

# Texas Register

Volume 16, Number 43, June 7, 1991

Pages 3093-3159

## In This Issue...

### **Office of the Governor**

Appointments Made May 13, 1991

3103-Texas Agricultural Finance Authority Board of Directors

Appointments Made May 15, 1991

3103-Texas Higher Education Coordinating Board  
Appointments Made May 17, 1991

3103-Interstate Parole Compact Administrator

3103-Drug Policy Subcommittee of the Governor's Drug Task Force

3103-Texas Growth Fund Board of Trustees  
Appointments Made May 24, 1991

3103-Texas Incentive and Productivity Commission  
Appointments Made May 29, 1991

3103-State Job Training Coordinating Council

3103-Texas Water Commission  
Appointments Made May 31, 1991

3103-151st Judicial District Court of Harris County

3103-Lower Colorado River Authority

3103-Texas State Board of Public Accountancy

3103-Guadalupe-Blanco River Authority Board of Directors

3103-Nueces River Authority Board of Directors

### **Emergency Sections**

Texas Department of Health

3105-Texas Board of Health

State Board of Insurance

3105-Title Insurance

Texas Commission on Jail Standards

3105-Medical Services in County Jails

### **Proposed Sections**

Texas State Board of Pharmacy

3107-Pharmacies (Class A)

Texas Department of Health

3124-Texas Board of Health

Texas Department of Health

3125-Special Supplemental Food Program for Women, Infants, and Children (WIC)

Texas Parks and Wildlife Department

3126-Parks

3126-Fisheries and Wildlife

Texas Air Control Board

3128-General Rules

3128-Control of Air Pollution From Sulfur Compounds

Texas Department of Public Safety

3129-Organization and Administration

Texas Commission on Jail Standards

3130-Compliance and Enforcement

Texas Department of Human Services

3131-Child Protective Services

### **Withdrawn Sections**

State Property Tax Board

3135-Practice and Procedure

CONTENTS CONTINUED INSIDE

## Texas Register

The *Texas Register* (ISSN 362-4781) is published semi-weekly 100 times a year except January 4, July 9, September 6, December 3, December 31, 1991. Issues will be published by the Office of the Secretary of State, 1019 Brazos, Austin, Texas 78711.

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**POSTMASTER:** Please send Form 3579 changes to the *Texas Register*, P.O. Box 13824, Austin, Texas 78711-3824.

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

Governor-Appointments, executive orders, and proclamations

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

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

Proposed Sections-sections proposed for adoption

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

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

Open Meetings-notices of open meetings

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

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

**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

a section of the  
Office of the Secretary of State  
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Subscriptions-one year (96 regular issues), \$90; six months (48 regular issues and two index issues), \$70. Single copies of most issues are available at \$4 per copy.

## **Adopted Sections**

### **Texas Workers' Compensation Commission**

3137-Benefits: General Provisions Applicable to All Benefits

### **Texas Parks and Wildlife Department**

3138-Finance

3140-Parks

### **Texas Commission on Jail Standards**

3141-Classification and Separation of Inmates

3141-Discipline and Grievances in County Jails

### **Texas Department of Human Services**

3142-Reimbursement Methodology for Medical Assistance Programs

## **Open Meetings**

3143-Texas Department of Agriculture

3143-State Bar of Texas

3143-Texas Commission for the Blind

3143-Texas Child Care Development Board

3143-Texas Department of Commerce

3144-State Depository Board

3144-Texas Employment Commission

3144-Governor's Task Force on Revenue

3144-Texas Department of Health

3144-Texas Commission on Human Rights

3144-Texas Department of Human Services

3145-State Board of Insurance

3145-Texas Department of Licensing and Regulation

3146-Texas State Board of Medical Examiners

3146-Texas State Board of Pharmacy

3147-Public Utility Commission of Texas

3147-Texas Department of Public Safety

3147-Texas Low-Level Radioactive Waste Disposal Authority

3147-Railroad Commission of Texas

3148-Texas Rehabilitation Commission

3148-School Land Board

3148-Texas Council Risk Management Fund

3148-Texas Small Business Industrial Development Corporation

3148-University Interscholastic League

3149-University of Texas System

3149-Texas Water Commission

3149-Water Well Drillers Board

3149-Texas Workers' Compensation Commission

3150-Texas Workers' Compensation Insurance Facility

3150-Regional Meetings

## **In Addition**

### **Texas Department of Agriculture**

3153-Request for Pre-Proposals

### **State Banking Board**

3154-Notice of Hearing Cancellation

### **Texas Department of Banking**

3154-Notice of Hearing

### **Office of Consumer Credit Commissioner**

3154-Notice of Rate Ceilings

### **Governor's Energy Office**

3154-Consultant Proposal Request

### **Texas Department of Health**

3155-Agreed Order

3156-Announcement of Grant Funds for Municipal Solid Waste Information Exchange (Peer Match) Program

