disposable supplies, gas, insurance).

Projects will be funded until the funds are exhausted or preset limits are reached. Should conditions prevent the final execution of a contract with an organization, TDH may revert to other applicants, or may elect not to fund any of the projects.

**Evaluation Process:** Letters of intent will be reviewed and scores will be assigned based on the information provided. Consideration will also be given to the organization's previous contract experience with this grant program. Letters will be ranked based on the total scores. Tentative approval for funding will be given by the Bureau Chief, Bureau of Emergency Management and the Associate Commissioner, Community and Rural Health. Further information (e.g., proof of non-profit status, detailed project plan, and budget justification) will be requested from organizations receiving tentative approval for funding. The additional information will be reviewed by program staff to ensure that the budget is appropriate, that all budget items requested are eligible for funding, that matching funds are available when indicated and the plan for implementing the project is suitable. Final approval for funding will be given by the Commissioner of Health, or his designee, after the additional requested information has been reviewed. Projects not funded may be resubmitted for consideration during the next review cycle.

**Evaluation Criteria:** The evaluation criteria include the type of organization; location and service area of the organization; type of project; long and short term benefits of the project; the total cost of the project; the amount of funds requested; the amount of funds available for distribution; overall impact on emergency prehospital health care in the area; ability to complete the project within the stated timeframes; and, previous EMS Local Projects funding history.

Priority for funding will be given to the following public or private non-profit organizations and projects: (a) EMS agency (licensed EMS provider or registered First Responder organization), staffed with volunteers, and serving rural or frontier areas of the state, (b) organizations serv-



ing a rural area of the state, (c) licensed EMS providers from counties that do not have a hospital within the county with the nearest medical facility greater than 25 miles away, (d) outreach prehospital training programs, (e) rural or frontier areas of the state implementing a new EMS system, (f) EMS providers upgrading or expanding their level of service and (g) organizations not previously funded through this grant program.

For additional information, contact, Rhonda Blackmore, EMS Local Projects Grant Program, Bureau of Emergency Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas, 78756, (512) 834-6740.

Issued in Austin, Texas, on June 29, 1993.

TRD-9325018 Susan K. Steeg  
General Counsel, Office of General  
Counsel  
Texas Department of Health.

Filed: June 29, 1993

### Notice of Emergency Cease and Desist Orders

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered F. Lynn Williams, D.D.S. (registrant-RNEW) of Dallas to cease and desist using any sources of radiation in his possession at this facility or at any other location in Texas until his x-ray equipment is properly registered and all appropriate fees for these sources of radiation have been paid. The bureau determined that the continued use of unregistered radiation sources at this facility constitutes an immediate threat to public health and safety. Doctor Williams is further required to provide evidence satisfactory to the bureau regarding the actions taken to correct all violations found during the recent inspection of the facility, and the methods to prevent the recurrence of the violations.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324950 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health.

Filed: June 29, 1993

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Radiological Health Services, Dosimetry Support Group (registrant-RNEW) of Jacksonville, Florida, to cease and desist providing or offering to provide any services in Texas. The order was issued because the company violated the Texas Regulations for Control of Radiation by providing personnel monitoring services in Texas without being properly registered with the bureau, and by not being accredited by the National Voluntary Laboratory Accreditation Program.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324956 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health.

Filed: June 29, 1993

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Daniel T. Smith, Jr., D.D.S. (registrant-R10679) of Cameron to cease and desist using the Ritter x-ray unit at that facility until actions are taken to repair or replace the exposure timing device, or to replace the x-ray unit with a new unit. The bureau determined that the continued use of this radiation source at the facility constitutes an immediate threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the methods for preventing a recurrence of this violation.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 28, 1993.

TRD-9324953 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health.

Filed: June 29, 1993

### Notice of Intent to Revoke Certificates of Registration

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Command Repair, Inc., Grand Prairie, R17063; A.M.I. Brownsville Medical Center, Brownsville, Z00393; Lance A. Parker, D.D.S., Huntington, R14448; Lawrence J. Korenman, D.D.S., Inc., Fort Worth, R07539; William H. Swilley, D.D.S., Bellaire, R07752; Troy W. Moody, D.D.S., Odessa, R10520; Center for Family Medicine, Houston, R14538; Texas East Entities, Inc., Houston, R18468; Gerald L. Glasscock, D.C., Hereford, R17796; Garrett Clinic, P.A., Dallas, R18515; Chiropractic Arts and Science Clinic, Houston, R11579; Stuart M. Koenig, D.P.M., El Paso, R11660.

