

# Texas Register

Volume 16, Number 6, January 22, 1991

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## Texas Register

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Governor-Appointments, executive orders, and proclamations

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

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In Order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "14 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 14 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 Administrative Code*, sections number, 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 Publications

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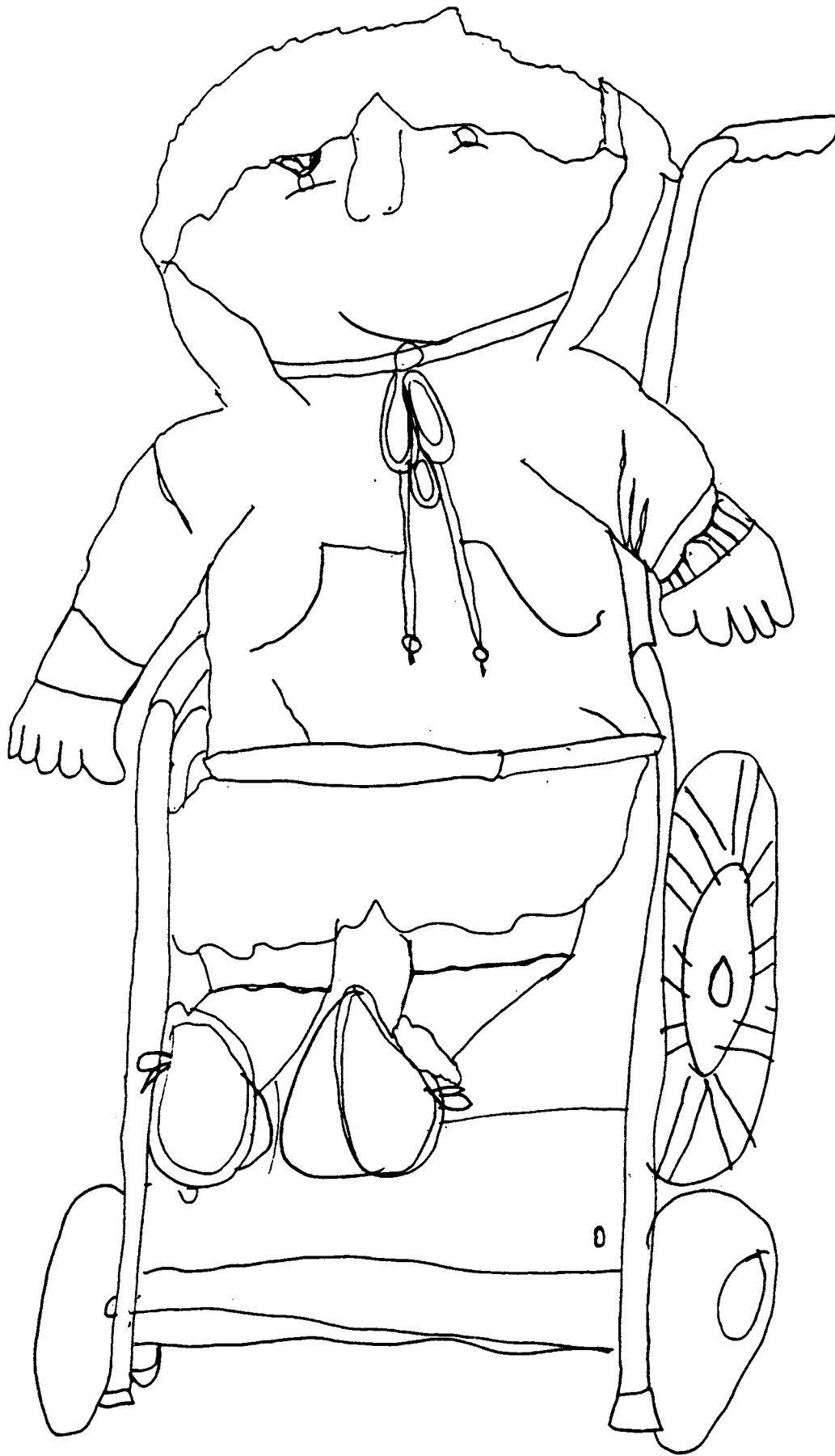
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# TAC Titles Affected

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# Emergency Sections

An agency may adopt a new or amended section or repeal an existing section on an emergency basis if it determines that such action is necessary for the public health, safety, or welfare of this state. The section may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

**Symbology In amended emergency sections.** 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 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 5. Property and Casualty Insurance

##### Subchapter E. Texas Catastrophe Property Insurance Association

###### • 28 TAC §5.4501

The State Board of Insurance adopts on an emergency basis an amendment to §5.4501, concerning adoption by reference of a manual of rules and regulations for insurance coverage effective through the Texas Catastrophe Property Insurance Association (the association). The amendment is necessary to provide proper reference in the manual rules to the currently approved extended coverage territories as they relate to determining insurance costs for windstorm policies. An imminent peril to the public welfare requires adoption of the amendment on an emergency basis in order to determine the correct windstorm insurance costs. To reflect the new territories, the amendment changes the terms "seacoast," "north northwest," and "central inland," where they appear in the manual as references to existing territories. The board has filed with the Office of the Secretary of State, *Texas Register* section, copies of the amendments of the manual which §5.4501 adopts by reference under this amendment. Persons desiring copies of these amendments to the manual can obtain copies from the Property Division, Mail Code 011-1, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is adopted on an emergency basis under the Insurance Code, Article 21.49, §8, which authorizes the State Board of Insurance to approve manuals of classifications, rules, and rates for the Texas Catastrophe Property Insurance Association.

*§5.4501. Rules and Regulations for Texas Catastrophe Property Insurance Association (association). The State Board of Insurance adopts by reference a rules manual for the association, as amended effective April 1, 1991 [January 1, 1988]. Copies of the rules manual may be obtained by contacting the Property Division, Mail Code 011-1, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.*

Issued in Austin, Texas, on January 15, 1991.

TRD-9100512

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: January 15, 1991

Expiration date: May 15, 1991

For further information, please call: (512) 463-6327

## Part II. Texas Workers' Compensation Commission

### Chapter 134. Medical Benefits—Guidelines for Medical Services, Charges, and Payments

#### Subchapter C. Medical Fee Guideline

##### • 28 TAC §134.200

The Texas Workers' Compensation Commission adopts on an emergency basis new §134.200, concerning establishment of maximum allowable charges for medical services, and sales and rentals of durable medical equipment, rendered by health care providers to injured workers under the Texas Workers' Compensation Act, Texas Civil Statutes, Article 8303, §1.01 et seq. The new section is effective February 1, 1991, for a period of 90 days after the effective date.

The new section establishes guidelines for maximum charges made for medical services rendered by health care providers, excluding hospitals and ambulatory surgical centers, and for transfers (rentals or sales) of durable medical equipment. The guideline uses a relative value scale in conjunction with the 1990 CPT (Physicians' Current Procedural Terminology), and is divided into sections: medicine, surgery, anesthesia, radiology, pathology, and durable medical equipment, with a pharmaceutical fee guideline included for reference. The section adds guidelines for CPT codes not previously included in fee guidelines used to administer the workers' compensation laws. The section requires that the maximum allowable charge for medical services will be the lesser of the provider's usual fees and charges, or the charge established by use of the "Medical Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act" which is published as the 1991 Texas Workers' Compensation Commission Medical Fee Guideline, incorporated by reference into the section. That publication is available, for \$15 for a final printed copy (or for a reasonable charge for a photocopy of the guideline submitted to the printer), from the Reprographics Department of the Texas Workers' Compensation Commission, 4000 South I-H 35, Southfield Building, Austin, Texas 78704.

The Texas Workers' Compensation Commission finds that it is necessary to adopt this rule on an emergency basis. The agency finds there will be imminent peril to public health, safety, or welfare if the rule is not enacted on an emergency basis. The facts constituting emergency are: the new Texas Workers' Compensation Act covers injuries that occur on January 1, 1991, and thereafter; employees in Texas will be injured on January 1, 1991, and thereafter and require medical services and durable medical equipment; without guidelines, health care practitioners and insurance carriers will be unsure of the charge that will be allowed in accordance with the new Act, which will result in delay and dispute over billings with impact on injured workers' treatment; the legislature has directed the commission to establish guidelines, by rule, to assure the quality of medical care and achieve effective cost control, under the new Texas Workers' Compensation Act, §8.01. These goals cannot be fully realized unless and until the guidelines are in effect; the medical care advisory committee established in the Act, Article 8308, §8.23, could not be appointed to meet prior to January 1, 1991, because that portion of the Act is not effective until then. Pending the appointment and consultation of that committee on fee guidelines, a guideline must be in place for medical services and treatment rendered from the effective date of the Act; and the absence of such cost containment measures will cause confusion to all parties, including injured workers, insurance carriers, and health care providers, relate in delays in prompt payment, as well as disputes over the amount of payment, which will increase the cost to the state of administering the Act; and, in all probability, the absence of such measures will result in increased costs of compensation to insurance carriers and employers, through a premium rate increase, thus reducing the savings projected in connection with the implementation of the new Texas Workers' Compensation Act. A motion for rehearing is pending before the State Board of Insurance *In The Matter of the Public Hearing to Consider Revision of Workers' Compensation Rates and Rating Values*, at which proceeding the State Board of Insurance could take action raising premiums should the commission fail to immediately enact medical fee guidelines. A premium rate increase would result in the election by some businesses not to purchase, or to drop, workers' compensation insurance, which will impact the availability of health care to injured workers.

It is anticipated that compliance with this rule will add costs for healthcare providers, insurance carriers, and companies that process payments. These costs include purchase of the guideline, and possible adjustments to record-keeping systems or computer soft-

ware to enter the new guidelines. Because some charges have been decreased or increased over these guidelines previously in effect under the old workers' compensation law, revenues may be affected. However, these costs are outweighed by the public benefits of: medical cost containment; clear ground rules for payment of services; and the addition of CPT codes and guidelines for durable medical equipment will reduce disputes over charges made for these items, which will speed payments to health care providers. There should be no additional cost to injured workers because, by statute, a health care provider may not bill the worker for charges in excess of fee guidelines for compensable medical services.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 8308, §8.01(a), which authorize the commission to establish by rule medical policies and fee guidelines governing the provision and payment of medical services; and §8.21, which authorizes the commission to establish rules that include fair and reasonable guidelines relating to the payment of fees for specific medical treatments or services; and §2.09(a), which authorizes the commission to adopt rules necessary for implementation and enforcement of the Texas Workers' Compensation Act; and Article 6252-13a, §4 and §5, which authorize adoption of agency rules on an emergency basis in certain circumstances.

#### §134.200. Medical Fee Guideline.

(a) The maximum allowable charge under the "Medical Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act" is the lesser of:

- (1) the provider's usual fees and charges; or
- (2) the fees and charges established by use of a relative value scale adopted under subsection (b) of this section.

(b) The Commission will publish and adopt by reference herein a relative value scale used in conjunction with the 1990 CPT (Physicians' Current Procedural Terminology) as part of the "Medical Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act." This guideline is published as the 1991 Texas Workers' Compensation Commission Medical Fee Guideline, which is incorporated herein by reference. Copies of the Guideline may be obtained from the Reprographics Department of the Texas Workers' Compensation Commission, 4000 South IH-35, Southfield Building, Austin, Texas 78704.

(c) The allowable charge for the purchase or rental of durable medical equipment is the lesser of:

- (1) the provider's usual fees and charges; or
- (2) the fees and charges established in the durable medical equipment section of the "Medical Fee Guideline", which is incorporated herein by reference.

Issued in Austin, Texas, on January 15, 1991.

TRD-9100518

Susan M. Kelley  
General Counsel  
Texas Workers'  
Compensation  
Commission

Effective date: February 1, 1991

Expiration date: May 2, 1991

For further information, please call: (512) 440-3973

## Subchapter F. Pharmaceutical Fee Guideline

### • 28 TAC §134.501

The Texas Workers' Compensation Commission adopts on an emergency basis new §134.501, concerning establishment of maximum allowable charges to insurance carriers for provision of pharmaceuticals to injured workers under the Texas Workers' Compensation Act, Texas Civil Statutes, Article 8308, §1.01 et seq. The new section is effective February 1, 1991, for a period of 90 days after the effective date.

The new section is promulgated to establish the maximum allowable charge for pharmaceuticals provided to injured workers. In order to do this, the section establishes the pharmaceutical fee guideline. The new section tells the provider how to compute the maximum allowable charge for brand name and generic pharmaceuticals, using formulas set forth in the section. The new section applies to the dispensing of all pharmaceuticals, excluding those dispensed in inpatient health care facilities. The new section instructs a person calculating the allowable charge to use one of two Medispan monthly publications as a basis for computing the average wholesale price, which is used to compute the charge allowed under the guideline.

The Texas Workers' Compensation Commission finds that there is an imminent peril to public health, safety, or welfare if the rule is not enacted on an emergency basis to be effective January 1, 1991, when the new workers' compensation law goes into effect. The facts constituting emergency are: the new Texas Workers' Compensation Act covers injuries that occur on January 1, 1991, and thereafter; employees in Texas will be injured on January 1, 1991, and thereafter, and require pharmaceuticals; without guidelines, pharmacies and insurance carriers will be unsure of the charge that will be allowed in accordance with the new Act, which will result in delay and dispute over billings, with impact on injured workers' treatment; the legislature has directed the commission to establish guidelines, by rule, to assure the quality of medical care and achieve effective cost control, under the new Texas Workers' Compensation Act, §8.01. These goals cannot be fully realized unless the guidelines are in effect; the medical care advisory committee established in the Act, Article 8303, §8.23, could not be appointed to meet prior to January 1, 1991, because that portion of the Act is not effective until then. Pending the appointment and consultation of that committee on fee guidelines, a guideline must be in place for medical services and treatment rendered from the effective date of the Act; and the

absence of such cost containment measures will cause confusion to all parties, including injured workers, insurance carriers, and health care providers, relate in delays in prompt payment, as well as disputes over the amount of payment, which will increase the cost to the state of administering the Act; and, in all probability, the absence of such measures will result in increased costs of compensation to insurance carriers and employers, through a premium rate increase, thus reducing the savings projected in connection with the implementation of the new Texas Workers' Compensation Act. A motion for rehearing is pending before the State Board of Insurance *In The Matter of the Public Hearing to Consider Revision of Workers' Compensation Rates and Rating Values*, at which action raising premiums could be taken should the commission fail to enact immediate fee guidelines. A premium rate increase would result in the election by some businesses not to purchase, or to drop, workers' compensation insurance, which will impact the availability of health care to injured workers.

It is anticipated that compliance with this rule will add costs for pharmacies, insurance carriers, and companies that process payments. These costs include possible adjustments to record-keeping systems or computer software to enter the new guidelines. However, these costs are outweighed by the public benefits of drug cost containment; and a clear fee guideline which will reduce disputes over charges made for pharmaceuticals, which will speed payments to pharmacies. There should be no additional cost to injured workers because, by statute, a health care provider may not bill the worker for charges in excess of fee guidelines for compensable medical services.

The new section is adopted on an emergency basis under Texas Civil Statutes, Article 8308, §8.01(a)(1990), which authorize the commission to establish by rule medical policies and fee guidelines governing the provision and payment of medical services; and §8.21 which authorizes the commission to establish rules that include fair and reasonable guidelines relating to payment of fees for specific medical treatments or services; and §2.09(a), which authorizes the commission to adopt rules necessary for implementation and enforcement of the Texas Workers' Compensation Act; and Article 6252-13a, §4 and §5, which authorize adoption of agency rules on an emergency basis in certain circumstances.

#### §134.501. Pharmaceutical Fee Guideline.

(a) The maximum allowable charge for pharmaceuticals under the Pharmaceutical Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act is the lesser of:

- (1) the provider's usual charge;
- or
- (2) the fees established by the formulas for brand-name and generic pharmaceuticals as described in subsection (c) of this section.

(b) This rule applies to the dispensing of all pharmaceuticals, excluding the inpatient health care facility setting.

(c) The formulas for establishing fair and reasonable fees and charges for brand-name and generic pharmaceuticals are:

(1) brand-name pharmaceutical formula: average wholesale price (AWP) times 1.09 plus \$4.00;

(2) generic pharmaceutical formula: average wholesale price (AWP) times 1.38 plus \$7.50.

(d) The AWP shall be determined with the monthly publication of Medispan. The publication that shall be used for the calculation shall be the same month that includes the date of service. When an AWP is changed during the month, the provider shall still use the AWP from the monthly

publication. The two Medispan publications to be used are:

(1) Prescription Pricing Guide;

or

(2) Generic Buying and Reimbursement Guide.

(e) When a generic pharmaceutical costs more than a brand-name pharmaceutical, according to the formulas described in subsection (c) of this section, the commission will consider the fair and reasonable price to be the brand-name equivalent, as calculated under subsection (c)(1) of this section.

(f) When there is no national drug code (NDC) number listed in the Medispan Generic Buying and Reimbursement Guide for a manufacturer, or when the provider

fails to list the NDC number for each generic pharmaceutical on the bill submitted to the insurance carrier, the commission will determine the fair and reasonable reimbursement for generic pharmaceuticals by the following formula: generic equivalent average price (GEAP) times 1.38 plus \$7.50.

Issued in Austin, Texas, on January 15, 1991.

TRD-9100519

Susan M. Kelley  
General Counsel  
Texas Workers'  
Compensation  
Commission

Effective date: February 1, 1991

Expiration date: May 2, 1991

For further information, please call: (512) 440-3973





Name: Amanda Langley

Grade: 4

School: Greenwood Hills Elementary, Richardson ISD

# 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 I. Texas Board of Architectural Examiners

#### Chapter 3. Landscape Architects

##### Subchapter D. Certification and Registration

###### • 22 TAC §3.69

The Texas Board of Architectural Examiners proposes an amendment to §3.69, concerning the reinstatement of licensure. The amendment will establish the conditions under which the board may exercise its statutory authority to examine a former licensee applying for reinstatement of licensure.

Robert H. Norris, AIA 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. Norris 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 as proposed will be better protection of the public as a result of the boards' ability to reexamine the qualifications of former licensees who have been inactive for a period of time and who are applying for reinstatement of licensure. There will be no effect on small businesses. The anticipated economic cost to persons who are required to comply with the section as proposed will be the cost of the Uniform National Examination for affected applicants.

Comments on the proposal may be submitted to Robert H. Norris, AIA, Executive Director, Texas Board of Architectural Examiners, 8213 Shoal Creek Boulevard, Suite #107, Austin, Texas 78758, (512) 458-1363.