3156-Emergency Impoundment Order

3156-Intent to Revoke Certificates of Registration

3156-Municipal Solid Waste Composting Demonstration Grants Request for Proposals

3157-Permit Application for Municipal Solid Waste Site Notice of Filing

3156-Revocation of a Radioactive Material License

3156-Schedule for Development and Review of Block Grant Funds

### **North Central Texas Council of Governments**

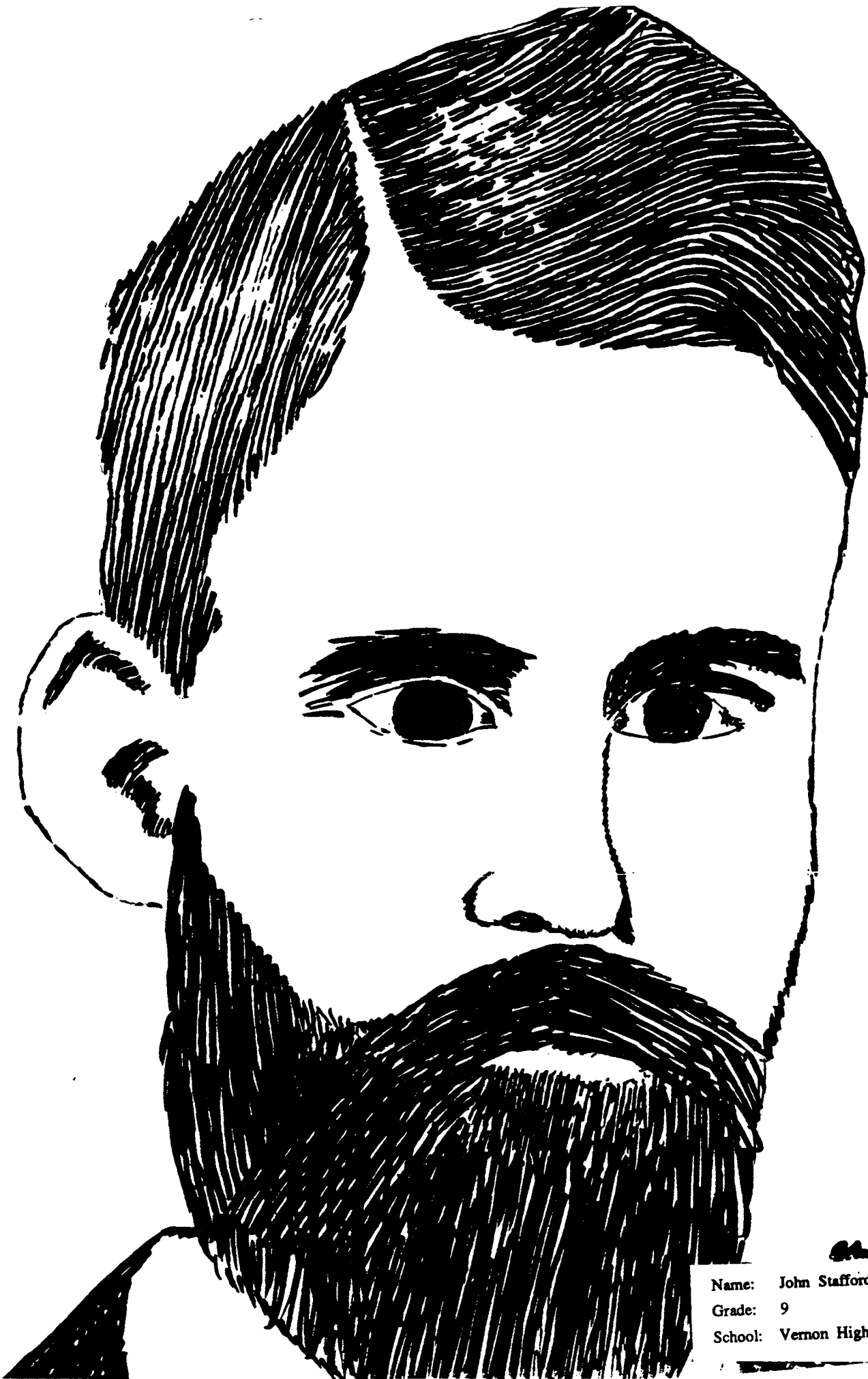
3158-Consultant Contract Award

### **Public Utility Commission of Texas**

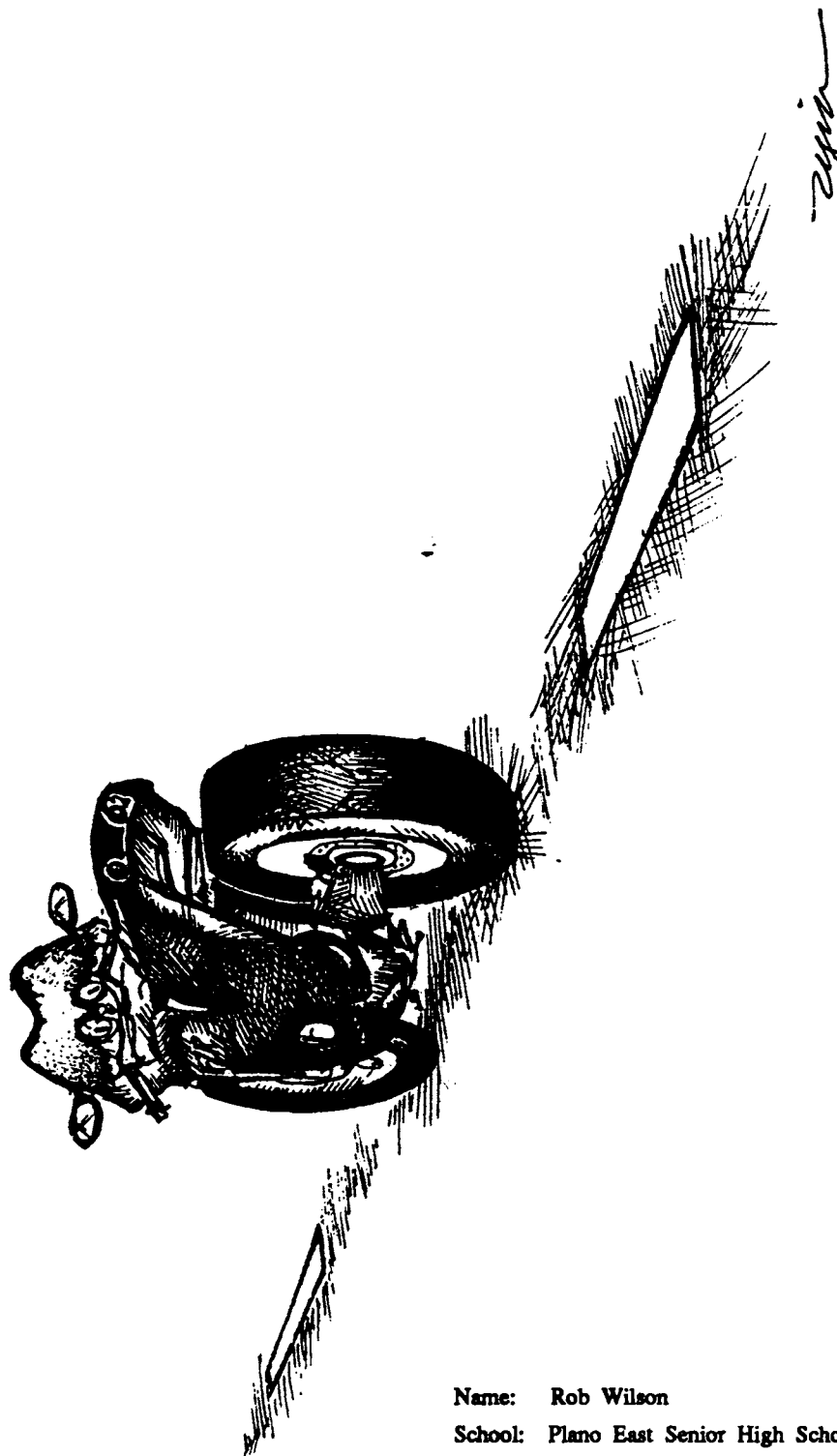
3158-Joint Petition for EMS

### **Texas Water Commission**

3159-Enforcement Order



Name: John Stafford  
Grade: 9  
School: Vernon High School, Vernon ISD



Name: Rob Wilson

School: Plano East Senior High School Plano ISD



Name: Ted Shants

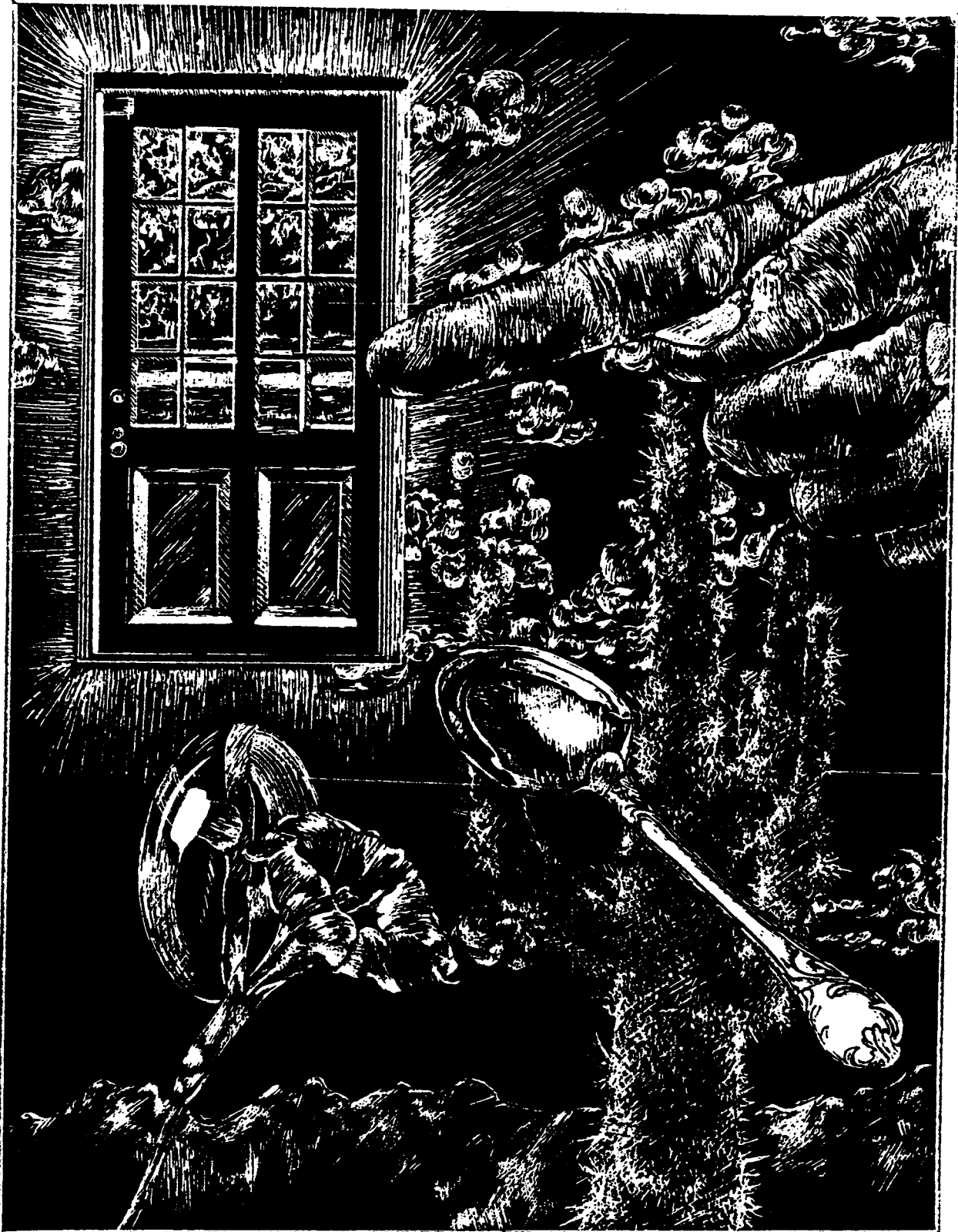
Grade: 12

School: Plano East Senior High, Plano ISD



Name: Damon Stockton

School: Plano East Senior High School Plano ISD



Name: Ginger Strand

School: Plano East Senior High School Plano ISD



# TAC Titles Affected

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## TAC Titles Affected—June

The following is a list of the administrative rules that have been published this month.