The department intends to revoke the certificates of registration; order the registrants to cease and desist use of radiation machine(s); order the registrants to divest themselves of such equipment; and order the registrants to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the registrants for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written

request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 29, 1993.

TRD-9325017 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health

Filed: June 29, 1993

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**Notice of Intent to Revoke Radioactive  
Material Licenses**

Pursuant to Texas Regulations for Control of Radiation (TRCR), Part 13, (25 Texas Administrative Code §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Cotton Houston Services, Inc., Huffman, L03920; Medlab, Houston, G01541.

The department intends to revoke the radioactive material licenses; order the licensees to cease and desist use of such radioactive materials; order the licensees to divest themselves of the radioactive material; and order the licensees to present evidence satisfactory to the bureau that they have complied with the orders and the provisions of the Health and Safety Code, Chapter 401. If the fee is paid within 30 days of the date of each complaint, the department will not issue an order.

This notice affords the opportunity to the licensees for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received by the bureau within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

Issued in Austin, Texas, on June 29, 1993.

TRD-9325015 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health

Filed: June 29, 1993

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**Notice of Preliminary Report for  
Assessment of Administrative Penalties  
and Notice of Violation**

Notice is hereby given that the Bureau of Radiation Control (bureau) issued a notice of violation and proposal to

assess an administrative penalty to F. Lynn Williams, D.D.S. (registrant-RNEW) of Dallas. A penalty of \$8,000 is proposed to be assessed to Doctor Williams for violations of the Texas Regulations for Control of Radiation. The violations include failure to register radiation-producing equipment.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324955 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health.

Filed: June 29, 1993

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**Notice of Rescission of Orders**

Notice is hereby given that the Bureau of Radiation Control, Texas Department of Health, rescinded the following orders: Emergency Cease and Desist Order issued April 29, 1993, to Ferit Acar, M.D., 3508 Highway 66, Rowlett, Texas 75088, holder of Certificate of Registration Number R13790; and Emergency Cease and Desist Order issued April 27, 1993, to Frank J. Siebenaler, D.C., 1934 Central Boulevard, Brownsville, Texas 78520, holder of Certificate of Registration Number R19951.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324954 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health.

Filed: June 29, 1993

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**Notice of Revocation of Certificates of  
Registration**

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (§289.112), has revoked the following certificates of registration: Ralph C. Merwin, D.O., P.A., Orange, R01731, June 14, 1993; Varisco Veterinary Clinic, College Station, R01980, June 14, 1993; Doyle K. Lansford, M.D., Arlington, R03931, June 14, 1993; Manuel A. Lopez, San Antonio, R14333, June 14, 1993; Sunray Imaging Specialists, Inc., El Paso, R15075, June 14, 1993; Royce McAnally, D.O., Bandera, R16702, June 14, 1993.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324951 Susan K. Steeg  
Chief Counsel, Office of General Counsel  
Texas Department of Health.

Filed: June 29, 1993

## Notice of Revocation of Radioactive Material Licenses

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 Texas Administrative Code §289.112), has revoked the following radioactive material licenses: Coleman Construction Company, Inc., Fort Hood, L04318, June 14, 1993; Texas Clinical Laboratories Incorporated, Dallas, G01395, June 14, 1993; Branch Laboratories, Mount Pleasant, G01536, June 14, 1993.

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

Issued in Austin, Texas, on June 28, 1993.

TRD-9324952

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

Filed: June 29, 1993

## Texas Health and Human Services Commission

### Public Notice

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 93-03, Amendment Number 388.

The amendment extends until September 30, 1997, the protection of a \$90 personal needs allowance for institutionalized veterans and incorporates veterans' widows into the \$90 personal needs allowance protection currently afforded veterans. These provisions are in accordance with Section 601 of Public Law 102-68, the Veterans' Benefits Act of 1992. The amendment is effective April 1, 1993.

If additional information is needed, please contact Judy Coker at (512) 450-3227.

Issued in Austin, Texas, on June 28, 1993.

TRD-9324935

Bryan P. Sperry  
Deputy Commissioner  
Texas Health and Human Services  
Commission

Filed: June 28, 1993

## Texas Department of Housing and Community Affairs

### Request for Proposals

The Texas Department of Housing and Community Affairs (TDHCA) announces a Request for Proposals (RFP) for real estate counsel.

**Purpose.** The Texas Department of Housing and Community Affairs (TDHCA), a public and official governmental agency of the State, was created pursuant to Texas Civil Statutes, Article 4413(501), (the Act), effective September 1, 1991. TDHCA is the successor agency to the Texas Housing Agency and the Texas Department of Community

Affairs, both of which were abolished by the Act and their functions and obligations transferred to TDHCA. One of the purposes of TDHCA is to provide assistance to persons and families of low and very low income and families of moderate income to obtain decent, safe and sanitary housing.