The amendment is proposed under Texas Civil Statutes, Article 249c, which provide the Texas Board of Architectural Examiners with the authority to promulgate rules.

###### §3.69. *Reinstatement.*

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

(c) A registrant whose license has been revoked for a period greater than three years shall be reexamined prior to reinstatement.

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 January 14, 1991.

TRD-9100493

Robert H. Norris, AIA  
Executive Director  
Texas Board of  
Architectural Examiners

Earliest possible date of adoption: February 22, 1991

For further information, please call: (512) 458-1363

## TITLE 31. NATURAL RE- SOURCES AND CON- SERVATION

### Part XVIII. Texas Groundwater Protection Committee

#### Chapter 601. Groundwater Contamination Report

##### Subchapter A. General Provi- sions Relating to Public Files and Joint Report

###### • 31 TAC §§601.1-601.5

The Texas Groundwater Protection Committee proposes new §§601.1-601.5, concerning the maintenance by certain state agencies of public files containing documented cases of groundwater contamination and the publication by the committee, in conjunction with the Texas Water Commission, of annual groundwater monitoring and contamination reports.

Specifically, the proposed sections provide that the Texas Water Commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Texas Department of Agriculture, the Texas Railroad Commission, and the Texas State Soil and Water Conservation Board shall each maintain a public file of all documented cases of groundwater contamination that are reasonably suspected of having been caused by unauthorized activities subject to that agency's jurisdiction. The sections also provide that, in conjunction with the Texas Water Commission, the committee must publish a joint groundwater monitoring and contamination report not later than April 1 of each year and describing the activities and findings of the committee made during the previous calendar year.

Roger G. Bourdeau, chief fiscal officer, has determined that for the first five year period the sections are in effect there will be no fiscal implications for state or local govern-

ment as a result of enforcing or administering the sections.

Mr. Bourdeau also has determined that for each year of the first five years the sections as proposed are in effect the public benefit anticipated as a result of enforcing the sections as proposed will be improved availability of information relating to the groundwater resources in the state and enhanced efforts of protection of groundwater quality. 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 proposed sections may be submitted to Mark Jordan, Senior Attorney, Legal Division, P.O. Box 13087, 1700 North Congress Avenue, Austin, Texas 78711-3017 for 30 days following the date of publication.

The new sections are proposed under the authority contained in House Bill 1458, 71st Legislature, Regular Session, 1989, which amended the Texas Water Code, Chapter 26, by adding new Subchapter J, §§26.401-26.407. Specifically, §26.406(d), requires the committee to adopt rules defining the conditions that constitute groundwater contamination for purposes of inclusion of such cases in agency public files and the annual joint report.

**§601.1. Purposes of Rules.** The purpose of these sections is to implement duties and responsibilities assigned to the committee under the Texas Water Code, §26.406, relating to the maintenance by certain state agencies of public files containing documented cases of groundwater contamination and the publication by the committee, in conjunction with the commission, of annual groundwater monitoring and contamination reports and to establish general policies of the committee to guide such implementation.

**§601.2. Applicability.** These rules specifically apply to each state agency having responsibilities related to the protection of groundwater, and include the Texas Water Commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Department of Agriculture, the Railroad Commission of Texas, and State Soil and Water Conservation Board.

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

Act—House Bill 1458 (71st Regular Session) codified as the Texas Water Code §§26.401-26.407.

Commission—Texas Water Commission  
Committee—Texas Groundwater Protection Committee.

Enforcement action—Any action of the agencies, identified in §601.2 of this title (relating to Applicability), which accomplishes or requires the, identification, documentation, monitoring, assessing, or remediation of groundwater contamination.

Groundwater—Water below the land surface in a zone of saturation.

Groundwater contamination—The detrimental alteration of the naturally occurring physical, thermal, chemical, or biological quality of groundwater. Furthermore, groundwater contamination, for purposes of inclusion of cases in the public files and the joint groundwater monitoring and contamination report, shall be limited to contamination reasonably suspected of having been caused by activities or by entities under the jurisdiction of the agencies identified in §602.2 of this title (relating to Applicability), except in the case of an underground source of drinking water granted an aquifer exemption by the commission with concurrence from the United States Environmental Protection Agency in accordance with 40 Code of Federal Regulations, Parts 144, 145, and 146 and 31 Texas Administrative Code (TAC) Chapter 331 of this title (relating to Underground Injection Control); and affecting groundwater which contains a concentration of:

(A) less than or equal to 10,000 milligrams per liter (mg/l) of dissolved solids; or

(B) greater than 10,000 mg/l if it is:

(i) currently extracted for beneficial use such as domestic, industrial, or agricultural purposes; or contaminant movement to, a surface water body or another zone of groundwater which has a concentration of less than or equal to 10,000 mg/l of dissolved solids.

*§601.4. Public File.*

(a) Subject to the limitations provided by the Texas Water Code, §§26.401-26.407 (the Act) and the Open Records Act, Texas Civil Statutes, Article 6252-17a, information collected, assembled, or maintained by the committee and the agencies subject to the act is public record open to inspection and copying during regular business hours.

(b) Each agency shall maintain a public file of all documented cases of groundwater contamination that are reasonably suspected of having been caused by activities regulated by the agency.

*§601.5. Joint Groundwater Monitoring and Contamination Report.* In conjunction with the Texas Water Commission, the committee shall publish not later than April

1 of each year a joint groundwater monitoring and contamination report covering the activities and findings of the committee made during the previous calendar year. The report must:

(1) describe the current status of groundwater monitoring programs conducted by or required by each agency at regulated facilities or in connection with regulated activities; documented during the previous calendar year and of each case of groundwater contamination documented during previous years for which enforcement action was incomplete at the time of issuance of the preceding report; and

(3) indicate the status of enforcement action for each case of groundwater contamination that is included in the report.

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 January 16, 1991.

TRD-9100529

Mark Jordan  
Senior Attorney, Legal  
Division  
Texas Water Commission

Earliest possible date of adoption: February 22, 1991

For further information, please call: (512) 371-6329

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# Withdrawn Sections

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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*.

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## TITLE 34. PUBLIC

### FINANCE

#### Part VII. State Property

##### Tax Board

#### Chapter 161. Valuation

##### Procedures

- 34 TAC §161.202

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), the proposed new §161.202, submitted by the State Property Tax Board has been automatically withdrawn, effective January 15, 1991. The new §161.202 as proposed appeared in the July 13, 1990, issue of the *Texas Register* (15 TexReg 3980).

TRD-9100483





Name: Crystal Anderson

Grade: 4

School: Northrich Elementary, Richardson ISD

# Adopted Sections

An agency may take final action on a section 30 days after a proposal has been published in the *Texas Register*. The section becomes effective 20 days after the agency files the correct document with the *Texas Register*, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

If an agency adopts the section without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. If an agency adopts the section with changes to the proposed text, the proposal will be republished with the changes.

## TITLE 19. EDUCATION Part I. Texas Higher Education Coordinating Board

### Chapter 21. Student Services

#### Subchapter O. Texas Outstanding Rural Scholar Recognition and Forgiveness Loan Program

##### • 19 TAC §21.484

The Texas Higher Education Coordinating Board adopts an amendment to §21.484, without changes to the proposed text as published in the December 11, 1990, issue of the *Texas Register* (15 TexReg 7075).

The more entities participating in the program increases the number of trained health care professionals supplied to rural areas of Texas.

The amendment broadens the definition of who may be an eligible community agent to financially support the education of eligible rural scholars and the types of institutions eligible rural scholars may attend. The amendment also clarifies language related to the licensure and/or registry of certain health care professionals.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Higher Code, §51.810 and §61.656, Texas Civil Statutes, which provides the Coordinating Board with the authority to adopt rules regarding the Texas Outstanding Rural Scholar Recognition and Forgiveness Loan 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 January 11, 1991.

TRD-9100439 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: February 4, 1991

Proposal publication date: December 11, 1990

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

#### Subchapter P. Professional Nurses' Student Loan Re- payment Program

##### • 19 TAC §21.512

The Texas Higher Education Coordinating Board adopts the repeal of §21.512, without changes to the proposed text as published in the November 30, 1990, issue of the *Texas Register* (15 TexReg 6797).

The repeal reduces confusion for the beneficiaries of the program.

The repeal specifies additional entities who may be eligible lenders or holders of education loans of registered nurses whose education loans are to be repaid by the program, clarifies language related to eligible nurses so that the rules work properly, and clarifies language related to qualifications and conditions for student loan repayment.

No comments were received regarding adoption of the repeal.

The repeal is adopted under the Texas Education Code, §51.810 and §61.656, Texas Civil Statutes, which provides the Coordinating Board with the authority to adopt rules regarding the Professional Nurses' Student Loan Repayment 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 January 11, 1991.

TRD-9100440 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: February 4, 1991

Proposal publication date: November 30, 1990

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

##### • 19 TAC §21.512, §21.513

The Texas Higher Education Coordinating Board adopts new §21.512 and §21.513, without changes to the proposed text as published in the November 30, 1991, issue of the *Texas Register* (15 TexReg 6797).

The new sections reduce confusion for the beneficiaries of the program.

The new sections specify additional entities who may be eligible lenders or holders of education loans of registered nurses whose education loans are to be repaid by the program, clarify language related to eligible

nurses so that the rules work properly, and clarify language related to qualifications and conditions for student loan repayment.

No comments were received regarding adoption of the new sections.

The new sections are adopted under the Texas Education Code, §51.810 and §61.656, Texas Civil Statutes, which provides the Coordinating Board with the authority to adopt rules regarding the Professional Nurses' Student Loan Repayment 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 January 11, 1991.

TRD-9100441 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: February 4, 1991

Proposal publication date: November 30, 1990

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

#### Subchapter Q. Licensed Vocational Nurses' Student Loan Repayment Program

##### • 19 TAC §21.539, §21.542

The Texas Higher Education Coordinating Board adopts amendments to §21.539 and §21.542, without changes to the proposed text as published in the November 30, 1990, issue of the *Texas Register* (15 TexReg 6798).

The amendments will reduce confusion for the beneficiaries and ensure that competent nurses are rewarded for their efforts to become licensed vocational nurses.

The amendments specify additional entities who may be eligible lenders or holders of education loans of registered nurses whose education loans are to be repaid by the program, clarifies the nurses role in providing data to the board to determine eligibility, and improves the priority system for making education loan repayments.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §51.810 and §61.656, Texas Civil Statutes, which provides the Coordinating Board with the authority to adopt rules regarding the Licensed Vocational Nurses' Student Loan Repayment Program.

gram.

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 January 11, 1991.

TRD-9100442 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: February 4, 1991

Proposal publication date: November 30, 1990

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

### Subchapter S. Vocational Nursing Student Scholarship Program

#### • 19 TAC §21.600

The Texas Higher Education Coordinating Board adopts an amendment to §21.600, without changes to the proposed text as published in the November 30, 1990, issue of the *Texas Register* (15 TexReg 6798).

The programs will function more in keeping with the enabling legislation.

The amendment primarily clarifies the board's responsibilities regarding the dissemination of information regarding the scholarship programs.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §51.810 and §61.656, Texas Civil Statutes, which provides the Coordinating Board with the authority to adopt rules regarding the Vocational Nursing Student Scholarship 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 January 11, 1991.

TRD-9100443 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: February 4, 1991

Proposal publication date: November 30, 1990

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

### Subchapter U. Matching Fund Employment Program for Vocational Nursing Students

#### • 19 TAC §§21.661, 21.662, 21.664, 21.665, 21.667

The Texas Higher Education Coordinating Board adopts amendments to §§21.661,

21.662, 21.664, 21.665, and 21.667, without changes to the proposed text as published in the November 30, 1990, issue of the *Texas Register* (15 TexReg 6799).

The amendments provide for more fiscal control of public funds awarded and make the program more responsive to schools and award recipients.

The amendments clarify what happens when noncompliance with program rules occurs. The amendments also clarify sources for monetary awards, establish a disbursement schedule, broaden school participation, and establish minimum and maximum work hours enabling flexible work hours for nurses.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §51.810 and §61.656, Texas Civil Statutes, which provides the Coordinating Board with the authority to adopt rules regarding the Matching Fund Employment Program for vocational nursing students.

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 January 11, 1991.

TRD-9100444 James McWhorter  
Assistant Commissioner for  
Administration  
Texas Higher Education  
Coordinating Board

Effective date: February 4, 1991

Proposal publication date: November 30, 1990

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

## TITLE 28. INSURANCE

### Part II. Texas Workers' Compensation Commission

#### Chapter 42. Medical Benefits

#### Subchapter B. Medical Cost Evaluation

#### • 28 TAC §42.105

The Texas Workers' Compensation Commission, (TWCC) adopts an amendment to §42.105, with changes to the proposed text and the incorporated guideline included in the proposed amendment published in the November 23, 1990, issue of the *Texas Register* (15 TexReg 6734).

The amendment is adopted in order to revise previous fee guidelines, and establish additional guidelines for fair and reasonable fees and charges, as mandated by Texas Civil Statutes, Article 8306, §7(b), made for medical services rendered by health care providers (excluding hospitals and ambulatory surgical centers), and for transfers of durable medical equipment, to injured workers under the Workers' Compensation Law, Texas Civil Statutes, Article 8306, for workers who were injured prior to January 1, 1991. The guide-

line, which will supercede the 1988 Official Medical Fee Guideline, will be effective for services rendered on and after February 1, 1991, to those injured workers.

The amended guidelines uses a relative value scale in conjunction with the 1990 CPT (physician's current procedural terminology) as part of the guideline. The amendment includes guidelines for transfers of durable medical equipment, and CPT codes for procedures, which were not previously itemized in the fee guideline. The guideline contains the relative value scale, 1990 CPT codes, detailed ground rules which describe the terms under which reimbursement for services can be made, and maximum fee guidelines for the services listed. The pharmaceutical fee guideline is included for reference purposes. The fee guideline is divided into sections: e.g., medicine, surgery, anesthesia, radiology, pathology, durable medical equipment, and pharmacy. The amended rule incorporates by reference the "Medical Fee Guideline for Services Rendered Under the Texas Workers Compensation Act," which is published as the 1991 Texas Workers' Compensation Commission Medical Fee Guideline. This publication is available, upon final printing, for \$15 (or for a reasonable charge for a photocopy of the guideline submitted to the printer), from the Reprographics Department, Texas Workers' Compensation Commission, Southfield Building, 4000 South I-H 35, Austin, Texas 78704.

The Medical Fee Guideline has been amended in response to written public comment received in response to the Register and solicitation by the Medical Review Division, and at the public hearing held December 20th, 1990.

The guideline is primarily intended for use by insurance carriers, persons who process payments, TWCC agency staff, and health care providers so that a fair and reasonable fee will be paid for medical services rendered to injured workers in accordance with the Workers' Compensation Law, Texas Civil Statutes, Article 8306, §1 et seq. It is anticipated that compliance with this rule will add costs for health care providers, insurance carriers, and companies that process payments. These costs include purchase of the guideline, and possible adjustments to record-keeping systems or computer software to enter the new guidelines. Because some charges have been decreased or increased over the guidelines previously in effect under the old workers' compensation law, revenues may be affected. However, these costs are outweighed by the public benefits of: medical cost containment; clear ground rules for payment of services; and the addition of CPT codes and guidelines for durable medical equipment which will reduce disputes over charges made for these items, and speed payments to health care providers. There should be no additional cost to injured workers because, by statute, a health care provider may not bill the worker for charges in excess of fee guidelines for compensable medical services.

Several comments in favor of adoption of the proposed guideline, and against adoption of the proposed guideline, were made in writing and at a public hearing held December 20, 1990. A summary of comments on the proposed amendment and guideline follows, or-

ganized by sections of the guideline, or major subjects of comment. General comments on the Guideline as a whole are at the end of this comment section.

**A. Medicine Section/Physical Medicine.** Over 280 commenters, primarily physical and occupational therapists, but including medical doctors as well, noted that this section's ground rules failed to define "work hardening," that the reimbursement rate of \$25 per hour was too low, that length of the program for which work hardening was allowed should be increased from six hours to eight hours, and that "occupational therapist" should be included among health care providers who could be reimbursed for rendering "work hardening" services. The agency agreed with these comments and made the changes suggested (summarized in #1 preceding), in the Physical Medicine ground rules, section A(3), (7), and (8), and section D(4) and (5) (which includes a clarifying category and definition of service described as Return to Work Conditioning and applicable reimbursement rate).

Another commenter stated that physical medicine treatment that allowed an employee to retain improvement should be reimbursed. The agency disagrees, on the basis that this would expand, beyond the statute, the meaning of "retain employment." The same commenter recommended deleting from section A(3) of the Physical Medicine ground rules the phrase "A treatment plan consisting of modalities is inappropriate." The agency agrees and has deleted this from the ground rules. The same commenter stated that, under 13(2)(a) of the ground rules (#90050 office visit), the phrase "no additional weekly office visit allowed the same week" should be deleted. The agency agrees that this was placed in the wrong section of the ground rules and has removed it; proposed sections B(2)(b) and (C) have been moved to A(7) and (8) of the Physical Medicine ground rules. The commenter noted that thoracic cage, fingers, and toes should be under "body area" in (C)(1); the agency agrees to add fingers and toes, but disagrees with adding thoracic cage because it is part of the thoracic body area already listed. The same commenter asked that work hardening be raised to the reimbursement level of reconditioning (\$40.50) in Code 97530 and that temperature gradient should be DOP. The agency disagrees with both comments; multi disciplinary work hardening is more appropriately paid at \$35 per hour, and the guideline's objective is to decrease, rather than increase, DOPs.

Over 50 physical therapist commenters asked for an increase in the rate for Code 90040 (initial office visit) by allowing a higher level code for a more comprehensive physical therapy assessment, and suggested 90015, as a more realistic reflection of the services. The agency reviewed this matter and agreed that the initial evaluation and assessment could entail 1/2-1 1/2 hours, and has allowed the Code 90015. In addition, the same commenters asked that a Physical Therapy Fee Guideline proposed in 1988 to the Industrial Accident Board be used instead of this guideline. The agency disagrees, in that a separate fee guideline for one particular type of provider is not warranted, and the suggested guideline exceeded other provider fees by up to 50%. The same commenters felt that the concept of treating doctor is absurd; the agency disagrees and responds that

the concept reflects the need to make one doctor primarily responsible for an injured worker's health care. The same commenters suggested removing the requirement that a physical therapy treatment plan approved by a doctor as a condition of reimbursement. The agency disagrees, noting that under state law physical therapy must be given by prescription from a doctor, who should be aware of physical therapy treatments proposed for his/her patient.

