

Texas Register

Volume 17, Number 74, September 29, 1992

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- Governor** - Appointments, executive orders, and proclamations
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- Secretary of State** - opinions based on the election laws
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- 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- Withdrawn Sections** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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 accumulative quarterly and annual indexes to aid in researching material published.

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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: "17 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 17 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, Austin. Material can be found using *Texas Register* indexes, the *Texas Administration Code*, section numbers, or TRD number.

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

How to Cite: Under the TAC scheme, each agency 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 rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

Texas Register Art Project

This program is sponsored by the *Texas Register* to promote the artistic abilities of Texas students, grades K-12, and to help students gain an insight into Texas government. The artwork is used to fill otherwise blank pages in the *Texas Register*. The blank pages are a result of the production process used to create the *Texas Register*. The artwork does not add additional pages and does not increase the cost of the *Texas Register*.

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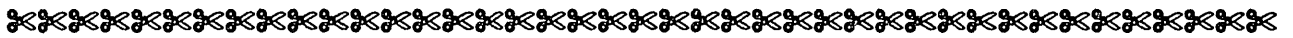
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*The Texas Register Readers Choice Award
continues with this issue!*

You will be able to continue to VOTE into the fall on what you think is the best of the 1991-1992 school art project submissions. In this issue, we continue republishing the artwork from the students. This will allow you one final chance to make your vote count. The pictures are labeled first by the category, and then by a number reflecting the individual piece. For example "7-1" will indicate that the picture is the first submission in the seventh through ninth grade group. You will be able to vote as often as you would like. Simply fill out the attached form, and mail it to the Texas Register, Roberta Knight, P.O. Box 13824, Austin, Texas 78711-3824.

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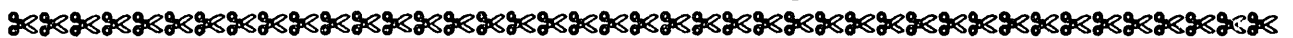
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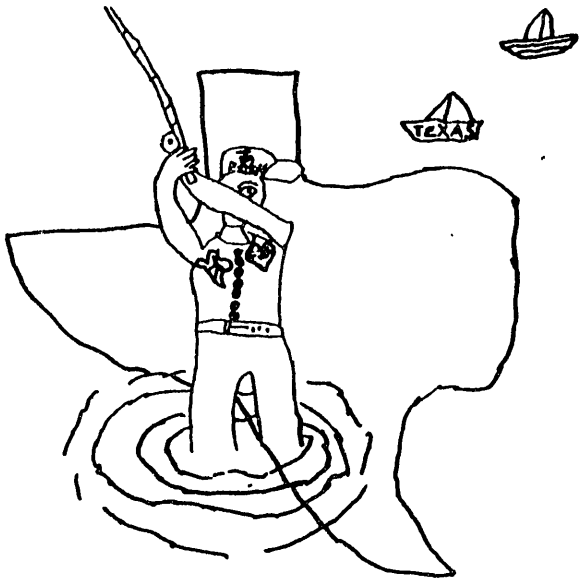
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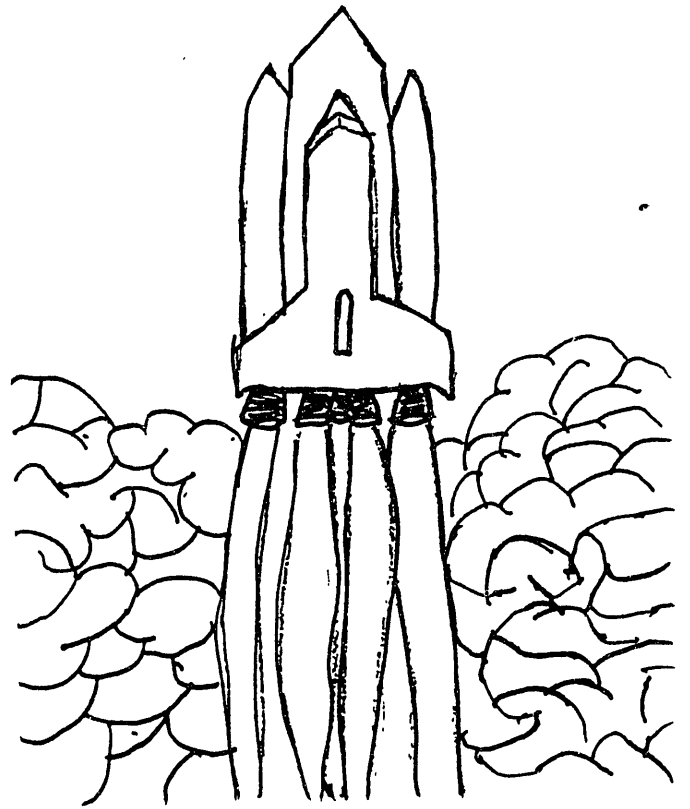
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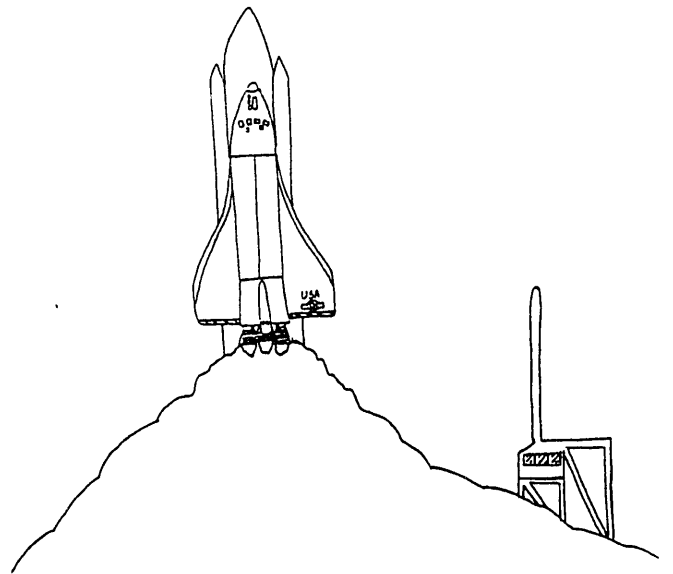
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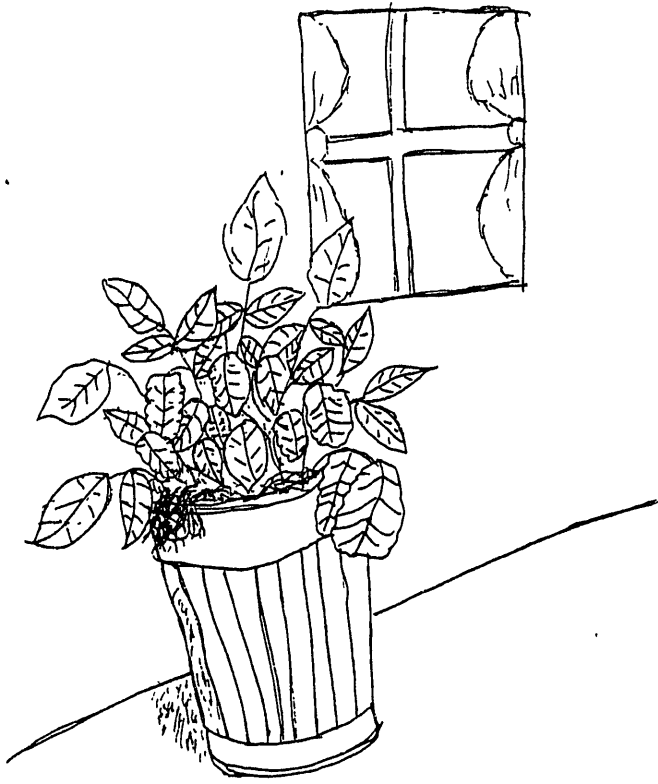
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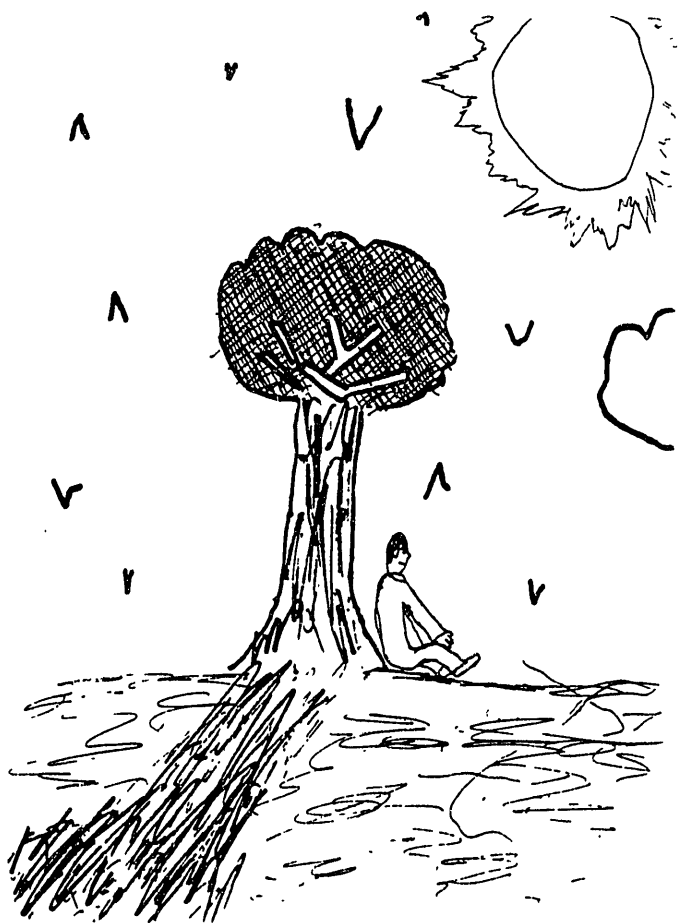


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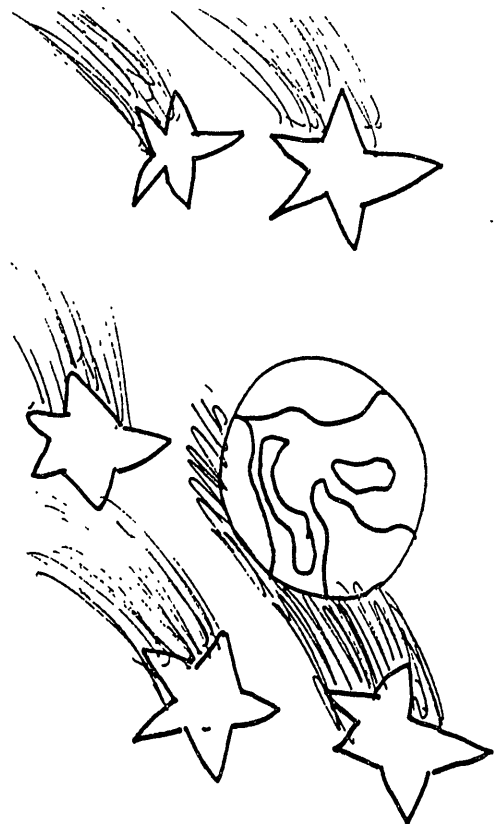