**Organization.** TDHCA is governed by an executive director, who is appointed by the Governor upon the advice and consent of the Texas Senate, and by a nine-member board of directors. The members of the board of directors are also appointed by the Governor upon the advice and consent of the Texas Senate for staggered six-year terms. The board is responsible for authorizing the issuance of all bonds of TDHCA and all other acts in connection therewith specified in the Act. The executive director, as administrator and head of TDHCA, is responsible for the overall administration of TDHCA and its programs and for employing its staff of approximately 191.

### SCOPE OF SERVICES.

**Nature of Services Required.** TDHCA anticipates the need for legal services primarily in connection with the programs listed in subsection B of this section relating to the preparation of complex real estate transactions involving real property acquisition, sale, development, construction, financing, and use; including the preparation of all documents necessary to effectuate the transactions and protect TDHCA's interests. The firm will be expected to coordinate all loan closings. The firm's ability to respond quickly and its sensitivity to providing affordable housing to low and very low income individuals and families is critical. Sample transactions are available for review. The firm is expected to assign those attorneys and professionals employed by the firm who are best suited to appropriately respond to TDHCA requests for services. The firm will provide any such real estate legal services, unless otherwise instructed by TDHCA.

### Programs.

**Housing Trust Fund.** The fund may consist of appropriations or transfers made to the fund, unencumbered fund balances, and public or private gifts or grants. The fund is used to provide loans, grants, or other comparable forms of assistance to local units of government, public housing authorities, nonprofit organizations, and income-eligible persons, families, and households to finance, acquire, rehabilitate, and develop decent, safe, and sanitary housing. Use of the fund is limited to providing assistance to persons and families of low and very low income and providing technical assistance and capacity building to nonprofit organizations engage in developing housing for persons and families of low and very low income. This year, TDHCA has approximately \$6.4 million to administer this program and is funding approximately 15 loans and seven grants.

**Home Investment Partnerships Program (HOME).** The HOME program, created by the federal National Affordable Housing Act of 1990, gives states and local governments the flexibility to decide what kind of housing assistance is most appropriate to meet their housing needs.

Texas uses its HOME monies to fund loans and grants for a variety of housing activities to address the state's most critical housing needs. Eligible activities include new construction, acquisition, and rehabilitation of owner-occupied housing and new construction, acquisition, and rehabilitation of rental housing. The funds are allocated to the state's six planning regions through both a formula and a

competitive system. This year, TDHCA has over \$30 million to administer this program and expects to fund over 70 loans and grants. An additional \$28 million will be available in fiscal year 1993-1994 to fund a similar number and type of projects.

**Bond Programs.** Assistance will be required in connection with established programs such as the Home Improvement Loan Program for owner-occupied single family residences and other subordinate lien real estate loans. Assistance will also be required in the development of new real estate loan programs funded from the proceeds of new bond issues and surplus revenue from existing issuances.

**Terms of Agreement.** Upon approval of the Attorney General of Texas, TDHCA will execute an agreement with the firm for at least a one year term with optional extensions as required and as approved by the Attorney General based on performance. However, TDHCA will retain the right to terminate the contract for any reason and at any time upon the payment of fees and expenses then earned.

**Proposal Form and Format.** Three copies of the proposal are requested and should be sent by registered mail or delivered in person to Anne O. Paddock, Acting General Counsel, Texas Department of Housing and Community Affairs, 811 Barton Springs Road, Suite 500, Austin, Texas 78704, no later than the deadline for submission of proposals specified below. The proposals must include each question or request for information, as specified herein, followed by the narrative answer as in the standard format for interrogatories; limited to one side of a single 8-1/2 by 11 inch page. Supplemental information such as Annual Reports or other background material, if any, must be restricted to Appendices following the responses. The pages of the proposal should be numbered sequentially with the name of the firm on each page. The proposal should be submitted in a loose leaf binder.

**Deadline for Submission.** The deadline for submission in response to this Request for Proposal is 5:00 p.m. on July 23, 1993. No proposal will be accepted after the deadline.

**General Information.** TDHCA reserves the right to accept or reject any (or all) proposals submitted. The information contained in this proposal request is intended to serve only as a general description of the services desired by TDHCA, and TDHCA intends to use responses as a basis for further negotiation of specific project details with offerors. This request does not commit TDHCA to pay for any costs incurred prior to the execution of a contract and is subject to availability of funds. Issuance of this request for proposals in no way obligates TDHCA to award a contract or to pay any costs incurred in preparation of a response.