Finally, these commenters noted that the proposed guidelines allowed more reimbursement for passive modalities than for skilled procedures. The agency disagrees, noting that the rate for skilled procedures is \$16.88 versus \$13.50 for passive modalities.

The agency has reviewed the conversion factor for the Medicine Section and amended it; the factor has been increased from the proposed factor of \$6.75 to \$7.09.

Commenting against this portion of the guidelines were Texas Physical Therapy Association, American Occupational Therapy Association, Austin Physical Therapy Clinic, Healthsouth Sports Medicine and Rehabilitation Center, Southwest Orthopedic Specialists, Tricare Rehabilitation Services, Inc., BackWercs, Texas Occupational Therapy Association, Center for Industrial Rehabilitation, Functional Capacity Assessment Center, Rio Grande Health Center, Houston Hand Rehabilitation Center, Inc., Therapy Management Group, Medical Review Advisory Committee on Physical Therapy, El Paso Hand Rehabilitation, Northrock Physical Therapy and Rehabilitation Center, and Doctors Rehabilitation Corporation of America.

In addition, numerous individuals commented against the proposed section and guideline in their individual capacity, not as part of any of the previously-named groups, or who did not purport to comment as the representative of a group, corporation, organization, or association.

**B. Medicine Section/Internal Medicine.** As noted previously, the conversion factor has been raised to \$7.09 for the Medicine Section of the guideline.

One commenter suggested that the procedure codes for emergency room visits (90500-90580), critical care services (99160-99162), and gastric intubation (99170) be increased. The agency agrees in part and increases the code for gastric intubation (99170) to RVU 7.40 because the code as proposed was not in line with similar services and codes. The agency, however, disagrees that the other codes should be increased because an analysis of RVU's according to usual and customary fees for those codes showed them to be appropriate.

The agency, after further review, has decreased the RVU of Code 99175 to RVU 2.2 because research on the codes in the preceding paragraph indicated that it was too high. In addition, there are increased RVUs for codes 95005 and 95007 to 3.20 because research on the codes in the preceding paragraph indicated an increase was necessary to remain consistent with the concept that venom tests are generally more costly than allergen extract tests.

One commenter stated that the allowable fees for skin testing and treatment with allergy extract appear to be grossly out of line. The agency disagrees because the fees are cumulative and based on groups of tests

added together.

One commenter suggested that some of the gastroenterology codes be increased. The agency disagrees because after review of the usual and customary billing and previous guideline reimbursement, the fees for those codes were determined to be appropriate.

Several commenters stated that certain codes should be increased because fees, RVUs, and conversion factors were too low and that average charges seemed to be 15% to 40% lower than "usual and customary" although they may reflect those generally seen in the community. The agency agrees in part and increases some of the codes in the hospital visits and consultation office visits after comparing the proposed codes with insurance reimbursement and usual and customary billing. The increase in these codes also makes them consistent with similar codes and services. In addition, the agency has increased all of the conversion factors by 5.0%. The agency disagrees with changing other codes in these sections because an analysis of third party payors show the proposed fees are competitive.

Commenting against the proposed portion of the guideline were Presbyterian Hospital of Dallas/Department of Internal Medicine. In addition, an individual, who did not comment as an identified representative of a business association and did not purport to represent any group of association, commented against the section. No comments specifically in favor of the section were received.

**C. Medicine Section/Psychology.** The agency has reviewed the conversion factor for the Medicine Section, as noted previously, and increased it to \$7.09. One commenter agreed that Codes 90847, 90853, and 90900-90915 were reimbursed at a fair and reasonable rate in the proposed fee guideline. However, that person noted that the reimbursement rates for CPT coded services 90801 (psychiatric diagnostic interview) and 90887 (interpretation of results to family members) should be increased. The agency disagrees, noting that the proposed fee guideline for #90801 is reasonable and halfway between the charges for initial extended and comprehensive office visit reimbursements, and that the #90887 guideline is to be used for brief explanations (with 98900-98902 appropriate for longer explanations to family members), and the guideline is reasonable in that context. The same commenter noted that rates for Codes 90830 (psychological testing), 9588-95882 (assessment of higher cerebral function), 90843 (psychotherapy 20-30 minutes) and 90844 (45-50 minutes) should be increased. The agency agreed after reviewing again statewide billing and payment data, and has changed the relative value units and fees for those codes.

Finally, the commenter suggested removing 90845, psychoanalysis, from the guideline as it is an extremely long process not usually applied to injured workers. The agency disagrees, noting that, although not frequently used, extreme circumstances related to an injury could necessitate use of psychoanalysis, which should therefore be subject to fee guidelines as are other medical services, however, use of this code has been specified in the ground rules. The Texas Psychological Association commented both in favor, and against, adoption of this section of the guideline.

D. Durable Medical Equipment Fee Guideline. One commenter pointed out several duplications in the list and recommended several changes to resolve this. The commenter noted that the format was difficult to read. The agency agrees with the commenter, and has grouped the list by type of equipment and supplies, and/or usage; has put the list in alphabetical order, where possible; assigned Codes D0100-00951; re-grouped, but did not revise, wheelchair equipment; and eliminated duplication in or the equipment by elimination of higher-priced items, reduction of purchase and rental prices (except D0502, which was increased), and changes to "NA" in rental prices where supplies were either disposable or hazardous if re-used.

Some commenters stated that no fee guideline was included for review by orthotists and prosthetists. The same commenter requested that orthotists and prosthetists be separated from durable medical equipment section. The agency agrees that no guidelines were included for these specialties but notes that the Medical Review Division is currently studying the appropriate fees and charges for orthotists and prosthetists and their placement in the guideline, for a future time; no determination has been made at this time where to place these specialties in the overall guideline structure.

One commenter stated that the TENS rental and purchase was overvalued in this section. The agency disagrees because TENS are between \$100 and \$1,000 for purchase and/or rental per month. The agency considers it's charges to be usual and customary for the state. One commenter felt that the guidelines would correct abuse and still offer fair compensation for needed equipment and supplies. The agency agrees.

Commenting against this portion of the guideline were Texas Association of Medical Equipment Dealers, PRNA, Inc., American Academy of Orthotists and Prosthetists, and Transamerica Insurance Services. Texas Association of Medical Equipment Dealers also offered a favorable comment on the durable medical equipment section of the proposed guideline.

E. Pathology Section. One commenter noted that the rate for 85023 (complete blood count) was too low, and was 50% of his current fee for that service. The agency disagrees with increasing the fee, and considers that the fee is fair and reasonable and that total relative values for this code have been increased 4.0% over the 1988 fee guideline. Another commenter submitted information to support a requested change to relative value units for 49 codes in this section; the agency agrees and has adjusted these codes. One commenter commented in favor of the relative value units on clinical fees as "fairly adequate." Six commenters noted that codes for surgical pathology, bone marrow biopsies, and electrophoretic studies had reversed professional and technical relative value components. The agency agrees that an error was made and has corrected these codes: 82252, 82270, 89050, 89051, 89060, 89125, 89190, 89205, 89310, and 89360. These commenters also noted that the \$0.80 conversion factor was too low. The agency agrees and has increased the conversion factor to \$0.95.

One commenter commented that the fees established for autopsy were acceptable, and the clinical laboratory testing fees were generally very reasonable. Comments against this proposed section of the guideline were submitted by Pathology Department/Methodist Medical Center, St. Elizabeth Hospital/Laboratory Services, Clinical Pathology Laboratories, University of Texas Medical Branch-Galveston/Department of Pathology, Scott & White/Department of Pathology, and by an individual who commented in her individual capacity and did not indicate that she commented as the representative of a group, corporation, organization, or association. An individual, Baylor University Medical Center/Department of Pathology and Baptist Memorial Hospital System, commented for and against aspects of this section of the guideline.

F. Surgery Section. Two commenters noted that the guideline for manipulation under anesthesia (MUA) (Spine, no fixation)-22505 should be comparable to codes 27275 (Hip), 27570 (Knee), and 23700 (Shoulder). After review, the agency agreed to increase the relative value unit for 22505, but then recommended lowering the relative value unit for 27275 (Hip), noting that the hip, unlike other areas, has no traction and less risk to the patient, relative to other noted codes.

Several health care practitioners requested changes in 65 neurosurgery and orthopedic surgery codes. The agency agreed with the need for adjustment based upon further research and the comments submitted, and increased relative value units for 65 codes in this area. Another commenter indicated displeasure with the reimbursement rates for Codes 64721 and 64727, dealing with carpal tunnel syndrome, but did not make a specific proposal. The agency disagrees with increases to these codes, and notes that the proposed guideline was minimally reduced from the 1988 fee guideline amount but still exceed the national median reimbursement for the procedure.

One commenter suggested that the RVUs for foot surgery needed to be increased. The agency agrees, and has increased some RVUs for foot surgery, for the following codes: 11100, 11101, 27641, 27675, 27676, 27844, and 28001-28003.

One commenter suggested that Code 23420 (multiple tendon repairs) should have higher relative value than Code 23412 (single tendon repairs) due to the higher degree of difficulty.

The commenter also stated that Code 29826 is the most complicated of all shoulder arthroscopies and should have a greater relative value than 29822 as proposed. The agency agrees and increases Code 23420 to an RVU of 11.0 and Code 29826 to an RVU of 8.8.

Several commenters stated that fees were unreasonably low because both conversion factors and RVUs were decreased. Another commenter specifically stated that the fees for transplantation of digits are too low, and should be increased. The agency agrees in part and increases the conversion factor for surgery by 5.0% (from \$185 to \$194.25). The agency also increased RVUs for some of the codes.

One commenter suggested an increase of Codes 28715 and 27870. The agency also

increases the RVU for Code 28175 to 10.4 and Code 27870 to 10.0.

Several commenters suggested decreasing Codes 22558 and 22842 for surgery. The agency agrees and decreases the codes.

One commenter stated that some surgical codes were 40% to 50% lower than the usual fees charged by doctors. The agency agrees that some of the codes should be increased and has made changes as noted previously.

One commenter stated that workers' compensation cases require more manpower and that decreasing fees will lower the profitability of providing care for them and limit its availability. The agency disagrees because Texas doctors currently receive 30% higher workers' compensation fees than the national average and the decrease contained in the guideline will still leave workers' compensation fees well above the national average.

Several commenters suggested that the fees for surgical codes were too low. The agency disagrees and refers to its answer in the previous paragraph.

One commenter stated that the fees for the surgical codes were too high. The agency agrees in part and has decreased some of the fees for some of the surgical codes.

One commenter stated that the charges for general surgery codes were fair and reasonable. The agency agrees, subject to changes made in the section in response to comment.

Commenting against this proposed section of the guideline were Texas Medical Association, Texas Orthopedic Association, Chiropractic College, The Fort Worth Clinic, Austin Hand Associates, Kemper National Insurance Company, and Southwest Orthopedic Institute. In addition, numerous individuals who did not comment as identified representatives of their business association, or did not purport to represent any group or association, commented against the section. Another individual, who did not comment as an identified representative of an association, group, corporation, or organization and did not purport to represent any group, commented in support of the Surgical Code Section of the guideline. No other comments in specifically in favor of adoption of this section of the guideline were received.

G. Anesthesiology. Various commenters noted that certified registered nurse anesthetists should be reimbursed at 100% of the amount received by anesthesiologists for anesthesia services, not at 80%. The commenters argue that they are performing the same service and deserve the same fee. The agency disagrees, noting that the 80% rate is comparable to that used by Medicare and greater than the rate used by Medicaid. The commenters also noted that the conversion factor should be increased from \$37 to \$41 per unit. The agency agrees with an increase, but has raised the factor to \$38.85, rather than the amount suggested, and finds the amount of the change to be fair and reasonable. One commenter commented in favor of the conversion factor; as noted previously, however, the agency has increased the factor.

One commenter suggested that the ASA relative guides should be included in the fee guideline. The agency agrees, but this had already been done in the proposed fee guide-

line. Commenting against the proposed anesthesiology section of the guideline was Rio Grande Anesthesia, Texas Association of Nurse Anesthetists, Inc., Memorial City Medical Center/Anesthesiology Department, Austin Anesthesiology Group, Methodist Medical Center Hospital/Department of Anesthesiology, and Capitol Anesthesiology Association as well as individuals who did not clearly purport to comment as the representative of a group, corporation, organization, or association. Another individual commented in favor of this section of the proposed guideline.

H. Preauthorization. Several commenters suggested that the preauthorization section of the guideline be deleted entirely or that specific items (such as durable medical equipment) be removed from the list. The agency agrees and deletes the entire section because preauthorization is not allowed by old law.

Several commenters stated that preauthorization should be defined. The agency disagrees because, as noted previously, the preauthorization section has been removed from the guideline.

The Texas Spine Society, Texas Association of Medical Equipment Dealers, Texas Chiropractic Association, and Cost Containment Associates commented against this section of the guideline. In addition, numerous individuals who did not comment as identified representatives of their business association, or did not purport to represent any group or association, commented against the section.

No comments specifically in favor of the section were received as it specifically relates to "old law" claims.

I. Thermograms. Several commenters stated that thermography should not be included in the guideline because of its cost and questionable diagnostic value. The agency agrees, and has deleted thermography as a covered service, because medical data does not solidly support the inclusion of thermography in the fee guideline. Further the agency is persuaded by various points raised by commenters: that the Health Care Financing Administration has resolved to withdraw coverage of thermography for Medicare, that the House of Delegates of the American Academy of Radiology passed a resolution this fall questioning the value of thermography as a diagnostic and screening tool, and that the United States Department of Health and Human Services issued a report in 1989 noting that the effectiveness of thermography was questionable. It is further noted that the Industrial Accident Board's previous policy was to deny coverage for thermograms.

Several commenters stated thermography should remain in the guideline. The agency disagrees and notes its answer to the previous comment.

Employers Casualty company, Kemper National Insurance Company, Liberty Mutual Insurance Company, and the Alliance of American Insurers all commented against the thermography section of the guideline. In addition, an individual who did not comment as an identified representative of a business association and did not purport to represent any group or association, commented against the section. Texas Chiropractic Association commented in favor of the thermography section.

In addition, an individual who did not comment as an identified representative of a business association and did not purport to represent any group or association, commented in support of the thermography section.

J. Radiology Section. Several commenters suggested that more than 80 RVUs in the radiology section require adjustment due to overweighting of the professional component (PC). In addition, the commenters stated that several RVUs in the radiology section were above usual and customary fees although most codes in the section were lower than usual and customary fee reimbursement, inconsistent with third party payors and should be raised. The agency agrees in part and adjusts several RVUs in the radiology section.

For 11 RVUs, the professional component and technical component is reapportioned but total reimbursement remains unchanged. Four RVUs are decreased because of typographical errors in the proposal. Thirty-two RVUs are decreased and 56 increased based on usual and customary data. The agency notes that workers' compensation is like a third party payor and discounts a provider's usual and customary fee. However, the agency has raised the overvion factor for radiology services from \$1.75 to \$1.84.

Texas Chiropractic Association, Radiological Consultants Association, Diagnostic Radiology Associates of Dallas, St. Joseph Hospital (Houston), and University of Texas Medical Branch at Galveston/Department of Radiology all commented against the radiology section. No comments specifically in favor of the section were received.

K. Pharmacy Fee Guideline. The agency notes that this section is provided in the guideline for reference, and the pharmaceutical fee guideline is set forth in 28 TAC §42.115.

Several commenters stated that prescription fees should be increased. The agency disagrees because the guideline encourages the use of generics, the major area where reduction in cost occurs. The guideline decreases reimbursement to pharmacists by .7 of 1.0% to a maximum of 3.0%.

One commenter stated that the pharmaceutical fee guidelines do not achieve a 10% reduction. The agency agrees but notes that formula reductions alone are not the mechanism for savings. The savings result from the formulas encouraging the dispensing of generic over branded drugs.

Texas Pharmaceutical Association and Health Benefits Management commented against the pharmacy fee guideline section. No comments in favor of the section were received.

L. General Comments on the Guideline. One commenter stated that the fee guidelines were slashed by as much as 70% but did not reference any specific codes. The agency disagrees and notes that for two years, rates have been increased by 30%; a decrease of 10% would still result in an increase in the fee guidelines compared to the 1988 Official Fee Guideline. The commenter also felt that the process that led to the changes occurred in the dark. The agency disagrees, and notes that informal input as allowed by APTRA was

solicited from health care providers and Texas Medical Association, along with some formal input from some special advisory committees. In addition, the guidelines were subject to the *Texas Register* which allowed public input into the process, as well as a public hearing on December 20th.

Several commenters stated that they questioned the fairness and reasonableness of the fees as well as the description of the procedures from the CPT code, suggested that the data used to develop the guideline was outdated and would reduce fees by 30%, and asked for further deliberation before implementation of the guidelines. The agency disagrees that fees are reduced by 30%; however it notes that the conversion factors in sections for anesthesiology, radiology, pathology, medicine, and surgery were increased by roughly 5.0%. The agency further disagrees with the comment regarding the accuracy of the CPT codes, noting that information from AMA, which devised the CPT codes, was used. Finally, the agency disagrees that the guideline is outdated, because the data used to develop the guideline was derived from 1990 studies and carrier payment information.

One commenter generally praised the rollback in conversion factors compared to the 1988 guideline. The agency agrees with the commenter, noting that there has been an increase to the conversion factors in response to other comment. One of the commenters also asked that utilization review standards be included in the ground rules of this guideline; the agency disagrees, noting the importance of utilization review standards will merit another rules.

Several commenters noted that various aspects of the guidelines were commendable, expressed agreement with the guidelines, and found most fees to reflect usual and customary fees for the same service when provided to non-workers' compensation patients. They praised the effort to expand and clarify both the ground rules and definitions as a way to effect savings and efficiency in the system. They stated that updating CPT codes was a highly positive step as was updating conversion factors to more accurately reflect today's prices. The agency agrees with the comments.

Several commenters stated that the effective date of the proposed guideline should be changed. The agency notes that the date published in the *Texas Register* is only the earliest possible date of adoption. The same commenters suggested that changes should be made to some of the modifiers and ground rules to provide more clarity. The agency has reviewed its ground rules and modifiers for understandability, and agrees in part; appropriate changes have been made.

Several commenters stated that the conversion factors were too low, and would not even cover the cost of provider services. The agency agrees; conversion factors in sections for anesthesiology, radiology, pathology, medicine, and surgery were increased by roughly 5.0%. The agency notes, however, that even without this increase, Texas health care providers would receive reimbursement for workers' compensation at well above the national average.