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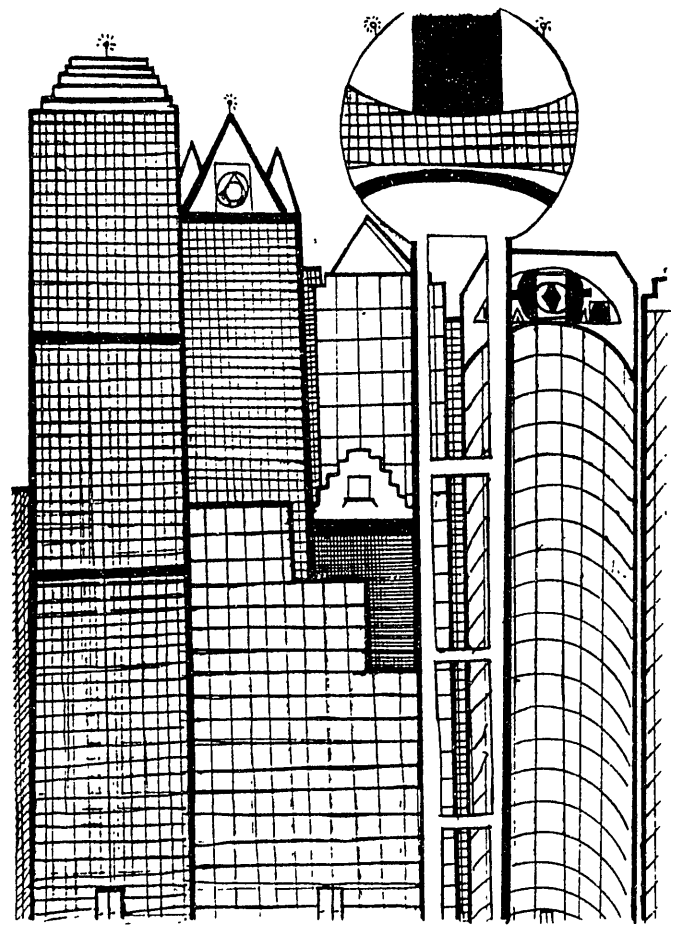
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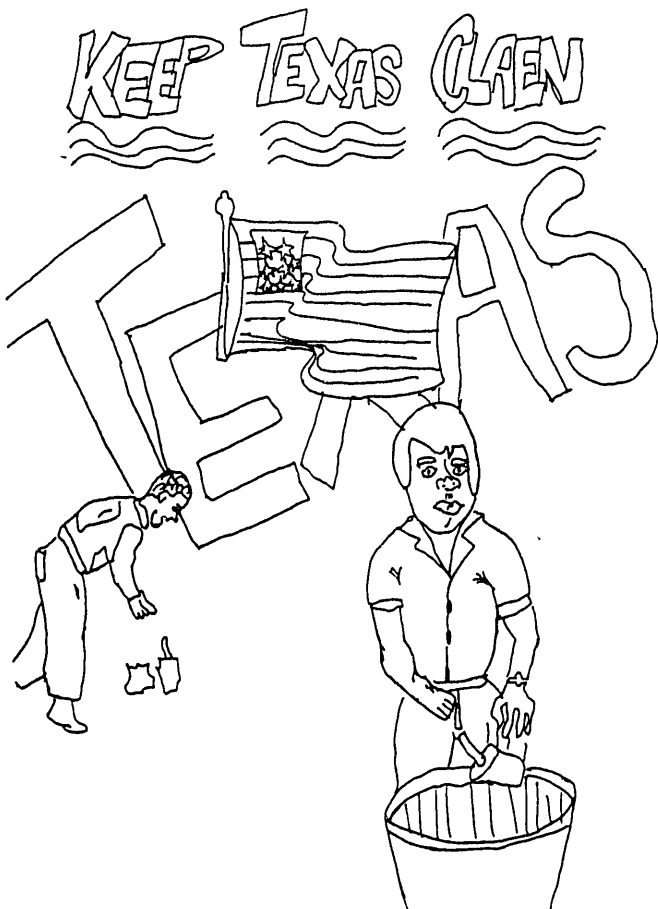
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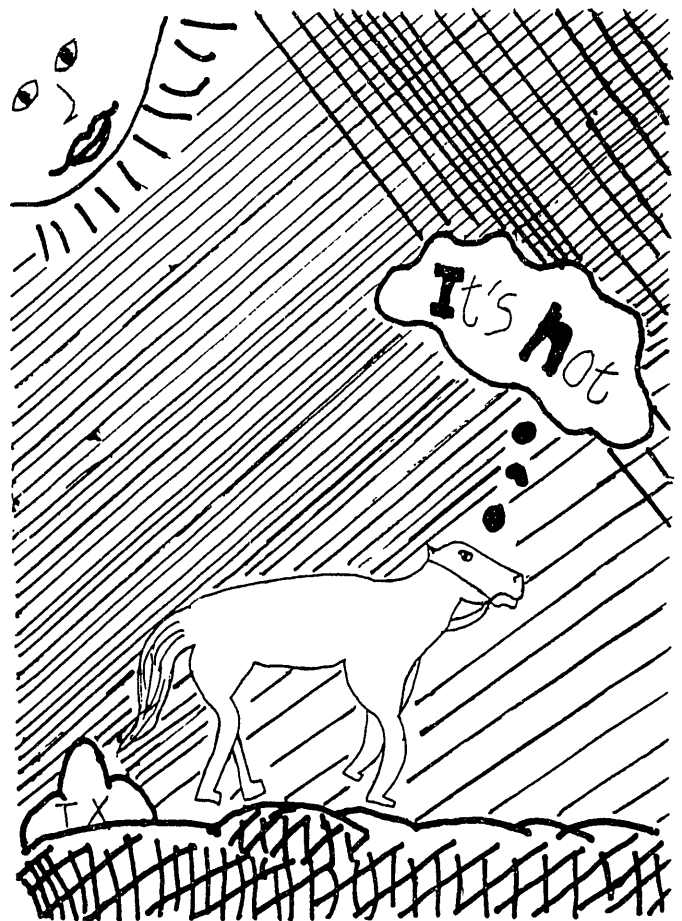
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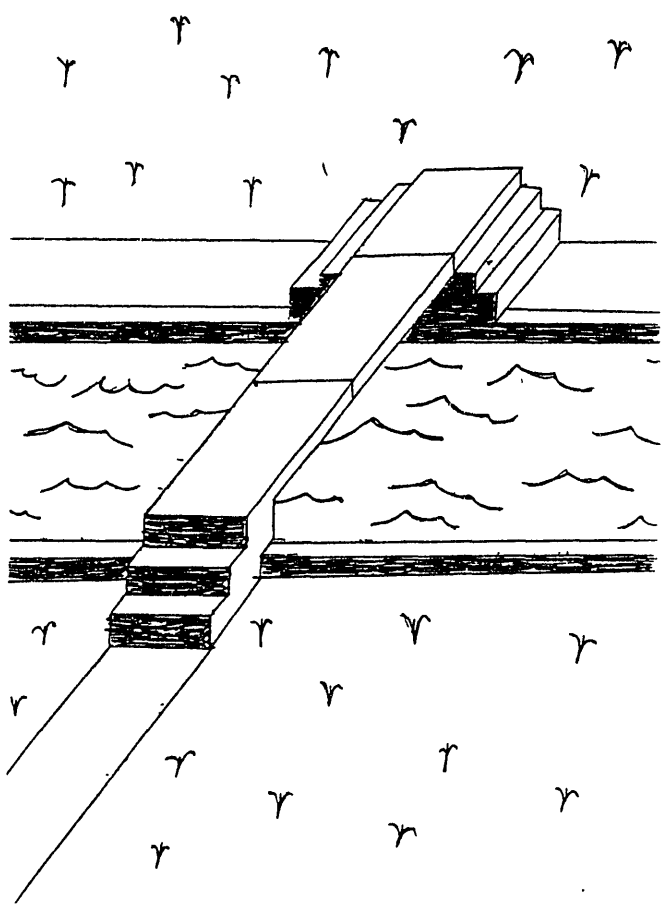
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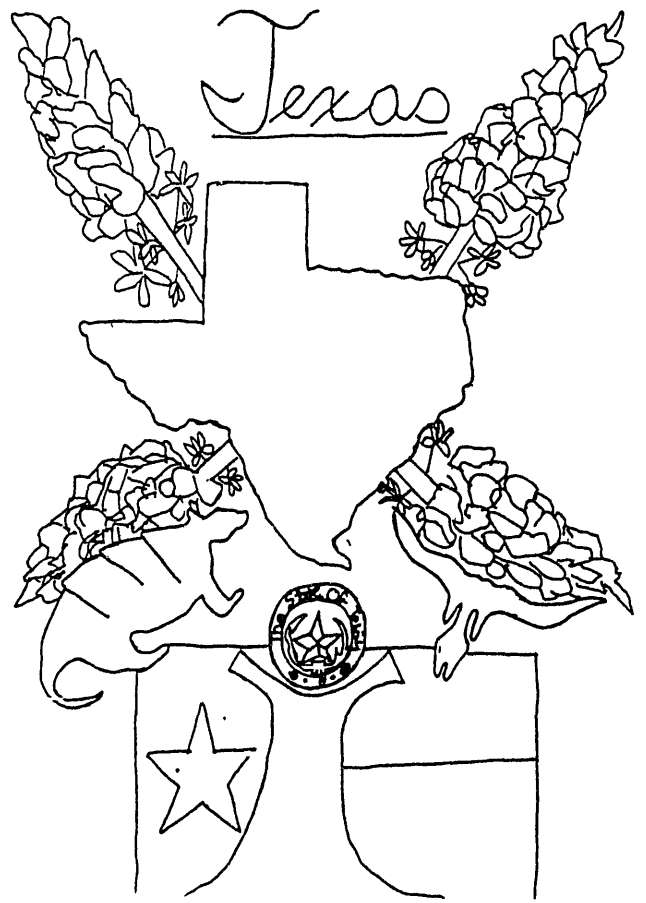
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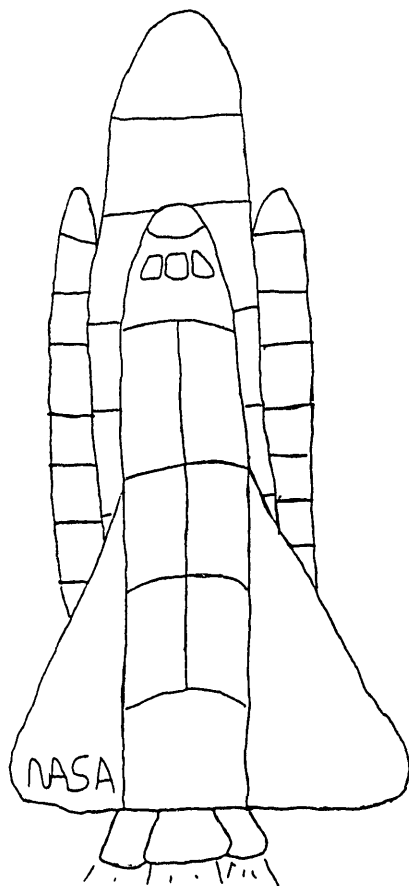
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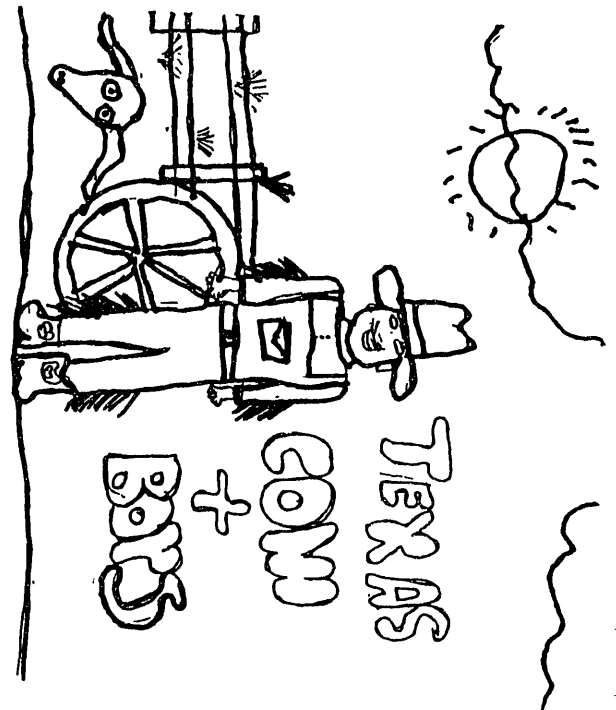
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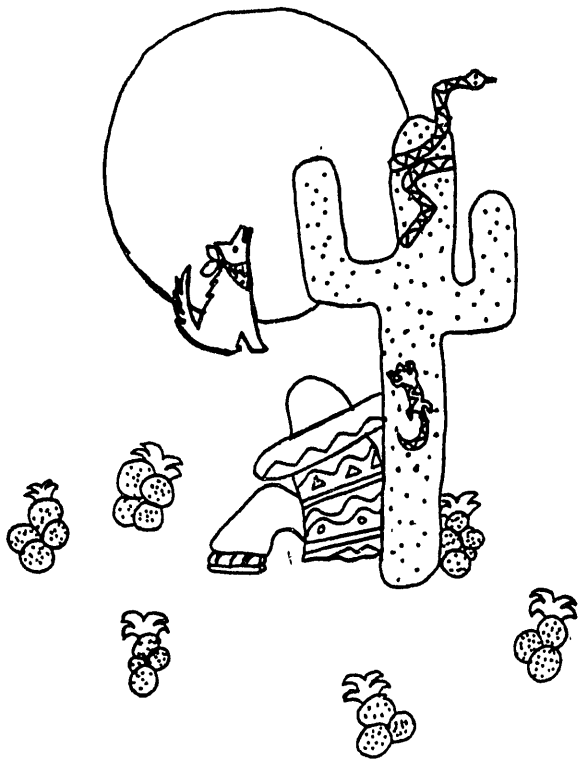
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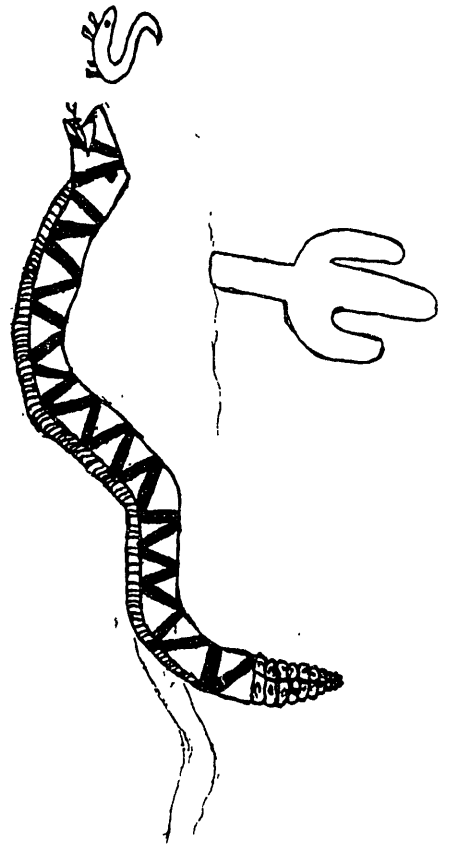
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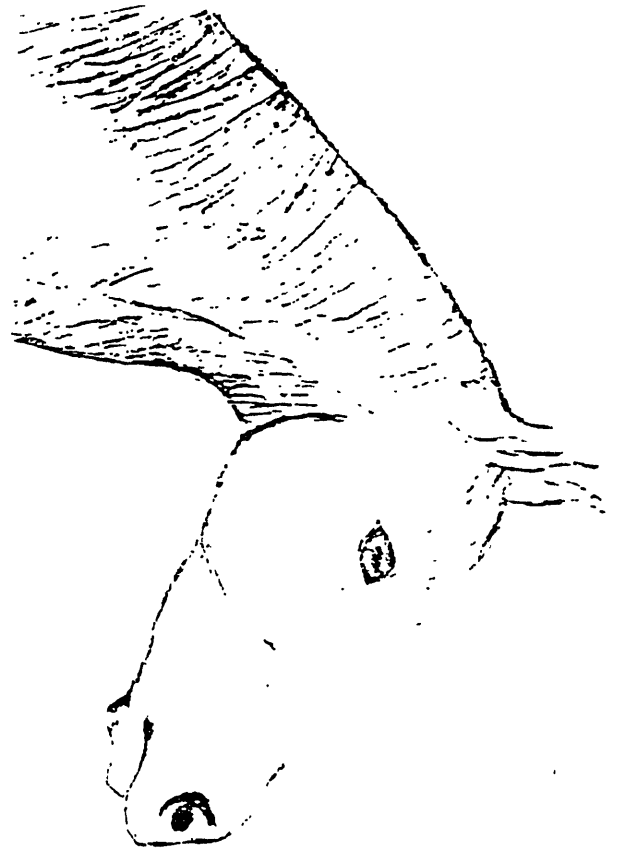
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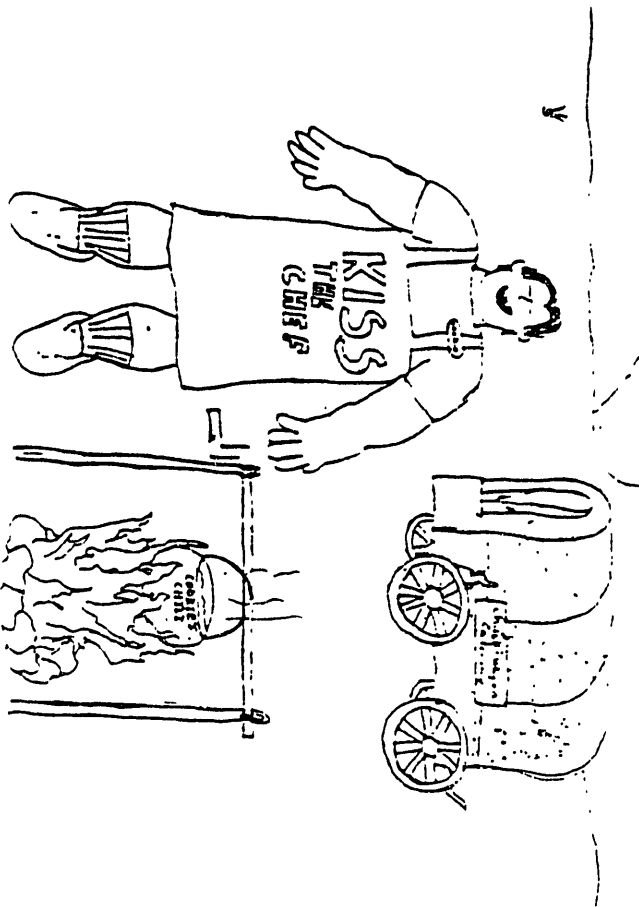
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Proposed Sections

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

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

TITLE 22. EXAMINING BOARDS

Part XXIV. Texas Board of Veterinary Medical Examiners

Chapter 573. Rules of Professional Conduct

Prescribing and/or Dispensing Medications

• 22 TAC §573.40

The Texas Board of Veterinary Medical Examiners proposes an amendment to §573.40, concerning labeling of medications dispensed. The proposed amendment would bring labeling requirements into compliance with federal statutes. The amendment specifies how to label medications which, in their original packaging, are too small to place a label on.

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

Mr. Matthijetz also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to ensure that all medications dispensed by veterinarians are properly labeled in order that consumers know what medicines they are administering to their pets and/or in case of accidental injection by humans. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Texas Board of Veterinary Medical Examiners, 1946 South IH 35, Suite #306, Austin, Texas 78704.

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

§573.40. *Labeling of Medications Dispensed.*

(a) It is unprofessional conduct for a veterinarian to fail to affix labels to all unlabeled containers containing any

mediation dispensed and to all factory labeled containers that contain prescription (legend) drugs and/or controlled substances dispensed. The label must be affixed to the immediate container and include [It is the responsibility of the veterinarian to label all unlabeled medications and/or other products dispensed. This label must include]:

(1) name and[,] address [, and telephone number] of the veterinarian [clinic:] (and telephone number if drug is controlled substance);

(2) date of delivery or dispensing [name of veterinarian dispensing];

(3) patient/client name (and address if drug is controlled substance);

(4) species of the animal [name of medication and/or other veterinary product];

(5) name, strength, and quantity of the drug dispensed [quantity and strength of product];

(6) directions for use [administration];

[(7) date dispensed; and]

(7)[(8)] cautionary [precautionary] statements as required by law, i.e., not for human consumption, poisonous, withdrawal periods, etc.

(b) If the size of the immediate container is insufficient to be labeled, the small container shall be enclosed within another container large enough to be labeled.

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 September 21, 1992.

TRD-9212932

Buddy Matthijetz
Executive Director
Texas Board of Veterinary
Medical Examiners

Earliest possible date of adoption: October 30, 1992

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

TITLE 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter H. Behavior Management-Facilities Serving Persons With Mental Retardation

• 25 TAC §§405.156-405.169

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes new §405.156-405.169, concerning behavior management-facilities serving persons with mental retardation. The repeal of the subchapter the sections would replace, Chapter 405, Subchapter HH (concerning Restraint and Seclusion in Mental Retardation Facilities), is proposed contemporaneously in this edition of the *Texas Register*.

In addition to replacing provisions incorporated in existing Chapter 405, Subchapter HH, the proposed new subchapter incorporates key provisions of existing Chapter 405, Subchapter G (concerning Behavior Therapy Programs) as applicable to mental retardation facilities. Upon adoption of the proposed new subchapter, existing Chapter 405, Subchapter G will continue to apply to mental health facilities.

The proposed new subchapter adopts by reference applicable standards (ICF/MR and the Accreditation Council) for behavior management. The subchapter expresses a commitment to the provision of treatment which is the least restrictive and most effective alternative, and includes provisions for continued improvement of behavioral services within facilities serving persons with mental retardation.