**Requested Information.** Provide a general description of your law firm, including historical background, number and location of firm offices, number of attorneys, and major areas of practice; provide a general description of your firm's practice in the field of real estate law, including the size and scope of the practice, the number of attorneys active in the practice and other resources of the firm relevant to the practice; identify the individuals who will be assigned to the TDHCA account if your firm is selected. Provide information regarding the background and experience of each individual, in particular their real estate law experience, if any, and designate the percentage of work for which each individual will be responsible; provide five client references; describe the real estate pre-closing services that your firm normally provides as counsel that includes services in the following areas: provision

of opinions covering usury, lender's doing business and liability, zoning enforceability, authority and due execution of loan documents; preparation and review of security documents that includes deeds, notes, truth in lending documents and mortgage loan documents; contracts and conveyancing issues; compliance with applicable federal, state and local laws and regulations; describe the real estate closing services that your firm normally provides as counsel. Explain how your firm will supervise and coordinate a closing; describe the post closing services that your firm provides as counsel including those in the areas of recording, assumptions, foreclosures and bankruptcy; for questions and whenever possible, please indicate the firm's turnaround time for the services requested; compensation. Clearly specify the firm's proposed method of charging for legal services provided. If an hourly basis is anticipated, describe the fee schedule in detail. If a per transaction fee is anticipated, described the basis for reaching the anticipated fee. If the firm proposes that TDHCA bear the costs of incidental expenses associated with its representation of TDHCA, the proposal should clearly state the nature of such incidental expenses and their estimated costs to TDHCA. Please indicate minimum charges on any of the fees. Invoices presented for payment must be itemized and contain detail of specific expenses. Reimbursement for time spent traveling will be negotiated during pre-selection interviews with TDHCA. All proposals must include a statement that they are valid for the duration of the contract.

**Review.** In accordance with law, TDHCA will make its selection based upon its perception of the need for real estate legal services, the demonstrated competence, experience, knowledge and qualifications, on the reasonableness of the proposed fee for the services, and on the efficacy of its affirmative action policy and practices. By this Request for Proposal, however, TDHCA has not committed itself to employ legal counsel for any or all of the above-described matters, nor does the suggested scope of services or term of agreement require that legal counsel be employed for any of those purposes. TDHCA reserves the right to make those decisions after receipt of responses, and TDHCA's decision on these matters is final. TDHCA reserves the right to negotiate all elements which comprise the proposal of the firm(s) to ensure that the best possible consideration be afforded to all concerned. TDHCA reserves the right to reject any and all proposals and to resolicit in such an event. TDHCA permits proposals utilizing joint ventures of any two or more firms, if appropriate. TDHCA will not contract with any firm in which an attorney employed therein represents clients before the agency or who has, during a six-month period preceding the commencement of the contract and a six-month period following termination of the contract, represented clients before the agency. TDHCA will evaluate only those firms meeting the minimum qualifications. A preference will be given for law firms located in Austin. Among other things, the evaluation of statements of qualifications will be based on the following criteria: the firm's willingness to follow TDHCA guidelines in this RFP; experience and qualifications of both the firm and its staff to be assigned to this account; involvement and accessibility of staff to be assigned to this account; the firm's commitment to Texas; organization, size, and structure of firm, including financial capability and employment of minority and female attorneys; project costs and proposed fee structure for services performed.

**Additional Information.** For additional information concerning the requirements of this request for proposals,

please contact Anne O. Paddock, Acting General Counsel, at (512) 475-3916. Communications with any member of the board of directors, the executive director, or TDHCA staff other than Ms. Paddock, concerning any matter relating to this request for proposals is grounds for immediate disqualification.

Issued in Austin, Texas, on June 25, 1993.

TRD-9324923 Henry Flores  
Executive Director  
Texas Department of Housing and  
Community Affairs

Filed: June 28, 1993

◆ ◆ ◆  
**Public Utility Commission of Texas**  
**Notice of Application to Locate and**  
**Maintain Records Outside the State of**  
**Texas**

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application for a good cause waiver of Public Utility Commission Substantive Rule 23.14, which requires public utilities to keep all records necessary for regulation within the State of Texas.

**Docket Title and Number.** Application of Sugar Land Telephone Company for Authority to Locate and Maintain Records Outside the State of Texas. Docket Number 12097.

**The Application.** Sugar Land Telephone Company is requesting approval to maintain customer records and finance and accounting records in Little Rock, Arkansas.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221, teletypewriter for the deaf on or before July 30, 1993.