### TITLE 4. AGRICULTURE

#### *Part I. Texas Department of Agriculture*

4 TAC §7.10—3033

### TITLE 19. EDUCATION

#### *Part II. Texas Education Agency*

19 TAC §69.1, §69.2—3035

19 TAC §§69.10-69.23—3035

19 TAC §69.101—3035

19 TAC §§69.121-69.129—3035

19 TAC §75.141—3035

19 TAC §§75.311-75.320—3036

19 TAC §§77.21-77.26—3036

19 TAC §77.331—3036

19 TAC §§77.351-77.366, 77.372—3036

19 TAC §§77.391-77.396—3036

19 TAC §77.431—3036

19 TAC §77.451, §77.453—3037

19 TAC §§77.471-77.480—3037

19 TAC §§78.1-78.4—3038

19 TAC §§78.1-78.5—3037

19 TAC §78.10—3038

19 TAC §§78.21-78.25—3027

19 TAC §78.41—3037

19 TAC §§78.61-78.64—3037

19 TAC §78.70—3037

19 TAC §89.1—3038

19 TAC §§89.1-89.16—3040

19 TAC §89.21, §89.22—3039

19 TAC §89.31—3039

19 TAC §89.41, §89.42—3045

19 TAC §89.51, §89.52—3046

19 TAC §§89.51-89.56—3039

19 TAC §§89.71-89.84—3046

19 TAC §§89.71-89.90—3039

19 TAC §§89.111-89.120—3039, 3046

19 TAC §§89.131—3039

19 TAC §89.201, §89.203—3039, 3046

19 TAC §§89.211-89.224, 89.226-89.229, 89.231-89.240, 89.242—3046

19 TAC §§89.211-89.246—3039

19 TAC §§89.250, 89.252-89.254, 89.256, 89.258—3055

19 TAC §§89.250-89.259—3040

19 TAC §§89.291-89.296—3040

19 TAC §89.331—3055

19 TAC §§89.331-89.334—3040

19 TAC §109.61—3055

19 TAC §185.1—3056

19 TAC §§185.10-185.23—3056

19 TAC §185.101—3064

19 TAC §§185.121-185.129—3064

### TITLE 22. EXAMINING BOARDS

#### *Part I. Texas Board of Architectural Examiners*

22 TAC §3.144—3077

#### *Part XV. Texas State Board of Pharmacy*

22 TAC §291.36—3107

#### *Part XXIII. Texas Real Estate Commission*

22 TAC §535.17—3025

22 TAC §535.51—3077

22 TAC §535.71, 535.72—3078

22 TAC §535.91—3025

22 TAC §535.92—3080

22 TAC §535.122—3080

22 TAC §539.81—3026

### TITLE 25. HEALTH SERVICES

#### *Part I. Texas Department of Health*

25 TAC §1.4—3105, 3124

25 TAC §1.5—3124

25 TAC §31.3—3125

## TITLE 28. INSURANCE

### *Part I. State Board of Insurance*

28 TAC §9.11—3105

28 TAC §25.715—3081

### *Part II. Texas Workers' Compensation Commission*

28 TAC §42.110—3026, 3033

28 TAC §126.7—3137

28 TAC §134.400—3028, 3033

28 TAC §134.600—3029

28 TAC §§170.1, 170.2, 170.3—3030

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

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

31 TAC §53.8, §53.10—3138

31 TAC §59.2, §59.3—3140

31 TAC §59.6—3126

31 TAC §65.72—3126

### *Part III. Texas Air Control Board*

31 TAC §101.1—3128

31 TAC §112.6, §112.20—3128

## TITLE 34. PUBLIC FINANCE

### *Part I. Comptroller of Public Accounts*

34 TAC §3.9—3023

### *Part VII. State Property Tax Board*

34 TAC §§165.73-165.78—3135

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### *Part I. Texas Department of Public Safety*

37 TAC §1.231—3129

### *Part IX. Texas Commission on Jail Standards*

37 TAC §271.3—3141

37 TAC §273.5—3105

37 TAC §283.1—3141

37 TAC §297.9—3130

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### *Part I. Texas Department of Human Services*

40 TAC §24.102—3033

40 TAC §24.301—3142

40 TAC §48.2501—3031

40 TAC §§49.1601-49.1603—3131

### *Part IX. Texas Department on Aging*

40 TAC §§259.2-259.4, 259.6, 259.7—3032

# The Governor

As required by Texas Civil Statutes, Article 6252-13a, §6, the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in Chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1814.

## Appointments Made May 13, 1991

To be chairman of the **Texas Agricultural Finance Authority Board of Directors** for a term at the pleasure of the governor: Mary Esther Webb of Cisco. Ms. Webb will be replacing Jerry Harris of Lamesa as Chairman. Mr. Harris is no longer a member of the board.

## Appointments Made May 15, 1991

To be a member of the **Texas Higher Education Coordinating Board** for a term to expire August 31, 1991: Ray E. Santos, M.D., 4512 11th Street, Lubbock, Texas 79416. Dr. Santos will be filling the unexpired term of Jack T. Trotter of Houston who resigned.

## Appointments Made May 17, 1991

To be a member of the **Interstate Parole Compact Administrator** for a term at the pleasure of the governor: Tom Vickers, Director, Criminal Justice Division, Governor's Office, P.O. Box 12428, Austin, Texas 78711. Mr. Vickers will be replacing Knox Fitzpatrick of Dallas whose term expired.

To be chairman of the **Drug Policy Subcommittee of the Governor's Drug Abuse Task Force** for a term at the pleasure of the governor: Arthur "Cappy" Eads, Jr. of Belton.

To be chairman of the **Texas Growth Fund Board of Trustees** for a term to expire February 1, 1993: H. Scott Caven of Houston.

## Appointments Made May 24, 1991

To be a member of the **Texas Incentive and Productivity Commission** for a term to expire February 1, 1993: Beryl P. Crowley, 3202 Clumpgrass, Austin, Texas 78735. Ms. Crowley is being reappointed.

To be a member of the **Texas Incentive and Productivity Commission** for a term to expire February 1, 1993: Ralph Cowen, 3303 Boca Chica, Brownsville, Texas 78520. Mr. Cowen will be replacing Stephen G. Knowles of Austin whose term expired.

## Appointments Made May 29, 1991

To be members of the **State Job Training Coordinating Council** for terms at the pleasure of the governor: Public Member: Antonio Salazar, Jr., Developmental Math Instructor, Amarillo College, 1108 West 18th, Amarillo, Texas 79102, (806) 374-9890 or 371-5092; Private Sector: Martha Hinojosa-Nadler, Southwestern Bell Telephone Company, 712 East Huntland, Room 329, Austin, Texas 78752, (512) 870-4631; Labor/Community Based Organization: Paul Hernandez, Member, Veterans Groups, 1205 South Wall Street, Brady, Texas 76825, (915) 597-1311; Legislature/State Agencies/Local Government/Education: Cassandra Carr, Texas Board of Human Services, 1616 Guadalupe, Room 630, Austin, Texas 78701, (512) 870-3333.

To be chairman of the **Texas Water Commission** for a term at the pleasure of the governor: John L. Hall of Austin. Mr. Hall will be replacing Buck J. Wynne, III as chairman. Mr. Wynne will remain on the commission.

## Appointments Made May 31, 1991

To be judge of the **151st Judicial District Court of Harris County** until the next general election and until her successor shall be duly elected and qualified: Carolyn Clause Garcia, 960 Kirby Drive, Houston, Texas 77019. Ms. Garcia will be replacing Judge Alice Trevathan of Houston who was elevated to the position of chief justice of the First Court of Appeals.

To be a member of the **Lower Colorado River Authority Board of Directors** for a term to expire February 1, 1997: Betty Jo Miller, 502 West Commerce, San Saba,

Texas 76877. Mrs. Miller will be replacing her late husband, Judge Jack B. Miller, on the board.

To be a member of the **Texas State Board of Public Accountancy** for a term to expire January 31, 1997: Vernon Dale Evans, 1900 Ridge Oak, Fort Worth, Texas 76112. Mr. Evans will be replacing Rowland D. Pattillo of Waco whose term expired.

To be a member of the **Texas State Board of Public Accountancy** for a term to expire January 31, 1997: Carmen C. Garcia, 3011 Charter Rock, San Antonio, Texas 78230. Ms. Garcia will be replacing Jarman Bass of Dallas whose term expired.

To be a member of the **Texas State Board of Public Accountancy** for a term to expire January 31, 1997: Cynthia Barnes, 8303 Southwest Freeway, #480, Houston, Texas 77074. Ms. Barnes will be replacing Dwight L. Kinard of Abilene whose term expired.

To be a member of the **Texas State Board of Public Accountancy** for a term to expire January 31, 1997: I. Lee Wilson, 400 Chaparral Lane, Rockwall, Texas 75087. Mr. Wilson is being reappointed.

To be a member of the **Guadalupe-Blanco River Authority Board of Directors** for a term to expire February 1, 1997: John C. Taylor, 51 Spyglass Road, McQueeney, Texas 78123. Mr. Taylor is being reappointed.

To be a member of the **Nueces River Authority Board of Directors** for a term to expire February 1, 1997: Bob Mullen, 1320 Arcadia Drive, Alice, Texas 78332. Mr. Mullen is being reappointed.

To be a member of the **Nueces River Authority Board of Directors** for a term to expire February 1, 1997: Edward M. (Ted) Jones, Route 1, Box 290, Ingleside, Texas 78362. Mr. Jones is being reappointed.

Issued in Austin, Texas, on May 31, 1991.

TRD-9106407

Ann W. Richards  
Governor of Texas





Name: Jason Estes  
Grade: 9  
School: Vernon High School, Vernon ISD

# 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 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 1. Texas Board of Health

##### Procedures and Policies

###### • 25 TAC §1.4

The Texas Department of Health (department) adopts on an emergency basis an amendment to §1.4, concerning committees of the Board of Health (board). The amendment authorizes the department to pay compensatory per diem to members of the Kidney Health Program Advisory Committee (committee) for attending meetings of the committee. The compensatory per diem will be in accordance with the rate set in the General Appropriations Act for each meeting the member attends.

The amendment is adopted on an emergency basis for the following reasons. The department presently pays compensatory per diem to the committee members for attending meetings; however, the state comptroller has advised the department that it is necessary that the board officially adopt a rule authorizing such payments in order for the payments to continue. Such a rule is required by the Health and Safety Code, §11.016, as amended by the 71st Legislature, 1989. The rule needs to be adopted on an emergency basis in order to comply with the requirements of §11.016 and to prevent any interruption in the payment of compensatory per diem to the committee members for attending meetings.

This amendment also is being proposed for permanent adoption in this issue of the *Texas Register*.

The amendment is adopted on an emergency basis under the Health and Safety Code, §11.016, which provides the board with the authority to appoint advisory committees; §12.001, which provides the board with the authority to adopt rules implementing its duties and procedures; Acts of the 71st Legislature, 1989, Chapter 631, §1, which provides the board with the authority to adopt rules authorizing the department to pay compensatory per diem to members of advisory committees appointed to assist the board and the department; and Texas Civil Statutes, Article 6252-13a, §5, which authorize state agencies to adopt rules on an emergency basis.

##### §1.4. Committees.

(a) Board of Health (board) committees. The board will have an executive committee consisting of the chairman, vice

chairman, and secretary. In addition, the chairman will appoint standing and special ad hoc committees of the board to expedite the work of the board.

(b) (No change.)

(c) Compensatory per diem.

(1) The Department of Health (department) is authorized to pay compensatory per diem to members of the Kidney Health Program Advisory Committee which has been appointed to assist the board and the department.

(2) The compensatory per diem shall be \$30 for each meeting a committee member attends.

Issued in Austin, Texas, on June 3, 1991.