Several commenters stated that fees under

the proposed guideline could double, because there are no co-surgeon ground rules. The agency disagrees with the need to change the ground rules, because modifiers -62 (two surgeons) and -66 (surgical team) work in conjunction with Ground Rule F (multiple procedures) to cover all situations and control costs. The agency has, however, clarified the modifiers by adding a cross-reference to Ground Rule F.

Several commenters suggested that global fees for follow-up days will increase medical costs. The agency disagrees because instances where a 30-day period replaces a lesser period offset those instances where a 90-day period replaces a greater period.

One commenter stated that comparisons with old codes were difficult and noted that several groups of codes had been combined or split out. The agency agrees that direct comparison is not possible for every code; however, the agency notes that the amended guideline adds several codes to reflect changing medical technology, which accounts for some of the difficulty in comparison.

One commenter stated that conversion factors and RVUs more closely approximate the statute than the old guidelines but suggests their effects should be studied more. The agency disagrees with a change at this point, but notes an intent to further study and revise the guidelines in the future as it builds a database of information about provider charges.

One commenter suggested that some provider groups may be more adversely impacted than others. The agency disagrees, but has made various changes in this guideline in response to public comment, to assure fair and reasonable fees.

One commenter stated that the agency's data and methodology should be provided to the public. The agency disagrees that this methodology should be put into the guideline; however, the agency notes that, to the extent that such information does not reflect proprietary or confidential information, it has already been provided publicly, or in response to Open Records requests.

One commenter suggested that the use of modifier -22 (unusually extensive procedure or service) could cause higher reimbursements because CAT scan descriptions have changed. The agency disagrees because CPT code descriptions were changed by the AMA to reflect technological advances. In addition, the usage of modifier -22 will be closely monitored for abuse.

Commenting against the proposed section and guideline were Harris County Medical Society, Memorial Neurological Association, Health Benefits Management, Cost Containment Associates, and Texas Chiropractic Association. In addition, numerous individuals commented against the section in their individual capacities, or did not indicate that they commented as the representative of a group, corporation, association, or organization. The agency also notes that four physicians whose signatures were illegible also made general comments against the guideline. Employers' Casualty Company, P.R.N.A., Inc., TransAmerica Insurance Services, Kemper National Insurance Company, Texas Association of Medical Equipment Dealers, and University of Texas Medical Branch at Galveston/Department of Internal Medicine

made general comments in support of the guidelines. Reference is also made back to the commenters noted previously in the summaries of specific sections of the guideline.

The amendment is adopted under Texas Civil Statutes, Article 8306, §7(b), which authorize the board to adopt rules to implement guidelines for fair and reasonable fees and charges for the purpose of medical cost containment; Article 8307, §4(a), which authorize the board to make rules to carry out and enforce the Workers' Compensation Act; and Article 8308-17.12(b)(1990), which direct that the commission shall delegate appropriate powers and duties to the executive director of the Texas Workers' Compensation Commission to administer the workers' compensation laws in effect prior to January 1, 1991 (which delegation was made by the commission on April 1, 1991).

#### §42.105. Medical Fee Guideline.

(a) The maximum allowable charge under the *Medical Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act* is the lesser of:

(1) the provider's usual fees and charges; or

(2) the fees and charges established by use of a relative value scale adopted under subsection (b) of this section.

(b) The commission will publish and adopt by reference herein a relative value scale used in conjunction with the 1990 CPT (physicians' current procedural terminology) as part of the *Medical Fee Guideline for Services Rendered Under the Texas Workers' Compensation Act*. This guideline is published as the *1991 Texas Workers' Compensation Commission Medical Fee Guideline*, which, is incorporated herein by reference. The guideline may be obtained from the Division of Medical Review, Texas Workers' Compensation Commission, 200 East Riverside Drive, Austin, Texas 78704-1287.

(c) The allowable charge for the purchase or rental of durable medical equipment is the lesser of:

(1) the provider's usual fees and charges; or

(2) the fees and charges established in the durable medical equipment section of the *Medical Fee Guideline*, which is incorporated herein by reference.

(d) The guidelines established herein shall be used for services rendered, and durable medical equipment prescribed, on and after February 1, 1991.

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 January 15, 1991.

TRD-9100521

George E. Chapman  
Executive Director  
Texas Workers'  
Compensation  
Commission

Effective date: February 5, 1991

Proposal publication date: November 23, 1990

For further information, please call: (512) 448-7962

#### ◆ ◆ ◆ • 28 TAC §42.115

The Texas Workers' Compensation Commission adopts an amendment to §42.115, with changes to the proposed text as published in the November 23, 1990, issue of the *Texas Register* (15 TexReg 6735).

The amended section updates the pharmacy fee guidelines for medical services. The amended section tells the provider how to compute the allowable charge for brand name and generic pharmaceuticals, for pharmaceuticals dispensed on or after February 1, 1991, excluding those dispensed in inpatient health care facility settings. This guideline will supercede the fee guideline presently being used for "old law" claims.

Several commenters stated that prescription fees should be increased. The agency disagrees because the guideline encourages the use of generics, the major area where cost containment occurs. The guideline decreases reimbursement to pharmacists by 0.7 of 1.0% to a maximum of 3.0%.

One commenter stated that the pharmaceutical fee guidelines do not achieve a 10% reduction. The agency agrees but notes that formula reductions alone are not the mechanism for cost containment under the law.

The agency has added a clarification in subsection (a) to make clear that the "maximum allowable charge for pharmaceuticals" is that described in the guideline, and substituted, in the title of the guideline, the reference to the "old law" statute rather than the new law (which is the Texas Workers' Compensation Act).

The agency has also added the dispensing date after which the guideline should be used for figuring the allowable charge, for purposes of "old law" claims.

Texas Pharmaceutical Association and Health Benefits Management commented against the proposed pharmacy fee guideline. No comments in favor of the proposed section were received.

It is anticipated that compliance with this section will add costs for pharmacies, insurance carriers, and companies that process payments. These costs include possible adjustments to record-keeping systems or computer software to enter the new guidelines. However, these costs are outweighed by the public benefits of drug cost containment; and a clear fee guideline which will reduce disputes over charges made for pharmaceuticals, which will speed payments to pharmacies. There should be no additional cost to injured workers because, by statute, a health care provider may not bill the worker for charges in excess of fee guidelines for compensable medical services.

The amendment is proposed under Texas Civil Statutes, Article 8306, §7(b), which specifically authorize the board to adopt rules to implement medical cost containment; Article 8307, §4(a), which authorize the board to



make rules to carry out and enforce the Workers' Compensation Act; and Article 8308, §17. 12(b) (1990) which require the commission to delegate appropriate powers and duties to the executive director to administer the workers' compensation law in effect prior to January 1, 1991 (the effective date of the new Texas Workers' Compensation Act), which delegation was made by the commission on April 1, 1990.

#### §42.115. *Pharmaceutical Fee Guideline.*

(a) The maximum allowable charge for pharmaceuticals under the "Pharmaceutical Fee Guideline for Services Rendered Under the Workers' Compensation Law" is the lesser of:

- (1) the provider's usual charge; or
- (2) the fees established by the formulas for brand-name and generic pharmaceuticals as described in subsection (c) of this section.

(b) This section applies to the dispensing of all pharmaceuticals on and after February 1, 1991, excluding the inpatient health care facility setting.

(c) The formulas for establishing fair and reasonable fees and charges for brand-name and generic pharmaceuticals are:

- (1) brand-name pharmaceutical formula: average wholesale price (AWP) times 1.09 plus \$4.00;
- (2) generic pharmaceutical formula: AWP times 1.38 plus \$7.50.

(d) The AWP shall be determined with the monthly publication of Medispan. The publication that shall be used for the calculation shall be the same month that includes the date of service. When an AWP is changed during the month, the provider shall still use the AWP from the monthly publication. The two Medispan publications to be used are:

- (1) *Prescription Pricing Guide*;
- (2) *Generic Buying and Reimbursement Guide*.

(e) When a generic pharmaceutical costs more than a brand-name pharmaceutical, according to the formulas described in subsection (c) of this section, the commission will consider the fair and reasonable price to be the brand-name equivalent, as calculated under subsection (c)(1) of this section.

(f) When there is no national drug code (NDC) number listed in the *Medispan Generic Buying and Reimbursement Guide* for a manufacturer, or when the provider fails to list the NDC number for each generic pharmaceutical on the bill submitted to the insurance carrier, the commission will determine the fair and reasonable reimbursement for generic pharmaceuticals by

the following formula: generic equivalent average price (GEAP) times 1.38 plus \$7.50.

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 January 14, 1991.

TRD-9100482

George E. Chapman  
Executive Director  
Texas Workers'  
Compensation  
Commission

Effective date: February 4, 1991

Proposal publication date: November 23, 1990

For further information, please call: (512) 448-7962

## ◆ ◆ ◆ Chapter 166. Workers' Health and Safety-Accident Prevention Services

### Subchapter B. Program Inspections and Certification of Field Safety Representatives

#### • 28 TAC §166.111

The Texas Workers' Compensation Commission adopts new §166.111 with changes to the proposed text as published in the November 2, 1990, issue of the *Texas Register* (15 TexReg 6284).

The new section is adopted in order to implement the accident prevention services section of the Texas Workers' Compensation Act, Article 8308, and to clarify and describe a certified training program in accident prevention services approved by the division.

The new section requires that an accident prevention services training program for prospective field safety representatives apply to the division of health and safety for approval. The section sets out the contents of an application for approval and lists the course of study that a program must offer to be approved by the division. The section also states that approval by the division shall be valid for five years.

Concerning the new section, several commenters suggested that the section should be withdrawn because the commission does not have the authority to certify safety training programs. The commission disagrees. Section 7.05(a) of the statute gives the commission the authority to do so.

Several commenters stated that subsection (c)(7) should be modified because other organizations also offer examinations in this subject area. The commission agrees and amends the section by deleting the reference to specific exams and requiring instead that the students pass an exam approved by the division. The change is reflected in subsections (c)(8) and (e).

One commenter suggested that dual criteria for qualification should be developed based on the premium size of the employer. Although the commission recognizes that retaining qualified personnel will cost the

insurance companies money, the commission disagrees that the rule should be changed. The insurance company will have the opportunity to develop an internal program that meets these requirements.

Several commenters stated that it was unreasonable to expect an insurance company to provide an 800-hour training program. The commission agrees in part and amends the section by allowing supervised field training to be a part of the program.

One commenter suggested that an allowance be made for individuals who enter a training program with some previous safety experience, training, or expertise. The commission disagrees because those individuals already have several options under the statute under which they can qualify.

One commenter suggested that it was unclear what "the division" referred to. The commission disagrees because the rules apply to the health and safety sections of the Act and it is self-evident which division would administer them.

The commission also added a new subsection (c)(7) which requires a training program to include safety consultations as an area of study. The change is intended to clarify the topics which must be covered in a certified training program.

American Insurance Association, Curtis Hintz, State Farm Insurance Company, and World Safety Organization all commented against the section. No comments specifically in favor of the section were received.

The new section is adopted under Texas Civil Statutes, Article 8308, §2. 09(a) which provide the Texas Workers' Compensation Commission with the authority to adopt rules as necessary for the implementation and enforcement of the Texas Workers' Compensation Act.

#### §166.111. *Approval of Certified Accident Prevention Services Training Program.*

(a) Each accident prevention services training program which seeks certification from the commission shall apply to the division of workers' health and safety.

(b) The application shall be on the form prescribed by the commission and shall include:

- (1) the name of the individual or organization sponsoring the program;
- (2) the number of hours of instruction required for completion of the program;
- (3) the names and qualifications of the instructors;
- (4) a description of each course offered and the number of hours of instruction awarded for completion of each course;
- (5) the basic criteria for admission to the program;
- (6) the measure which will be used to evaluate the competence of each participant at the conclusion of or throughout the program; and

(7) the names of any governmental entities or professional organizations which have approved the content of the program.

(c) At a minimum, a safety training program shall include no less than 800 hours of classroom, laboratory instruction, and supervised field training in the following areas:

- (1) safety management practices and techniques;
- (2) accident analysis;
- (3) industrial hygiene sampling techniques;
- (4) industrial health and hygiene;
- (5) ergonomics;
- (6) regulations, standards, and codes relating to safety and health; and
- (7) safety consultation; and
- (8) as a prerequisite to completion, require each participant to take and pass an exam approved by the division of workers' health and safety.

(d) The official transcripts of each participant shall specify which of the exams in subsection (c)(8) of this section the participant took, the date the exam was taken, and the score the participant received on the exam.

(e) The division of workers' health and safety shall certify each training program and final exam which submits the

required information and meets the minimum qualifications. The certification shall be valid for five years from the date of issuance.

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 January 16, 1991.

TRD-9100540

Susan M. Kelley  
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Effective date: February 6, 1991

Proposal publication date: November 2, 1990

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## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 27. Intermediate Care Facilities for Mentally Retarded

##### Subchapter UUUU. Support Documents

###### • 40 TAC §27.9801

The Texas Department of Human Services (DHS) adopts an amendment to §27.9801,

without changes to the proposed text as published in the November 20, 1990, issue of the *Texas Register* (15 TexReg 6668).

The purpose for the amendment is to include Level I facilities in the small provider class and change the cost areas for Level I to labor and all other cost areas.

The section will function by simplifying and improving the accuracy of cost reporting for Level I.

Comments were received from the Texas Association of Private Residential Resources. The commenter supported the department's action in amending the section.

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

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 January 15, 1991.

TRD-9100500

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

Effective date: March 1, 1991

Proposal publication date: November 20, 1990

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

## State Board 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 Article 5.97, the 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, and the final actions printed in this section have not been previously published as proposals.*

*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, 1110 San Jacinto Street, Austin.*

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual* (the Manual), and the *Texas Standard Provisions for Automobile Policies* (the Standard Provisions) in regard to single interest automobile physical damage insurance forms and rules.

In Board Order Number 51390, issued August 18, 1987, as amended by Board Order Number 53437, issued September 14, 1988, the board appointed an advisory committee to

recommend revisions for single interest automobile physical damage insurance forms and rules.

The advisory committee has presented its proposals, and the board takes the following action on such proposals regarding the Standard Provisions: deletion of the current single interest policy forms (both the Finance Master Policy Form and the Individual Policy Form) and their declarations pages; adoption of a new Master Policy Reporting Form (including a new declarations page), adoption of a new Individual Policy Form (including a new declarations page), and adoption of a Master Policy Reporting Form Certificate (in the form of a declarations page).

In further concurrence with the advisory committee's recommendations, the board also adopts the following amendments to the Manual: Rule 125 (of the Rule Section) is amended; Rule 125 (of the Rate Section) is amended; index page (a) of the Manual's Rule Section is revised to delete Rule 125's old title ("Automobile Finance Companies") and to add its new title ("Financed Automobiles"; the Manual's endorsements TE 04 06A, TE 04 07A, and TE 04 08A, all regarding coverage in Mexico, are revised to become applicable to single interest forms; the

Manual's endorsement TE 26 05A ("Single Interest Deductibles") is deleted, because the new declarations pages render this endorsement unnecessary.

The amendments to the Manual and the Standard Provisions are adopted for all policies effective on and after 12:01 a.m., June 1, 1991; any policy that has not expired by 12:01 a.m., June 1, 1992, must be revised to conform to all these new rules and forms.

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 January 11, 1991.

TRD-9100514

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: June 1, 1991

For further information, please call: (512) 463-6327

The State Board of Insurance has adopted amendments to the *Texas Automobile Manual* (the Manual), and the *Texas Standard Provisions for Automobile Policies* (the Standard Provisions), including Endorsements 589 and 590.

The board revises Endorsement 589 in the Standard Provisions by correcting the final printing instruction to direct that the endorsement provision is to be made a part of all policies affording "Coverage for Damage to Your Auto" rather than "Personal Auto Liability." This is a correction of an editing error.

Regarding both the Manual and the Standard Provisions, the board adopts new Endorsement 590, amending Part B1-Medical Payments Coverage-Exclusions, Part C-Uninsured/Underinsured Motorists-Exclusions, and Part D-Coverage for Dam-

age to Your Auto-Exclusions of the Texas Personal Auto Policy to be consistent with Part A-Liability Coverage-Exclusions of such policy, which was amended by Endorsement 588B effective May 1, 1990. Additionally, Endorsement 590 amends Part B2-Personal Injury Protection Coverage-Insuring Agreement by deleting the language "as a pedestrian" under the definition of "covered person."

Because of the changes described in the previous paragraph, it is necessary to amend the Manual's Texas Endorsement Supplement cross-reference schedule to reflect the addition of Endorsement 590. Additionally, the board adopts an editorial change to the Manual's Texas Endorsement Supplement which would change the reference from "511A" to "511" under the Personal Auto Policy cross-reference.

The amendments to the Manual and the Standard Provisions are adopted effective on and after 12:01 a.m., April 1, 1991.

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 January 11, 1991.

TRD-9100513

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: April 1, 1991

For further information, please call: (512) 463-6327



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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*.

## Texas Department of Agriculture

**Monday, January 28, 1991, 11 a.m.** The State Seed and Plant Board of the Texas Department of Agriculture will meet at the Doubletree Hotel Parkwest, Salon E, 1590 LBJ Freeway, Dallas. According to the agenda summary, the board will consider minutes; review applications for license as certified seed growers, consider requests for certification eligibility of new varieties under the Texas Certification Program and other business requiring board action, and election of officers.

Contact: Dolores Alvarado Hibbs, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.

Filed: January 16, 1991, 9:51 a.m.

TRD-9100538

**Monday, January 28, 1991, 11 a.m.** The State Seed and Plant Board (Vegetable Seed Arbitration Board) of the Texas Department of Agriculture will meet at the Doubletree Hotel Parkwest, 1590 LBJ Freeway, Dallas. According to the complete agenda, the board will review the Texas Vegetable Seed Arbitration Law (Texas Agriculture Code, Chapter 64), the vegetable seed complaint authorized by TAC §64.002; and investigation findings of matters complained of by Ben Roming concerning Harris Moran Seed Company.

Contact: Dolores Alvarado Hibbs, P.O. Box 629, Giddings, Texas 78942, (409) 542-3691.

Filed: January 16, 1991, 9:51 a.m.

TRD-9100539

**Thursday, January 31, 1991, 2 p.m.** The Soybean Producers Board of the Texas Department of Agriculture will meet at the Holiday Inn Civic Center, 801 Avenue Q, Lubbock. According to the complete agenda, the board will discuss minutes; financial reports; research results; research funding requests; funding allocations; soybean promotion and research check-off changes; officer elections; old and new business; and meet in executive session regarding personnel matters.

Contact: Trent Roberts, Department #1068, P.O. Box 650290, Dallas, Texas 75265-0290, 1-800-247-8691.