Issued in Austin, Texas, on June 29, 1993.

TRD-9325004 John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 29, 1993

◆ ◆ ◆  
**Notice of Intent to File Pursuant to**  
**Public Utility Commission Substantive**  
**Rule 23.27**

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for General Services Administration, Fort Worth.

**Docket Title and Number.** Application of Southwestern Bell Telephone Company for Approval of Plexar-Custom Service for General Services Administration pursuant to Public Utility Commission Substantive Rule 23.27(k). Docket Number 12113.

**The Application.** Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for General Services Administration. The geographic service market for this specific service is the Fort Worth 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 June 28, 1993.

TRD-9324939 John M. Renfrow  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: June 28, 1993

◆ ◆ ◆  
**Texas Water Commission**  
**Correction of Error**

The Texas Water Commission adopted amendments to 31 TAC §§293.6, 293.14, 293.18, 293.32-293.34, 293.43-293.48, 293.50, 293.51, 293.56, 293.57, 293.59, 293.70, 293.81, 293.83-293.87, 293.91, 293.92, 293.94-293.96 and 293.131, concerning water districts. The rules were published in the June 15, 1993, *Texas Register* (18 TexReg 3758).

Due to an error by the *Texas Register* the effective date for these sections was published as July 1, 1993. The correct effective date is June 30, 1993.

In §334.560, on page 3767 the first paragraph reads "...the Petroleum Storage Tank Reimbursement Program which are in effect as of June 9, 1993." The date should read June 29, 1993.

◆ ◆ ◆  
**Notice of Application For Waste**  
**Disposal Permit**

Attached are Notices of Applications for waste disposal permits issued during the period of June 21-25, 1993.

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

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

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

Armco, Inc.; the applicant operates an Industrial Park including miscellaneous manufacturing and cargo transfer

facilities; the plant site is at 13609 Industrial Road, on a tract of land bounded on the north and east by Industrial Road and on the south by the Houston Ship Channel, Harris County; renewal; 00509.

Bell County Water Control and Improvement District Number 1; the Main Wastewater Treatment Facilities; the plant site is approximately 0.75 miles north of the intersection of FM Road 2410 and U.S. Highway 190, adjacent to and west of FM Road 2410 in the City of Killeen in Bell County; renewal; 10351-02.

Cinco Municipal Utility District Number 1; the wastewater treatment facilities are approximately 3.25 miles east and 2.0 miles north of the intersection of FM Road 723 and FM Road 1093 in Fort Bend County; amendment; 13558-01.

The Dow Chemical Company; an organic and inorganic chemical manufacturing facility and a petroleum refining complex; the plant site is in the southwest quadrant defined by the intersection of State Highway 332 with FM Road 523 north of the City of Freeport, Brazoria County; amendment; 01866.

El Paso Water Utilities Public Service Board; the Haskell Street Wastewater Treatment Facilities; the plant site on Delta Street, approximately 0.5 mile south of the Franklin Canal and 0.5 mile north of the Rio Grande in the City of El Paso, El Paso County; renewal; 10408-04.

The Geon Company; a chemical plant manufacturing Vinyl Chloride Monomer and Ethylene Dichloride; the plant site is at 2400 Miller Cutoff Road in the City of LaPorte in Harris County; renewal; 02097.

Intercoastal Terminal, Inc.; a bulk storage facility and product terminal via Outfall 001; the plant site is at 159 Levee Road approximately 2,200 feet east of the west end of the Industrial Ship Channel of Texas City, Galveston County; renewal; 02565.

Johnson County Fresh Water Supply District Number 1; the wastewater treatment facilities are approximately 3.6 miles southeast of the City of Burleson at a location approximately one mile upstream of the crossing of Village Creek and FM Road 731 in Johnson County; renewal; 10532-01.

Paul H. Krebs; the Roving Meadows Wastewater Treatment Facilities; the plant site is at 3806 FM Road 1942 in Harris County; renewal; 12691-01.

City of Malone; the wastewater treatment facilities; are adjacent to FM Road 308 and approximately 1/2 mile south of Malone in Hill County; renewal; 10514-01.

Movimex Company; the Grand Finale Sewage Treatment Plant; the plant site is at 14718 Kuykendahl Road between FM Road 1960 and Interstate Highway 45 in Harris County; renewal; 12527-01.

Pequod Packing, Inc.; a shrimp processing plant; the plant site is on the southeast corner of the Port Lavaca City Harbor and bordered on the west by State Highway 238 (Broadway Street) and on the south by Harbor Street in the City of Port Lavaca, Calhoun County; new; 03577.