TRD-9106451

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

Effective date: June 3, 1991

Expiration date: October 1, 1991

For further information, please call: (512) 458-7236

## TITLE 28. INSURANCE

### Part I. State Board of Insurance

#### Chapter 9. Title Insurance

##### Subchapter A. Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas

###### • 28 TAC §9.11

The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §9.11, for a 60-day period effective June 1, 1991. The text of the new §9.11 was originally published in the February 8, 1991, issue of the *Texas Register* (16 *TexReg* 704).

Issued in Austin, Texas, on May 31, 1991.

TRD-9106391

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: June 1, 1991

Expiration date: July 31, 1991

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

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Texas Commission on Jail Standards

#### Chapter 273. Medical Services in County Jails

##### • 37 TAC §273.5

The Commission on Jail Standards adopts on an emergency basis an amendment to §273.5, concerning suicide prevention plans in county jails. Emergency adoption is necessary to prevent county jails from being noncompliant with minimum jail standards due to an inappropriate deadline for filing suicide prevention plans. This emergency action provides for an immediate extension of the filing deadline from June 1, 1991, to December 31, 1991, to allow for additional legal research to be completed for the commission prior to the finalization of a suicide prevention plan development guide. Failure to extend the June 1, 1991, deadline will unnecessarily prevent local government from operating safe and suitable jails in compliance with minimum jail standards.

The amendment is adopted on an emergency basis under the Government Code, Title 4, Chapter 511, §511.009, which provides the Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails and revise, amend, or change rules and procedures as necessary.

##### §273.5. Suicide Prevention Plan.

(a) (No change.)

(b) The suicide prevention plan shall be filed with the commission for approval by December 31, 1991 [June 1, 1991].

Issued in Austin, Texas, on May 22, 1991.

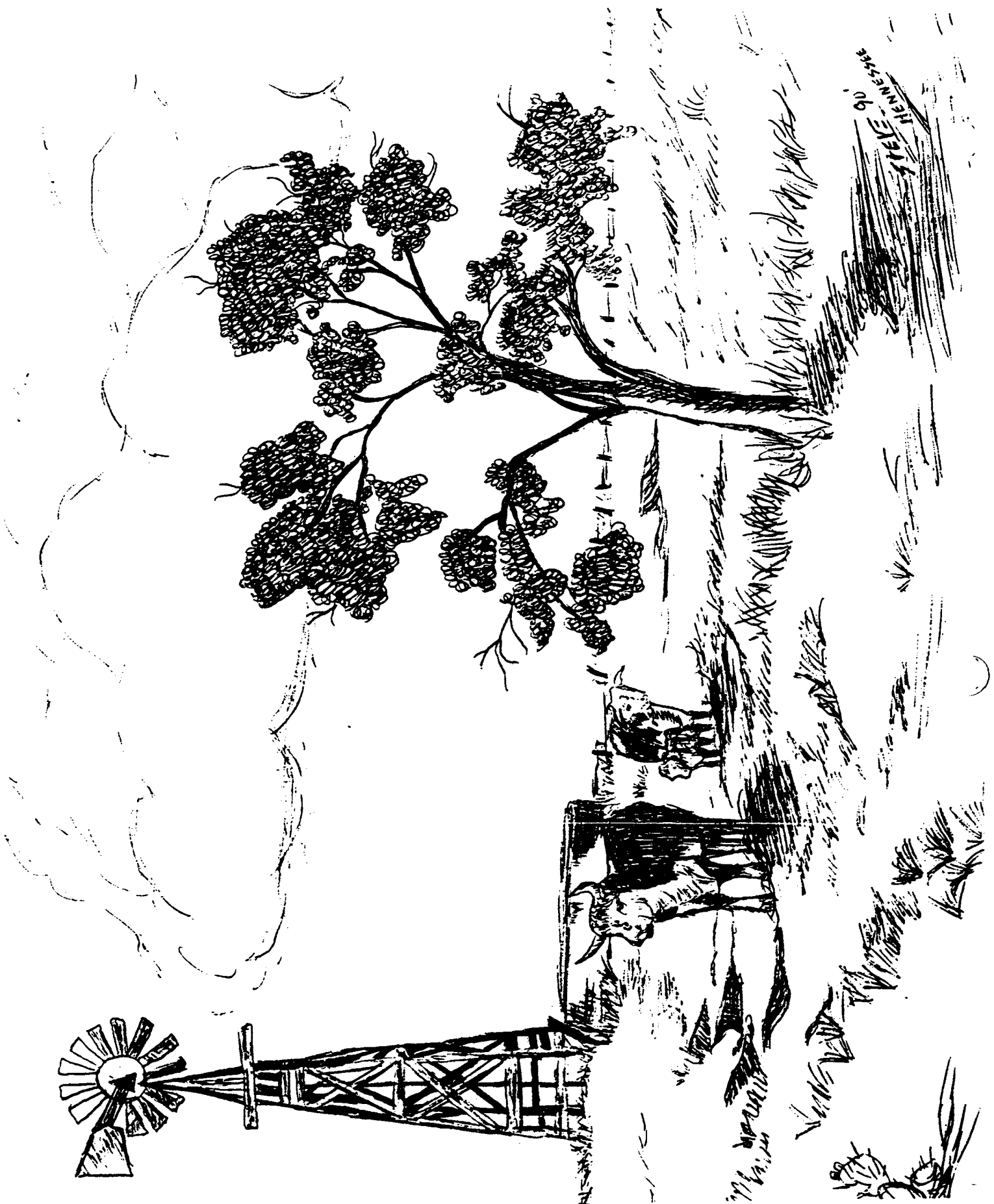
TRD-9106318

Jack E. Crump  
Executive Director  
Texas Commission on Jail Standards

Effective date: May 29, 1991

Expiration date: September 26, 1991

For further information, please call: (512) 463-5505



STEVE HENNESSEE  
90

Name: Steve Hennessee

Grade: 11

School: Vernon High School, Vernon 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 XV. Texas State Board of Pharmacy

#### Chapter 291. Pharmacies

##### Community Pharmacy (Class A)

###### • 22 TAC §291.36

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

The Texas State Board of Pharmacy proposes the repeal of §291.36, concerning Class A pharmacies dispensing compounded sterile enteral and/or parenteral products. The repeal of this section will allow the adoption of new standards for the operation of a Class A pharmacy which compounds sterile pharmaceuticals.

Fred S. Brinkley, Jr., R.Ph., M.B.A., executive director/secretary has determined that there will not be fiscal implications for state or local government as a result of enforcing or administering the repeal of this section.

Mr. Brinkley, also has determined that for each year of the first five years the repeal of the section as proposed is in effect the public benefit anticipated as a result of enforcing the section as proposed will be to allow the adoption of new standards for the operation of these types of facilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., M. B.A., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4594, (512) 832-0661.

The repeal is proposed under the Texas Pharmacy Act (Texas Civil Statutes, Article 45421-a) §§16, 17(b)(2) and (3), and 17(o) which provide the Texas State Board of Pharmacy the authority to adopt rules for the proper administration and enforcement of the Act; specify minimum standards for professional environment, technical equipment, and security in the prescription dispensing areas; specify minimum standards for drug storage, maintenance of prescription drug records and procedures for the delivery, dispensing in a suitable container appropriately labeled, or providing of prescription drugs or devices

within the practice of pharmacy; and establish rules for the use of supportive personnel and the duties of those personnel in pharmacies licensed by the board.

##### §291.36. Class A Pharmacies Dispensing Compounded Sterile Parenteral and/or Eneberal Products.

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

Issued in Austin, Texas, on May 21, 1991.

TRD-9108028

Fred S. Brinkley, Jr.,  
R.Ph., M.B.A.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption: June 28, 1991

For further information, please call: (512) 832-0661

#### Chapter 291. Pharmacies Community Pharmacy (Class A)

##### Community Pharmacy (Class A)

###### • 22 TAC §291.36

The Texas State Board of Pharmacy proposes new §291.36, concerning Class A Pharmacies compounding sterile pharmaceuticals. This new section replaces the previous section which is being proposed for repeal. The new section establishes minimum standards for the operation of this type of pharmacy. These rules are the result of recommendations from a board-appointed Advisory Committee on Sterile Pharmaceuticals. This committee was established by the board to assist the board in its study of this area of practice. The committee was composed of representatives from both large and small facilities which compound sterile pharmaceuticals and included representatives from independent, chain and hospital pharmacies. The committee met four times between October 17, 1990, and March 5, 1991. Many of the recommendations included in these rules were adapted from requirements included in the "Model Rules for Sterile Pharmaceuticals" (adopted by the National Association of Boards of Pharmacy) and the "Standards for Accreditation of Home Care" (adopted by the Joint Commission on Accreditation of Healthcare Organizations). The in-

tent of this committee was to establish standards which provide a minimum level of pharmaceutical care to the patient so that the patient's health is protected while striving to produce positive patient outcomes.

Fred S. Brinkley, Jr., R.Ph., M.B.A., executive director/secretary, 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.

The cost of compliance with the section for small businesses will be the cost to bring an existing pharmacy in compliance with the new standards. This cost will vary depending upon the number of modifications required. The minimum cost would be approximately \$100 which would be the approximate cost to have a laminar airflow hood inspected one additional time each year. The maximum cost would be the amount required to construct a separate room in the pharmacy for the preparation of sterile pharmaceuticals which meets the requirements of the rules. This cost could vary by area and the extent of remodeling but is estimated to be between \$2,000 and \$10,000. The cost of compliance for large businesses is estimated to approximately the same.

Mr. Brinkley, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the protection of the public health through establishment of minimum standards for the operation of this type of pharmacy. The anticipated economic cost to pharmacists who are required to comply with the section as proposed will be the cost to complete the required continued education course once every seven years and is estimated to be approximately \$400.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., M. B.A., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754-4594, (512) 832-0661. A public hearing to receive oral comments on the proposed rules will be held. The date and site for this hearing will be announced as soon as arrangements are completed.