Filed: January 16, 1991, 3:57 p.m.

TRD-9100581

**Thursday, January 31, 1991, 7:30 p.m.** The Scurry County Cotton Producers Board of the Texas Department of Agriculture will meet at the Snyder Chamber of Commerce Board Room 2302 Avenue R, Snyder. According to the complete agenda, the board will review minutes; financial discussion; refund requests review for approval; cotton crop conditions AG day plans; and other business.

Contact: Jon Derouen, P.O. Drawer CC, Snyder, Texas 79549, (915) 573-3558.

Filed: January 16, 1991, 3:57 p.m.

TRD-9100580

## State Bar of Texas

**Friday, January 18, 1991, 10 a.m.** The Executive Committee of the State Bar of Texas held an emergency meeting at Barton Creek Country Club, Austin Room, Austin. According to the agenda summary, the committee heard reports from the chairman of the board, Richard C. Hile; president, James N. Parsons III; president-elect, Charles R. "Bob" Dumm; executive director, Karen R. Johnson; annual budget meeting, Tom Cunningham/Diana Corbin; general counsel advisory committee, Tom Cunningham; administrative advisory committee, Jerry Secrest; general counsel, Frank Douthitt/Steve Lee; proposed aviation law section, Charles F. Krause; immediate past president, Darrell Jordan; immediate past chairman of the board, Willis Grexham; TYLA president, Kirk Watson; and supreme court liaison, Justice Raul Gonzalez. The emergency status was necessary because of unforeseen circumstances causing a need for rescheduling.

Contact: Pat Hiller, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

Filed: January 16, 1991, 2:01 p.m.

TRD-9100557

## State Board of Barber Examiners

**Tuesday, February 5, 1991, 8:30 a.m.** The Board Members of the State Board of Barber Examiners will meet at 9101 Burnet Road, Suite 103, Austin. According to the complete agenda, the board will discuss minutes of previous meeting; sign teacher and school certificates; hear reports by the executive director, read letters to the board, discuss a schedule change for board meetings; discuss the appropriation; and conduct an election of officers.

Contact: Jo King McCrorey, 9101 Burnet Road, Suite 103, Austin, Texas 78758, (512) 835-2040.

Filed: January 16, 1991, 2:15 p.m.

TRD-9100562

## Texas Board of Chiropractic Examiners

**Saturday, January 26, 1991, 9 a.m.** The Texas Board of Chiropractic Examiners will meet at TBCE Board Office, 8716 MoPac Expressway North, Suite 301, Austin. According to the agenda summary, the board will approve minutes of August 4, 1990 board meeting; cancel licenses of those doctors who have not renewed their licenses for 1990; consider reinstating the license of Russell Janssen, D.C.; discuss/consider and take action on §§71.1, 71.7, 71.8, 71.9, 73.1, 73.2, 73.3, 73.6, 75.3, 75.4, 75.5, 76.1, 80.2, 73.4, 80.1, 80.3; board committee reports: enforcement, reciprocity, examination, education, practice, and peer review; discussion of treating family members and charging the insurance company; discussion of how the Medical Practices Act addresses solicitation of patients; discussion of legislative changes and publication of a newsletter; TCA executive officers report to be given by Steve Estes, D.C.; meet in executive session to discuss litigation.

tion cases of Joe T. Boyd, D.C., David N. Bailey, D.C., Michael J. Hill, D.C., Bobby Ferris, and Herndon Gideon.

**Contact:** Jennie Smetana, 8716 Mopac Expressway, North, Suite 301, Austin, Texas 78759, (512) 343-1895.

**Filed:** January 15, 1991, 2:08 p.m.

TRD-9100490

## Texas State Board of Dental Examiners

**Thursday-Saturday, January 24-26, 1991, 8 a.m.** The Texas State Board of Dental Examiners will meet at the Loews Anatole Hotel, 2201 Stemmons Freeway, Emerald Room, Dallas. According to the agenda summary, the board will consider approval of proposal for decision on Dr. James M. Davis; approval of settlement conference orders; requests for modification of board orders; request for appearances before board-Dr. Robert Mapula and Dr. Rene Rosas; discussion of cost recovery for radiology registrations; hear presidents report; board committee reports; requests for appearance before board-Ms. Cheryl Burke, Dr. Jim and Bettie Hill; board interviews of dental hygiene advisory committee candidates; executive director's report; meet in executive session for discussion of litigation matters; reconvene for approval of November board minutes; approval of nitrous/analgesia permits; discussion of conduct of rules hearing; request for appearance before board-Sue Kroschel; and consideration of proposed board rules amendments.

**Contact:** C. Thomas Camp, 327 Congress Avenue, Suite 500, Austin, Texas 78701, (512) 477-2985.

**Filed:** January 15, 1991, 10:34 a.m.

TRD-9100488

## Texas Education Agency

**Thursday, January 24, 1991, 1 p.m.** The Commission on Standards for the Teaching Profession-Committee on Certification Programs and Requirements of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will report on certification testing and other teacher assessment activities; review and discuss requirements for technology skills in 1987 standards for teacher education; discuss request to expand the 1987 standards for teacher education to add economics and government and option II-elementary specializations; review of letter from Texas Business Education Association officially withdrawing that association's earlier proposal to consolidation of existing business certification into one; and individual programs (1987 standards).

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991, 9:44 a.m.

TRD-9100530

**Thursday, January 24, 1991, 3 p.m.** The Commission on Standards for the Teaching Profession-Committee on Recruiting and Training Members of Visiting Teams of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will review and discuss the use of various indicators in a proposed status ranking system for visitation purposes.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991, 9:46 a.m.

TRD-9100537

**Thursday, January 24, 1991, 4:15 p.m.** The Commission on Standards for the Teaching Profession Teacher Education Conference Planning Committee of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will review possible theme and content for 1991 fall conference.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991, 9:46 a.m.

TRD-9100536

**Thursday, January 24, 1991, 5 p.m.** The Commission on Standards for the Teaching Profession-Nominations Committee of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will make nominations for commissioner officers.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991, 9:46 a.m.

TRD-9100535

**Friday, January 25, 1991, 8:10 a.m.** The Commission on Standards for the Teaching Profession-Executive Committee of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the complete agenda, the committee will review agenda items with committee chairmen.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991 9:45 a.m.

TRD-9100534

**Friday, January 25, 1991, 9 a.m.** The Commission on Standards for the Teaching Profession of the Texas Education Agency will meet at the William B. Travis Building, Room 1-104, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will adopt agenda; approve minutes of November 15, 1990; presentation of certificates of appreciation; report of nominating committee; election of officers; reports from the following committees: committee on certification programs and requirements, committee on recruitment training members of visiting teams, teacher education conference planning committee, nominating committee, and executive committee; review of January state board of education agenda; discussion of Christa McAuliffe nominees.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991, 9:44 a.m.

TRD-9100531

**Monday, January 28, 1991, 9:30 a.m.** The Teachers' Professional Practices Commission (PPC) of Texas of the Texas Education Agency will meet at the William B. Travis Building, Room 1-110, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will introduce new members; adopt minutes of September 27, 1990, meeting; discussion and appointment of hearing panel, Shelley v. Burgin; discussion and appointment of hearing panel, Thrower v. Burgin; update on litigation: Summers v. PPC and commissioner of education; report on Pike v. Glass; appeal of jurisdiction, Lucas v. Agnew, et. al., en banc; majority decision report: Vasquez v. Davis; director's report; election of chairperson; and set next meeting date.

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** January 16, 1991, 9:45 a.m.

TRD-9100533

## Employees Retirement System of Texas (ERS)

**Wednesday, January 23, 1991, 7:30 a.m.** The Board of Trustees of the Employees Retirement System of Texas (ERS) will meet at 1000 Red River Street; TRS Cafeteria (7:30 a.m.) and Room 229 (8:30 a.m.), Austin. According to the complete agenda, the board will discuss state and federal legislative issues currently affecting statewide retirement systems (meeting will be conducted as a seminar attended jointly by the boards of various statewide retirement systems.).

**Contact:** William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: January 15, 1991, 4:56 p.m.

TRD-9100520

**Monday, January 28, 1991, 4:15 p.m.** The ERS Board of Trustees, ERS Audit Committee of the Employees Retirement System of Texas will meet at the ERS Board Room, Room 401, ERS Building, 18th and Brazos, Austin. According to the complete agenda, the board and the committee will discuss revisions to the internal audit charter; audit plan for fiscal year 1991; and discuss future meeting dates.

Contact: William S. Nail, 18th and Brazos, Austin, Texas 78701, (512) 867-3336.

Filed: January 16, 1991, 3:20 p.m.

TRD-9100564

## Fire Department Emergency Board

**Friday, January 18, 1991, 1:30 p.m.** The Fire Department Emergency Board met in Room 411, Republic Plaza Center, Tower 2, 333 Guadalupe Street, Austin. According to the complete emergency revised agenda, the board heard committee reports; executive; applications; review and equipment; discussion on rules regarding eligible training equipment and facilities; approval of application; approval of list of equipment; unfinished business; new business (exact criteria of rules pertaining to education, training programs and equipment (type or class)), proposed rules and amendments. The emergency status was necessary because information regarding rules needed to be discussed at this meeting and was not received until January 15, 1991.

Contact: Neta Richardson, P.O. Box 13326, Austin, Texas 78711, (512) 441-7388.

Filed: January 16, 1991, 11:01 a.m.

TRD-9100544

## Texas Department of Health

**Thursday, January 24, 1991, 10 a.m.** The Advisory Committee on Personal Care Facilities of the Texas Department of Health, will meet at Conference Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the committee will consider and possibly act on legislative update; Texas Department of Mental Health and Mental Retardation boarding homes and Attorney General Opinion concerning them; letter from Texas Association of Homes for the Aging regarding staffing requirements in new licensing standards; elect committee chairperson; and consider other items of interest not requiring committee action.

Contact: Richard Butler, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: January 16, 1991, 4:31 p.m.

TRD-9100586

**Monday, January 28, 1991, 10 a.m.** The AIDS Services Advisory Subcommittee of the Texas Department of Health, will meet at Conference Room T-610, 1100 West 49th Street, Austin. According to the complete agenda, the committee will consider and possibly act on plans and consortia subcommittee; reports and evaluation subcommittee; and request for proposal development and renewal process subcommittee.

Contact: Betty Cooper, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7202.

Filed: January 16, 1991, 4:30 p.m.

TRD-9100584

**Tuesday, January 29, 1991, 8:30 a.m.** The AIDS Services Advisory Committee of the Texas Department of Health, will meet at Conference Room T-607, 1100 West 49th Street, Austin. According to the complete agenda, the committee will approve minutes of previous two meetings; consider and possibly act on procedural rules; subcommittee reports; proposed fiscal year 1991-1993 budget for the department's HIV Division; federal funding under the Title II HIV C.A.R. E. grant and the home and community-based health grant; update of services evaluation; and conference in New Orleans, Louisiana.

Contact: Betty Cooper, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7706.

Filed: January 16, 1991, 4:31 p.m.

TRD-9100585

## Texas Historical Commission

**Thursday, January 24, 1991, 2 p.m.** The Texas Preservation Trust Fund Committee of the Texas Historical Commission will meet at Carrington-Covert House Library, 1511 Colorado Street, Austin. According to the complete agenda, the committee will adopt rules; advisory board and guardians; appointments update and future meetings; discuss brochure and fundraising; and other business.

Contact: Curtis Tunnell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 16, 1991, 11:38 a.m.

TRD-9100546

**Thursday, January 24, 1991, 4 p.m.** The Executive Committee of the Texas Historical Commission will meet at Carrington-Covert House Library, 1511 Colorado Street, Austin. According to the complete agenda, the committee will hear update on nomination committee; legislative budget board recommendations; preservation day; and capitol preservation project.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 16, 1991, 11:39 a.m.

TRD-9100549

**Friday, January 25, 1991, 7:30 a.m.** The CHC and Museum Services Committee of the Texas Historical Commission will meet at the Guest Quarters Coffee Shop, 303 West 15th Street, Austin. According to the complete agenda, the committee will discuss 1994 annual conference invitations; resolution honoring Clifton and Shirley Caldwell; and department milestones for 1990.

Contact: Cindy Sherrell-Leo, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 16, 1991, 11:39 a.m.

TRD-9100548

**Friday, January 25, 1991, 8 a.m.** The Main Street Committee of the Texas Historical Commission will meet at the Guest Quarters Suite Hotel Coffee Shop, 15th Street Cafe, 303 West 15th Street, Austin. According to the complete agenda, the committee will adopt rules posted at *Texas Register*; discuss main street activities; and preservation day.

Contact: Anice Read, P.O. Box 12276, Austin, Texas 78711, (512) 463-6092.

Filed: January 16, 1991, 11:38 a.m.

TRD-9100547

**Friday, January 25, 1991, 8 a.m.** The Archeology Committee of the Texas Historical Commission will meet at the Guest Quarters Hotel Coffee Shop, 15th Street and Lavaca, Austin. According to the complete agenda, the committee will discuss Texas archeological stewardship network-status report; seventh coastal corridor palaver; and human remains legislation and THC resolution.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 16, 1991, 11:39 a.m.

TRD-9100551

**Friday, January 25, 1991, 8:30 a.m.** The Architecture Committee of the Texas Historical Commission will meet at the Elrose Building, Architecture Library, 2nd Floor, 108 West 16th Street, Austin. According to the complete agenda, the committee will hear quarterly report of activities; update on significant projects; update on Texas historic preservation grants (FY 1991); endangered historic properties of Texas project update; Texas preservation trust fund update.

Contact: Curtis Tunnell, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 16, 1991, 11:38 a.m.

TRD-9100545

Friday, January 25, 1991, 9:30 a.m. The Texas Historical Commission will meet at the Stephen F. Austin Building, Room 118, 1701 North Congress Avenue, Austin. According to the agenda summary, the committee will hear chairman's report; architecture committee report; Rio Grande heritage corridor project report; archeology committee report; archeological planning and review committee report; Texas antiquities committee report; main street committee report; CHC and museum services committee report; national register committee report; publications committee report; and state marker committee report.

Contact: Cindy Laguna Dally, P.O. Box 12276, Austin, Texas 78711, (512) 463-6100.

Filed: January 16, 1991, 11:39 a.m.

TRD-9100550

## State Board of Insurance

Thursday, January 24, 1991, 9 a.m. The State Board of Insurance will meet at the State Insurance Building, 1110 San Jacinto Boulevard, Room 460, Austin. According to the agenda summary, the board will make selection of servicing carriers for the rejected risk fund of the Texas Workers' Compensation Insurance facility; reconsideration of requests for exemption from the small premium policy plan; appointment of members to the governing committee of the Texas Workers' Compensation Insurance facility; proposed amendments to the Automobile Manual, Rule 38 and Rule 5D; final action on amendments to 28 TAC §9.1 and §21.105, new §7.49 and the repeal of §7.1501, and §7.1502; board orders on several different matters; decision in appeal of HAAS Paving from action of the Texas Workers' Compensation assigned risk pool; motion for withdrawal of application of Sage Energy Company; personnel matters; litigation; solvency matters; and appointment of deputy liquidator.

Contact: Pat Wagner, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998, (512) 463-6328.

Filed: January 16, 1991, 3:33 p.m.

TRD-9100565

## Board of Law Examiners

Thursday-Sunday, January 24-27, 1991, 8 a.m. daily. The Board of Law Examiners will meet Thursday-Friday at the Texas Law Center, 1414 Colorado Street, Saturday at 510 South Congress Avenue, Suite 116, and Sunday at the Four Seasons Hotel, 99 San Jacinto Boulevard, Austin. According to the complete agenda, the board will discuss minutes of November 1990 meeting; budget-review current status of FY 1991; discuss February 1991 bar exam and

prepare questions; sunset legislation; banking charges; LSAC study and validation study; litigation; questions of eligibility and special request; Rule VII (i) formal reviews; and hold hearings on moral character and fitness.

Contact: Wayne E. Denton, Suite 115, 510 South Congress Avenue, Austin, Texas 78704, (512) 463-1621.

Filed: January 16, 1991, 9:38 a.m.

TRD-9100527

## Texas Municipal Retirement System

Wednesday, January 23, 1991, 7:30 a.m. The Board of Trustees of the Texas Municipal Retirement System will meet at 1000 Red River Street; TRS Cafeteria (7:30 a.m.) and Room 229 (8:30 a.m.), Austin. According to the complete agenda, the board will discuss state and federal legislative issues currently effecting statewide retirement systems. (meeting will be conducted as a seminar attended by boards of various statewide retirement systems).

Contact: Jimmie L. Mormon, P.O. Box 2225, Austin, Texas 78768, (512) 476-7577.

Filed: January 15, 1991, 3:20 p.m.

TRD-9100502

## Texas Optometry Board

Thursday, January 24, 1991, 2:30 p.m. The Texas Optometry Board will meet at the Houston Medical Center Hilton, 6633 Travis Street, Houston. According to the agenda summary, the board will consider reports of secretary-treasurer, legal counsel, executive director, committee chairpersons, unfinished and new business to consider cancellation of licenses, appearance of licensees who have not fulfilled continuing education requirements for license renewal; meet in executive session to discuss contemplated/pending litigation matters referred or to be referred to Attorney General. Beginning at 9 a.m. on that same day, the Investigation Enforcement Committee will hold informal conferences with licensees; at 1:30, the Rules Committee will meet, followed by Continuing Education Committee at 2 p.m., as well as all committees. On January 25-26, 1991, board examinations will be administered at the University of Houston College of Optometry.

Contact: Lois Ewald, 9101 Burnet Road, Suite 214, Austin, Texas 78758, (512) 835-1938.

Filed: January 16, 1991, 9:10 a.m.

TRD-9100526

## Texas Parks and Wildlife Department

Wednesday, January 23, 1991, 4 p.m. The Land Acquisition Committee of the Texas Parks and Wildlife Department will meet at the Parks and Wildlife Headquarters, Complex Building A, 4200 Smith School Road, Austin. According to the agenda summary, the committee will conduct a closed meeting to discuss land acquisitions in Calhoun County and Kendall County; and white-winged dove habitat acquisition in Cameron County.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: January 15, 1991, 2:25 p.m.

TRD-9100494

Wednesday, January 23, 1991, 6 p.m. The Texas Parks and Wildlife Commission will meet at Ruth's Chris Steak House, 3010 Guadalupe Street, Austin. According to the agenda summary, the commission plans to have dinner at 6 p.m. Although this function is primarily a social event and no formal action is planned, the commission may discuss items on the public hearing agenda schedule for 9 a.m., January 24, 1991.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.