Leilani Rose, director, office of financial services, has determined that for the first five-year period the sections are in effect there will be no significant fiscal implications for state or local government as a result of enforcing or administering the sections.

Local economic impact is anticipated to be insignificant.

Jaylon Fincannon, deputy commissioner, mental retardation services, also has deter-

mined 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 the adoption of rules providing for the implementation of effective behavior management programs which address the needs and protect the rights of individuals receiving services at TXMHMR facilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

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

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

§405.156. Purpose. The purpose of this subchapter is to:

(1) establish rules to guide appropriate behavior management practices at facilities serving persons with mental retardation as a supplement to applicable standards;

(2) ensure protection of the rights and physical well-being of individuals who receive campus-based services within facilities serving persons with mental retardation during the implementation of behavior management procedures; and

(3) establish a system that supports and enhances the practices of applied behavior analysis and behavior management in facilities serving persons with mental retardation.

§405.157. Application.

(a) The provisions of this subchapter apply to the campus-based components of all facilities of the Texas Department of Mental Health and Mental Retardation which primarily provide services to individuals with mental retardation, and to that component of state centers which provides campus-based services to individuals with mental retardation.

(b) The provisions of this subchapter represent minimal guidelines. The facility superintendent/director may, through written policies and procedures, promulgate additional guidelines, provided such guidelines are disseminated within the facility as required in §405.169 of this title (relating to Distribution) and do not conflict with:

(1) other departmental rules, including this subchapter;

(2) state, federal, or local laws or ordinances;

(3) current conditions of participation for intermediate care facilities for the mentally retarded (ICF/MR);

(4) other applicable accreditation standards (e.g., the Accreditation Council on Services for People with Disabilities (The Accreditation Council)); or

(5) the ethical and procedural tenets of sound behavior intervention.

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

Applied behavior analysis—The systematic application of scientific principles of behavior to improve socially significant behavior to a meaningful degree and to demonstrate empirically that the procedures employed were responsible for the improvement in behavior.

Behavior intervention—Systematic efforts to increase adaptive behaviors and to modify maladaptive or problem behaviors and replace them with behaviors that are adaptive and socially acceptable.

Behavior intervention program—A written program prescribing the systematic application of behavioral techniques with regard to an individual and which contains:

(A) clear specifications of behavioral objectives;

(B) reliable and representative baseline data;

(C) a functional analysis of the events which contribute to or maintain the targeted behaviors;

(D) detailed procedures for implementing the program;

(E) methods for evaluating program effectiveness; and

(F) procedures for making necessary program revisions.

Behavior management—All efforts to increase socially adaptive behavior and to modify maladaptive or problem behaviors and replace them with behaviors and skills that are adaptive and socially productive. This broad category includes behavior interventions, emergency procedures used to protect an individual or other persons due to the actions of that individual, and both formal and informal planned interactions intended to increase socially adaptive behavior and/or to modify maladaptive or problem behaviors.

Behavioral services director—That individual appointed by the superintendent to chair the facility behavior intervention committee, consult with program directors, and coordinate activities of the facility behavior intervention committee. The behavioral services director shall:

(A) be knowledgeable in the specifics of behavior management principles and theory;

(B) be qualified to evaluate published behavior management research studies; and

(C) have had applied experience with behavior management techniques.

Emergency physical restraint—The application of any physical device, or the application of physical resistance by another person, to the body of an individual in such a way as to limit or control the physical activity of the individual, or to restrict the movement or normal functioning of a portion of an individual's body in those situations in which there is imminent probability of harm to the individual or others and when those behaviors reasonably could not have been anticipated.

Highly restrictive procedures—The use of drugs for behavior management, application of aversive stimuli, exclusionary time-out, physical restraint, or a requirement to engage in an effortful task or other techniques with similar degrees of restriction or intrusion to manage maladaptive behavior.

(A) Application of aversive stimuli—application of any stimulus which may be unpleasant or noxious, startling, or painful such that its intended effect is the suppression of the specific behavior upon which it is immediately contingent. For purposes of these rules, such stimuli include olfactory, auditory, gustatory, tactile, and other stimuli which may result in physical discomfort or pain. Included in this category is low-level electric shock applied to the extremities (legs or arms) contingent on behavior dangerous to self or others.

(B) Contingent restraint—an intervention within a behavior intervention program involving the systematic application of any physical device, or the application of physical resistance by another person, to the body of an individual in such a way as to limit or control the physical activity of the individual following a previously identified response targeted for reduction or elimination.

(C) Drugs for behavior management—refers to medications prescribed

and administered for the purpose of modifying the maladaptive behavior of an individual.

(D) Effortful task—a task requiring physical effort by an individual following an undesirable response and in which the completion of the task is directed and may be manually guided by staff. Examples of effortful tasks include, but are not limited to:

(i) Required exercise—a procedure in which an individual performs and may be guided by staff to perform a series of physical movements which are incompatible with the undesirable response which they systematically follow. An example would be the guided movement of a self-abusive individual's arms through a series of positions away from the body.

(ii) Negative practice—a procedure in which an individual is required to repeatedly engage in an effortful task which is topographically similar to the undesirable response which the procedure systematically follows. An example is a program in which an individual who strikes others is required to repeatedly strike a punching bag following each occurrence of striking behavior.

(iii) restitutorial overcorrection—a procedure in which an individual is required to correct the consequences of a disruptive response by performing a task which restores the environment to a state even more improved than existed before the disruptive behavior. An example would be the requirement that a disruptive individual polish all the tables in the residence as a consequence of knocking over one of them.

(iv) Positive practice overcorrection—a procedure in which an individual is required to repeatedly engage in an appropriate behavior related to the function of the undesirable response which the procedure systematically follows. An example is a program in which an individual is required to repeatedly practice an appropriate social behavior contingent upon exhibition of a targeted inappropriate social response.

(E) Exclusionary time-out—a procedure by which an individual is placed alone in an enclosed area in accordance with an approved systematic behavior intervention program contingent upon the exhibition of a maladaptive behavior, in which positive reinforcement is not available and from which egress is denied, including prevention by staff, until appropriate behavior is exhibited.

(F) Protective device used to prevent self-injury—a procedure within a behavior intervention program involving the systematic application of any physical device to the body of an individual in such a way as to limit or control the physical activity of the individual for a specified period of time prior to the occurrence of a previously identified behavior targeted for reduction or elimination. The device is used in order to prevent uncontrolled self-injury.

Individual—Any person admitted to and receiving the campus-based services of a facility serving persons with mental retardation.

Informed consent—The knowing consent of an individual or his legally authorized representative, so situated as to be able to exercise free power of choice without undue inducement or any element of force, fraud, deceit, duress, or other form of constraint or coercion. The basic elements of information necessary for informed consent include:

(A) a thorough explanation of the procedures to be followed, and their purposes, including identification of any procedures which are experimental;

(B) a description of any attendant discomforts and risks reasonably to be expected;

(C) a description of any benefits reasonably to be expected;

(D) a disclosure of any appropriate alternative procedures;

(E) an offer to answer any inquiries concerning the procedures; and

(F) an instruction that the person is free to withdraw his consent and to discontinue participation in the project or activity at any time without prejudice to the individual.

Mechanical restraint—The application of a physical device to restrict the movement of the whole or a portion of an individual's body except as part of a routine medical or dental procedure and for bodily support and positioning.

Personal restraint—The application of physical pressure to the body of an individual in such a way as to restrict the movement of the whole or a portion of the body except as part of a routine medical or dental procedure. Excluded also are escorting, physical guidance, and prompting procedures.

Physical restraint—The use of personal or mechanical restraint to restrict the movement or routine functioning of a portion of an individual's body. Physical re-

straint includes contingent restraint, protective device used to prevent self-injury, and emergency restraint as defined herein.

Specially Constituted Committee—A committee designated by the facility and operating in accordance with ICF/MR regulations (42 Code of Federal Regulations, §483.440(f)(3)(i)-(iii)).

§405.159. *General Principles Regarding Behavior Management.*

(a) TXMHMR adopts by reference current Conditions of Participation for Intermediate Care Facilities for the Mentally Retarded (42 Code of Federal Regulations, §§442.401, et seq) and refers to Minimum Licensing Standards for Facilities Serving Persons with Mental Retardation and Related Conditions in Texas (25 TAC Part II, Chapter 145, Subchapter N, §§145.211-145.217).

(b) TXMHMR refers to current standards promulgated by the Accreditation Council, applicable to those facilities which maintain such accreditation.

(c) TXMHMR recognizes and expresses a commitment to the provision of treatment which is the least restrictive and most effective alternative available.

§405.160. *Plan for Behavioral Services.*

(a) The deputy commissioner for mental retardation services shall appoint a planning committee for behavioral services to serve at his or her pleasure.

(1) The membership of the planning committee shall include representation of university personnel, facility behavioral services directors, advocacy organizations, consumers, the Texas Association for Behavior Analysis (TXABA), and others at the discretion of the deputy commissioner for mental retardation services.

(2) The planning committee shall develop and update a plan for behavioral services and shall submit such a plan for the approval of the deputy commissioner for mental retardation services.

(b) The plan shall, at a minimum, address the following:

(1) training and certification of personnel responsible for implementation, development, monitoring, evaluation, and supervision of behavior management;

(2) oversight and monitoring of behavior management services;

(3) peer review for behavioral services staff;

(4) university affiliations designed to foster formal and informal training and professional development, research, and consultation; and

(5) recruitment and retention of professional staff.

(c) The plan will be established by September 1, 1993, and will be updated on a biannual basis.

§405.161. Facility Behavioral Services Director; Facility Behavior Intervention Committee.

(a) The superintendent/director of each facility shall appoint a facility behavioral services director.

(b) A behavior intervention committee, consisting of a minimum of three members, shall be established at each facility.

(1) The members of the committee shall be appointed by and serve at the pleasure of the superintendent/director of the facility.

(2) The behavioral services director shall be a member and serve as chairperson of the committee.

(3) The majority of the members shall have the technical skills and knowledge of applied behavior analysis necessary to evaluate the adequacy of proposed behavior intervention programs and should be knowledgeable regarding individual rights.

(c) The behavior intervention committee shall:

(1) establish and review policies and procedures related to the use of behavior management throughout the facility;

(2) review and approve behavior intervention programs conducted in the facility;

(3) participate in the establishment of guidelines for the evaluation of all facility programs utilizing behavior intervention techniques; and

(4) ensure the technical adequacy of behavior intervention programs.

§405.162. Initiation and Approval of Behavior Intervention Programs.

(a) A behavior intervention program may not be initiated until the behavior intervention committee has reviewed and approved the program.

(b) An assessment or functional analysis which involves the direct, systematic manipulation of environmental variables and which includes the evaluation of a highly restrictive procedure or which would pose a significant risk of injury to the individual or others (for example cases of severe self-injury of aggression) may not be initiated until a written protocol for the

evaluation, including the specific procedures or environmental variables to be manipulated and the specific length of time required for each phase of the evaluation, has been developed and approved by the interdisciplinary team, the facility behavioral services director, the chair of the facility's specially constituted committee, and the legally authorized representative of the individual as specified in §405.163 of this title (relating to Informed Consent).

(c) A behavior intervention program involving restriction of the rights of an individual or which contains a highly restrictive procedure may not be initiated until a specially constituted committee has reviewed and approved the program.

(d) A program employing highly restrictive procedures may not be initiated until at least two of the three following criteria have been met:

(1) the individual exhibits overt self-injurious behavior or is a danger to others;

(2) the individual's behavior problems are so severe or their duration is so extensive that other therapeutic approaches are currently precluded or are ineffective;

(3) less restrictive behavior intervention programs not employing highly restrictive procedures have been systematically attempted and failed to remove the problem behavior or behaviors.

(e) A program employing highly restrictive procedures may not be initiated until a procedure for differentially reinforcing behaviors in such a way as to reduce or eliminate the undesirable response(s) is designed and simultaneously implemented with the program utilizing highly restrictive procedures.

(f) Prior to implementation of a highly restrictive procedure, medical authorization by a licensed physician shall be placed in the record of each individual who is to participate in a behavior intervention program utilizing highly restrictive procedures stating that no medical contraindications exist for the utilization of the highly restrictive procedures specified within the program with regard to the particular individual for whom they are to be utilized.

(g) Any increase in the intensity or duration of a highly restrictive procedure, unless specified in the original application (i.e., in the case of changes specified as a part of a plan of titration specified and approved in a plan including the use of drugs for behavior management), shall be approved by the facility behavior intervention committee and the facility's specially constituted committee and shall have medical authorization by a licensed physician.

(h) Except for physical restraint and drugs for behavior management as specified in ICF/MR regulations, highly restrictive procedures shall not be utilized on an emergency basis.

(i) Prior to implementation, any program utilizing contingent low level electric shock shall be reviewed and approved by a behavior consultant with expertise in the use of such procedures. This consultant shall be authorized by the deputy commissioner of mental retardation services.

§405.163. Informed Consent.

(a) Written informed consent shall be obtained for any program involving medications for behavior management.

(b) Written informed consent for any other program which contains potential restriction of the rights of an individual or a highly restrictive procedure shall be obtained as follows.

(1) If the individual has been admitted voluntarily and is 18 years of age or older, written informed consent shall be obtained from:

(A) the individual, if legally competent to give such consent; or

(B) the guardian of the person of the individual if the individual has been adjudicated incompetent by a court of competent jurisdiction.

(2) If the individual has been admitted voluntarily under the Texas Health and Safety Code, Title 7, Subtitle D, and is under 18 years of age, written informed consent shall be obtained from the parent, managing conservator, or guardian of the person of the individual.

(c) If the individual is not factually competent to give informed consent, and no guardian of the person has been established or all efforts to locate the responsible parent of a child under age 18 or guardian of the person have failed:

(1) the facility behavior intervention committee and facility specially constituted committee shall confirm the need for and the probable desirable consequences of the program; and

(2) the superintendent/director shall approve the program in writing.

(d) Staff should be aware that informed consent can be withdrawn at any time. If informed consent is withdrawn, the program shall be discontinued. For all programs requiring informed consent, staff shall document that the right to withdraw such consent was communicated to the relevant party.

(e) Written informed consent shall be obtained on an annual basis for highly restrictive procedures.

§405.164. Use of Physical Restraint.

(a) Physical restraint shall only be used in a manner consistent with appropriate ICF/MR standards.

(b) All reasonable steps shall be taken to ensure safety and dignity of individuals in all instances of restraint.

(c) Only departmentally approved techniques shall be utilized during personal restraint.

(d) The facility must develop written policy regarding the monitoring of emergency physical restraint which specifies any necessary action the interdisciplinary team must take to address the repeated use of emergency restraint.

(e) Protective devices used to prevent self-injury may be used only as a part of an approved behavior intervention program which specifies times at which the individual will be released from the device.

(1) The program shall include a plan designed to systematically decrease and eliminate the need for the protective device.

(2) Prior to the use of the protective device, the interdisciplinary team must verify and document that a failure to utilize the protective device would place the individual in a clear position of imminent and significant harm, which could not be prevented by any other, less restrictive means.

(f) Only appropriate mechanical restraints shall be utilized. The appropriateness of a mechanical restraint shall be determined as follows:

(1) Mechanical restraints included in the document, "Acceptable Mechanical Restraints," which is referenced in §405.167 of this title (relating to Exhibits) as Exhibit A, are considered appropriate for systemwide use. Use of mechanical restraints listed in the document, "Unacceptable Mechanical Restraints," which is referenced in §405.167 of this title as Exhibit B, is prohibited.

(2) Mechanical restraints not prohibited by "Unacceptable Mechanical Restraints", but which are not included in the list of "Acceptable Mechanical Restraints" may be utilized after being reviewed and approved by:

(A) the interdisciplinary team;

(B) the facility behavioral services director;

(C) the chair of the facility's specially constituted committee; and

(D) the facility superintendent/director or designee.

(3) A complete description of any devices or techniques approved by the facility for use which are not included in the document "Acceptable Mechanical Restraints" shall be forwarded within 10 days of the facility approval to the deputy commissioner for mental retardation services for review.

§405.165. Staff Training in Behavior Management.

(a) Employees assigned to or participating in any behavior intervention program shall have completed training, appropriate to their responsibilities, in the techniques and procedures to be used in the program. Such staff shall be knowledgeable regarding the specific behavioral procedures for which they are responsible and shall reliably exercise that knowledge to ensure the safety of both the persons served and themselves.