City of Quitman; the wastewater treatment facilities; are approximately 0.3 mile west-northwest of the intersection of State Highway 37 and State Highway 154 (City of Quitman) and 700 feet north of State Highway 154 in Wood County; renewal; 10254-01.

Reid Road Municipal Utility District Number 1; the wastewater treatment facilities; are approximately 1.1 miles east-southeast of the intersection of FM Road 1960 and Jones Road; 3,600 feet south of the intersection of Windfern Road and Perry Road in Harris County; renewal; 11563-01.

City of Sinton; the Sinton Wastewater Treatment Plant; the plant site is south of Chiltipin Creek between Highway 77 and the Missouri Pacific Railroad tracks in San Patricio County; renewal; 10055-01.

United States Department of the Air Force, Kelly Air Force Base; the Kelly Air Force Base industrial wastewater treatment plant is south of Military Drive and 100 feet north of Leo Creek and 2,640 feet east of the intersection of Leon Creek and Military Drive, southwest of the City of San Antonio in Bexar County; amendment; 02356.

Issued in Austin, Texas, on June 25, 1993.

TRD-9324931      Gloria A. Vasquez  
Chief Clerk  
Texas Water Commission

Filed: June 28, 1993

◆            ◆            ◆

## Texas Youth Commission

### Provision of Legal Services

**Request for Proposals.** The Texas Youth Commission is requesting proposals for the provision of legal services to the Commission by a licensed attorney. Such attorney would serve under a two-year contract as the designated outside legal counsel to the Commission on behalf of the Attorney General of Texas. The attorney would assist with the preparation and analysis of proposed legislation in the area of juvenile corrections, provide information to State representatives and officials regarding operations of the Commission and of other components of the juvenile justice system, act as the Commission's parliamentarian at Board meetings, and help the Commission in other areas of legal services that will aid the Commission in meeting all its duties and responsibilities.

**Qualifications.** The Commission seeks an individual with in excess of 20 years' experience as an attorney licensed in Texas, in excess of 20 years' experience in Texas Youth Commission issues, in excess of 10 years' experience dealing with legislative issues in the Texas Legislature, parliamentary experience with Texas state boards and agencies, broad knowledge of *Morales v. Turman* and the Commission's progress since that suit, and experience in criminal and family law. Also sought is experience in drafting and amending legislation, experience in advising Texas State boards and agencies, and experience with the state budgetary process.

**Proposals.** Proposals are invited from interested individuals with the necessary qualifications. Proposals should address fees, costs, and related expenses and must be in writing. The written proposals should be mailed to Ron Jackson, Executive Director, Texas Youth Commission, P.O. Box 4260, Austin, Texas 78765 and should be received no later than August 2, 1993, to be considered. Envelopes should be marked "RFP" and have sufficient postage affixed for delivery. Inquiries concerning this request for proposals should be in writing and mailed to the above.

The contract to be awarded as a result of this request for proposals is a continuation of a service currently performed by a licensed attorney under contract. This contract represents a renewal and will be awarded to the current service provider unless a better offer is received.

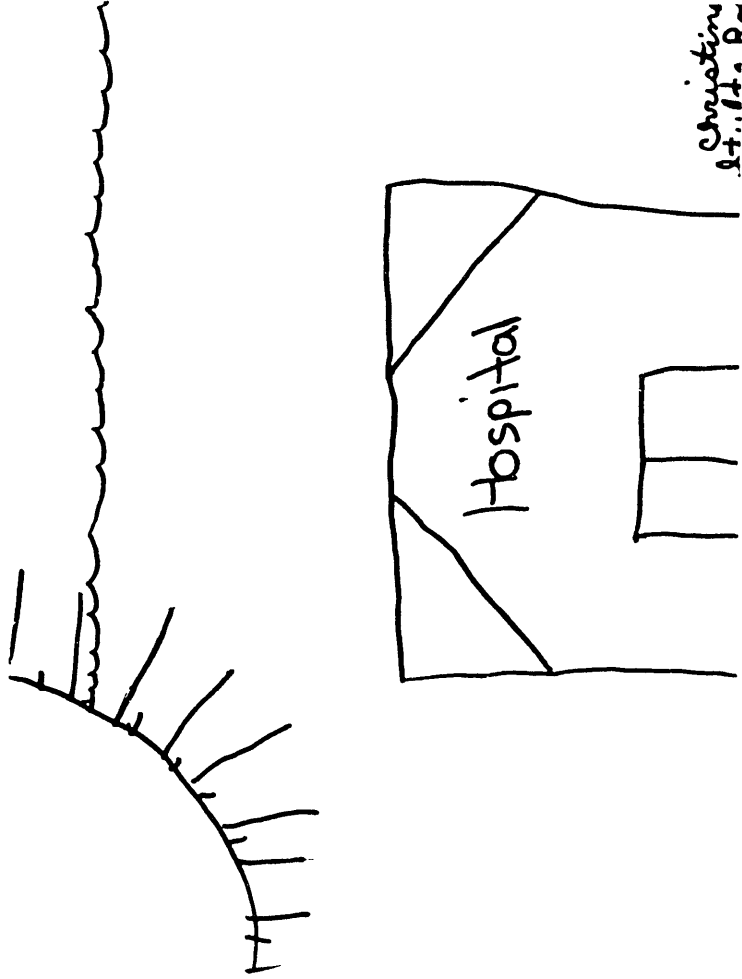
The Commission reserves the right to conduct discussions with any of all offerers, or to make an award of a contract without such discussions based only on evaluation of the written proposals. Individuals will be evaluated on time and quality of experience as set out above.