Filed: January 15, 1991, 3:32 p.m.

TRD-9100503

Thursday, January 24, 1991, 9 a.m. The Texas Parks and Wildlife Commission will meet at the Texas Parks and Wildlife Headquarters, Complex Building B, 4200 Smith School Road, Austin. According to the agenda summary, the commission will approve minutes; presentation of retirement certificates and service awards; special presentation-Harold Lewis and Dierdre E. Hisler; saltwater stamp artwork; local park funding; boat ramp funding; litigation settlement policy; environmental policy; fishing regulations-Toledo Bend and Caddo Reservoir; proposed alligator regulations; proposed bobcat taking and tagging regulations; Lake Bastrop SP master plan-Bastrop County; Lake Casa Blanca SP master plan-Webb County; Admiral Nimitz SHP-land exchange-Gillespie County; nomination for oil and gas lease-Purtis Creek SP-Van Zandt County; Elephant Mountain WMA advisory committee; land acquisitions in Calhoun and Kendall Counties; white-winged dove habitat acquisition-Cameron County; election of vice-chairman; proposed 1991-1992 early season migratory game bird procedure; Texas rivers and streams-status-threats-needs; park fees; license and boat fees; and financial status of department.

Contact: Andrew Sansom, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4802.



Filed: January 15, 1991, 2:26 p.m.

TRD-9100496

### Polygraph Examiners Board

Friday, January 25, 1991, 9 a.m. The Polygraph Examiners Board will meet at the Howard Johnson Plaza Hotel North, Brazos Room 7800 North IH-35, Austin. According to the complete agenda, the board will hold election of officers; meet in closed session to administer Phase III of licensing examination; reconvene for business after examination; consideration of applicants for licensure; approval of October board meeting minutes; agency updates; discussion of LBB performance report to 72nd legislature; discussion of pending legislation; and discussion of the Americans With Disabilities Act of 1990.

Contact: Bryan M. Perot, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

Filed: January 15, 1991, 4:42 p.m.

TRD-9100587

### Texas State Board of Public Accountancy

Friday, January 18, 1991, 9 a.m. The Technical Standards Review Committee of the Texas State Board of Public Accountancy held an emergency meeting at 1033 La Posada, Suite 340, Austin. According to the complete agenda, the committee made recommendations regarding specific complaints-licensees: complaint numbers 90-09-24L; 89-10-13L; 90-08-23L; 90-08-24L; 90-09-12L; 90-09-01L; 90-09-02L; 90-01-03L; 90-01-14L; 90-01-15L; 90-09-07L; 90-09-08L; 90-09-09L; 90-08-37L; 90-09-11L; 90-09-25L; 90-09-26L; 90-09-27L; 89-10-24L; 90-11-15L; 90-09-04L; 90-09-05L; 90-09-06L; 90-09-10L; 90-10-13L; 89-11-15L; 90-08-33L; 90-09-21L; 90-09-22L; 90-09-23L; 87-07-30L; 90-09-32L; discussion items McCall; Cotton; Tannebaum; Gray; King; Larsen; informal conference number 90-07-01L; and other matters coming before the board. The emergency status was necessary because an urgent public necessity required the notice of this meeting with less than 7 days prior notice as a result of a reasonably unforeseeable situation that required the immediate action by the Technical Standards Committee of the TSBPA in order to protect the public from improper activities which violate the Public Accountancy Act of 1979.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: January 15, 1991, 2:09 p.m.

TRD-9100491

Wednesday, January 23, 1991, 8:30 a.m.

The Examination Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary the committee will review information relating to the November, 1990 examination; discussion of alleged irregularities; review of conviction reports from the DPS relating to initial examination candidate review of loss of credits by certain exam candidates; candidates not in compliance with the education waiver requirements of the act; candidates not completing the exam within the required time limitation; audit of examination results and approval to release grades; review of expenses; review of information relating to the May, 1991 examination; review of recommended sites; consideration of the El Paso exam site; review of proposed board and staff assignments proposed overbooking based on previous absentee ratios; review of competitive bid requirements for services needed at each site; review of information relating to future examinations; discussion of sites to be utilized for the November, 1991 examination; consideration of the Houston exam site in November, 1991; requests for bookings for the 2001 exam dates; review of material provided by the AICPA concerning reformatting the Uniform CPA Examination, review of board records of candidates who have not sat for the examination with the past 10 years.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: January 15, 1991, 10:32 a.m.

TRD-9100485

Wednesday, January 23, 1991, 9 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the complete agenda the committee will review the board's financial statement; report on the status of GAO complaints; review of legal matters; status of sunset and other future legislation; discussion of a smoke-free board office; consideration of possible new Substantive Rule 501.40, Reporting of Violations; consideration of request for regrade of examination of The Rules of Professional Conduct; request for rescission of reprimand; discussion of suggested amendment to Substantive Rule 521.6, Other Changes; review of NASBA/AICPA matters; and other matters coming before the committee.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: January 15, 1991, 10:33 a.m.

TRD-9100486

Wednesday-Thursday, January 23-24, 1991, 11 a.m. and 9 a.m. respectively. The Texas State Board of Public Accountancy will meet at 1033 La Posada, Suite 340, Austin. According to the agenda summary

the board will hear report of the nominating committee and election of officers; report of the executive committee; technical standards review committee; behavioral enforcement committee; examination committee; consideration of applications for reinstatement of CPA certificates; action on substantive rules; report of the quality review committee; constructive enforcement committee; ratification of name changes during 1990; ratification of board orders, consent orders and proposals for decision; review of certain board communications; and review of future meetings/hearing schedules.

Contact: William Treacy, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

Filed: January 15, 1991, 10:33 a.m.

TRD-9100486

### Public Utility Commission of Texas

Wednesday, January 16, 1991, 9 a.m. The Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the commission considered the appeal of Examiner's Order Number 59 in Docket Number 9300-Application of Texas Utilities Electric Company for authority to change rates. The emergency status was necessary because prompt commission action was necessary to preserve jurisdiction over the subject matter of the appeal.

Contact: Mary Ross McDonald, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 15, 1991, 3:35 p.m.

TRD-9100505

### Railroad Commission of Texas

Wednesday, January 23, 1991, 1:30 p.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, Room 12-126 William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the commission will consider various matters within the jurisdiction of the Railroad Commission of Texas. The commission may take various action, including, but not limited to, scheduling an item in its entirety or for particular action at a future time or date. The Railroad Commission of Texas may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received.

Contact: Cue D. Boykin, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7033.

Filed: January 15, 1991, 2:53 p.m.

TRD-9100499

### Texas Rehabilitation Commission

Monday, February 18, 1991, 8 a.m. The Governor's Committee for Disabled Persons of the Texas Rehabilitation Commission will meet at the Brown-Heatly Building, Room 1410, 4900 North Lamar Boulevard, Austin. According to the agenda summary, the committee will approve minutes; announcements; presentation by Justin Dart; president's committee meeting, May 22-24, 1991; ADA coordination group; sunset legislation affecting GCDP; legislative appropriations request for FY 1992-1993; transition to Governor Richards' administration; subcommittee reports; discussion/planning for 1991.

Contact: Charles W. Schiesser, 4900 North Lamar Boulevard, Austin, Texas 78751-2316, (512) 483-4052.

Filed: January 16, 1991, 10:29 a.m.

TRD-9100542

### Board for Lease of State-owned Lands

Thursday, January 24, 1991, 2 p.m. The Board for Lease of Texas Parks and Wildlife Lands of the Board for Lease of State-owned Lands will meet at the General Land Office, Stephen F. Austin Building, Room 833, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve minutes; consider nominations, terms, conditions and procedures for the April 2, 1991 oil, gas and other minerals lease sale.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 836, Austin, Texas 78701, (512) 463-5016.

Filed: January 15, 1991, 4:15 p.m.

TRD-9100516

### Teacher Retirement System of Texas

Wednesday, January 23, 1991, 7:30 a.m. The Teacher Retirement System of Texas will meet at 1000 Red River, TRS Cafeteria (at 7:30 a.m.), Room 229 (at 8:30 a.m.), Austin. According to the complete agenda, the Teacher Retirement System of Texas will discuss state and federal legislative issues currently affecting statewide retirement systems. (meeting will be conducted as a seminar attended jointly by the boards of the various statewide retirement systems.)

Contact: Mary Godzik, 1000 Red River Street, Austin, Texas 78701-2698 (512) 397-6400.

Filed: January 15, 1991, 2:44 p.m.

TRD-9100498

Wednesday, January 23, 1991, 1 p.m. The Board of Trustees of the Teacher Retirement System of Texas, will meet at 1000 Red River, 5th Floor Board Room, Austin. According to the complete agenda, the board will consider proposed legislation affecting TRS; update on Texas Growth Fund; selection of executive search firms for executive secretary and chief investment officer positions; consideration of amendment to Phase III construction budget; consideration of the TRS actuarial experience study for the five year period ending August 31, 1990; and meet in executive session to discuss personnel.

Contact: Mary Godzik, 1000 Red River Street, Austin, Texas 78701-2698 (512) 397-6400.

Filed: January 15, 1991, 2:44 p.m.

TRD-9100497

### University of Houston

Monday, January 21, 1991, 2 p.m. The Animal Care Committee of the University of Houston met at S&R II, Room 201, University of Houston, 4800 Calhoun Boulevard, Houston. According to the agenda summary, the committee reviewed and/or acted upon the following items: old business: approval of minutes and consideration of contingently approved protocol; new business: consideration of renewals and consideration of new protocols; and other business.

Contact: Julie T. Norris, 4800 Calhoun Boulevard, Houston, Texas 77204, (713) 749-3412.

Filed: January 15, 1991, 10:35 a.m.

TRD-9100489

### University of Texas System

Wednesday, January 23, 1991, 9 a.m. The Board for Lease of University Lands of the University of Texas System will meet at La Quinta Plaza, Directors Room, 8th Floor, 10010 San Pedro Street, San Antonio. According to the agenda summary, the board will approve minutes and approve oil and gas lease sale and lease terms.

Contact: Linward Shivers, 201 West 7th Street, Austin, Texas 78701, (512) 499-4462.

Filed: January 15, 1991, 3:38 p.m.

TRD-9100507

### Texas Water Commission

Wednesday, January 30, 1991, 9 a.m. The Texas Water Commission will meet at 1700

North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the Texas Water Commission. In addition, the Texas Water Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Texas Water Commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 16, 1991, 3:48 p.m.

TRD-9100578

Wednesday, January 30, 1991, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the Texas Water Commission. In addition, the Texas Water Commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the Texas Water Commission may take various actions, including, but not limited to, scheduling an item in the entirety or for particular action at a future date or time.

Contact: Gloria Barrera, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: January 16, 1991, 3:48 p.m.

TRD-9100579

Wednesday, March 6, 1991, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will consider whether to affirm, modify, or set aside Emergency Order Number 91-1E issued January 9, 1991 to E.I. DuPont De Nemours and Company, Sabine River Works, which is located in Orange, Orange County. The order authorized DuPont to store and incinerate approximately three million pounds of tank sediment waste under the terms and conditions of hazardous waste permit number HW-50230 and Emergency Order Number 91-1E.

Contact: Samita Mehta, P.O. Box 13087, Austin, Texas 78711, (512) 463-8069.

Filed: January 16, 1991, 3:47 p.m.

TRD-9100576

Wednesday, March 6, 1991, 3 p.m. The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the commission will discuss notice of application by Jerry Solomon, Application Number 12-3555A, for an amendment to Certificate Number 12-3555

by deleting or extending the term contained in Special Condition 4.B. stating that all rights authorized by Certificate Number 12-3555 shall expire and become null and void on December 31, 1990. The original certificate authorizes diversion and use of not to exceed 100 acre-feet of water per annum from the perimeter of an existing, exempt dam and reservoir located on an unnamed tributary of the Sabana River, tributary of the Leon River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin.

Contact: Mark Evans, P.O. Box 13087, Austin, Texas 78711, (512) 371-6389.

Filed: January 16, 1991, 3:47 p.m.

TRD-9100575

**Wednesday, March 6, 1991, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the commission will discuss notice of application by the Estate of Ray Andrew Bivens, Application Number 02-5197A, to amend Certificate Number 02-5197 pursuant to §11.143 to change the diversion points and to change the place of use approximately 3 miles southwest of Tulia, Swisher County.

Contact: Weldon Hawthorne, P.O. Box 13087, Austin, Texas 78711, (512) 371-6388.

Filed: January 16, 1991, 3:45 p.m.

TRD-9100571

**Wednesday, March 6, 1991, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the commission will discuss notice of application by Cooper's Marine Service, Inc., Application Number 5334, for an 11.121 Water Use Permit to withdraw 0.4 acre-feet of water per annum from the Old River Channel of the San Jacinto River, tributary of the San Jacinto River, San Jacinto River Basin for industrial purposes, 17 1/2 miles northeast of the Harris County Courthouse in the City of Houston, Harris County.

Contact: Mark Evans, P.O. Box 13087, Austin, Texas 78711, (512) 371-6389.

Filed: January 16, 1991, 3:46 p.m.

TRD-9100572

**Wednesday, March 6, 1991, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the agenda summary, the commission will discuss notice of application by Straus Medina Ranch, Application Number 19-2144, to combine Certificate Numbers 19-2143 and 19-2144 so that the combined water rights would authorize a total of 308 acre-feet of water per annum from the Medina River to irrigate 293 acres of land in Bexar County in San Antonio. Applicant further

requests both certificates be combined under Certificate Number 19-2144 to increase the annual diversion, amount of acreage to be irrigated and to show the combined diversion rate under the certificates as 4.7 cfs.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 371-6385.

Filed: January 16, 1991, 3:46 p.m.

TRD-9100574

**Wednesday, March 13, 1991, 3 p.m.** The Texas Water Commission will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 118, Austin. According to the complete agenda, the commission will discuss notice of application by Bernard O. Stone, Jr., Application Number 5338, for Water Use Permit Numbers 11.121 and 11.143, to divert 420 acre-feet of water per annum from West Bernard Creek, tributary of the San Bernard River, Brazos-Colorado Coastal Basin, into an exempt 5 acre-foot reservoir and dam located on an unnamed tributary of West San Bernard Creek for wildlife habitat and subsequent diversion for irrigation of land 8 miles north of Wharton, Wharton County.

Contact: Lann Bookout, P.O. Box 13087, Austin, Texas 78711, (512) 371-6385.

Filed: January 16, 1991, 3:46 p.m.

TRD-9100573

## Texas Water Development Board

**Wednesday, January 23, 1991, 3 p.m.** The Audit Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513, Austin. According to the complete agenda, the committee will consider approval of the minutes of the November 14, 1990 audit committee meeting; be briefed on the August 31, 1990 annual financial report; be briefed on the status of the annual audit of the TWDB currently being conducted by the state auditor; and review and consider for adoption the annual plan of the internal auditor.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 15, 1991, 3:56 p.m.

TRD-9100508

**Wednesday, January 23, 1991, 4 p.m.** The Finance Committee of the Texas Water Development Board will meet at 1700 North Congress Avenue, Stephen F. Austin Building, Room 513, Austin. According to the complete agenda, the committee will consider approval of the minutes of the December 12, 1990 finance committee meeting; be briefed on the FY 1991 intended use plan, state funds to be provided, funding line, reserves, and contingent interest rates as proposed; consider approval of the Texas

Water Development Board Investment Guidelines; and discuss items on the agenda of the January 24, 1991 board meeting.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 15, 1991, 3:56 p.m.

TRD-9100509

**Thursday, January 24, 1991, 9 a.m.** The Texas Water Development Board will meet at the Four Seasons Hotel, 98 San Jacinto Boulevard, Austin. According to the agenda summary, the board will consider minutes of December 4, 1990 and December 13, 1990; Development Fund Manager's report; extension of commitments for El Paso WC&ID (Westway) and Cities of Emory and Laredo; amending Guadalupe-Blanco River Authority resolution for \$3,915,000; financial assistance applications from Northwest Grayson County WC&ID and Cities of Huntington, Goliad and Clyde; approval of 1991 SRF intended use plan, lending rate and amount of funds to be provided for SRF; facility engineering phase I applications from Brownsville PUB. Cameron County WC&ID, and Willacy County; research contract with UT-SA for water management modeling; increase of grant to Western Networ for Edwards Aquifer Mediation; allocation of research and planing funds; extension of TP&WD planning grant contract; briefing on state acquisition and development of facilities.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 15, 1991, 3:57 p.m.

TRD-9100511

## Texas Water Resources Finance Authority

**Thursday, January 24, 1991, 9 a.m.** The Texas Water Resources Finance Authority will meet at the Four Seasons Hotel, 98 San Jacinto Boulevard, Austin. According to the complete agenda, the authority will consider approval of the minutes of the meeting of December 13, 1990; consider adoption of the budget for the Texas Water Resources Finance Authority for payment of expenses incurred from February 16, 1991-August 15, 1991.

Contact: G. E. Kretzschmar, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: January 15, 1991, 3:57 p.m.

TRD-9100510

## Regional Meetings

### Meetings Filed January 15, 1991

The Central Counties Center for Mental Health and Mental Retardation Board of Trustees will meet at 304 South 22nd Street, Temple, January 22, 1991, at 7:45 p.m. Information may be obtained from Michael K. Muegge, P.O. Box 518, Temple, Texas 76501, (817) 778-4841. TRD-9100492.

The Texas Municipal League Group Benefits Risk Pool Board of Trustees, Group Benefits Risk Pool will meet at the Vintage Resort Hotel, Winter Park, Colorado, January 19-22, 1991, at 5 p.m. Information may be obtained from Rhonda Ruckel, 211 East 7th Street, Suite 1100, Austin, Texas 78701, (512) 320-7861. TRD-9100501.

The Pecan Valley Mental Health Mental Retardation Region Board of Trustees will meet at the Pecan Valley MHMR Regional Clinic Office, 104 Charles Street, Granbury, January 23, 1991, at 9 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806. TRD-9100506.

### Meetings Filed January 16, 1991

The Alamo Area Council of Governments Planning and Program Development will meet at 118 Broadway, Suite 420, San Antonio, January 22, 1991 at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9100583.

The Alamo Area Council of Governments Management Committee will meet at 118 Broadway, Suite 420, San Antonio, January 23, 1991, at noon. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201. TRD-9100582

The Capital Area Rural Transportation System (CARTS) CARTS Board of Directors will meet at 5111 East 1st Street, Conference Room, Austin, January 24, 1991, at 9 a.m. Information may be obtained from Edna M. Burroughs, 5111 East 1st Street, Austin, Texas 78702, (512) 478-7433. TRD-9100554.