(b) Each facility shall ensure the continuing professional development related to applied behavior analysis for persons having responsibility for development and evaluation of behavior management.

§405.166. Enforcement.

(a) The facility superintendent/director shall be responsible for the enforcement of this rule.

(b) Violation of this rule shall constitute grounds for appropriate disciplinary personnel action.

(c) The public responsibility committee established in accordance with Chapter 410, Subchapter A of this title (relating to Public Responsibility Committees) shall be authorized upon request of any individual or the responsible agent of any individual to investigate any alleged violation of this section affecting the individual or any abuse or misuse of behavior management procedures.

§405.167. Exhibits. The following exhibits are referenced in this subchapter:

(1) Exhibit A—"Acceptable Mechanical Restraints"; and

(2) Exhibit B—"Unacceptable Mechanical Restraints."

§405.168. References. Reference is made to the following statutes and rules of the department:

(1) Texas Health and Safety Code, Title 7, Subchapter D.

(2) 25 TAC Part II, Chapter 145, Subchapter N, §§145.211-145.217;

(3) Chapter 410, Subchapter A of this title;

(4) 42 Code of Federal Regulations §§442.401, et seq.

§405.169. Distribution.

(a) This subchapter shall be distributed to all members of the Texas Board of Mental Health and Mental Retardation; the medical director; deputy and assistant deputy commissioners for mental retardation services; management and program staff of central office; superintendents and directors of all TXMHMR facilities serving persons with mental retardation; and chairpersons of the public responsibility committees of all department facilities serving persons with mental retardation.

(b) Superintendents/directors of TXMHMR facilities serving persons with mental retardation shall be responsible for the dissemination of this subchapter to all appropriate staff.

(c) A copy of this subchapter shall be made available upon request to any staff member; individual; or parent, legal guardian, or counsel of record of an individual; or to any interested party.

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 September 21, 1992.

TRD-9212819

Anne K. Utley
Chair
Texas Board of Mental
Health and Mental
Retardation

Proposed date of adoption: October 28, 1992

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

◆ ◆ ◆
Subchapter HH. Restraint and Seclusion in Mental Retardation Facilities

• 25 TAC §§405.841-405.849

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

The Texas Department of Mental Health and Mental Retardation (TXMHMR) proposes the repeal of §§405.841-401.849, concerning restraint and seclusion in mental retardation facilities. New Chapter 405, Subchapter H,

concerning behavior management—facilities serving persons with mental retardation, is proposed contemporaneously in this edition of the *Texas Register*.

The proposed new subchapter adopts by reference applicable standards (ICFMR and the Accreditation Council) for behavior management. The subchapter expresses a commitment to the provision of treatment which is the least restrictive and most effective alternative, and includes provisions for continued improvement of behavioral services within facilities serving persons with mental retardation.

Leilani Rose, director, office of financial services, has determined that for the first five-year period the repeals are in effect there will be no significant fiscal implications for state or local government as a result of administering the repeals.

Local economic impact is anticipated to be insignificant.

Jaylon Fincannon, deputy commissioner, mental retardation services, has determined that for the 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 the adoption of rules providing for implementation of effective behavior management programs which address the needs and protect the rights of individuals receiving services at TXMHMR facilities. 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 Linda Logan, director, Policy Development, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711-2668, within 30 days of publication.

The repeals are proposed under Texas Civil Statutes, Article 5547-202, TM2. 11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§405.841. Purpose.

§405.842. Application.

§405.843. Definitions.

§405.844. Conditions for Use of Restraint or Seclusion.

§405.845. Exceptions to Prohibition against Use of Restraint or Seclusion.

§405.846. Procedures Required to Initiate and Monitor Restraint and Seclusion Unless Excepted by 25 TAC TM405.845.

§405.847. Care of Resident While in Restraint or Seclusion.

§405.848. Enforcement.

§405.849. Distribution.

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 September 21, 1992.

TRD-9212820

Anne K. Utley
Chair
Texas Board of Mental
Health and Mental
Retardation

Proposed date of adoption: October 26, 1992

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

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter O. Late Season Migratory Game Bird Proclamation

• 31 TAC §65.334

The Texas Parks and Wildlife Department proposes an amendment to §65.334, concerning late season migratory games bird proclamation. The proposed amendment would increase the bag limit for mallard ducks by one mallard drake.

The United States Fish and Wildlife Service has notified states that the central flyway framework for the High Plains Mallard Management Unit and that portion of the unit within Texas will be permitted an additional drake mallard. The Fish and Wildlife Service's final rules will be published in the *Texas Register* during the month of October.

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

Mr. Riechers, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to increase the mallard bag limit within the High Plains Mallard Management Unit. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

The department has not filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A, as this agency has determined that

the rule as proposed will not impact local economics.

Comments on the rule as proposed may be submitted to Ron George, Deputy Director, Wildlife Branch, Fisheries and Wildlife Division, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4778 or 1 (800) 792-1112, extension 4778.

The amendment is proposed under the Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the Texas Parks and Wildlife Commission with the authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

§65.334. Bag and Possession Limits.

(a) (No change.)

(b) The bag and possession limits are as follows.

(1) Ducks, coots, and mergansers.

(A) Ducks. Except as specifically provided for mallards in the High Plains Mallard Management Unit, the [The] daily bag limit is the aggregate of three ducks which may include no more than two mallards (no more than one of which maybe a female mallard), one mottled duck, one pintail, one redhead, or two wood ducks. In the High Plains Mallard Management Unit, the daily bag limit is the aggregate of three ducks as provided in this section, except that it may include three drake mallards. Possession limit shall be twice the daily bag limit.

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

(2)-(5) (No change.)

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

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

Issued in Austin, Texas, on September 21, 1992.

TRD-9212886

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

Earliest possible date of adoption: October 30, 1992

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

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 91. Discipline and Control

Control

• 37 TAC §91.69

The Texas Youth Commission (TYC) proposes an amendment to §91.69, concerning detention. The amendments clarify time limits for conducting a detention hearing necessary to continue detaining a youth.

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

Mr. Franks also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a more efficient detention hearings. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Gail Graham, Policy and Manuals Coordinator, Texas Youth Commission, 4900 North Lamar Boulevard, P.O. Box 4260, Austin, Texas 78765.

The amendment is proposed under the Human Resources Code, §61.040, which provides the Texas Youth Commission with the authority to establish and operate places for detention.

§91.69. Detention.

- (a) (No change.)
- (b) Rules.
 - (1)-(2) (No change.)
 - (3) Community detention.
 - (A)-(D) (No change.)

(E) If the parole officer or other staff determines that there is probable cause to believe that offenses have been committed and that detention is warranted, he holds a detention review conference with the parole supervisor or other TYC program administrator to justify and obtain approval for having the youth held in detention. The conference must be held no later than the second working day after the youth is detained unless the youth is detained on a Friday or Saturday, then on the first working day after the youth is detained.

[prior to the first county detention hearing, if any.]

- (F)-(J) (No change.)
- (4) Training school detention.

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

(E) The referring staff shall complete E Form, Request for Detention at a Training School, [electronically enter all required forms] prior to transporting the youth.

(F)-(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 September 18, 1992.

TRD-9212857

Ron Jackson
Executive Director
Texas Youth Commission

Earliest possible date of adoption: October 30, 1992

For further information, please call: (512) 483-5244

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 28. Third-Party Resources

Program Requirements

• 40 TAC §§28.101, 28.111, 28.121, 28.131

The Texas Department of Human Services (DHS) proposes new §§28.101, 28.111, 28.121, and 28.131, concerning the basis and scope, provider right of recovery, recipient right of recovery, and notice of assignment in a new chapter, Third-Party Resources. The purpose of the new sections is to describe Medicaid's right of assignment of funds paid by third-party resources and the provider's and recipient's rights for recovery of payments for medical expenses from the third-party resources. Third-party resources include payments from both private and public health insurance and from other liable third parties that can be applied toward a Medicaid recipient's medical and health benefit expenses.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the department will collect funds from third-party resources to reduce Medicaid costs. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Questions about the content of this proposal may be directed to Terry Cottrell at (512) 338-6518 in DHS's Management Support Services Section. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-218, 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.

§28.101. Basis and Scope.

(a) Reimbursement from third-party resources for medical care services paid on behalf of a Texas Medical Assistance (Medicaid) Program recipient is assigned to the Texas Department of Human Services (DHS) or its health insuring agent. Third-party resources include, but are not limited to, the following:

- (1) health and accident insurance;
- (2) workers' compensation;
- (3) casualty insurance, including uninsured/underinsured motorist coverage;
- (4) adoption agencies or adopting parents with medical contractual obligations to the Medicaid client;
- (5) assignable indemnity contracts;
- (6) health maintenance organizations;
- (7) Employee Retirement Income Security Act (ERISA) health plans;
- (8) no-fault automobile insurance including personal injury protection (PIP) and automobile medical insurance;
- (9) another person for personal injury caused by that person's negligence or wrong; and
- (10) any claim filed on behalf of or payment made to a Medicaid recipient for injuries requiring Medicaid services including payments for mental anguish, pain and suffering, and future medical expenses when the injury causing the need for Medicaid services was the basis for those claims or payments.

(b) The right of recovery by DHS is limited to the amount of the cost of medical services paid by DHS or its health insuring agent on behalf of the recipient. Amounts available from third-party resources in excess of payments made by DHS or its health insuring agent are available to the recipient.

(c) The right of recovery by DHS includes any amounts paid to a recipient's parent or legal guardian for Medicaid-covered services.

§28.111. Provider Right of Recovery.

(a) The Texas Medical Assistance (Medicaid) Program pays medical claims only after all other available resources have been exhausted.

(b) Medicaid providers must collect and/or recover funds from any source to which the Texas Department of Human Services (DHS) has a right of recovery under §28.101 of this title (relating to Basis and Scope), before submitting Medicaid claims for reimbursement.

(c) DHS authorizes Medicaid providers to collect and/or recover funds for recipients' medical expenses claimed from any other source.

(d) When the payment by a third-party resource is equal to or greater than the amount allowable by DHS or its health insuring agent for covered services, Medicaid recipients are not liable for charges billed in excess of the amount paid by the third-party for the medical care and services within the amount, duration, and scope of benefits provided by Medicaid.

§28.121. Recipient Right of Recovery.

(a) The Texas Department of Human Services (DHS) is not responsible for

pursuing claims against third-party resources outside the limits of the recovery that DHS is authorized to seek. The recipient is responsible for pursuing these claims.

(b) DHS's right of recovery does not include recovery from the following:

- (1) Texas Rehabilitation Commission;
- (2) Texas Commission for the Blind;
- (3) Texas Kidney Health Care Program;
- (4) Muscular Dystrophy Association;
- (5) chronically ill and disabled children's services;
- (6) Texas Band of Kickapoo Equity Health Program;
- (7) maternal and child health (Title V);
- (8) state legislative impact assistance grant (SLIAG); and
- (9) Crime Victim's Compensation Program.

§28.131. Notice of Assignment.

(a) The Texas Department of Human Services (DHS) will provide information about third-party resources for individual recipients on the monthly medical care identification card. This information includes a code indicating whether the recipient has a third-party resource. Recipients must sign a statement on the back of the card acknowledging that they are aware that assignment of third-party resources has been made to DHS, and they must show the card to Texas Medical Assistance (Medicaid) Program providers before receiving medical services.

(b) Medicaid providers must indicate on the third-party resources claim form that the recipient has Medicaid coverage and must indicate the recipient's individual identification number.

(c) Medicaid payments and reasonable attorney fees, not to exceed 10% of the recouped amount, may be recouped from a provider who was aware of third-party resources when the services were provided.

(d) Neither DHS, nor its health insuring agent will seek to recover from third-party resources any payments made to the recipient in good-faith prior to DHS's notification of claim.

(e) Notification by DHS of its right of assignment, as authorized under the Insurance Code, Article 3.76, is made when DHS's claim is submitted to the third-party.

(f) If a recipient, an insurer, agent, or attorney receives a notice of assignment and then releases funds without paying Medicaid's claim, he or she is liable to DHS for the full amount of the Medicaid claim plus reasonable attorney fees necessary for recovering the money.

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 September 22, 1992.

TRD-9212924

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

Proposed date of adoption: December 1, 1992

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

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Withdrawn Sections

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

TITLE 22. EXAMINING BOARDS

Part XIII. Licensure for Nursing Home Administrators

Chapter 253. Complaint Procedures

- 22 TAC §253.1, §253.2

The Licensure for Nursing Home Administrators has withdrawn from consideration for permanent adoption a proposed repeal §253.1 and §253.2 which appeared in the September 22, 1992, issue of the *Texas Register* (17 TexReg 6532). The effective date of this withdrawal is September 21, 1992.

Issued in Austin, Texas, on September 21, 1992.

TRD-9212842

Janet Lacy
Administrative Technician
III
Licensure for Nursing
Home Administrators

Effective date: September 21, 1992

For further information, please call: (512)
458-1955



TITLE 25. HEALTH SER- VICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 402. Client Assignment and Continuity of Services

Subchapter H. Placement Ap- peals Procedures-Mental Re- tardation Services

- 25 TAC §§402.281-402.295

The Texas Department of Mental Health and Mental Retardation has withdrawn from consideration for permanent adoption a proposed new §§402.281-402.295 which appeared in the May 15, 1992, issue of the *Texas Register* (17 TexReg 3543). The effective date of this withdrawal is October 14, 1992.

Issued in Austin, Texas, on September 23, 1992

TRD-9212938

Harry Deckard
Agency Liaison
Texas Department of
Mental Health and
Mental Retardation

Effective date: October 14, 1992

For further information, please call: (512)
465-4327

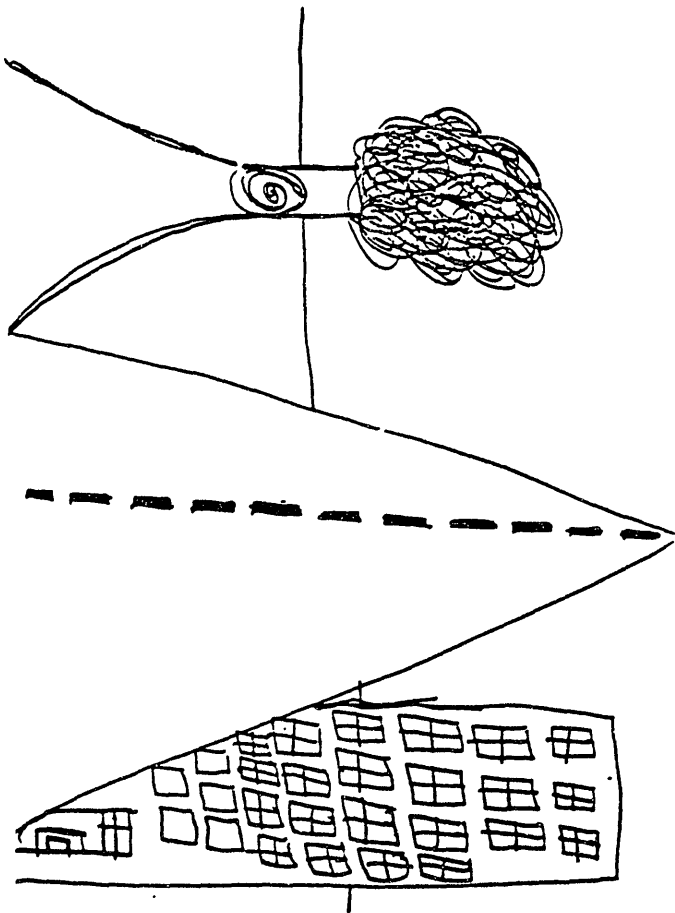




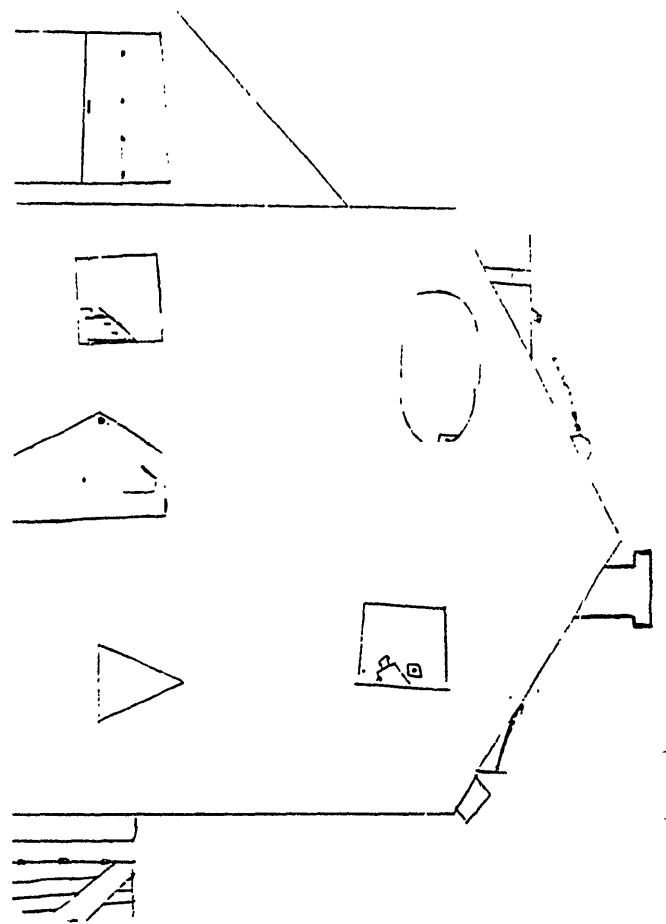
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Adopted Sections

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 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 87. Treatment

Health Care Services

- 37 TAC §§87.91, 87.93, 87.95, 87.99, 87.101, 87.103, 87.105, 87.111

The Texas Youth Commission (TYC) adopts amendments to §§87.91, 87.93, 87.95, 87.99, 87.101, 87.103, 87.105, and 87.111, concerning medical consent, medical care, medical expenditures, suicide alert, medical alert, psychopharmacotherapy, pharmaceuticals, and acquired immune deficiency syndrome (AIDS). Section 87.99 is adopted with changes to the proposed text as published in the May 22, 1992, issue of the *Texas Register* (17 TexReg 3770). Sections 87.91, 87.93, 87.95, 87.101, 87.103, 87.105, and 87.111 are adopted without changes and will not be republished.