Issued in Austin, Texas, on June 28, 1993.

TRD-9324986      Ron Jackson  
                         Executive Director  
                         Texas Youth Commission

Filed: June 29, 1993

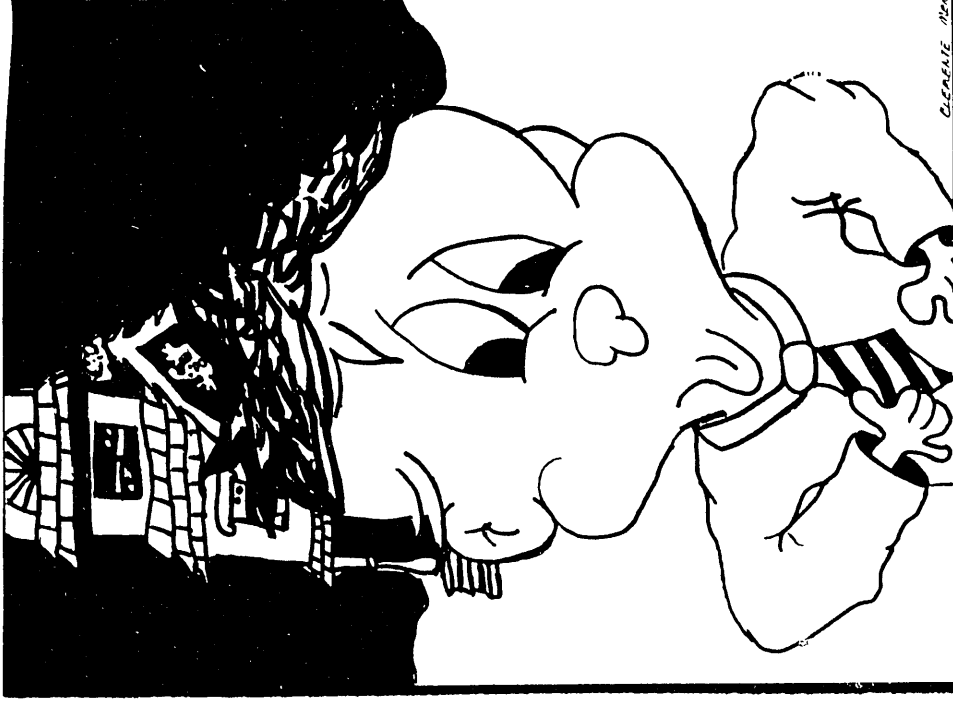
◆            ◆            ◆



Name: Christina Kemp

Grade: 4

School: Stults Road Elementary, Richardson ISD



Name: Clemente Mena

Grade: 6

School: Cuellar Middle School, Westlaco ISD





## TAC Titles Affected

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## 1993 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1993 issues of the *Texas Register*. Because of printing schedules, material 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 preceding publication. No issues will be published on July 30, November 5, November 30, and December 28. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
34 Tuesday, May 4	Wednesday, April 28	Thursday, April 29
35 Friday, May 7	Monday, May 3	Tuesday, May 4
36 Tuesday, May 11	Wednesday, May 5	Thursday, May 6
37 Friday, May 14	Monday, May 10	Tuesday, May 11
38 Tuesday, May 18	Wednesday, May 12	Thursday, May 13
39 Friday, May 21	Monday, May 17	Tuesday, May 18
40 Tuesday, May 25	Wednesday, May 19	Thursday, May 20
41 Friday, May 28	Monday, May 24	Tuesday, May 25
42 Tuesday, June 1	Wednesday, May 26	Thursday, May 27
43 *Friday, June 4	Friday, May 28	Tuesday, June 1
44 Tuesday, June 8	Wednesday, June 2	Thursday, June 3
45 Friday, June 11	Monday, June 7	Tuesday, June 8
46 Tuesday, June 15	Wednesday, June 9	Thursday, June 10
47 Friday, June 18	Monday, June 14	Tuesday, June 15
48 Tuesday, June 22	Wednesday, June 16	Thursday, June 17
49 Friday, June 25	Monday, June 21	Tuesday, June 22
50 Tuesday, June 29	Wednesday, June 23	Thursday, June 24
51 Friday, July 2	Monday, June 28	Tuesday, June 29
52 Tuesday, July 6	Wednesday, June 30	Thursday, July 1
53 Friday, July 9	Monday, July 5	Tuesday, July 6
Tuesday, July 13	SECOND QUARTERLY INDEX	
54 Friday, July 16	Monday, July 12	Tuesday, July 13
55 Tuesday, July 20	Wednesday, July 14	Thursday, July 15
56 Friday, July 23	Monday, July 19	Tuesday, July 20
57 Tuesday, July 27	Wednesday, July 21	Thursday, July 22
Friday, July 30	NO ISSUE PUBLISHED	
58 Tuesday, August 3	Wednesday, July 28	Thursday, July 29
59 Friday, August 6	Monday, August 2	Tuesday, August 3
60 Tuesday, August 10	Wednesday, August 4	Thursday, August 5
61 Friday, August 13	Monday, August 9	Tuesday, August 10