The new section is proposed under the Texas Pharmacy Act Texas Civil Statutes, (Article 45421-a), §§16, 17(b)(2) and (3), and 17(o) which give the Texas State Board of Pharmacy the authority to: adopt rules for the proper administration and enforcement of the Act; specify minimum standards for professional environment, technical equipment, and security in the prescription dispensing areas; specify minimum standards for drug storage, maintenance of prescription drug records and procedures for the delivery, dispensing in a

suitable container appropriately labeled, or providing of prescription drugs or devices within the practice of pharmacy; and establish rules for the use of supportive personnel and the duties of those personnel in pharmacies licensed by the board.

**§291.36. Class A Pharmacies Compounding Sterile Pharmaceuticals.**

(a) Purpose. The purpose of this section is to provide standards for the preparation, labeling, and distribution of compounded sterile pharmaceuticals by licensed pharmacies, pursuant to a prescription drug order. The intent of these standards is to provide a minimum level of pharmaceutical care to the patient so that the patient's health is protected while striving to produce positive patient outcomes.

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

(1) ACPE—The American Council on Pharmaceutical Education.

(2) Act—The Texas Pharmacy Act, Texas Civil Statutes, Article 4542a-1, as amended.

(3) Ancillary supplies—Supplies necessary for the administration of compounded sterile pharmaceuticals.

(4) Authorized agent—An individual under the supervision of a practitioner, designated by the practitioner, and for whom the practitioner assumes legal responsibility, who communicates the practitioner's instructions to the pharmacist.

(5) Automated drug dispensing system—An automated device that measures, counts, and/or packages a specified quantity of dosage units for a designated drug product.

(6) Biological safety cabinet—Containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel, and environment, according to National Sanitation Foundation (NSF) Standard 49.

(7) Board—The Texas State Board of Pharmacy.

(8) Carrying out a prescription drug order—To complete a prescription drug order prescribed by the delegating physician by providing the following information:

(A) patient's name and address;

(B) name, strength, and quantity of the drug to be dispensed;

(C) directions for use;

(D) the name, address, telephone number, and identification number of the registered nurse or physician assistant completing the prescription drug order;

(E) the date; and

(F) the number of refills permitted.

(9) Class 100 environment—An atmospheric environment which contains less than 100 particles 0.5 microns in diameter per cubic foot of air, according to Federal Standard 209B.

(10) Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended, or a drug, immediate precursor, or other substance included in Schedule I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

(11) Cytotoxic—A pharmaceutical that has the capability of killing living cells.

(12) Dangerous drug—Any drug or device that is not included in Penalty Groups 1-4 of the Controlled Substances Act and that is unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription;" or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

(13) Deliver or delivery—The actual, constructive, or attempted transfer of a prescription drug or device or controlled substance from one person to another, whether or not for a consideration.

(14) Device—An instrument, apparatus, implement, machine, contrivance, other similar or related article, including any component part or accessory, that is required under federal or state law to be ordered or prescribed by a practitioner.

(15) Dispense—Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(16) Distribute—The delivery of a prescription drug or device other than by administering or dispensing.

(17) Downtime—Period of time during which a data processing system is not operable.

(18) Enteral—Within or by the way of the intestine.

(19) Facsimile (FAX) prescription drug order—A prescription drug order which is transmitted by an electronic device which sends an exact image to the receiver (pharmacy) over telephone lines.

(20) Full-time pharmacist—A pharmacist who works in a pharmacy from 30 to 40 hours per week or if the pharmacy is open less than 60 hours per week, one-half of the time the pharmacy is open.

(21) Hard-copy—A physical document that is readable without the use of a special device (i.e., cathode ray tube (CRT), microfiche reader, etc).

(22) Medical Practice Act—The Texas Medical Practice Act, Texas Civil Statutes, Article 4495b, as amended.

(23) Original prescription—The:

(A) original written prescription drug orders;

(B) original FAX prescription drug orders; or

(C) original verbal prescription drug orders reduced to writing either manually or electronically by the pharmacist.

(24) Parenteral—Sterile preparations of drugs for injection through one or more layers of the skin.

(25) Part-time pharmacist—A pharmacist who works less than full-time.

(26) Pharmacist-in-charge—The pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(27) Physician assistant—A physician assistant recognized by the Texas State Board of Medical Examiners as having the specialized education and training required under the Medical Practice Act, §3.06(d), and issued an identification number by the Texas State Board of Medical Examiners.

(28) Practitioner—

(A) a physician, dentist, podiatrist, veterinarian, or other person licensed or registered to prescribe, distribute, administer, or dispense a prescription drug or device in the course of professional practice in this state;

(B) a person licensed by another state in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs or a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist, having a current Federal



ral Drug Enforcement Administration registration number, and who may legally prescribe Schedule II, III, IV, or V controlled substances in such other state; or

(C) a person licensed in the Dominion of Canada or the United Mexican States in a health field in which, under the laws of this state, a licensee may legally prescribe dangerous drugs;

(D) does not include a person licensed under the Texas Pharmacy Act.

(29) Repackaging—The act of repackaging and relabeling quantities of drug products from a manufacturer's original commercial container into a prescription container for dispensing by a pharmacist to the ultimate consumer.

(30) Prescription drug—

(A) a substance for which federal or state law requires a prescription before it may be legally dispensed to the public;

(B) a drug or device that under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements:

(i) "Caution: federal law prohibits dispensing without prescription;" or

(ii) "Caution: federal law restricts this drug to use by or on order of a licensed veterinarian;" or

(C) a drug or device that is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by a practitioner only.

(31) Prescription drug order—

(A) a written order from a practitioner or a verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed; or

(B) a written order or a verbal order pursuant to the Medical Practice Act, §3.06(d)(5).

(32) Registered nurse—A registered nurse recognized by the Texas State Board of Nurse Examiners as having the specialized education and training necessary to carry out a prescription drug order and issued an identification number by the Texas State Board of Nurse Examiners.

(33) Sterile pharmaceutical—A dosage form free from living micro-organisms.

(34) Supportive personnel—Those individuals utilized in pharma-

cies whose responsibility it shall be to provide nonjudgmental technical services concerned with the preparation and distribution of drugs under the direct supervision of and responsible to a pharmacist.

(35) Texas Controlled Substances Act—The Texas Controlled Substances Act, Health and Safety Code, Chapter 481, as amended.

(c) Personnel.

(1) Pharmacist-in-charge.

(A) General.

(i) Each Class A pharmacy compounding sterile pharmaceuticals shall have one pharmacist-in-charge who is employed on a full-time basis, who may be the pharmacist-in-charge for only one such pharmacy; provided, however, such pharmacist-in-charge may be the pharmacist-in-charge of more than one Class A pharmacy, if the additional Class A pharmacies are not open to provide pharmacy services simultaneously.

(ii) The pharmacist-in-charge shall comply with the provisions of §291.17 of this title (relating to Controlled Substances Inventory Requirements).

(B) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(i) dispensing of drugs, including the packaging, preparation, compounding, and labeling of the drug;

(ii) delivery of drugs to the patient or the patient's agent;

(iii) assuring that information concerning prescription and over-the-counter drugs is available to the patient when required by law or requested by the patient;

(iv) education and training of pharmacy supportive personnel;

(v) establishment of policies for procurement of prescription drugs and devices and other products dispensed from the Class A pharmacy;

(vi) disposal and distribution of drugs from the Class A pharmacy;

(vii) bulk compounding of drugs;

(viii) preparation and sterilization of sterile pharmaceuticals compounded within the pharmacy;

(ix) admixture of sterile pharmaceuticals, including education and training of personnel concerning incompatibility;

(x) participation in those aspects of the patient care evaluation program relating to pharmaceutical material utilization and effectiveness;

(xi) implementation of the policies and decisions relating to pharmaceutical services;

(xii) storage of all materials, including drugs, chemicals, and biologicals;

(xiii) maintaining records of all transactions of the Class A pharmacy necessary to maintain accurate control over and accountability for all pharmaceutical materials required by applicable state and federal laws and rules;

(xiv) establishment and maintenance of effective controls against the theft or diversion of prescription drugs, and records for such drugs;

(xv) maintenance of records in a data processing system such that the data processing system is in compliance with Class A (community) pharmacy requirements;

(xvi) assuring that the pharmacy has a system to dispose of cytotoxic/biohazardous waste in a manner so as not to endanger the public health; and

(xvii) legal operation of the pharmacy, including meeting all inspection and other requirements of all state and federal laws or sections governing the practice of pharmacy.

(2) Pharmacists.

(A) General.

(i) The pharmacist-in-charge shall be assisted by sufficient number of additional licensed pharmacists as may be required to operate the pharmacy competently, safely, and adequately to meet the needs of the patients of the pharmacy.

(ii) All pharmacists shall assist the pharmacist-in-charge in meeting his or her responsibilities in ordering, dispensing, and accounting for prescription drugs.

(iii) Pharmacists are solely responsible for the direct supervision of supportive personnel and for designating and delegating duties, other than those listed in subparagraph (B) of this paragraph, to supportive personnel. Each pharmacist shall be responsible for any delegated act performed by supportive personnel under his or her supervision.

(iv) All pharmacists while on duty, shall be responsible for complying with all state and federal laws or rules governing the practice of pharmacy.

(B) Duties. Duties which may only be performed by a pharmacist are as follows:

(i) receiving oral prescription drug orders and reducing these orders to writing, either manually or electronically;

- (ii) interpreting prescription drug orders;
- (iii) selection of drug products;
- (iv) interpreting patient profiles, if applicable;
- (v) affixing the label to the prescription container and performing the final check of the dispensed prescription before delivery to the patient; and

(vi) providing information to the patient or patient's agent, at the request of the patient or the patient's agent, or as the pharmacist in his or her professional judgement deems necessary for the proper utilization of the drug or device prescribed.