The amendments to the sections will bring about a more efficient use of the commission's medical resources.

The amendments add procedures for medical consent by committed youth who are age 18 or older and allow consideration of discharge after appropriate referral, for youth who are low risk and have serious medical and mental health problems. To the section regarding AIDS, rules regarding housing and treatment are being added. Changes to the proposed version of §87.111 clarify the agency procedure for assessing TYC youth who are at risk for suicide. The changes to the proposed section further specify mental health professionals who are assigned specific job functions in the procedure. The section provides TYC staff procedures for assessing, treating and removing from alert status a youth believed to be at risk of suicide.

One commenter, regarding section 87.93 concerning medical care, suggested that psychologists be included in the health professionals listed as delivering medical/dental services. The commission understands that the point here is to include the psychologists as a part of the health team and concur with that in philosophy; however, the policy referenced specifically addresses responsibilities of health care staff as in medical or dental complaints. The commenter is probably also suggesting that psychologists be included

here because psychiatrists are. However, the psychiatrists are included in this particular policy only because of their prescriptive authority. Therefore the policy was not changed.

A commenter objected to language which limited performance of mental health assessments to licensed psychiatrists and Ph.D. psychologists clarifying that other professionals are also qualified to perform such an assessment. Another commenter agreed with proposed changes and provided the agency with information regarding licensure information regarding psychologists.

Additional comments were received during a public hearing following the 30 day review period. Speakers and letters read into the record stressed that mental health professionals other than psychiatrists and Ph.D. psychologists are qualified to perform mental health assessments.

TYC agrees with the comments regarding mental health professionals' qualifications regarding assessments for suicide risk youth. TYC staff considered all input and adopts the sections with changes. Changes assign specific staff responsibilities and clarify which mental health professionals may also be assigned related tasks.

Commenting against the amendments were the Texas Psychological Association and the National Association of Social Workers.

Commenting in favor of the amendments was the Texas Psychological Association.

The amendments are adopted under the Human Resources Code, §61.076, which provides the Texas Youth Commission with the authority to provide medical and psychiatric treatment as necessary.

§87.99. Suicide Alert.

(a) Policy. A designated, qualified mental health professional conducts a mental health assessment of youth who are at risk of suicide. Program staff are made aware of youth placed on suicide alert status. All direct care staff receive suicide prevention training. A mental health assessment is completed when a youth expresses suicidal intent through words or actions, exhibits significant depression, or when the record indicates prior suicidal attempts or ideations. This policy does not apply when a youth is home on parole except where specifically stated.

(b) Rules.

(1) All staff, including parole officers, are responsible for reporting a

youth believed to be at risk for suicide to a designated, qualified mental health professional.

(2) Mental health professionals qualified to conduct suicide risk assessment include psychiatrists, psychologists and social workers with advanced clinical practitioner certification (MSW-ACP). In institutions or reception center, the mental health professional designated with primary responsibility and accountability for evaluation and monitoring of all youth referred for suicide risk are the psychiatrist and/or doctoral level psychologist.

(3) The Suicide Probability Scale will be administered by a designated mental health professional to youth at risk in agency residential facilities as part of a mental health assessment.

(A) The doctoral psychologist/psychiatrist may designate other qualified mental health professionals to administer the Suicide Probability Scale or to serve as the youth's principal counselor while on alert status, but retains ultimate responsibility for the suicide evaluation process and supervision of treatment for all youth on alert status.

(B) Youth whose T-score is above 74 on the Suicide Probability Scale are always referred to a psychiatrist/doctoral psychologist for further evaluation.

(4) Youth may be placed on "suicide alert pending" by nurses, or treatment or administrative staff until the evaluation by the designated mental health professional.

(5) Youth placed on alert will be seen by the psychiatrist/doctoral psychologist or their designee once per week for a minimum of two weeks.

(6) The frequency of continued counseling for youth on alert status is determined by the designated mental health professional at all settings, including parole.

(7) Youth are removed from alert status by the designated mental health professional initiating the status when the youth has stabilized.

(8) Youth on suicide alert status may not be moved to another placement

unless that placement is a TYC institution, residential treatment center, or other placement having on-site psychiatric/doctoral psychological staff.

(9) Youth who have been on suicide alert within the past six months are reevaluated by a designated, qualified mental health professional following a placement change.

(10) The file of a youth on alert status is color coded red.

(11) When a youth is placed on or removed from suicide alert status, the HLS-210 Suicide Alert form is filled out and placed in the medical subfile and a copy in casework subfile and relevant data is entered in the automated medical records system.

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 September 18, 1992.

TRD-9212856 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: October 13, 1992

Proposal publication date: May 22, 1992

For further information, please call: (512) 483-5244

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 48. Community Care for Aged and Disabled

Home and Community-Based Services

• 40 TAC §§48.2209-48.2215

The Texas Department of Human Services (DHS) adopts new §§48.2209-48.2215, concerning home and community-based services, without changes to the proposed text as published in the August 14, 1992, issue of the *Texas Register* (17 TexReg 5673).

The justification for the new sections is to add the guidelines that the Texas Department of Mental Health and Mental Retardation (TXMHMR) may use to determine provider sanctions and onsite follow-up review visits.

The new sections will function by increasing compliance with the provider survey and certification standards as a result of notifying providers of the specific guidelines that TXMHMR will use.

No comments were received regarding adoption of the sections.

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

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 September 22, 1992.

TRD-9212925 Nancy Murphy
Agency Liaison, Policy and Document Support
Texas Department of Human Services

Effective date: October 15, 1992

Proposal publication date: August 14, 1992

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

Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 154. DWI Repeat Offender Program Standards and Procedures

General Provisions

• 40 TAC §§154.1-154.7

Texas Commission on Alcohol and Drug Abuse adopts new §§154.1-154.7 concerning DWI repeat offender program standards and procedures, without changes to the proposed text as published in August 7, 1992, issue of the *Texas Register* (17 TexReg 5518).

The new sections are adopted to define terms commonly used to establish minimum standards and criteria for the operation of approved DWI repeat offender programs for persons who are convicted of the offense of DWI more than once, and a court has required the offender to attend a DWI repeat offender educational program approved by the Texas Commission on Alcohol and Drug Abuse. The sections are adopted in order to define what programs must do to become a DWI repeat offender program approved by the Texas Commission on Alcohol and Drug Abuse.

The sections will establish quality programming in DWI repeat offender education programs approved by the commission.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Code of Criminal Procedure, Article 42.12, §13(j), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to promulgate written rules and regulations setting forth minimum standards for the operation of approved DWI Repeat Offender Programs for persons who are convicted of the offense of DWI more than once, and a court has required that person to attend a DWI repeat offender educational program.

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 September 22, 1992.

TRD-8212928 Bob Dickson
Executive Director
Texas Commission on Alcohol and Drug Abuse

Effective date: November 1, 1992

Proposal publication date: August 7, 1992

For further information, please call: (512) 867-8720

DWI Repeat Offender Program Standards

• 40 TAC §§154.20-154.32

The Texas Commission on Alcohol and Drug Abuse adopts new §§154.20-154.32 concerning DWI repeat offender program standards and procedures. Section 154.28 is adopted with changes to the proposed text as published in the August 7, 1992, issue of the *Texas Register* (17 TexReg 5520). Sections 154.20-154.27 and §§154.29-154.32 are adopted without changes and will not be republished.

The new sections are adopted to define terms commonly used to establish minimum standards and criteria for the operation of approved DWI repeat offender programs for person who are convicted of the offense of DWI more than once, and a court has required the offender to attend a DWI repeat offender educational program approved by the Texas Commission on Alcohol and Drug Abuse. The new sections are adopted in order to define what programs must do to become a DWI repeat offender program approved by the Texas Commission on Alcohol and Drug Abuse. In §154.28, the program instructor qualifications were changed by deleting two of the credentials/education choices listed.

The new sections will establish uniformity and quality programming in DWI repeat offender education programs approved by the commission.

One comment was received regarding program instructor qualifications per §154.28. The respondent felt that the two-year chemical dependency counseling experience for instructors, limited on otherwise qualified person from instructing the course.

Names of groups and associations making comments for and against the section. Do not list individuals commenting against §154.28 was the Austin Driving School.

To provide optimum service to the DWI repeat offender, it was determined that program instructors need to have a minimum of two-years of chemical dependency experience in order to effectively handle situations which could arise during the DWI Repeat Offender Program.

The new sections are adopted under the Texas Code of Criminal Procedure, Article 42.12, §13(j), which provides the Texas Commission on Alcohol and Drug Abuse with the authority to promulgate written rules and regulations setting forth minimum standards for the operation of approved DWI Repeat Offender Programs for person who are convicted of the offense of DWI more than once, and a court has required that person to attend a DWI repeat offender educational program.

§154.28. Program Instructors. Program instructors must:

(1) be a licensed counselor intern, licensed chemical dependency counselor, certified social worker, licensed professional counselor, or psychologist, or possess a bachelor's degree in the field of sociology, psychology, rehabilitation coun-

seling, or a closely related field approved by the commission;

(2) have a minimum of two years of chemical dependency counseling experience;

(3) serve as resource manager by referring participants to a full range of community services as needed;

(4) be knowledgeable about the curriculum entitled the *Texas DWI Intervention Program*, and utilize that curriculum in instruction of participants;

(5) work in coordination with probation personnel and abide by all program policies and procedures and standards as approved by the courts, probation personnel, Criminal Justice Assistance Division and the commission;

(6) have completed training in the administration of the approved screening instrument utilized by the program.

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 September 22, 1992.

TRD-9212927

Bob Dickson
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Effective date: November 1, 1992

Proposal publication date: August 7, 1992

For further information, please call: (512) 867-8720



Texas Department of Insurance Exempt Filing

Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

(Editor's Note: As required by the Insurance Code, Article 5.96 and 5.97, the Texas Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act.

These actions become effective 15 days after the date of publication or on a later specified date.

The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 333 Guadalupe, Austin.)

The State Board of Insurance of the Texas Department of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, Texas, considered a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the Facility). The Facility requested approval of their proposed new by-laws. The new by-laws were proposed in a petition (Reference Number W-0792-42), filed by the Facility on July 9, 1992. On August 26, 1992, the State Board of Insurance adopted the new by-laws with changes to the proposed text.

The new by-laws will supersede the present Facility by-laws. The new by-laws differ from the present by-laws primarily due to changes brought on by House Bill 62, passed during the Second Called Session, 72nd Legislature, 1991, which took effect on January 1, 1992. The new by-laws have been modified to enhance readability and to make them more appropriate to their function. The rules regarding the small premium policy plan have been removed from the by-laws and placed as an independent rule of the Facility. An indemnification section, similar to the Texas Nonprofit Corporation Act, has been also added to the by-laws.

A copy of the petition containing the full text of the adopted new by-laws is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147, refer to Reference Number W-0792-42.

The new by-laws for the Facility are effective 15 days after publication in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 September 23, 1992.

TRD-9212942

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: October 14, 1992

Proposal publication date: July 21, 1992



The State Board of Insurance of the Texas Department of Insurance, at a Board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, considered a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the Facility). The Facility proposed amendments to Section X, administration of fund rules. The amendments were proposed in a petition (Reference Number W-0792-38), filed by the Facility on July 9, 1992. On August 26, 1992, the State

Board of Insurance adopted these amendments as proposed.

These amendments reduce the loss control services factor, which is one element of servicing company compensation, from 2.0% to 1.4%. However, servicing companies may petition the governing committee of the Facility to increase the loss control services factor to a level not to exceed 2.0% of premium.

Section X of the former rules as approved by the board shall be retained as amended until such time as the board acts to select servicing companies under the Texas Insurance Code, Article 5.76-2, §4.08.

These amendments are effective 15 days after publication in the *Texas Register*.

A copy of the full text of the adopted amendments to Section X, administration of fund rules is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147, refer to Reference Number W-0792-38.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 September 23, 1992.

TRD-9212941

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: October 14, 1992

Proposal publication date: July 21, 1992



The State Board of Insurance of the Texas Department of Insurance, at a board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, considered a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the Facility). The Facility proposed the rules and regulations governing the employers' rejected risk fund a petition (Reference Number W-0792-40), filed on July 9, 1992. On August 26, 1992, the State Board of Insurance adopted the rules and regulations governing the employers' rejected risk fund with changes to the proposed text.

The rules supersede and replace the rules and regulations governing pool and servicing companies of assigned risks (hereinafter former) now found in the Texas Basic Manual of Rules, Classifications and Rates for Workers' Compensation and Employers Liability Insurance (hereinafter manual).

The rules incorporate provisions necessary to ensure compliance with the Texas Insurance Code, Article 5.76-2, and include the substantive provisions of board orders issued in 1992 establishing the Market Assistance Program, Take-Out Credits for removal of risks from the Facility, and premium payment plans. Editorial changes were made in incorporating the Take Out Credit Rule into Section XI of the rules in order to enhance readability and to align the rules more closely with the statutory language governing such matters.

Section X of the former rules, which concerns the servicing fees allocated to the servicing companies which are members of the Facility, has been amended to decrease fees for those services. Section V of the rules states that "Servicing companies selected by the board pursuant to Article 5.76-2, the Texas Insurance Code, §4.08, shall provide such services to rejected risks as are required by the board and the Facility." The Facility proposes retention of the fee portions of Section X, former rules, as amended, until such time as the board acts under §4.08.

These rules are effective 15 days after publication in the *Texas Register*.

A copy of the full text of the adopted rules and regulations governing the employers' rejected risk fund is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas, 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147, refer to Reference Number W-0792-40.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register 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 September 23, 1992.

TRD-9212939

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: October 14, 1992

Proposal publication date: July 21, 1992

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The State Board of Insurance of the Texas Department of Insurance, at a Board meeting scheduled for 9 a.m. August 26, 1992, in Room 100 of the Texas Department of Insurance Building, 333 Guadalupe Street in Austin, considered a proposal filed on behalf of the Texas Workers' Compensation Insurance Facility (the Facility). The Facility proposed amendments to the rules and regulations governing the small premium policy plan. The amendments were proposed in a petition (Reference Number W-0792-41), filed by the Facility on July 9, 1992. On August 26, 1992, the State Board of Insurance adopted these amendments as proposed.

With the exception of Section I and II of the rules and certain technical amendments, the rules are the same as the small premium policy plan which was approved earlier by the board as Article XII of the present Facility bylaws.

Section I incorporates into the rules definitions for terms which are the same as the

definitions for those terms found in the Texas Insurance Code, Article 5.76-2, §1.01.

Section II states that the rules govern issuance of policies in the voluntary market by designated insurers and the Governing Committee supervises matters arising under the rules.

The rules incorporate technical amendments which edit the language for readability where appropriate, eliminating provisions regarding dates or events which already have occurred, and eliminating the reference to the estimated number of policies.