The El Oso Water Supply Corporation Members met at Karnes City High School Cafeteria, Karnes City, January 19, 1991, at 3 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9100556.

The El Oso Water Supply Corporation Board of Directors will meet at their office in Karnes City, January 22, 1991 at 8 p.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9100555.

The Guadalupe-Blanco River Authority Board of Directors will meet at the Victoria Bank and Trust, New Braunfels Office, 1000 North Walnut, North Building, Herb Schneider Room, New Braunfels, January 25, 1991, at 9 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822. TRD-9100525.

The Hunt County Appraisal District Board of Directors will meet at the Hunt County Appraisal District, Board Room,

4801 King Street, Greenville, January 22, 1991, at 7 a.m. Information may be obtained from Mildred Compton or Shirley Smith, P.O. Box 1339 Greenville, Texas 75401, (214) 454-3510. TRD-9100543.

The Mills County Appraisal District will meet at the Mills County Commissioners Court, Goldthwaite, January 24, 1991, at 6:30 p.m. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844. (915) 648-2253. TRD-9100561.

The San Jacinto River Authority Board of Directors will meet at the Lake Conroe Office Building, Highway 105 West, Conroe, January 23, 1991, at 12:30 p.m. Information may be obtained from James R. Adams, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111. TRD-9100524.

The Scurry County Appraisal District Board of Directors held an emergency meeting at 2612 College Avenue, Snyder, January 18, 1991, at 8 a.m. The emergency status was necessary because of the amendment of 1990 and 1991 appraisal and collection budgets and appointment of ARB members. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9100563.

### Meetings Filed January 17, 1991

The Harris County Appraisal District Board of Directors will meet at 2800 North Loop West, Eighth Floor, Houston, January 22 and 23, 1991, at 8:30 a.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291. TRD-9100589.

# In Addition

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings, changes in interest rate and applications to install remote service units, and consultant proposal requests and awards.

To aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows.

## Texas Department of Aviation Consultant Contract Awards

The following consultant contract award for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants proposal request for professional engineering services was published in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5192).

The consultant proposal will be for professional engineering services for the design and construction administration phases for the following TDA project: 91/27-4-3 Clarendon Municipal Airport.

The engineering firm for these services is: Ober J. Engineering, Inc. P.O. Box 726, Wellington, Texas 79095.

The total value of the contract is \$19,000 and the contract period starts on January 7, 1991, until the completion of the project.

Issued in Austin, Texas, on January 10, 1991.

TRD-9100433 Lydia Scarborough  
Director, Support and Services  
Texas Department of Aviation

Filed: January 14, 1991

For further information, please call: (512) 476-9262



The following consultant contract award for providing professional engineering services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The consultants proposal request for professional engineering services was published in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5190).

The consultant proposal will be for professional engineering services for the design and construction administration phases for the following TDA project: 91/29-1-3 Rains County Municipal Airport.

The engineering firm for these services is: Bucher, Willis & Ratliff, P.O. Box 6218, Tyler, Texas 75711.

The total value of the contract is \$48,000 and the contract period starts on January 9, 1991, until the completion of the project.

Issued in Austin, Texas, on January 10, 1991.

TRD-9100434 Lydia Scarborough  
Director, Support and Services  
Texas Department of Aviation

Filed: January 14, 1991

For further information, please call: (512) 476-9262



## Texas Department of Commerce Requests for Proposals

**Notice of Invitation.** The Texas Department of Commerce (Commerce), Work Force Development Division (WFDD) is requesting proposals from bidders to provide specific training on Job Training Partnership Act (JTPA) contract design and management to service delivery areas (SDA) administrators, procurement and contracting staff, and Work Force Development Division staff. The successful proposal is to be funded by the JTPA program administered by Commerce.

The training to be provided will consist of a two-day workshop, March 27 and 28, 1991, in Austin, for approximately 150 SDA and WFDD administrators and procurement and contracts staff and a one-day session with WFDD key staff prior to the workshop on March 25, 1991. The training will focus on contract design and contract management techniques to address but not limited to the following areas: procurement and contract systems linkage; basic contract provisions and assurances; methods and documentation of cost and price analyses to determine reasonableness; types of contracts and specific applications for each; payment structure and vendor performance; program income and profit; procurement history documentation; establishing and maintaining centralized contract records; and other areas as determined by WFDD staff.

The proposal must include a budget to describe specifically all expenses for providing the desired services and activities to include: travel; per diem (the state allows a maximum of \$55 per day for lodging and \$25 per day for meals); incidentals; deliverables; and consultant fees.

The proposal must also include a "Certificate Regarding Debarment and Suspension," as required by 29 Code of Federal Regulations, Part 98.

The successful bidder shall provide and perform the following: experienced instructor(s) for three-days training of eight hours per day; 200 sets of spiral-bound training materials for participants. Materials shall include a guide with sample plans and documents to enable SDAs to prepare and/or revise their procurement and contracting systems; small and large group exercises to incorporate "hands-on" training activities; responses to questions entertained from the audience, and responsible analysis and comment on contract design and management issues.

**Contact Person.** To obtain a copy of the proposal format or for information concerning this request for proposals (RFP), contact Tom Broersma, Training Specialist, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711, (512) 320-9467, extension 3901.

**Closing Date.** To be considered for funding, proposal must be received no later than 4 p.m. CST on February 15, 1991. An original and four copies must be submitted to: John Bartlett, Director, Work Force Development Division, Texas Department of Commerce, P.O. Box 12728, Austin, Texas 78711.

Hand-delivered proposals must be received at 816 Congress Avenue, Suite 1300, Austin, Texas 78701. Proposals received after this deadline will not be considered.

**Selection Criteria.** The selection of a successful proposal for negotiation and consideration of contract award shall be made after careful evaluation by Commerce. Each proposal will be evaluated by Commerce staff with emphasis on the various factors enumerated following, assigning to that factor a numerical weight: Qualifications of bidder-30; Comprehensiveness of proposed work plan-40; Cost effectiveness of proposed approach-30.

**Qualifications of bidder-**Refers to the bidder's prior experience in projects and providing services similar to those requested in this RFP. The bidder should document the relevant experience, qualifications and abilities of proposed project personnel to perform the desired tasks, with attention given to special skills needed and other items as deemed appropriate by Commerce. Evaluation of this category will be based on documentation to establish ability to provide the services required. Taken into consideration will be proper completion of and appropriate response to required items in this RFP.

**Comprehensiveness of proposed work plan-**This criterion emphasizes the extent to which the proposed plan of work relates to the desired outcomes of the training. Points will be awarded on several factors, including quality of and approach to services and activities to be delivered and proposed work schedules.

**Cost-effectiveness of proposed approach-**All costs contained in the proposal must be valid and reasonable and supported by a budget which must be included with the proposal.

Each proposal should be submitted in the most favorable terms of a price and technical standpoint. Commerce reserves the right to request any additional data or oral discussion/presentation in support of the written proposal. All costs contained in the proposal shall be valid, real, necessary, reasonable, allowable, properly allocated, and not defective or fraudulent pursuant to Public Law 97-300. Commerce request full rights of disclosure pursuant to contract award.

Commerce retains the right to accept or reject any or all proposals. Commerce is under no legal requirement to execute a resulting contract from making this request for proposals and intends the materials provided herein only as a means of identifying and considering various contractor alternatives and the general cost of services derived. This request for proposals does not commit Commerce to pay any costs before execution of a contract. Commerce may vary the provisions set forth herein before execution of a contract. Once a proposal is received, it becomes a matter of public record in accordance with Texas Civil Statutes, Article 6252-17a.

The state assumes no responsibility for expenses incurred in preparing responses to this solicitation.

Issued in Austin, Texas, on January 14, 1991.

TRD-9100472 William D. Taylor  
Executive Director  
Texas Department of Commerce

Filed: January 14, 1991

For further information, please call: (512) 320-9467, ext. 3901

## Texas Education Agency Request for Application

**Description.** The Texas Education Agency is requesting applications for the Study of Adult Education Funding (RFA #701-91-038). Project objectives are: to identify current actual costs of adult education, including those that are being incurred in serving varied subpopulations of the target undereducated adult population; to identify costs in exemplary adult education programs; to identify current actual costs for producing one contact hour in adult education; to conduct a study of adult education funding needs to make recommendations by which the state will appropriate sufficient funds for adult education; to recommend costs for implementing an exemplary program in adult education; to develop recommendations regarding the feasibility of funding adult education programs for 17-21 years olds from Foundation School Program funds; and to examine the current adult education funding formula for allocating funds.

**Eligible Applicants.** Any public school district, regional education service center, and public colleges and universities may submit an application to the Document Control Center at the Texas Education Agency.

**Date of the Project.** The contract will begin on March 1, 1991, and will end on December 31, 1991.

**Project Amount.** The contract will be awarded for an amount not to exceed \$75,000.

**Selection Criteria.** The grant will be awarded to the applicant that best demonstrates the ability to carry out all requirements contained in the request for application.

**Requesting the Application.** Interested applicants should request RFA #701-91-038 either by telephone or in writing from the Document Control center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9304.

**Applicant Conference.** An Applicant's Conference will be held on Thursday, January 31, 1991, from 10 a.m. until 12 noon, Lake Austin Financial Plaza Building, 1717 West Sixth Street, Room 407, Austin. The conference will be the single opportunity afforded all interested individuals to ask clarifying questions of Texas Education Agency personnel and review any documents, forms, etc. that have been developed to provide information about the scope of the study.

**Further Information.** For clarifying information please contact Ramona Jo DeValcourt, Adult Education/Employment and Training, Funding and Compliance, at (512) 463-9294.

**Deadline For Submitting Application.** The deadline for submitting an application is 5 p.m., Friday, February 15, 1991.

Issued in Austin, Texas, on January 14, 1991.

TRD-9100532 W. N. Kirby  
Commissioner of Education

Filed: January 16, 1991

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

## Governor's Energy Division Consultant Contract Awards

In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Energy Division furnishes this notice of consultant awards.

**Publication Date.** The consultant proposal request was published in the June 19, 1990, issue of the *Texas Register* (15 TexReg 3593).

**Description of Services.** The request was for consultants to provide energy audits for buildings owned by the state and institutions of higher education, local governments, independent school districts, and others; and the design review for energy efficiency in new state buildings.

**Names and Addresses.** The consultant contracts for energy audits have been awarded to: Kinsman & Associates, 1701 North Greenville Avenue, Suite 600, Richardson, Texas 75081; Energy Engineering Associates Incorporated, 500 Capitol of Texas Highway North, Building 3, Suite 101, Austin, Texas 78746; ACR Engineering, Incorporated, 1414 West Sixth Street, Austin, Texas 78703; Yandell & Hiller, Incorporated, 2100 City Center Tower, 301 Commerce Street, Forth Worth, Texas 76102; Texas Energy Engineering Service, Incorporated, B-127 Capital View Center, 1301 Capitol of Texas Highway, Austin, Texas 78746; EBA Engineering, Incorporated, P.O. Box 9133, 4802 Leopard, Corpus Christi, Texas 78469; Romine, Romine & Burgess, Incorporated, 300 Greenleaf, Fort Worth, Texas 76107; Zuniga Engineering Company, P.O. Box 1788, Laredo, Texas 78044; Goetting and Associates, Incorporated, Renaissance Plaza, 70 NE Loop 410 Suite 500, San Antonio, Texas 78216; Fanning, Fanning and Associates Incorporated, 2555 74th Street, Lubbock, Texas 79423.

The consultant contract for design review has been awarded to: Energy Environment Interface, Incorporated, 1301 Capitol of Texas Highway, Austin, Texas 78746.

**Value and Date of Contracts.** The total dollar value of the energy audit contracts is \$1,900,000. The total dollar value of the design review contract is \$250,000. The contract periods extend from November 1, 1990-August 31, 1991.

Issued in Austin, Texas, on January 14, 1991.

TRD-9100438 Auburn L. Mitchell  
Director, Energy Division  
Governor's Energy Division

Filed: January 14, 1991

For further information, please call: (512) 463-1931



In compliance with the provisions of Texas Civil Statutes, Article 6252-11c, the Governor's Energy Division furnishes this notice of consultant contract awards.

**Publication Date.** The consultant proposal request was published in the June 12, 1990, issue of the *Texas Register* (15 TexReg 3441).

**Description of Services.** The request was for contractors to provide energy efficient design analysis and assistance to independent school districts and their architect/engineers planning new school facilities.

**Names and Addresses.** The consultant contracts have been awarded to: L. M. Holder III, AIA, 4202 Spicewood Springs Road, Suite 214, Austin, Texas 78759; and Waugh Engineering, P.O. Box 160582, Austin, Texas 78716.

**Value and Date Contracts.** The total value of the contracts is \$378, 067. The contract periods extend from October 15, 1990-August 31, 1991, by which date all work associated with these contracts must be completed.

Issued in Austin, Texas, on January 7, 1991.

TRD-9100438 Auburn L. Mitchell  
Director  
Governor's Energy Division

Filed: January 14, 1991

For further information, please call: (512) 463-1931



## Consultant Proposal Request

The deadline for submission of proposals from prospective contractors to provide on-site technical assistance in energy management to Texas school districts as published in the January 15, 1991, issue of the *Texas Register* (16 TexReg 260) is hereby extended from January 23, 1991, to February 8, 1991.

For further information contact Richard Taylor, Program Coordinator, Governor's Energy Management Center, P.O. Box 12428, Austin, Texas 78711.

Issued in Austin, Texas, on January 14, 1991

TRD-9100437 Auburn L. Mitchell  
Director  
Office of the Governor, Energy Division

Filed: January 14, 1991

For further information, please call: (512) 463-1931



## Texas Department of Health Correction of Errors

The Texas Department of Health submitted proposed rules which contained errors as published in the December 18, 1990, issue of the *Texas Register* (15 TexReg 7268).

1. concerning proposed amendments to §§325.91, 325.93, and 325.94 on page 15 TexReg 7270, the section numbers listed in the header information should exclude §325.95, as there is no amendment to that section.

2. Concerning the proposed amendment to §325.91(f) on page 15 TexReg 7271, some of the proposed new language is published in regular print type, but should be in bold print type. The following language in subsection (f) is new:

"Notice must include a description of the location or proposed location of the facility; a statement that a person who may be affected as defined in the act by the facility or proposed facility is entitled to request a hearing from the department; and the manner in which the department may be contacted for further information."

3. Concerning §324.171 on page 15 TexReg 7272, after new subsection (b) there should be a "[a]" to indicate that the language is taken from existing subsection (a).

4. Concerning §325.601 (a)(1) on page 15 TexReg 7273, the language in brackets is not proposed for deletion and, therefore, should not be included in the proposal.

5. Concerning the header information for Subchapter X. Forms and Documents on page 15 TexReg 7275, the section numbers listed should include new §325.901.

The Texas Department of Health submitted a proposed section which contained errors as submitted in the December 18, 1990, issue of the *Texas Register* (15 TexReg 7264).

(1) In §97.63 (d)(2)(D)(ii), on page 15 TexReg 7265, the word "another" is missing between the words "from" and "state". The clause should read as follows: "...school for the first time; or, child/student transfers from another state into a Texas school or child-care facility. For further information ...".

(2) Under §97.63 (d)(3)(F), on page 15 TexReg 7266, both clause (i)(II) and clause (ii)(II) contain incorrect information and should read as follows: "(II) serologic confirmation of rubella immunity;".

## Immunization Rules Public Hearing

The Texas Department of Health has scheduled a public hearing on proposed new §97.63, concerning immunization requirements in Texas elementary and secondary schools and institutions of higher education. The proposed section was published in the December 18, 1990, issue of the *Texas Register* (15 TexReg 7264). The public hearing will be held at 9 a.m., Monday, February 11, 1991, in the Texas Department of Health's auditorium, 1100 West 49th Street, Austin.

Issued in Austin, Texas, on January 16, 1991.

TRD-9100528      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: January 16, 1991

For further information, please call: (512) 458-7455.

## Permit Application for Municipal Solid Waste Site

Jackson County has filed Application Number 2181 with the Texas Department of Health for a permit to operate a proposed Type V municipal solid waste site (transfer station) to be located 2.0 miles east-southeast of the intersection of US 59 and FM 530 in Jackson County.

The site covers approximately 6.9 acres of land, and is to daily receive approximately 35 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health for processing in accordance with the Department's "Municipal Solid Waste Management Regulations". A technical review of the application is being made by the Department's Bureau of Solid Waste Management and various State and local agencies which have a jurisdictional interest.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, or if the Bureau of Solid Waste Management determines that a public hearing should be held, notice of such hearing will be published in a newspaper regularly published or circulated in the county in which the site is located at least 30 days prior to the date of such hearing.

Requests for a public hearing and/or requests for a copy of the application shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management; phone (512) 458-7271.

Issued in Austin, Texas, on January 15, 1991.

TRD-9100522      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: January 16, 1991

For further information, please call: (512) 458-7271.

City of Lubbock has filed Application Number 2182 with the Texas Department of Health for a permit to operate a proposed Type I municipal solid waste site to be located approximately 1.5 miles northeast of the intersection of FM 1264 and FM 2641 in the City of Lubbock, in Lubbock County.

The site covers approximately 278.42 acres of land, and is to daily receive approximately 550 tons of solid waste under the regulatory jurisdiction of the Texas Department of Health for disposal or other processing in accordance with the Department's "Municipal Solid Waste Management Regulations". A technical review of the application is being made by the Department's Bureau of Solid Waste Management and various State and local agencies which have a jurisdictional interest.

No public hearing will be held on this application unless a person affected has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, has suffered or will suffer actual injury or economic damage by the granting of the application. If a hearing is requested by a person affected, or if the Bureau of Solid Waste Management determines that a public hearing should be held, notice of such hearing will be published in a newspaper regularly published or circulated in the county in which the site is located at least 30 days prior to the date of such hearing.

Requests for a public hearing and/or requests for a copy of the application shall be submitted in writing to the Chief, Bureau of Solid Waste Management, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. A copy of the complete application may be reviewed at the Bureau of Solid Waste Management; (512) 458-7271.

Issued in Austin, Texas, on January 15, 1991.

TRD-9100523      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: January 16, 1991

For further information, please call: (512) 458-7271.

## State Department of Highways and Public Transportation Public Hearing Notice

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5, the State Department of Highways and Public Transportation



will hold a series of five public hearings on proposed new §§11. 80-11.90, concerning environmental and public involvement for highway improvement projects. Notice of the proposed adoption of the new sections and their texts were published in the December 14, 1990, issue of the *Texas Register* (15 TexReg 7160).