(C) Special requirements.

(i) All pharmacists who compound sterile pharmaceuticals shall complete a recognized course in an accredited college of pharmacy or a course sponsored by an American Council on Pharmaceutical Education approved provider. The course must provide a minimum of 20 hours in sterile product preparation and must be completed at least every seven years.

(ii) Pharmacists currently preparing sterile pharmaceuticals who have not completed a course as specified, must complete such course by August 31, 1993, or discontinue preparation of sterile pharmaceuticals.

(iii) A pharmacist shall be accessible at all times to respond to patients' and other health professionals' questions and needs. Such access may be through a telephone which is answered 24 hours a day.

(3) Supportive personnel.

(A) Qualifications.

(i) Supportive personnel shall possess the education and training necessary to carry out their responsibilities and shall be qualified to perform the tasks assigned to them.

(ii) Supportive personnel who compound sterile pharmaceuticals must have:

(I) a high school or equivalent education; and

(II) successfully completed a training program which is accredited by the American Society of Hospital Pharmacists.

(B) Duties.

(i) Supportive personnel may not perform any of the duties listed in paragraph (2)(B) of this subsection.

(ii) A pharmacist may delegate to supportive personnel any non-judgmental technical duty associated with the preparation and distribution of prescription drugs provided:

(I) a pharmacist conducts inprocess and final checks; and

(II) supportive personnel are under the direct supervision of and responsible to a pharmacist.

(C) Ratio of pharmacists to supportive personnel.

(i) The ratio of pharmacists to supportive personnel shall be no greater than 1:2, provided that only one supportive person may be engaged in the compounding of sterile pharmaceuticals.

(ii) For the purposes of this subparagraph, supportive personnel are those persons who perform nonjudgmental technical duties associated with the preparation of a prescription drug order.

(D) Training.

(i) Supportive personnel shall complete initial training as outlined by the pharmacist-in-charge in a training manual which includes on-the-job and related education commensurate with the tasks they are to perform, prior to the regular performance of those tasks.

(ii) The pharmacist-in-charge shall assure the continuing competency of supportive personnel through in-service education and training to supplement initial training.

(iii) Supportive personnel who compound sterile pharmaceuticals must complete a minimum of six hours of training in sterile preparation each year.

(iv) A written record of initial and in-service training of supportive personnel shall be maintained and contain the following information:

(I) name of the person receiving the training;

(II) date(s) of the training;

(III) general description of the topics covered;

(IV) name of the person supervising the training; and

(V) signature of the supportive person and the pharmacist-in-charge.

(4) Identification of pharmacy personnel. Supportive personnel and pharmacist interns shall be identified as follows.

(A) Supportive personnel. All supportive personnel shall wear an identification tag or badge which bears the person's name and identifies him or her as a supportive person.

(B) Pharmacist interns. All pharmacist interns shall wear an identification tag or badge which bears the person's name and identifies him or her as a pharmacist intern.

(d) Operational standards.

(1) Licensing requirements.

(A) A Class A pharmacy compounding sterile pharmaceuticals shall register annually with the board on a pharmacy license application provided by the board, following the procedures specified in §291.1 of this title (relating to Pharmacy License Application).

(B) A Class A pharmacy compounding sterile pharmaceuticals which changes ownership shall notify the board within 10 days of the change of ownership and apply for a new and separate license as specified in §291.4 of this title (relating to Change of Ownership).

(C) A Class A pharmacy compounding sterile pharmaceuticals which changes location and/or name shall notify the board within 10 days of the change and file for an amended license as specified in §291.2 of this title (relating to Change of Location and/or Name).

(D) A Class A pharmacy compounding sterile pharmaceuticals owned by a partnership or corporation which changes managing officers shall notify the board in writing of the names of the new managing officers within 10 days of the change, following the procedures in §291.3 of this title (relating to Change of Managing Officers).

(E) A Class A pharmacy compounding sterile pharmaceuticals shall notify the board in writing within 10 days of closing, following the procedures in §291.5 of this title (relating to Closed Pharmacies).

(F) A separate license is required for each principal place of business and only one pharmacy license may be issued to a specific location.

(G) A fee as specified in §291.6 of this title (relating to Pharmacy License Fees) will be charged for the issuance and renewal of a license and the issuance of an amended license.

(H) A Class A pharmacy compounding sterile pharmaceuticals, licensed under the provisions of the Act, §29(b)(1), which also operates another type of pharmacy which would otherwise be required to be licensed under the Act, §29(b)(2) (relating to Nuclear Pharmacy (Class B)), is not required to secure a license for such other type of pharmacy; provided, however, such licensee is required to comply with the provisions of §291.51 of this title (relating to Definitions), §291.52 of this title (relating to Personnel), §291.53 of this title (relating to Operational Standards), and §291.54 of this title (relating to Records), contained in Nuclear Pharmacy (Class B), to the extent such rules are applicable to the operation of the pharmacy.

(2) Environment.

(A) General requirements.

(i) The pharmacy shall be enclosed and lockable.

(ii) The pharmacy shall have adequate space necessary for the storage, compounding, labeling, dispensing, and sterile preparation of drugs prepared in the pharmacy, and additional space, depending on the size and scope of pharmaceutical services.

(iii) The pharmacy shall be arranged in an orderly fashion and shall be kept clean. All required equipment shall be clean and in good operating condition.

(iv) A sink with hot and cold running water, exclusive of restroom facilities, designated primarily for use of admixtures, shall be available within the pharmacy facility to all pharmacy personnel and shall be maintained in a sanitary condition at all times.

(v) The pharmacy shall be properly lighted and ventilated.

(vi) The temperature of the pharmacy shall be maintained within a range compatible with the proper storage of drugs; the temperature of the refrigerator shall be maintained within a range compatible with the proper storage of drugs requiring refrigeration.

(B) Special requirements.

(i) The pharmacy shall have an appropriate aseptic environmental control device(s), such as a laminar air flow hood or biological safety cabinet, which is capable of maintaining at least Class 100 conditions during normal activity. The aseptic environmental control device(s) shall:

(I) be certified by an independent contractor according to Federal Standard 209B or National Sanitation Foundation 49 for operational efficiency at least every six months; and

(II) have prefilters replaced on a regular basis and the replacement date documented.

(ii) The pharmacy shall have a separate designated room for the preparation of sterile pharmaceuticals which shall:

(I) have an controlled environment that is aseptic or contain an aseptic environmental control device(s);

(II) be used only for the compounding of sterile pharmaceuticals;

(III) be designed to avoid outside traffic and air flow;

(IV) have hard cleanable surfaces, walls, floors, and ceilings;

(V) be ventilated in a manner not interfering with aseptic environmental control conditions; and

(VI) contain only the appropriate compounding supplies and not be used for bulk storage for supplies and materials.

(C) Security requirements.

(i) The pharmacy shall have locked storage for Schedule II controlled substances and other controlled drugs requiring additional security.

(ii) All areas occupied by a pharmacy shall be capable of being locked by key or combination, so as to prevent access by unauthorized personnel when a pharmacist is not onsite.

(iii) The pharmacy may authorize personnel to gain access to that area of the pharmacy containing dispensed sterile pharmaceuticals, in the absence of the pharmacist, for the purpose of retrieving dispensed prescriptions to deliver to patients. If the pharmacy allows such after-hours access, the area containing the dispensed sterile pharmaceuticals shall be an enclosed and lockable area separate from the area containing undispensed prescription drugs. A list of the authorized personnel having such access shall be in the pharmacy's policy and procedure manual.

(iv) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of prescription drugs, and records for such drugs.

(3) Prescription dispensing and delivery.

(A) Provision of drug information.

(i) If a prescription drug order is delivered to the patient at the pharmacy, the following is applicable:

(I) To assure the proper utilization of the drug or device prescribed, a pharmacist shall provide to the patient or his or her agent at his or her request or as the pharmacist in his or her professional judgement deems necessary:

(-a-) any information necessary for the proper utilization of the drug or device prescribed, such as the directions for use; and/or

(-b-) any precautions or warnings applicable to the drug or device prescribed, such as warnings of potential harmful effects of combining any product containing alcohol with the drug product prescribed.

(II) So that a patient will have access to information concerning his or her prescription, a prescription may not be delivered to a patient unless a pharmacist is in the pharmacy, except as provided in subclause (III) of this clause.

(III) An agent of the pharmacist may deliver a prescription drug order to the patient or his or her agent during short periods of time when a pharmacist is absent from the pharmacy, provided the short periods of time do not exceed two hours, and provided a record of the delivery is maintained containing the following information:

(-a-) date of the delivery;

(-b-) unique identification number of the prescription drug order;

(-c-) patient's name;

(-d-) patient's phone number or the phone number of the person picking up the prescription; and

(-e-) signature of the person picking up the prescription.

(IV) Any prescription delivered to a patient when a pharmacist is not in the pharmacy must meet the requirements described in subparagraph (B) of this paragraph.

(V) A Class A pharmacy compounding sterile pharmaceuticals that serves walk-in patients shall make available for use by the public, a current or updated edition of the *United States Pharmacopeia Dispensing Information, Volume II (Advice to the Patient)*, or, an-

other source of such information, such as patient information leaflets.

(ii) If a prescription drug order is delivered to the patient or his or her agent at the patient's residence or other designated location, the following is applicable.

(I) The pharmacist shall place on the prescription container or on a separate sheet delivered with the prescription container in both English and Spanish the statement: "A pharmacist is available to answer questions concerning your prescription." This clause does not apply to patients in institutions where drugs are administered to patients by a person authorized to do so by the laws of the state (i.e., nursing homes).

(II) The pharmacist-in-charge shall assure that:

(-a-) adequate storage or shipment containers and shipping processes are used to ensure drug stability and potency; and

(-b-) the pharmacy utilizes a delivery system which is designed to assure that the drugs are delivered to the appropriate patient.