The rules also require a designated insurer to elect before January 1 of each year whether to reinsure 100% of the premium and losses on individual policies in the facultative reinsurance account or elect to reinsure all of the small premium policies it does not reinsure in the facultative reinsurance account in the excess catastrophe reinsurance account.

These amendments are effective 15 days after publication in the *Texas Register*.

A copy of the full text of the adopted amendments to the rules and regulations governing the small premium policy plan is available for review in the office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104. For further information or to request copies of the petition, please contact Angie Arizpe at (512) 322-4147, refer to Reference Number W-0792-41.

This notification is made pursuant to the Insurance Code, Article 5.96 which exempts it from the requirements of the Administrative Procedure and Texas Register 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 September 23, 1992.

TRD-9212940

Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of
Insurance

Effective date: October 14, 1992

Proposal publication date: July 21, 1992

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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 outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, 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).

Funds Review Advisory Committee

Friday, October 16, 1992, 9 a.m. The Funds Review Advisory Committee will meet at the LBJ Building, Room 114, 111 East 17th Street, Austin. According to the complete agenda, the committee will call the meeting to order; hear committee report; review of comments in response to agency questionnaire; review of table of funds for possible consolidation; review of draft copy of report; discuss other items; and adjourn.

Contact: Jerry Neef, Room 901, LBJ Building, 111 East 17th Street, Austin, Texas 78744-0100, (512) 475-0549.

Filed: September 23, 1992, 1:33 p.m.

TRD-9212947

Texas High-Speed Rail Authority

Thursday, October 1, 1992, 9:30 a.m. The Board of Directors of the Texas High-Speed Rail Authority will meet at the Joe C. Thompson Conference Center, 26th and Red River Streets, Room 1.110, Austin. According to the agenda summary, the board will discuss approval of minutes; meet in executive session to discuss items related to fiscal year 1993 operating budget; agency operations manual; reports from Texas High-Speed Rail Corporation and Woodward-Clyde Consultants; and citizen communications.

Contact: Allan Rutter, 823 Congress Avenue, Suite 1502, Austin, Texas 78701, (512) 478-5484.

Filed: September 23, 1992, 4:18 p.m.

TRD-9212965

Texas Department of Human Services

Friday, October 2, 1992, 10:30 a.m. The State Advisory Committee on Child Care Programs of the Texas Department of Human Services will meet at the Texas Rehabilitation Commission, 4900 North Lamar Boulevard, Public Hearing Room #1410, Austin. According to the complete agenda, the committee will discuss approval of the minutes of August 7, 1992, meeting; update on child care and development block grant projects; self-arranged child care update on child care program budget; discussion of final regulations for Title IV-at-risk child care and the child care and development block grant; discuss anticipated child care and development block grant state plan changes; update on the LAR/strategic plan; committee member reports/information items; and fiscal year 1993 meeting schedule.

Contact: Mary Beth O'Hanlon, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4169.

Filed: September 23, 1992, 3:44 p.m.

TRD-9212964

Texas Department of Insurance

Wednesday, October 7, 1992, 1:30 p.m. The State Board of Insurance of the Texas Department of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the complete agenda, the board will hold a public hearing under Docket Number 1935 to

consider a rate filing outside statutory limitation filed by Metropolitan Property and Casualty Insurance Company pursuant to Article 5.101, §3(f), which requests a rate of 12 percent to 45 percent above the benchmark rate for private passenger auto for standard business; public hearing under Docket Number 1936 to consider a rate filing outside statutory limitation filed by Metropolitan General Insurance Company, pursuant to Article 5.101, §3(f), which requests a rate of 50 percent above the benchmark rate on all coverages, classifications and territories for private passenger auto for substandard business.

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

Filed: September 23, 1992, 2:40 p.m.

TRD-9212956

Texas Department of Licensing and Regulation

Friday, October 2, 1992, 9 a.m. The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the agenda summary, the commission will consider the following actions: call the meeting to order; take roll call and certification of quorum; discuss approval of minutes of previous meeting; consider contested cases; consider agreed orders; cases for rehearing; approval of the request for legislative appropriations for fiscal years 1994 and 1995; consider amendment of property tax consultants advisory council's recommendation, Article 8886, Section 2(b) and 2(f); consider pro-

posed emergency tow truck rules amendment, Section 80.40; hear staff reports; public comment; meet in executive session; discuss date, time and location of next commission meeting; and adjourn.

Contact: Jack W. Garison, 920 Colorado Street, Austin, Texas 78701, (512) 463-3173.

Filed: September 22, 1992, 4:13 p.m.

TRD-9212923

Board of Nurse Examiners

Friday, October 2, 1992, 10 a.m. The Advanced Nurse Practitioner Advisory Committee of the Board of Nurse Examiners will meet at UT School of Nursing, 1700 Red River Street, Room 2.104F, Austin. According to the complete agenda, the committee will hold a discussion of Clinical Nurse Specialist (CNS) educational guidelines and requirements for recognition by the board.

Contact: Kathy Thomas, P.O. Box 140466, Austin, Texas 78714, (512) 835-8657.

Filed: September 22, 1992, 1:59 p.m.

TRD-9212911

Wednesday, October 7, 1992, 10 a.m. The Advanced Nurse Practitioner Advisory Committee of the Board of Nurse Examiners will meet at the UT School of Nursing, 1700 Red River Street, Multipurpose Room, Austin. According to the complete agenda, the committee will hold a discussion with educators of nurse practitioner programs regarding curricular elements and the board's requirements for NPs.

Contact: Kathy Thomas, P.O. Box 140466, Austin, Texas 78714, (512) 835-8657.

Filed: September 22, 1992, 1:58 p.m.

TRD-9212910

Texas Public Finance Authority

Friday, September 25, 1992, 2 p.m. The Board of the Texas Public Finance Authority met at 300 West 15th Street, Senate Meeting Room One, Austin. According to the emergency revised agenda summary, the board considered the master amendment to the funds management agreement. The emergency status was necessary for board approval of Item Number 3 as required to amend bond documents in order to assure the uninterrupted administration of bond funds.

Contact: Racheal Caron, 300 West 15th Street, Suite 411, Austin, Texas 78701, (512) 463-5544.

Filed: September 22, 1992, 11:13 a.m.

TRD-9212906

Public Utility Commission of Texas

Wednesday, September 30, 1992, 9 a.m. (Revised agenda). The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete revised agenda, the commission will hear public comment on and consider for adoption Project Number 10629-repeal of §21.182 (Setting of Utility Assessment) and §23.5 (Public Utility Commission Assessment).

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

Filed: September 22, 1992, 3:22 p.m.

TRD-9212914

Wednesday, September 30, 1992, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commissioners will consider the following dockets: 11229, 11274, 10200, 10034, 11051, 11074, 10646, 6106, 7205, 10833, 9953, 11031, 11038, 11091, 11166, P-9075, P-9547, P-10517, and P-10893.

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

Filed: September 22, 1992, 3:27 p.m.

TRD-9212920

Wednesday, September 30, 1992, 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 commission will discuss: reports, discuss and act on presentation of outstanding employees of the quarter; budget and fiscal matters; monthly financial statements; total quality management; UIS project; forums on regulation of electric and telephone co-operatives; a study of regulated utilities' executive compensation; scheduling additional integrated resource planning forums; status of the economic and regulatory policy division; approval of proposed comments to the United States Department of Energy in response to the DOE's "Request for Comments Concerning State Policies Affecting Natural Gas Consumption"; telecommunications workshops; consider participation in conference of right on Texas Utilities Electric Company's letter ruling request; discuss consultant for TU's next rate case; adjourn for executive session to consider litigation and personnel matters; reconvene for discussion an 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: September 22, 1992, 3:26 p.m.

TRD-9212919

Thursday, October 1, 1992, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 11263-application of Fort Bend Telephone Company to offer new optional features and services in connection with Flexnet Service.

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

Filed: September 22, 1992, 3:23 p.m.

TRD-9212916

Friday, October 2, 1992, 10:30 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 10831-application of Southwestern Bell Telephone Company to revise its tariff and redefine the point of demarcation ("Demarc") and the location of the network.

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

Filed: September 22, 1992, 3:25 p.m.

TRD-9212918

Monday, October 12, 1992, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a prehearing conference in Consolidated Docket Number 10655-application of Southwestern Bell Telephone Company for approval of Digiline Service and to provide an addition to the existing Plexar-Custom Service for Shell Oil Company in Deer Park.

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

Filed: September 22, 1992, 3:23 p.m.

TRD-9212915

Tuesday, October 13, 1992, 9 a.m. (Rescheduled from Tuesday, October 6, 1992, 9 a.m.). The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Austin. According to the complete agenda, the commissioners will conduct a public hearing on Project Number 9708 (Amendments to Section 23.61 to de-

fine local exchange service, et al.) and Project Number 11081 (Amendments to Section 23.27 regarding regulatory flexibility).

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

Filed: September 22, 1992, 3:22 p.m.

TRD-9212913

Monday, October 19, 1992, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 11441-petition of Infodial, Inc. asking that all local exchange carriers provide it with an abbreviated N11 dialing code.

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

Filed: September 23, 1992, 2:56 p.m.

TRD-9212963

Thursday, October 29, 1992, 10 a.m. (Rescheduled from Wednesday, October 28, 1992). The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11247-application of GTE Southwest, Inc. for approval of a new service, Controlink Digital Channel Service.

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

Filed: September 23, 1992, 2:55 p.m.

TRD-9212961

Thursday, November 12, 1992, 9 a.m. The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number 11059-application of Southwestern Bell Telephone Company for approval of a customer specific contract for billing and collection services with Southwestern Bell Messaging Services.

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

Filed: September 22, 1992, 3:25 p.m.

TRD-9212917

Monday, November 16, 1992, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 11384-application of

Northeast Texas Electric Cooperative, Inc. for authority to change rates.

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

Filed: September 23, 1992, 2:56 p.m.

TRD-9212962

Sabine River Compact Administration

Wednesday, November 4, 1992, 1:30 p.m. The Sabine River Compact Administration will meet at the Holiday Inn Park Place. According to the agenda summary, the administration will call the meeting to order; discuss approval of minutes; report of chairman, secretary, treasurer, and committees; discuss unfinished business; new business; and adjourn.

Contact: Max J. Forbes, Jr., P.O. Box 13087, Austin, Texas 78711, (504) 765-0558.

Filed: September 23, 1992, 9:23 a.m.

TRD-9212936

Texas State Technical College

Saturday, September 26, 1992, 9:30 a.m. The Board of Regents of Texas State Technical College met at TSTC Sweetwater Campus, Lance Sears Building, Sweetwater. According to the revised agenda summary, the board discussed approval of proposed sublease of Hangar 11-1 by Chrysler Technologies Airborne System (CTAS) to Dalfort Aviation; and general liability insurance.

Contact: Sandra J. Krumnow, 3801 Campus Drive, Waco, Texas 76705, (817) 867-4890.

Filed: September 22, 1992, 3:01 p.m.

TRD-9212912

Texas Turnpike Authority

Friday, October 2, 1992, 10 a.m. The Board of Directors of the Texas Turnpike Authority will meet at the Holiday Inn-Hobby Airport, 9100 Gulf Freeway, Houston. According to the complete agenda, the board will take roll call of directors; introduce guests; meet in executive session pursuant to Article 6252-17, Vernon's Annotated Civil Statutes concerning potential litigation regarding Houston Ship Channel Bridge; review of negotiations between the Texas Turnpike Authority and Harris County regarding the transfer of the Hous-

ton Ship Channel Bridge, possible action; hear executive's director's report; and adjourn.

Contact: Harry Kabler, P.O. Box 190369, Dallas, Texas 75219, (214) 522-6200.

Filed: September 23, 1992, 2:53 p.m.

TRD-9212959

Texas Water Commission

Thursday-Friday, October 8-9, 1992, 9 a.m. The Municipal Solid Waste Management and Resource Recovery Advisory Council of the Texas Water Commission will meet at the Driskill Hotel, Eighth and Brazos Streets, Austin. According to the agenda summary, the council will discuss the following issues: introductions/announcements; approval of its August 21, 1992 meeting minutes; hear division directors report; update of the state solid waste plan; used and scrap tire program; legislative bill on waste management districts; annual conference update; committee reports; and meeting schedules for 1993.

Contact: Gary Trim, P.O. Box 13087, Austin, Texas 78711-3087, (512) 834-3087.

Filed: September 24, 1992, 9:27 a.m.

TRD-9212975

Thursday, November 12, 1992, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet at the City of Spur Community Center, 502 North Burlington, Spur. According to the agenda summary, the commission will consider an application the City of Spur for amendment to Permit Number 10289-01 in order to change from a permit authorizing disposal by evaporation and by irrigation to a discharge permit and to increase the volume of treated domestic wastewater effluent. The permit currently authorizes disposal of treated effluent at a volume not to exceed 259,000 gallons per day average. The plant site is south of Seventh Street, approximately 1,600 feet east of FM Road 261 in Dickens County.

Contact: Joe O'Neal, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 23, 1992, 9:22 a.m.

TRD-9212935

Texas Water Development Board

Friday, July 31, 1992, 10:30 a.m. The Attorney of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda, the attorney will conduct a public hearing on

the board's proposed federal fiscal year 1993 intended use plan for wastewater treatment projects under the State Water Pollution Control Fund; and take testimony from interested persons.

Contact: Frank R. Forsyth, Jr., P.O. Box 13231, Austin, Texas 78711, (512) 463-8423.

Filed: July 16, 1992, 3:24 p.m.

TRD-9209800

Regional Meetings

Meetings Filed September 22, 1992

The Brazos Valley Development Council Family Self-Sufficiency Coordinating Body met at the Council's Office, 3006 East 29th Street, Door Two, Bryan, September 25, 1992, at 11:30 a.m. Information may be obtained from Laura Klesel, P.O. Drawer 4128, Bryan, Texas 77805, (409) 776-2277. TRD-9212907.

The Central Counties Center for MHMR Services Board of Trustees-Personnel Committee will meet at the Stagecoach Inn Restaurant, One Main, Salado, September 29, 1992, at 6 p.m. Information may be obtained from Eldon Tietje, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841, extension 301. TRD-9212905.

The Region 18 Education Service Center Board of Directors will meet at 2811 LaForce Boulevard, Midland, October 1, 1992, at 7 p.m. Information may be obtained from Dr. Vernon Stokes, P.O. Box 60580, Midland, Texas 79711, (915) 563-2380. TRD-9212908.

The San Antonio-Bexar County Metropolitan Planning Organization Steering Committee met at the Administration Con-

ference Room, Convention Center, 2nd Floor, (Northwest Corner-Market and Alamo), San Antonio, September 28, 1992, at 1:30 p.m. Information may be obtained from Charlotte A. Roszelle, 434 South Main, Suite 205, San Antonio, Texas 78204, (512) 227-8651. TRD-9212922.

Meetings Filed September 23, 1992

The Deep East Texas Regional Mental Health and Mental Retardation Services Board of Trustees will meet at the Ward R. Burke Community Room, Administration Facility, 4101 South Medford Drive, Angelina County, Lufkin, September 29, 1992, at 2:30 p.m. Information may be obtained from Sandra J. Vann, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141. TRD-9212953.

The Kendall Appraisal District Board of Directors will meet at the Kendall Appraisal Office, 121 South Main Street, Conference Room, Boerne, September 30, 1992, at 5 p.m. (Revised agenda). Information may be obtained from J. P. Davis, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9212946.

The Mills County Appraisal District met at the Mills County Courthouse, Courtroom, Goldthwaite, September 28, 1992, at 6:30 p.m. Information may be obtained from Cynthia Partin, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253. TRD-9212951.

Meetings Filed September 24, 1992

The Alamo Area Council of Governments Planning and Program Development will

meet at 118 Broadway, Suite 420, San Antonio, September 29, 1992, at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9212969.

The Alamo Area Council of Governments Board of Directors will meet at 118 Broadway, Suite 420, San Antonio, September 29, 1992, at 1 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9212970.

The Central Appraisal District of Johnson County Board of Directors will meet at 109 North Main Street, Suite 201, Room 202, Cleburne, October 5, 1992, at 4:30 p.m. Information may be obtained from Priscilla A. Bunch, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3986. TRD-9212971.

The Edwards County Appraisal District Board of Directors will meet at the New County Annex Building, Rocksprings, October 8, 1992, at 10 a.m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9212972.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, District Office, Granbury, September 29, 1992, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9212976.