The dates, places, and locations for the respective hearings are as follows: Thursday, February 7, 1991, Memorial High School, 935 Echo Lane, Houston; Thursday, February 14, 1991, Holiday Inn Center, 6201 East Highway 80, Odessa; Tuesday, February 19, 1991, Corpus Christi Marriott, 707 North Shoreline Drive, Corpus Christi; Thursday, February 21, 1991, Holiday Inn DFW North, 4441 Highway 114 and Esters Boulevard, Irving; and Monday, February 25, 1991, Camp Mabry, 3500 West 35th Street, Academy, Building 82 (The Audie Murphy Building), Austin.

Each hearing will convene at 7 p.m. Those desiring to make oral comments or presentations may register starting at 6:30 p.m. Any interested person may appear and offer comments, either orally or in writing, however, questioning of those making presentations will be reserved exclusively to the presiding officer as may be necessary to ensure a complete record. While any person with pertinent comments will be granted an opportunity to present the, during the course of the hearing, the presiding officer reserves the right to restrict testimony in terms of time and repetitive comment. Organizations, associations, or groups are encouraged to present their commonly held views, and same or similar comments, through a representative member where possible. Comments on the proposed text should include appropriate citations to sections, subsections, paragraphs, etc., for proper reference. Any suggestions or requests for alternative language or other revisions in the proposed text should be submitted in written form.

To assure that all persons who have registered to speak are afforded an opportunity to do so and to avoid undue hardship or inconvenience of conducting the proceedings beyond an unreasonable hour, the presiding officer may recess the hearing and reconvene at 7 p.m. the following evening at a location to be announced upon recess, for the limited purpose of receiving those remaining comments.

Written comments may also be submitted to William A. Lancaster, P.E., Chief Engineer, Highway Design Division, 11th and Brazos Streets, Austin, Texas 78701. Copies of the proposed rules are available from the department's district offices in each of the named cities and from Mr. Lancaster. The deadline for submitting all comments is 5 p.m. on March 31, 1991.

Issued in Austin, Texas, on January 14, 1991.

TRD-9100454 Diane L. Northam  
Legal Administrative Assistant  
State Department of Highways and Public  
Transportation

Filed: January 14, 1991

For further information, please call: (512) 463-8630

## Texas Housing Agency Request for Proposals

The Texas Housing Agency (THA) gives notice of its intention to engage one or more businesses or individuals with qualifications and experience required to produce a professional annual report.

A copy of the complete request for proposal (RFP) and additional information may be obtained by contacting Ka-

ren Johnson Wager, Communications Manager, Texas Housing Agency, 811 Barton Springs Road, Suite 300 (zip 78704), or P.O. Box 13941, Austin, Texas 78711-3941.

**Description.** The type of services required include typesetting, printing, design, illustration of statistical data, and photography. A proposal may be submitted for a portion of the job or for the entire project. Subject to cost and other considerations, 1,500 copies of a two-color, 40-page (finished) report of the agency's financial statement, services, and accomplishments will be produced. The page will contain photos and illustrations.

After a project leader or designer has been identified and an overall design upon agreed, printers, typesetters, and photographers will be asked to submit cost estimates with more precise specifications. Frequent meetings in Austin will be required.

**Selection.** THA will make its selection based upon the experience, perceived stability, ability to meet deadlines, ability to work within a budget, and on the reasonableness of the proposed fee(s) for the services. By this RFP, however, THA has not committed itself to employ any firm for any or all of the preceding matters.

THA reserves the right to negotiate all elements of the submitted proposal to insure that the best possible consideration be afforded to all concerned. THA reserves the right to accept or reject any or all proposals submitted and to re-solicit in such an event. THA's decision on these matters is final. This contract will be awarded on a negotiated basis.

**General Information.** The information contained in this proposal request is not a complete description of the services requested. Anyone desiring to make an offer to perform the services of designer and/or project leader must submit a written proposal (which shall include the information requested in the RFP) to Karen Johnson Wager, Communications Manager, Texas Housing Agency, 811 Barton Spring Road, Suite 300 (zip 78704) or P.O. Box 13941, Austin, Texas 78711-3941, for receipt prior to 5 p.m., February 8, 1991. Anyone desiring to make an offer to perform typesetting, photography, or other services to be selected once precise specifications are available must submit a letter or intent by 5 p.m. February 8, 1991.

Further information about this notice or the RFP may be obtained from Karen Johnson Wager, Communications Manager, by calling (512) 474-2974, extension 109.

Issued in Austin, Texas, on January 15, 1991.

TRD-9100517 Kenneth G. DeJarnett  
Chairman of the Board  
Texas Housing Agency

Filed: January 15, 1991

For further information, please call: (512) 474-2974

## Public Utility Commission of Texas Correction of Error

The Texas Department of Public Safety submitted proposed new sections which contained typographical errors as published in the December 18, 1990, issue of the *Texas Register* (15 TexReg 7310).

In 37 TAC §13.47(f), the word "maintains" was omitted from the last sentence of the subsection. The sentence should read as follows.

"The confidentiality of the patient records shall be respected provided the practitioner maintains separate re-

cords relative to controlled substances respective to the Act."

◆ ◆ ◆  
**Notice of Intent to File Pursuant to  
Public Utility Commission Substantive  
Rule 23.27**

Notice is given to the public of the intent to file with the Public Utility Code Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom service for Shell Development Company, Houston.

**Tariff Title and Number.** Application of Southwestern Bell Telephone Company for Approval of PLEXAR-Custom Service for Shell Development Company. Tariff Control Number 9974.

**The Application.** Southwestern Bell Telephone Company is requesting approval of an addition to the PLEXAR-Custom service for Shell Development Company. The geographic service market for this specific service is the Houston area.

Persons who wish to comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Commission Public Information Section at (512) 458-0256, or (512) 458-0221 for teletypewriter for the deaf.

Issued in Austin, Texas, on January 15, 1991.

TRD-9100504

Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: January 15, 1991

For further information, please call: (512) 458-0100

◆ ◆ ◆  
**State Purchasing and General Services  
Commission**

**Notice of Public Hearing on Proposed  
Rules**

The State Purchasing and General Services Commission will hold a public hearing to receive comments on proposed amendments and new sections to 1 TAC §§113.13, 113.21, 113.23, and 113.25, concerning the purchase of alternative fuel vehicles, and §§125.47, 125.61, 125.63, 125.65, and 125.67, concerning the Texas Alternative Fuels Program. These sections were published as proposed sections in 15 TexReg 7475-7489 on December 25, 1990.

The hearing will be convened at 9 a.m. on February 4, 1991, in Room 402, Central Services Building, 1711 San Jacinto, Austin.

For additional information please contact Judith Monaco Porras at (512) 463-3583.

Issued in Austin, Texas, on January 16, 1991

TRD-9100541

Judith Monaco Porras  
Assistant General Counsel  
State Purchasing and General Services  
Commission

Filed: January 16, 1991

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

**Texas Railroad Commission of Texas  
Correction of Error**

The Railroad Commission of Texas submitted proposed amendments for the January 1, 1991, issue of the *Texas Register* (16 TexReg 33).

Due to an editing error by the Register the word "or" was omitted from 16 TAC §3.14(b)(2)(A)(i). The clause should read as follows.

"(i) provided that the well is in compliance with all other conservation laws and rules of the commission, **has not been inactive for more than 10 years**, and the operator intends to use the wellbore, pays the proper fee as provided in §3.76 of this title (relating to Fees Required to be Filed) (Statewide Rule 78) and obtains a permit for this re-entry; or

(ii)-(iii) (No change.)"

◆ ◆ ◆  
**Texas Water Commission  
Request for Proposals**

The Galveston Bay National Estuary Program (GBNEP) invites interested parties to submit proposals to the Management Conference to accomplish a survey of environmental management activities related to Galveston Bay. This project is part of a National Estuary Program effort leading to drafting of comprehensive conservation and management plan (CCMP) for Galveston Bay.

To obtain a contract scope of services which describes objectives of the study, interested parties should contact the GBNEP. The scope of services was developed by a task force of the Management Conference and is subject to final approval by the GBNEP. All interested contractors responding to this RFP will be supplied with final versions of the scope of services as soon as they are available.

All interested contractors should submit a proposal work plan which details the contractor's proposed approach to the major objectives as stated in the contract scope of services. The proposal work plan should be submitted to the GBNEP Program Office by February 14, 1991. Interested contractors will be required to make a verbal presentation before the Management Committee during the February 21, 1991, meeting. Guidelines for preparation of proposal work plans and verbal presentations will be supplied with the scope of services.

Submit responses to: Galveston Bay National Estuary Program, Attn. Carol Ward, University of Houston-Clear Lake, 2700 Bay Area Boulevard, Box 164, Houston, Texas 77058.

Any questions regarding this project or the review process should be directed to the Galveston Bay National Estuary Program, (712) 283-3950.

Issued in Houston, Texas on January 10, 1991.

TRD-9100432

Frank S. Shibley  
Director, Galveston Bay National Estuary  
Program  
Texas Water Commission

Filed: January 14, 1991

For further information, please call: (713) 283-3950

## West Central Texas Council of Governments

### Request for Proposals

The West Central Texas Council of Governments (WCTCOG) is pursuing the development of a regional solid waste management plan for State Planning and Service Area 7, including Brown, Callahan, Coleman, Comanche, Eastland, Fisher, Haskell, Jones, Kent, Knox, Mitchell, Nolan, Runnel, Scurry, Shackelford, Stephens, Stonewall, Taylor, and Throckmorton counties. The project is to be funded in part by the Texas Department of Health and participating governmental entities within WCTCOG. Consultants will be required to meet the minimum requirement set by 25 TAC Subchapter 0, §325.561, "Guidelines for Regional and Local Solid Waste Management Plans," Texas Department of Health, Bureau of Solid Waste Management, and the terms, conditions, and specifications established in this WCTCOG request for proposals.

To accomplish this regional solid waste management plan, WCTCOG is seeking the professional services of an engineering/planning consultant with a background in solid waste management and regional planning. The scope of

services required of the consultant and the consultant selection criteria are identified in the request for proposal (RFP) available by writing: Alison R. Benton, Economic Development Planner, West Central Texas Council of Governments, 1025 East North Tenth Street, P.O. Box 3195, Abilene, Texas 79604 or by phoning Ms. Benton at (915) 672-8544.

The West Central Texas Council of Governments reserves the right to accept or reject any or all responses to the RFP. The tentative consultant selection schedule is: RFP available—January 15, 1991; consultant proposals—accepted no later than 5 p.m., February 15, 1991; Task Force evaluation—completed February 22, 1991; executive review and consultant selected—February 27, 1991; contract award and initiation of project—March 1, 1991; project completion date—February 29, 1992.

Issued in Abilene, Texas, on January 11, 1991.

TRD-9100446      Brad Helbert  
Executive Director  
West Central Texas Council of  
Governments

Filed: January 14, 1991

For further information, please call: (915) 672-8544



## 1991 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the January-December 1991 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. 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.
1 *Tuesday, January 1	Friday, December 21	Thursday, December 27
Friday, January 4	NO ISSUE PUBLISHED	
2 Tuesday, January 8	Wednesday, January 2	Thursday, January 3
3 Friday, January 11	Monday, January 7	Tuesday, January
4 Tuesday, January 15	Wednesday, January 9	Thursday, January 10
5 Friday, January 18	Monday, January 14	Tuesday, January 15
6 Tuesday, January 22	Wednesday, January 16	Thursday, January 17
Friday, January 25	1990 ANNUAL INDEX	
7 Tuesday, January 29	Wednesday, January 23	Thursday, January 24
8 Friday, February 1	Monday, January 28	Tuesday, January 29
9 Tuesday, February 5	Wednesday, January 30	Thursday, January 31
10 Friday, February 8	Monday, February 4	Tuesday, February 5
11 Tuesday, February 12	Wednesday, February 6	Thursday, February 7
12 Friday, February 15	Monday, February 11	Tuesday, February 12
13 Tuesday, February 19	Wednesday, February 13	Thursday, February 14
14 *Friday, February 22	Friday, February 15	Tuesday, February 19
15 Tuesday, February 26	Wednesday, February 20	Thursday, February 21
16 Friday, March 1	Monday, February 25	Tuesday, February 26
17 Tuesday, March 5	Wednesday, February 27	Thursday, February 28
18 Friday, March 8	Monday, March 4	Tuesday, March 5
19 Tuesday, March 12	Wednesday, March 6	Thursday, March 7
20 Friday, March 15	Monday, March 11	Tuesday, March 12
21 Tuesday, March 19	Wednesday, March 13	Thursday, March 14
22 Friday, March 22	Monday, March 18	Tuesday, March 19
23 Tuesday, March 26	Wednesday, March 20	Thursday, March 21
24 Friday, March 29	Monday, March 25	Tuesday, March 26
25 Tuesday, April 2	Wednesday, March 27	Thursday, March 28
26 Friday, April 5	Monday, April 1	Tuesday, April 2
27 Tuesday, April 9	Wednesday, April 3	Thursday, April 4
28 Friday, April 12	Monday, April 8	Tuesday, April 9
29 Tuesday, April 16	Wednesday, April 10	Thursday, April 11
*Friday, April 19	FIRST QUARTERLY INDEX	

30 Tuesday, April 23	Wednesday, April 17	Thursday, April 18
31 Friday, April 26	Monday, April 22	Tuesday, April 23
32 Tuesday, April 30	Wednesday, April 24	Thursday, April 25
33 Friday, May 3	Monday, April 29	Tuesday, April 30
34 Tuesday, May 7	Wednesday, May 1	Thursday, May 2
35 Friday, May 10	Monday, May 6	Tuesday, May 7
36 Tuesday, May 14	Wednesday, May 8	Thursday, May 9
37 Friday, May 17	Monday, May 13	Tuesday, May 14
38 Tuesday, May 21	Wednesday, May 15	Thursday, May 16
39 Friday, May 24	Monday, May 20	Tuesday, May 21
40 Tuesday, May 28	Wednesday, May 22	Thursday, May 23
41 *Friday, May 31	Friday, May 24	Tuesday, May 28
42 Tuesday, June 4	Wednesday, May 29	Thursday, May 30
43 Friday, June 7	Monday, June 3	Tuesday, June 4
44 Tuesday, June 11	Wednesday, June 5	Thursday, June 6
45 Friday, June 14	Monday, June 10	Tuesday, June 11
46 Tuesday, June 18	Wednesday, June 12	Thursday, June 13
47 Friday, June 21	Monday, June 17	Tuesday, June 18
48 Tuesday, June 25	Wednesday, June 19	Thursday, June 20
49 Friday, June 28	Monday, June 24	Tuesday, June 25
50 Tuesday, July 2	Wednesday, June 26	Thursday, June 27
51 Friday, July 5	Monday, July 1	Tuesday, July 2
Tuesday, July 9	NO ISSUE PUBLISHED	
52 Friday, July 12	Monday, July 8	Tuesday, July 9
53 Tuesday, July 16	Wednesday, July 10	Thursday, July 11
54 Friday, July 19	Monday, July 15	Tuesday, July 16
Tuesday, July 23	SECOND QUARTERLY INDEX	
55 Friday, July 26	Monday, July 22	Tuesday, July 23
56 Tuesday, July 30	Wednesday, July 24	Thursday, July 25
57 Friday, August 2	Monday, July 29	Tuesday, July 30
58 Tuesday, August 6	Wednesday, July 31	Thursday, August 1
59 Friday, August 9	Monday, August 5	Tuesday, August 6
60 Tuesday, August 13	Wednesday, August 7	Thursday, August 8
61 Friday, August 16	Monday, August 12	Tuesday, August 13
62 Tuesday, August 20	Wednesday, August 14	Thursday, August 15
63 Friday, August 23	Monday, August 19	Tuesday, August 20
64 Tuesday, August 27	Wednesday, August 21	Thursday, August 22
65 Friday, August 30	Monday, August 26	Tuesday, August 27
66 Tuesday, September 3	Wednesday, August 28	Thursday, August 29
Friday, September 6	NO ISSUE PUBLISHED	

67 Tuesday, September 10	Wednesday, September 4	Thursday, September 5
68 Friday, September 13	Monday, September 9	Tuesday, September 10
69 Tuesday, September 17	Wednesday, September 11	Thursday, September 12
70 Friday, September 20	Monday, September 16	Tuesday, September 17
71 Tuesday, September 24	Wednesday, September 18	Thursday, September 19
72 Friday, September 27	Monday, September 23	Tuesday, September 24
73 Tuesday, October 1	Wednesday, September 25	Thursday, September 26
74 Friday, October 4	Monday, September 30	Tuesday, October 1
75 Tuesday, October 8	Wednesday, October 2	Thursday, October 3
76 Friday, October 11	Monday, October 7	Tuesday, October 8
Tuesday, October 15	THIRD QUARTERLY INDEX	
77 Friday, October 18	Monday, October 14	Tuesday, October 15
78 Tuesday, October 22	Wednesday, October 16	Thursday, October 17
79 Friday, October 25	Monday, October 21	Tuesday, October 22
80 Tuesday, October 29	Wednesday, October 23	Thursday, October 24
81 Friday, November 1	Monday, October 28	Tuesday, October 29
82 Tuesday, November 5	Wednesday, October 30	Thursday, October 31
83 Friday, November 8	Monday, November 4	Tuesday, November 5
84 Tuesday, November 12	Wednesday, November 6	Thursday, November 7
85 *Friday, November 15	Friday, November 8	Tuesday, November 12
86 Tuesday, November 19	Wednesday, November 13	Thursday, November 14
87 Friday, November 22	Monday, November 18	Tuesday, November 19
88 Tuesday, November 26	Wednesday, November 20	Thursday, November 21
89 Friday, November 29	Monday, November 25	Tuesday, November 26
Tuesday, December 3	NO ISSUE PUBLISHED	
90 Friday, December 6	Monday, December 2	Tuesday, December 3
91 Tuesday, December 10	Wednesday, December 4	Thursday, December 5
92 Friday, December 13	Monday, December 9	Tuesday, December 10
93 Tuesday, December 17	Wednesday, December 11	Thursday, December 12
94 Friday, December 20	Monday, December 16	Tuesday, December 17
95 Tuesday, December 24	Wednesday, December 18	Thursday, December 19
96 *Friday, December 27	Friday, December 20	Monday, December 23
Tuesday, December 31	NO ISSUE PUBLISHED	
1 *Friday, January 3	Friday, December 27	Tuesday, December 31
2 *Tuesday, January 7	Tuesday, December 31	Thursday, January 2
3 Friday, January 10	Monday, January 6	Tuesday, January 7
4 Tuesday, January 14	Wednesday, January 8	Thursday, January 9
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