(B) Prescription containers.

(i) A drug dispensed pursuant to a prescription drug order shall be dispensed in a child-resistant container unless:

(I) the patient or the practitioner requests the prescription not be dispensed in a child-resistant container; or

(II) the product is exempted from requirements of the Poison Prevention Packaging Act of 1970.

(ii) A drug dispensed pursuant to a prescription drug order shall be dispensed in an appropriate container as follows.

(I) If a drug is susceptible to light, the drug shall be dispensed in a light-resistant container.

(II) If a drug is susceptible to moisture, the drug shall be dispensed in a tight container.

(III) The container should not interact physically or chemically with the drug product placed in it so as to alter the strength, quality, or purity of the drug beyond the official requirements.

(iii) Prescription containers or closures shall not be re-used.

(C) Labeling. At the time of delivery of the drug, the dispensing container shall bear a label with at least the following information:

(i) name, address, and phone number of the pharmacy, including a phone number which is answered 24 hours a day;

(ii) date dispensed;

(iii) name of prescribing practitioner;

(iv) name of patient;

(v) directions for use, including infusion rate and directions to the patient for the addition of additives, if applicable;

(vi) unique identification number of the prescription;

(vii) name and amount of the base solution and of each drug added unless otherwise directed by the prescribing practitioner.

(I) The name shall be either:

(-a-) the brand name; or

(-b-) if no brand name, then the generic name and name of the manufacturer or distributor of such generic drug. (The name of the manufacturer or distributor may be reduced to an abbreviation or initials, provided the abbreviation or initials are sufficient to identify the manufacturer or distributor. For combination drug products having no brand name, the principal active ingredients shall be indicated on the label.)

(II) The brand name of the prescribed drug shall not appear on the prescription container label unless it is the drug product actually dispensed.

(viii) name or initials of the person preparing the product and the pharmacist who checked and released the final product;

(ix) expiration date of the preparation based on published data;

(x) appropriate ancillary instructions such as storage instructions or cautionary statements, including cytotoxic/biohazardous warning labels where applicable;

(xi) if the prescription is for a Schedule II-IV controlled substance, the statement Caution: "Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed;"

(xii) if the pharmacist has selected a generically equivalent drug pursuant to the provisions of the Act, §40, the statement "Substituted for Brand Prescribed."

(xiii) the name of the registered nurse or physician assistant, if the prescription is carried out by a registered nurse or physician assistant in compliance with the Medical Practice Act, §3.06(d).

(4) Clinical services.

(A) A systematic ongoing process of drug use review shall be designed, followed, and documented to increase the probability of desired patient outcomes and decrease the probability of undesired outcomes from drug therapy.

(B) There must be documentation of ongoing drug therapy monitoring and evaluation, including assessment of:

(i) the therapeutic appropriateness of the patient's drug regimen;

(ii) therapeutic duplication in the patient's drug regimen;

(iii) the appropriateness of the delivery device, dose, frequency, route of administration and compliance;

(iv) potential drug, food, or diagnostic test interactions or disease limitations on drug use (or any combination of these); and

(v) clinical laboratory or clinical monitoring methods to monitor and evaluate drug effectiveness, side effects, toxicity, or adverse effects, and appropriateness to continued use of the drug in its current regimen.

(5) Patient care guidelines.

(A) Primary provider. There shall be a designated physician primarily responsible for the patient's medical care. There shall be a clear understanding between the physician, the patient, and the pharmacy of the responsibilities of each in the areas of the delivery of care, and the monitoring of the patient. This shall be documented in the patient medication record (PMR).

(B) Patient training. A pharmacist must be responsible for assuring that the patient and/or patient's caregiver receives information regarding drugs and their safe and appropriate use, including instruction regarding:

(i) appropriate disposition of hazardous solutions and ancillary supplies;

(ii) proper disposition of controlled substances in the home;

(iii) self-administration of drugs, where appropriate;

(iv) emergency procedures, including how to contact an appropriate individual in the event of problems or emergencies related to drug therapy; and

(v) if the patient or patient's caregiver prepares sterile preparations in the home, the following additional information shall be provided:

(I) safeguards against microbial contamination including aseptic techniques for compounding intravenous admixtures and aseptic techniques for injecting additives to premixed intravenous solutions;

(II) appropriate storage methods, including storage durations for sterile pharmaceuticals and expirations of self-mixed solutions;

(III) handling and disposition of premixed and self-mixed intravenous admixtures; and

(IV) proper disposition of intravenous admixture compounding supplies such as syringes, vials, ampules, and intravenous solution containers.

(C) Pharmacist-patient relationship. It is imperative that a pharmacist-patient relationship be established and maintained throughout the patient's course of therapy. This shall be documented in the patient's medication record (PMR).

(D) Patient monitoring. The pharmacist shall ensure that:

(i) the patient's response to drug therapy is monitored and conveyed to the appropriate health care provider; and

(ii) the first dose of any new drug therapy is administered in the presence of an individual qualified to monitor for and respond to adverse drug reactions.

(6) Equipment and supplies. Class A pharmacies compounding sterile pharmaceuticals shall have the following equipment and supplies:

(A) typewriter or comparable equipment;

(B) refrigerator, with a device which is capable of recording temperature;

(C) adequate supply of child-resistant, light-resistant, and tight containers;

(D) adequate supply of prescription, poison, and other applicable labels;

(E) appropriate equipment necessary for the proper preparation of prescription drug orders;

(F) metric-apothecary weight and measure conversion charts;

(G) if the community pharmacy compounds prescription drug orders which require the use of a balance, a Class A prescription balance, or analytical balance and weights. Such balance shall be properly maintained and inspected at least every three years by the appropriate authority as prescribed by local, state, or federal law or regulations.

(H) appropriate disposal containers for used needles, syringes, etc., and if applicable, cytotoxic waste from the preparation of chemotherapeutic agents, and/or biohazardous waste;

(I) temperature controlled delivery containers;

(J) infusion devices, if applicable;

(K) all necessary supplies, including:

(i) disposable needles, syringes, and other supplies for aseptic mixing;

(ii) disinfectant cleaning solutions;

(iii) hand washing agents with bacteriocidal action;

(iv) disposable, lint free towels or wipes;

(v) appropriate filters and filtration equipment;

(vi) cytotoxic/biohazardous spill kits, if applicable; and

(vii) disposable masks, caps, gowns, and gloves.

(7) Library. A reference library shall be maintained which includes the following:

(A) current copies of the following:

(i) Texas Pharmacy Act and rules;

(ii) Texas Dangerous Drug Act and rules;

(iii) Texas Controlled Substances Act and rules; and

(iv) Federal Controlled Substances Act and rules (or official publication describing the requirements of the Federal Controlled Substances Act and rules);

(B) at least one current or updated reference from each of the following categories:

(i) patient information:

(I) United States Pharmacopeia Dispensing Information, Volume II (Advice to the Patient); or

(II) a reference text or information leaflets which provide patient information;

(ii) drug interactions. A reference text on drug interactions, such as Phillip D. Hansten's Drug Interactions;

(iii) general information:

(I) facts and comparisons with current supplements;

(II) United States Pharmacopeia Dispensing Information, Volume I (Drug Information f);

(III) American Hospital Formulary Service with current supplements; or

(IV) Remington's Pharmaceutical Sciences;

(iv) sterile pharmaceuticals. A reference text on injectable drug products, such as Handbook on Injectable Drug Products;

(C) if the pharmacy prepares cytotoxic drugs, a reference text on the preparation of cytotoxic drugs, such as Procedures for Handling Cytotoxic Drugs;

(D) patient education manuals; and

(E) basic antidote information and the telephone number of the nearest regional poison control center.

(8) Drugs.

(A) Procurement and storage.

(i) The pharmacist-in-charge shall have the responsibility for the procurement and storage of drugs, but may receive input from other appropriate staff relative to such responsibility.

(ii) Prescription drugs and devices shall be stored within the prescription department or a locked storage area.

(iii) All drugs shall be stored at the proper temperature, as defined by the following terms:

(I) controlled room-temperature maintained thermostatically between 15 and 30 degrees Celsius (59 and 86 degrees Fahrenheit);

(II) cool-temperature between 8 and 15 degrees Celsius (46 and 59 degrees Fahrenheit) which may, alternatively, be stored in a refrigerator unless otherwise specified on the labeling;

(III) refrigerate-temperature maintained thermostatically between 2 and 8 degrees Celsius (36 and 46 degrees Fahrenheit); and

(IV) freeze-temperature maintained thermostatically between -20 and -10 degrees Celsius (-4 and 14 degrees Fahrenheit).

(B) Out-of-date drugs or devices.

(i) Any drug or device bearing an expiration date shall not be dispensed beyond the expiration date of the drug or device.

(ii) Outdated drugs or devices shall be removed from dispensing stock and shall be quarantined together until such drugs or devices are disposed of properly.

(C) Cytotoxic/biohazardous drugs. The following additional requirements are necessary for those pharmacies that prepare cytotoxic/biohazardous drugs.

(i) A vertical flow biological safety cabinet in which only cytotoxic/biohazardous products may be compounded.

(ii) All personnel involved in the preparation of cytotoxic/biohazardous products shall wear protective apparel including disposable masks, gloves, and gowns with tight cuffs.

(iii) Appropriate safety and containment techniques for compounding cytotoxic/biohazardous drugs shall be used in conjunction with aseptic techniques required for preparing sterile pharmaceuticals.

(iv) Disposal of cytotoxic/biohazardous waste shall comply with all applicable local, state, and federal requirements.

(v) Prepared doses of cytotoxic/biohazardous drugs must be dispensed, labeled with proper precautions inside and outside, and shipped in a manner to minimize patient contact with cytotoxic/biohazardous agents.