The Region IX Education Service Center North Texas Quality Work Force Planning Committee will meet at the Region IX Education Service Center, 301 Loop 11, Wichita Falls, September 29, 1992, at 2 p.m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928. TRD-9212968.

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.

Agriculture Resources Protection Authority

Notice of Opportunity to Comment on Proposed Options for Legislative Proposals and Budget Request

The Agriculture Resources Protection Authority (ARPA) was established by the 71st Legislature in 1989 as part of Senate Bill 489, Sunset legislation for the Texas Department of Agriculture (TDA), for the purpose of creating a new state agency having oversight authority for pesticide-related matters. More specifically, ARPA is designated as the coordinating body for the policies and programs of management, regulation and control of pesticides conducted by TDA, the State Soil and Water Conservation Board, the Texas Agricultural Extension Service, the Texas Department of Health, the Texas Water Commission and the Structural Pest Control Board (Texas Agricultural Code, §76.009(g) (Vernon Supplement 1992)). In addition to having general rulemaking and oversight authority over the above-named agencies, ARPA is authorized to review and approve or disapprove any rule relating to pesticides that is proposed by an agency for which ARPA is the coordinating body (§76.009(g)(2)) and to hear and determine all appeals from orders entered by an agency for which ARPA is the coordinating body (§76.009(g)(10)).

At the last meeting held by the ARPA board of directors on September 14, 1992, the board discussed options and considerations in the development of a legislative agenda and proposed budget for ARPA for fiscal years 1994 and 1995. Based upon the board's discussions and some members feeling that the functions of ARPA are to a great extent unnecessary and duplicative of efforts of other state entities, and that the expense of keeping ARPA operative may not be justifiable, the following options are being considered by the board: that the Texas Agricultural Code, §76.009, the legislation establishing ARPA, be repealed; that §76.009 be amended to retain the coordinating activities of ARPA, but delete references to and responsibilities for rule review and serving as an appellate board; and/or that new legislation be submitted or recommended creating a committee to provide a forum for discussing/exchanging information regarding pesticides and pesticide-related issues and to foster coordination among state agencies involved in the management and/or regulation of pesticides. In the event that the board determines that the legislation establishing ARPA should be repealed, there will be no funding requested for fiscal years 1994-1995. Estimated budget needs for continuing the coordination efforts of ARPA alone, and/or for establishing a committee to serve in the place of ARPA, have not been determined by the board.

On Monday, October 12, 1992, the ARPA board of directors will meet at 10:30 a.m. at the offices of the Texas

Department of Agriculture located at 1700 North Congress Avenue, Austin, in Room 924A. At that time, public comment will be taken regarding the options being considered by the board and proposed budget requests. Persons having questions regarding the meeting and/or the options being considered by the board should contact Steve Bearden, Assistant Commissioner for Pesticide Programs, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711, (512) 463-1093.

Issued in Austin, Texas, on September 21, 1992.

TRD-9212848

Dolores Alvarado Hibbs
Chief Administrative Law Judge
Agriculture Resources Protection Authority

Filed: September 21, 1992

Texas Bond Review Board

Bi-Weekly Report on the 1992 Allocation of the State Ceiling on Certain Private Activity Bonds

The information that follows is a report of the allocation activity for the period of September 5, 1992-September 18, 1992.

On September 1, 1992, any amounts of state ceiling which remained in any subceiling were combined into one ceiling. The applications which had not received a reservation prior to that date were placed on one list in an order determined by a lot number, and for those applications without a lot number, by date of receipt of the application.

Total amount of the \$867,450,000 state ceiling remaining unreserved as of September 18, 1992: \$16,600,000.

Following is a comprehensive listing of applications which have received a reservation date pursuant to the Act from September 5, 1992-September 18, 1992. Gulf Coast Waste Disposal Authority, Houston Chemical Corporation-\$6,700,000.

Following is a comprehensive listing of applications which have issued and delivered the bonds and received a Certificate of Allocation pursuant to the Act from September 5, 1992-September 18, 1992: None.

Following is a comprehensive listing of applications which were either withdrawn or cancelled pursuant to the Act from September 5, 1992-September 18, 1992: Heart of Texas HFC, Lakeshore Limited, Residential Rental, \$6,700,000; San Antonio HFC, The Prime Group, The Gables Apartments, Residential Rental, \$6,500,000; San Antonio HFC, MAGI, Inc. Countryside Apartments, Residential Rental, \$8,600,000; San Antonio HFC, Walker and Associates Gold Key Apartments, Residential Rental, \$1,500,000.

Following is a comprehensive listing of applications which released a portion or their reserved amount pursuant to the

Act from September 5, 1992-September 18, 1992: None.
Issued in Austin, Texas, on September 21, 1992.

TRD-9212879 Tom K. Pollard
Executive Director
Texas Bond Review Board

Filed: September 21, 1992

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Comptroller of Public Accounts
Consultant Service Request

Notice of Request for Proposals. Pursuant to Texas Civil Statutes, Article 6252-11c, the Comptroller of Public Accounts (CPA) announces a consultant services' request for proposals (RFP) to develop and conduct a management audit program of the Austin Independent School District (AISD). The management audit program is intended to provide the comptroller's agency and the school district with measurable audit results that will offer tangible recommendations and audit procedure to AISD to improve efficiency and effectiveness. The project will require the consultant to review audits and audit plans developed by Deloitte and Touche, MGT of America, and KPMG Peat Marwick in their respective audits of the Lubbock and Victoria ISDs, the San Antonio, Richland Springs, San Saba, and Cherokee ISDs, and the Lake Travis and West Orange/Cove ISDs and Dallas ISD and the Windham School System, when available and publicly disclosed. Detailed specifications concerning the program's scope are contained in the RFP.

Contact Person. Parties interested in offering services to conduct such an audit should contact via facsimile Tres Lorton, Senior Legal Counsel, Comptroller of Public Accounts, 111 East 17th Street, Room 113, Austin, Texas 78774, FAX (512) 475-0279, for a complete copy of the RFP. The RFP will be available on September 29, 1992, after 3:30 p.m. C.D.T. After this date, the RFP may be picked up in the office listed between 8 a.m. and 5 p.m. C.D.T., Monday-Friday.

Closing Date. Proposals must be received by the CPA no later than 4 p.m. C.D.T. October 14, 1992. Proposals received after this date and time will not be considered. The period of performance is estimated to begin on or about October 26, 1992, and extend through February 28, 1993.

Award Procedure. Selection of the consultant will be based on the demonstrated competence, experience, knowledge, and qualifications in the areas of services desired and on the reasonableness of the proposed fee. The consultant firm(s) which best meets these criteria will be selected. All responses will be subject to evaluation by a committee of qualified CPA personnel charged with selecting the response which most clearly meets the requirements of the RFP. The staff will make a recommendation to the comptroller, who will make the final decision. The decision of the comptroller is final. Consultants may be asked to provide clarification of its response, which may include making an oral presentation of its response, prior to final selection.

The CPA reserves the right to accept or reject any oral responses submitted. The CPA is under no legal or other requirements to execute a resulting contract on the basis of this notice nor the distribution of the RFP. Neither this notice nor the RFP commit the CPA to pay for any costs incurred prior to the execution of a contract.

The anticipated Schedule of Events is the following. RFP available September 29, 1992; Proposers Conference October 9, 1992; Proposal opening October 14; Consultant award October 21, 1992; Contract execution October 23, 1992. Work begins October 26, 1992.

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

TRD-9212921 Martin Cherry
Chief, General Law Section
Comptroller of Public Accounts

Filed: September 22, 1992

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Game Procedures Instant Games Number
5

1.0 Name and Style of Game. The name of Instant Game Number 05 is "TOUCHDOWN." The play style of the game is "yours beats theirs."

1.1. Price of Instant Ticket. Tickets for Instant Game Number 05 shall be \$1.00 per ticket.

1.2. Definitions in Instant Game Number 05.

A. Bar Code—The unique bar-coded representation of the game Pack-Ticket Number and the Validation Number.

B. Display Printing—That area of the instant game ticket outside of the area where the Play Symbols appear.

C. Low-Tier Prize—A prize of \$1.00, \$3.00, \$7.00, \$14, or \$21.

D. Mid-Tier Prize—A prize of \$50 or \$500.

E. Non-Winning Ticket—A ticket which is not intended to be a winning ticket or a ticket that does not meet all of the requirements of these Game Procedures, Texas Civil Statutes, Article 179g (the Lottery Act), and applicable rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7.

F. Pack—A pack of fanfolded "TOUCHDOWN" Instant Game tickets which are attached to each other by perforations the retailer tears when the retailer sells a ticket. Each pack contains 500 tickets, which are packed in plastic shrink-wrapping and fanfolded in pages of five. Tickets 000 to 004 are on the top page; tickets 005 to 009 are on the next page, etc.; and tickets 495 to 499 are on the last page. Tickets 000 and 499 are folded down to expose the pack-ticket number through the shrink-wrap.

G. Pack-Ticket Number—The 11-digit code printed on the back of each ticket located above the Bar Code which is printed vertically down the side of the back of the ticket in the form 00-000000-000. The first two digits are the game identification number followed by a six-digit pack number followed by a three-digit ticket number. Numbering begins with 05-000001-000 for this game.

H. Play Symbol—The play area will consist of two distinct games, indicated "GAME 1" and "GAME 2." Each game within the play area will consist of two Play Symbols marked "YOUR" and "THEIR" in addition to a Prize Amount. Each Play Symbol is printed in Archer font in black ink in positive. The possible Play Symbols in the "YOUR" column are: 6, 7, 10, 13, 14, 17, 20, 21, 24, 27, 28, 35, and 42. The possible Play Symbols in the "THEIR" column are: 3, 6, 7, 10, 13, 14, 17, 20, 21, 24, 27, 28, and 35.

I. Play Symbol Caption—The small printed material appearing below each Play Symbol which explains the Play

Symbol. One and only one of these Play Symbol Captions appears under each Play Symbol and each is printed in Caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

PLAY SYMBOL

3
6
7
10
13
14
17
20
21
24
27
28
35
42

CAPTION

THREE
SIX
SEVEN
TEN
THRTN
FORTN
SEVTN
TWENT
TWONE
TWFOR
TWSVN
TWEGT
THRFV
FORTO

J. Prize Symbol-Each Prize Symbol is printed in Archer font in black ink in positive. The possible Prize Symbols are: \$1.00, \$3.00, \$7.00, \$14, \$21, \$50, and \$500.

\$1.00
\$3.00
\$7.00
\$14.00
\$21.00
\$50.00
\$500

K. Prize Symbol Caption-The small printed material appearing below each Prize Symbol which explains the Prize Symbol. One and only one of these Prize Symbol Captions appears under each Prize Symbol, and each is printed in Caption font in black ink in positive. The Prize Symbol Caption which corresponds with and verifies each Prize Symbol is as follows:

ONES
THREES
SEVENS
FORTNS
TWNES
FIFTY
FIV HUND

L. Retailer Validation Code-Three small letters found under the removable rub-off covering over the Play Symbols on the front of the ticket, which the retailer uses to verify and validate instant winners.

M. Ticket or Instant Game Ticket, or Instant Ticket-A Texas Lottery "TOUCHDOWN" Instant Game Number 05 ticket.

N. Validation Number-A unique 12-digit number applied to the front of each ticket.

2.0. Determination of Prize Winners. The determination of prize winners is subject to the general ticket validation requirements set forth in Section 2.1 of rules adopted by the Lottery for this purpose, these Game Procedures, and the requirements set out on the back of each instant ticket. A prize winner in the "TOUCHDOWN" Instant Game is determined when the latex material on the front of the ticket is rubbed off to expose two games each consisting of two Play Symbols and one Prize Symbol. If the Play Symbol located under the word "YOUR" is greater than the Play Symbol located under the word "THEIR" in the same game, the player wins the prize amount indicated for that particular game. No portion of the display printing nor

any extraneous matter whatever shall be usable or playable as a part of the Instant Game. The Prize Symbol amounts have the following instant values: \$1.00, \$3.00, \$7.00, \$14, \$21, \$50, or \$500.

2.1. Instant Ticket Validation Requirements.

A. To be a valid Instant Game ticket, all of the following requirements must be met:

1. exactly two Play Symbols and one Prize Symbol must appear under each of the game areas on the right front portion of the ticket for a total of four Play Symbols and two Prize Symbols on each ticket;
2. each of the Play Symbols must have a Play Symbol Caption underneath, and each Play Symbol must agree with its Play Symbol Caption;
3. each of the Prize Symbols must have a Prize Symbol Caption underneath, and each Prize Symbol must agree with its Prize Symbol Caption;
4. each of the Play Symbols and Prize Symbols must be present in its entirety and be fully legible;
5. each Play Symbol Caption and Prize Symbol Caption must be present in its entirety and be fully legible;

6. each of the Play Symbols, Prize Symbols, Prize Symbol Captions, and the Play Symbol Captions must be printed in black ink;

7. the ticket shall be intact;

8. the Validation Number, Retailer Validation Code and Pack-Ticket Number must be present in their entirety and be fully legible;

9. the Validation Number must correspond, using the Lottery's codes, to the Play Symbols on the ticket;

10. the ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted, or tampered with in any manner;

11. the ticket must not be counterfeit in whole or in part;

12. the ticket must have been issued by the Lottery in an authorized manner;

13. the ticket must not have been stolen, nor appear on any list of omitted tickets or non-activated tickets on file at the Lottery;

14. the Play Symbols, Play Symbol Captions, Prize Symbols, Prize Symbol Captions, Validation Number, Retailer Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner;

15. the ticket must be complete and not miscut, and have exactly four Play Symbols and exactly four Play Symbol Captions and exactly two Prize Symbols and exactly two Prize Symbol Captions under the latex material on the front of the ticket, exactly one Validation Number, exactly one Retailer Validation Code and exactly one Pack-Ticket Number on the ticket;

16. the Validation Number of an apparent winning ticket shall appear on the Lottery's Official List of Validation Numbers of winning tickets, and a ticket with that Validation Number shall not have been paid previously;

17. the ticket must not be blank or partially blank, misregistered, defective, or printed, or produced in error;

18. each of the four Play Symbols must be exactly one of those described in Section 1.2.H, and each of the Play Symbol Captions to those Play Symbols must be exactly one of those described in Section 1.2.I;

19. each of the two Prize Symbols must be exactly one of those described in Section 1.2.J and each of the Prize Symbol Captions to those Prize Symbols must be exactly one of those described in Section 1.2.K;

20. each of the four Play Symbols and two Prize Symbols on the ticket must be printed in the Archer Font and must correspond precisely to the artwork on file at the Lottery; the ticket Validation Numbers must be printed in the Validation Font and must correspond precisely to the artwork on file at the Lottery; and the Pack-Ticket Number must be printed in the Pack-Ticket Number Font and must correspond precisely to the artwork on file at the Lottery;

21. the display printing on the ticket must be regular in every respect and correspond precisely to the artwork on file at the Lottery; and

22. the ticket must have been received or recorded by the Lottery by applicable deadlines.

B. The ticket must pass all additional validation tests provided for in these game procedures, the Lottery's Rules governing the award of prizes of the size to be validated,

and any confidential validation and security tests of the Lottery.

C. Any Instant Game ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the director may, solely at the director's option, replace an invalid ticket with an unplayed ticket in that Instant Game (or ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be to replace the defective ticket with another unplayed ticket in that Instant Game (or a ticket of equivalent sales price from any other current Instant Lottery game) or refund the retail sales price of the ticket.

2.2. Procedure for Claiming Prizes.

A. To claim a "TOUCHDOWN" Instant Game prize of \$1.00, \$3.00, \$7.00, \$14, \$21, \$50, or \$500, a player shall sign the back of the ticket in the space designated on the ticket and present the winning ticket to any Lottery Retailer. The Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, make payment of the amount due the player and physically void the ticket; provided that the Lottery Retailer may, but is not required to, pay a \$50 or \$500 ticket. In the event the Lottery Retailer cannot verify the claim, the Lottery Retailer shall provide the player with a claim form and instruct the player on how to file a claim with the Lottery. If the claim is validated by the Lottery, a check shall be forwarded to the player in the amount due. In the event the claim is not validated, the claim shall be denied and the player shall be notified promptly. A player may also claim any of the above prizes under the procedure described in Section 2.2.B.