62 Tuesday, August 17	Wednesday, August 11	Thursday, August 12
63 Friday, August 20	Monday, August 16	Tuesday, August 17
64 Tuesday, August 24	Wednesday, August 18	Thursday, August 19

65 Friday, August 27	Monday, August 23	Tuesday, August 24
66 Tuesday, August 31	Wednesday, August 25	Thursday, August 26
67 Friday, September 3	Monday, August 30	Tuesday, August 31
68 Tuesday, September 7	Wednesday, September 1	Thursday, September 2
69 *Friday, September 10	Friday, September 3	Tuesday, September 7
70 Tuesday, September 14	Wednesday, September 8	Thursday, September 9
71 Friday, September 17	Monday, September 13	Tuesday, September 14
72 Tuesday, September 21	Wednesday, September 15	Thursday, September 16
73 Friday, September 24	Monday, September 20	Tuesday, September 21
74 Tuesday, September 28	Wednesday, September 22	Thursday, September 23
75 Friday, October 1	Monday, September 27	Tuesday, September 28
76 Tuesday, October 5	Wednesday, September 29	Thursday, September 30
77 Friday, October 8	Monday, October 4	Tuesday, October 5
Tuesday, October 12	THIRD QUARTERLY INDEX	
78 Friday, October 15	Monday, October 11	Tuesday, October 12
79 Tuesday, October 19	Wednesday, October 13	Thursday, October 14
80 Friday, October 22	Monday, October 18	Tuesday, October 19
81 Tuesday, October 26	Wednesday, October 20	Thursday, October 21
82 Friday, October 29	Monday, October 25	Tuesday, October 26
83 Tuesday, November 2	Wednesday, October 27	Thursday, October 28
Friday, November 5	NO ISSUE PUBLISHED	
84 Tuesday, November 9	Wednesday, November 3	Thursday, November 4
85 Friday, November 12	Monday, November 8	Tuesday, November 9
86 Tuesday, November 16	Wednesday, November 10	Thursday, November 11
87 Friday, November 19	Monday, November 15	Tuesday, November 16
88 Tuesday, November 23	Wednesday, November 17	Thursday, November 18
89 Friday, November 26	Monday, November 22	Tuesday, November 23
Tuesday, November 30	NO ISSUE PUBLISHED	
90 Friday, December 3	Monday, November 29	Tuesday, November 30
91 Tuesday, December 7	Wednesday, December 1	Thursday, December 2
92 Friday, December 10	Monday, December 6	Tuesday, December 7
93 Tuesday, December 14	Wednesday, December 8	Thursday, December 9
94 Friday, December 17	Monday, December 13	Tuesday, December 14
95 Tuesday, December 21	Wednesday, December 15	Thursday, December 16
96 Friday, December 24	Monday, December 20	Tuesday, December 21
Tuesday, December 28	NO ISSUE PUBLISHED	

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