B. As an alternative method of claiming a "TOUCHDOWN" Instant Game prize, the player must sign the winning ticket, thoroughly complete a claim form, and present both at any Lottery claim center. If the claim is validated by the Lottery, payment will be made to the bearer of the validated winning ticket for that prize upon presentation of proper identification. A player may also claim a prize by signing the winning ticket, thoroughly completing a claim form, and mailing both to: Texas Lottery, Comptroller of Public Accounts, P.O. 16600, Austin, Texas 78752-6600. In the event that the claim is not validated by the Lottery, the claim shall be denied and the player shall be notified promptly.

C. Prior to payment by the Lottery of any prize, the Lottery shall deduct a sufficient amount from the winnings of a person who has been finally determined to be:

1. delinquent in the payment of a tax or other money collected by the Comptroller, State Treasurer, or Texas Alcoholic Beverage Commission;

2. delinquent in making child support payments administered or collected by the Attorney General; or

3. in default on a loan guaranteed under Texas Civil Statutes, Chapter 57, the Education Code.

If a person is indebted or owes delinquent taxes to the state, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.3. Allowance for Delay of Payment. The Lottery may delay payment of the prize pending a final determination by the director, under any of the following circumstances:

- A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;
- B. if there is any question regarding the identity of the claimant;
- C. if there is any question regarding the validity of the ticket presented for payment; or
- D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.2.C.

No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.4. Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a prize from the "TOUCHDOWN" instant game, the Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.5. Instant Ticket Claim Period. All Instant Game prizes must be claimed within 180 days following the end of the Instant Game. Any prize not claimed within that period, and in the manner specified in these game procedures and on the back of each ticket, shall be forfeited.

3.0. Instant Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of an Instant Game ticket in the space designated therefore, a ticket shall be owned by the physical possessor of said ticket. When a signature is placed on the back of the ticket in the space designated therefore, the player whose signature appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the director shall make payment to the player whose signature appears on the back of the ticket in the space designated therefore. If more than one name appears on the back of the ticket, the director will require that one of those players whose name appears thereon be designated to receive payment.

B. The Lottery shall not be responsible for lost or stolen Instant Game tickets.

4.0. Number and Value of Instant Prizes. There will be approximately 100,000,000 tickets in the Instant Game Number 05. The expected number and value of prizes in the game are as follows:

<u>PRIZE</u>	<u>APPROXIMATE NUMBER OF WINNERS IN THE GAME</u>	<u>CHANCES OF WINNING</u>
\$1	15,612,480	1:6.41
\$3	2,268,480	1:44.12
\$7	1,067,520	1:93.75
\$14	266,880	1:375.00
\$21	400,320	1:250.00
\$50	120,000	1:834.00
\$500	6,000	1:16,680.00

The actual number of tickets in the game may be increased or decreased at the sole discretion of the Lottery.

5.0. Termination of the Instant Game. The director may, at any time, announce a termination date for the Instant Game Number 05 without advance notice, at which point no further tickets in that game may be sold.

6.0. Governing Law. In purchasing an Instant Game ticket, the player agrees to comply with, and abide by, these game procedures for Instant Game Number 05, the Lottery Act (Texas Civil Statutes, Article 179g), applicable Rules adopted by the Lottery pursuant to the Lottery Act and published in 34 TAC, Chapter 7, and all final decisions of the director.

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

TRD-9212926 Tres Lorton
 Senior Legal Counsel, General Law
 Section
 Comptroller of Public Accounts

Filed: September 22, 1992

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**Office of Consumer Credit
 Commissioner**

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, and 1.05 as amended (Texas Civil Statutes, Articles 5069-1.04, and 1.05).

<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)	09/28/92-10/04/92	18.00%	18.00%
Judgment Rate - Art. 1.05, Section 2	10/01/92-10/31/92	10.00%	10.00%

(1)Credit for personal, family or household use. (2)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on September 21, 1992.

TRD-9212931 Al Endsley
Consumer Credit Commissioner

Filed: September 23, 1992

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Texas Education Agency

Request for Contractor Continuance- Statewide Study of Prekindergarten Programs

This notice of request for contractor continuance is filed pursuant to Public Law 100-297.

The Texas Education Agency is conducting a statewide study of prekindergarten programs in Texas. This contract provides for the continued assistance for the third year of this study in the implementation of a case study of 10 prekindergarten programs in Texas. The contract provides for the development and implementation of data collection procedures and instruments to assess the developmental orientation of prekindergarten programs. Services to be provided by the contractor for the case study include: development of data collection procedures and instruments for classroom observations; development of interview protocols for one-day site visits to a minimum of 10 schools; training of district staff in data collection procedures; conducting interviews with school faculty and parents of students enrolled in the prekindergarten program; analyzing both quantitative and qualitative data obtained during the site visits; writing an evaluation report presenting these data; and making policy recommendations for prekindergarten programs. All activities will be conducted in cooperation with agency staff. The contract will be awarded based on an evaluation of the contractor's ability to provide the requested services. Services were provided during the first and second year of the study (1990-1992) by the INREAL Education Center, University of Colorado.

Closing Date. It is the intent of the Texas Education Agency to contract with the INREAL Education Center, University of Colorado, for 1992-1993 in the amount of \$39,300, unless a better offer is received in writing by the Document Control Center of the Texas Education Agency, by Tuesday, October 27, 1992. The contract will be awarded based on the contractor's demonstrated competence, knowledge, qualifications, and the reasonableness of the proposed fee.

Contact. Specifications may be reviewed in the Division of Policy Planning and Evaluation, Texas Education Agency. For additional information, contact Rebecca Edmiaston, Division of Policy Planning and Evaluation, Texas Education Agency, 1701 North Congress Avenue,

Austin, Texas 78701, (512) 463-9701.

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

TRD-9212929 Lionel R. Meno
Commissioner of Education

Filed: September 23, 1992

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Texas Department of Health

Notice of Emergency Cease and Desist Order

Notice is hereby given that the Bureau of Radiation Control (bureau) ordered Stephen A. Burdick, D.D.S. (registrant-R08483) of Houston to cease and desist using any sources of radiation in his possession until all violations found during a recent inspection of his operations have been corrected, all sources of radiation at his facility have been properly registered, and all appropriate fees for registration have been paid. The bureau determined that the continued use of unregistered sources of radiation at this facility constitutes a threat to public health and safety. The registrant is further required to provide written evidence satisfactory to the bureau regarding the actions to correct the violations and the methods to prevent their recurrence.

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

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

TRD-9212904 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: September 22, 1992

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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 issued a notice of violation and assessed an administrative penalty to Stephen A. Burdick, D.D.S., Houston, holder of Certificate of Registration Number R-08483. A penalty of \$11,500 was assessed the individual for violations of the *Texas Regulations for Control of Radiation*.

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

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

Filed: September 22, 1992

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Notice of Intent to Revoke Certificates of Registration

Pursuant to *Texas Regulations for Control of Radiation* (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following registrants: Ralph C. Merwin, D.O., P.A., Orange, R01731; Doyle K. Lansford, M. D., Arlington, R03931; Carl C. Foulds, D.D.S., Lewisville, R15840; Don R. Patterson, D.C., Portland, R18202; Varisco Veterinary Clinic, College Station, R01980; Charles O. Boyd, D.D.S., Fort Worth, R08426; S.R. Newman, D.D.S., Inc., Mesquite, R11188; Sunray Imaging Specialists, Inc., El Paso, R15075; Royce McAnally, D.O., Bandera, R16702; Melinda Cate, D.C., Lake Worth, R17530; Dallas Eye Surgicenter, Duncanville, Z00615; Manuel A. Lopez, San Antonio, R14333.

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, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

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

TRD-9212902

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

Filed: September 22, 1992

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Notice of Intent to Revoke Radioactive Material Licenses

Pursuant to *Texas Regulations for Control of Radiation* (TRCR), Part 13, (25 TAC §289.112), the Bureau of Radiation Control (bureau), Texas Department of Health (department), filed complaints against the following licensees: Texas Clinical Laboratories Incorporated, Dallas, G01395; Branch Laboratories, Mount Pleasant, G01536; Coleman Construction Company, Inc., Fort Hood, L04318.

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, the Exchange Building, 8407 Wall Street, Austin, Monday-Friday, 8 a.m. to 5 p.m. (except holidays).

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

TRD-9212901

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

Filed: September 22, 1992

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Texas Department of Insurance Company Licensing

The following applications have been filed with the Texas Department of Insurance and are under consideration:

- (1) Application for name change in Texas for National American Life Insurance Company of California, a foreign life insurance company. The home office is in Phoenix, Arizona. The proposed new name is Axtec Life Assurance Company.
- (2) application for Admission in Texas for FHP Life Insurance Company, a foreign life insurance company. The home office is in Fountain Valley, California.
- (3) Application for admission in Texas for Folksamerica National Reinsurance Company, a foreign fire insurance company. The home office is in New York, New York.
- (4) Application for name change in Texas for William Penn Life Assurance Company of America, a foreign life insurance company. The home office is in Northbrook, Illinois. The proposed new name is Glenbrook Life and Annuity Company.
- (5) Application for admission in Texas for Member Service Corporation, a foreign third party administrator. The home office is in South Holland, Illinois.
- (6) Application for incorporation in Texas for Title Insurance Company of America, a domestic title insurance company. The home office is in Austin.
- (7) Application for admission in Texas for Access America Service Corporation (assumed name for World Access Service Corp.), a foreign third party administrator. The home office is in Richmond, Virginia.

(8) Application for incorporation in Texas for Zenith Star Insurance Company, a domestic fire insurance company. The home office is in Austin.

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

TRD-9212943 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: September 23, 1992

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Notice of Public Meeting

On October 14, 1992, at 9 a.m. in Room 100 of the Texas Department of Insurance Building, the State Board of Insurance will consider whether to authorize publication of rules affecting automobile insurance proposed by James H. Mallett, public citizen, in two petitions filed on August 20, 1992, pursuant to Texas Civil Statutes, Article 6252-13a, §5. A copy of the full text of the proposals is available in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78714-9104.

The rules proposed in these two petitions are as follows: an insurer writing personal automobile insurance should make a written request to the credit reporting agency, it previously supplied policyholder data, to remove data when such data is no longer retained by that insurer. Prohibition of any underwriting guideline which is based on more than three years of an applicant's driving or claim history, with exceptions for serious violations. Prohibition of any underwriting guideline in which an applicant's ownership of only one vehicle is the basis for declining coverage or placing the applicant in a higher rated company he/she did not otherwise belong. Prohibition of any underwriting guideline which would deny auto coverage or result in higher rates to an applicant if the applicant does not have other insurance with that insurer.

Issued in Austin, Texas, September 21, 1992.

TRD-9212890 Linda K. von Quintus-Dorn
Chief Clerk
Texas Department of Insurance

Filed: September 21, 1992

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**Texas Water Commission
Enforcement Orders**

The Texas Water Commission (TWC) submitted a notice of enforcement order in the matter of Lawrence C. Reising to the *Texas Register* which was published on November 29, 1991. The notice stated that TWC found that a violation occurred and assessed administrative penalties. The notice should be corrected by stating that the order reflected an agreement with Mr. Reising without his admission of any violation and that there was no finding of a violation by TWC.

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

TRD-9212933 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: September 23, 1992

The Texas Water Commission (TWC) submitted a notice of enforcement order in the matter of SWIG Water Supply Corporation (Docket Number 9093-E) to the *Texas Register* which was published on June 5, 1992. The notice stated that TWC found that a violation occurred and assessed administrative penalties. The notice should be corrected by stating that the order reflected an agreement with SWIG Water Corporation without its admission of an violation and that there was no finding of a violation by TWC.

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

TRD-9212934 Gloria A. Vasquez
Notices Coordinator
Texas Water Commission

Filed: September 23, 1992

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**Texas Water Development Board
Request for Proposals to Conduct
Research Relating to Industrial Water
Use Efficiency**

The Texas Water Development Board (board) requests, pursuant to 31 Texas Administrative Code (TAC), §355.3, the submission of water research proposals leading to the possible award of a contract for Fiscal Year 1993 to conduct research relating to industrial water use efficiency. Guidelines for water research proposals, which include an application form, will be supplied by the board.

Description of Research Purpose and Objectives. The purpose of this research is to document how water use efficiency patterns in the State's major water-using industries have changed in the recent past and how these use patterns may change in the future. This research project will provide the board with the necessary information for use in determining the potential levels of water use efficiency that can be physically and economically realized by the state's industrial water users and developing a more quantifiable assessment of future industrial water needs for the state.

The objective of this research is to develop time-dependent estimates of changes for future water use efficiency patterns for the following nine three-digit Standard Industrial Classification (SIC) categories: SIC 282-Plastics Materials and Synthetic Resins, Synthetic Rubber, Cellulosic, and Other Man-made Fibers, Except Glass; SIC-Industrial Organic Chemicals; SIC 281-Industrial Inorganic Chemicals; SIC 291-Petroleum Refining; SIC 201-Meat Products; SIC 208-Beverages; SIC 261 and 262-Pulp and Paper Mills; SIC 263-Paperboard Mills; and SIC 367-Semiconductors and Related Devices (SIC 3674). Water use information to be developed for each of the nine SIC categories includes historical trends in water use per unit of standard product output for the period 1980 to date, description of major factors affecting water use efficiency including type of industrial process, plant age, pollution control requirements, geographical location, cost of water supply and existing conservation practices, projection of potential percent change in water use per unit of product, and list of water conservation practices commonly employed by each of the nine SIC industries including the type of practice, quantified reductions or savings in water uses, future expected degree of application of the practice, and the practical or economic limits to the practice. Projections should be aggregated by SIC code and represent a standard

1992 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the September-December 1992 issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. No issues will be published on February 28, November 6, December 1, and December 29. A bullet 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.
66 Tuesday, September 1	Wednesday, August 26	Thursday, August 27
67 Friday, September 4	Monday, August 31	Tuesday, September 1
68 Tuesday, September 8	Wednesday, September 2	Thursday, September 3
69 *Friday, September 11	Friday, September 4	Tuesday, September 8
70 Tuesday, September 15	Wednesday, September 9	Thursday, September 10
71 Friday, September 18	Monday, September 14	Tuesday, September 15
72 Tuesday, September 22	Wednesday, September 16	Thursday, September 17
73 Friday, September 25	Monday, September 21	Tuesday, September 22
74 Tuesday, September 29	Wednesday, September 23	Thursday, September 24
75 Friday, October 2	Monday, September 28	Tuesday, September 29
76 Tuesday, October 6	Wednesday, September 30	Thursday, October 1
77 Friday, October 9	Monday, October 5	Tuesday, October 6
Tuesday, October 13	THIRD QUARTERLY INDEX	
78 Friday, October 16	Monday, October 12	Tuesday, October 13
79 Tuesday, October 20	Wednesday, October 14	Thursday, October 15
80 Friday, October 23	Monday, October 19	Tuesday, October 20
81 Tuesday, October 27	Wednesday, October 21	Thursday, October 22
82 Friday, October 30	Monday, October 26	Tuesday, October 27
83 Tuesday, November 3	Wednesday, October 28	Thursday, October 29
Friday, November 6	NO ISSUE PUBLISHED	
84 Tuesday, November 10	Wednesday, November 4	Thursday, November 5
85 Friday, November 13	Monday, November 9	Tuesday, November 10
*86 Tuesday, November 17	Tuesday, November 10	Thursday, November 12
87 Friday, November 20	Monday, November 16	Tuesday, November 17
88 Tuesday, November 24	Wednesday, November 18	Thursday, November 19
89 Friday, November 27	Monday, November 23	Tuesday, November 24
Tuesday, December 1	NO ISSUE PUBLISHED	
90 Friday, December 4	Monday, November 30	Tuesday, December 1
91 Tuesday, December 8	Wednesday, December 2	Thursday, December 3
92 Friday, December 11	Monday, December 7	Tuesday, December 8
93 Tuesday, December 15	Wednesday, December 9	Thursday, December 10
94 Friday, December 18	Monday, December 14	Tuesday, December 15

95 Tuesday, December 22	Wednesday, December 16	Thursday, December 17
96 Friday, December 25	Monday, December 21	Tuesday, December 22
Tuesday, December 29	NO ISSUE PUBLISHED	
1 Friday, January 1	Monday, December 28	Tuesday, December 29

Please use this form to order a subscription to the *Texas Register*, to order a back issue, or to indicate a change of address. Please specify the exact dates and quantities of the back issues requested. Each copy of a back issue is \$5 including postage. You may use your Mastercard or Visa to purchase back issues or subscription services. To order by credit card, please call the *Texas Register* at (512) 463-5561. All purchases made by credit card will be subject to an additional 1.9% service charge. For more information, please write to the *Texas Register*, P.O. Box 13824, Austin, TX 78711-3824 or call (512) 463-5561.

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