(9) Prepackaging of drugs and loading bulk drugs into automated drug dispensing systems.

(A) Prepackaging of drugs.

(i) Drugs may be prepackaged in quantities suitable for internal distribution only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(ii) The label of a pre-packaged unit shall indicate:

(I) brand name and strength of the drug; or if no brand name then the generic name, strength, and name of the manufacturer or distributor;

(II) facility's lot number;

(III) expiration date; and

(IV) quantity of the drug, if the quantity is greater than one.

(iii) Records of prepackaging shall be maintained to show:

(I) name of the drug, strength, and dosage form;

(II) facility's lot number;

(III) manufacturer or distributor;

(IV) manufacturer's lot number;

(V) expiration date;

(VI) quantity per pre-packaged unit;

(VII) number of pre-packaged units;

(VIII) date packaged;

(IX) name or initials of the packer; and

(X) signature of the responsible pharmacist.

(iv) Stock packages, re-packaged units, and control records shall be quarantined together until checked/released by the pharmacist.

(B) Loading bulk drugs into automated drug dispensing systems.

(i) Automated drug dispensing systems may be loaded with bulk drugs only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(ii) The label of an automated drug dispensing system container shall indicate the brand name and strength of the drug; or if no brand name, then the generic name, strength, and name of the manufacturer or distributor.

(iii) Records of loading bulk drugs into an automated drug dispensing system shall be maintained to show:

(I) name of the drug, strength, and dosage form;

(II) manufacturer or distributor;

(III) manufacturer's lot number;

(IV) expiration date;

(V) quantity added to the automated drug dispensing system;

(VI) date of loading;

(VII) name or initials of the person loading the automated drug dispensing system; and

(VIII) signature of the responsible pharmacist.

(iv) The automated drug dispensing system shall not be used until a pharmacist verifies that the system is properly loaded and affixes his or her signature to the record specified in clause (iii) of this subparagraph.

(10) Quality control and quality assurance procedures.

(A) Quality control. There shall be a documented, ongoing quality control program that monitors and evaluates personnel performance, equipment, and facilities. Procedures shall be in place to assure that the pharmacy is capable of consistently preparing pharmaceuticals which are sterile and stable. Quality control procedures shall include, but are not limited to, the following:

(i) recall procedures;

(ii) storage and dating;

(iii) documentation of appropriate functioning of refrigerator, freezer, and other equipment;

(iv) documentation of aseptic environmental control device(s) certification at least every six months and the regular replacement of prefilters;

(v) a process to evaluate and confirm the quality of the prepared pharmaceutical product; and

(vi) if bulk compounding of parenteral solutions is performed utilizing non-sterile chemicals, extensive end product testing, as referenced in Remington's Pharmaceutical Sciences, must be documented prior to the release of the

product from quarantine. This process must include appropriate tests for particulate matter and testing for pyrogens.

(B) Quality assurance.

(i) There shall be a documented, ongoing quality assurance program for monitoring and evaluating personnel performance and patient outcomes to assure an efficient drug delivery process, patient safety, and positive clinical outcomes.

(ii) There shall be documentation of quality assurance audits at regular, planned intervals including infection control, sterile technique, delivery systems/times, order transcription accuracy, drug administration systems, adverse drug reactions and drug therapy appropriateness.

(iii) A plan for corrective action of problems identified by quality assurance audits shall be developed which includes procedures for documentation of identified problems and action taken.

(iv) A periodic evaluation of the effectiveness of the quality assurance activities shall be completed and documented.

(e) Records.

(1) Maintenance of records.

(A) Every inventory or other record required to be kept under this section shall be kept by the pharmacy and be available, for at least two years from the date of such inventory or record, for inspecting and copying by the board or its representative, and other authorized local, state, or federal law enforcement agencies.

(B) Records of controlled substances listed in Schedules I and II shall be maintained separately from all other records of the pharmacy.

(C) Records of controlled substances, other than original prescription drug orders, listed in Schedules III-V shall be maintained separately or readily retrievable from all other records of the pharmacy. For purposes of this subsection, "readily retrievable" means that the controlled substances shall be asterisked, redlined, or in some other manner readily identifiable apart from all other items appearing on the record.

(D) Records, except when specifically required to be maintained in original or hard-copy form, may be maintained in an alternative data retention system, such as a data processing system or direct imaging system provided:

(i) the records maintained in the alternative system contains all of the information required on the manual record; and

(ii) the data processing system is capable of producing a hard-copy of the record upon the request of the board, its representative, or other authorized local, state, or federal law enforcement or regulatory agencies.

(2) Prescriptions.

(A) Professional responsibility. Pharmacist shall exercise sound professional judgement with respect to the accuracy and authenticity of any prescription drug order they dispense. If the pharmacist questions the accuracy or authenticity of a prescription drug order, he/she shall verify the order with the practitioner prior to dispensing.

(B) Written prescription drug orders.

(i) Practitioner's signature. Written prescription drug orders shall be manually signed by the practitioner (electronically produced or rubber stamped signatures may not be used).

(I) A practitioner may sign a prescription drug order in the same manner as he would sign a check or legal document, e.g., J. H. Smith or John H. Smith.

(II) The prescription drug order may not be signed by a practitioner's agent but may be prepared by an agent for the signature of a practitioner. However, the prescribing practitioner is responsible in case the prescription drug order does not conform in all essential respects to the law and regulations.

(ii) Required prescription drug order format.

(I) A pharmacist may not dispense a written prescription drug order issued in Texas unless it is ordered on a form containing two signature lines of equal prominence, side by side, at the bottom of the form. Under either signature line shall be printed clearly the words "product selection permitted," and under the other signature line shall be printed clearly the words "dispense as written."

(II) The two signature line requirement does not apply to the following types of prescriptions drug orders:

(-a-) prescription drug orders issued by a practitioner in a state other than Texas;

(-b-) prescription drug orders for dangerous drugs issued by a practitioner in the United Mexican States or the Dominion of Canada; and

(-c-) prescription drug orders issued by practitioners practicing in a federal facility provided they are acting in the scope of their employment.

(iii) Preprinted prescription drug order forms. No prescription drug order form furnished to a practitioner shall contain a preprinted order for a drug product by brand name, generic name, or manufacturer.

(iv) Prescription drug orders written by practitioners in another state.

(I) Dangerous drug prescription orders. A pharmacist may dispense a prescription drug order for dangerous drugs issued by practitioners in a state other than Texas in the same manner as prescription drug orders for dangerous drugs issued by practitioners in Texas are dispensed.

(II) Controlled substance prescription drug orders. A pharmacist may dispense prescription drug orders for controlled substances in Schedule III, IV, or V issued by a practitioner in another state provided:

(-a-) the prescription drug order is an original written prescription issued by a person practicing in another state and licensed by another state as a physician, dentist, veterinarian, or podiatrist, who has a current federal drug enforcement administration registration number, and who may legally prescribe Schedule III, IV, or V controlled substances in such other state;

(-b-) the prescription drug order is not dispensed or refilled more than six months from the initial date of issuance and may not be refilled more than five times; and

(-c-) if there are no refill instructions on the original written prescription drug order (which shall be interpreted as no refills authorized) or if all refills authorized on the original written prescription drug order have been dispensed, a new written prescription drug order is obtained from the prescribing practitioner prior to dispensing any additional quantities of controlled substances.

(v) Prescription drug orders written by practitioners in the United Mexican States or the Dominion of Canada.

(I) Controlled substance prescription drug orders. A pharmacist may not dispense a prescription drug order for a Schedule II, III, IV, or V controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States.

(II) Dangerous drug prescription drug orders. A pharmacist may dispense a dangerous drug prescription issued by a person licensed in the Dominion of Canada or the United Mexican States as

a physician, dentist, veterinarian, or podiatrist provided:

(-a-) the prescription drug order is an original written prescription; and

(-b-) if there are no refill instructions on the original written prescription drug order (which shall be interpreted as no refills authorized) or if all refills authorized on the original written prescription drug order have been dispensed, a new written prescription drug order shall be obtained from the prescribing practitioner prior to dispensing any additional quantities of dangerous drugs.

(vi) Prescription drug orders carried out by a registered nurse or physician assistant.

(I) A pharmacist may dispense a prescription drug order for a dangerous drug which is carried out by a registered nurse or physician assistant provided:

(-a-) the prescription is for a dangerous drug and not for a controlled substance; and

(-b-) the registered nurse or physician assistant is practicing in accordance with the Medical Practice Act, §3.06(d).

(II) Each practitioner shall designate in writing the name of each registered nurse or physician assistant authorized to carry out a prescription drug order pursuant to the Medical Practice Act, §3.06(d). A list of the registered nurses or physician assistants designated by the practitioner must be maintained in the practitioner's usual place of business. On request by a pharmacist, a practitioner shall furnish the pharmacist with a copy of the written authorization for a specific registered nurse or physician assistant.

(vii) Prescription drug orders for Schedule II controlled substances. No Schedule II controlled substance may be dispensed without a written prescription drug order of a practitioner on a triplicate prescription form as required by the Texas Controlled Substances Act, §481.075.

(C) Verbal prescription drug orders.

(i) A verbal prescription drug order from a practitioner or a practitioner's designated agent may only be received by a pharmacist or a pharmacist-intern under the direct supervision of a pharmacist.

(ii) A practitioner shall designate in writing the name of each agent authorized by the practitioner to communicate prescriptions verbally for the practitioner.

The practitioner shall maintain at the practitioner's usual place of business a list of the designated agents. The practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a specific agent on the pharmacist's request.

(iii) If a prescription drug order is transmitted to a pharmacist verbally, the pharmacist shall note any substitution instructions by the practitioner or practitioner's agent on the file copy of the prescription drug order. Such file copy may follow the two-line format indicated in subparagraph (B)(ii) of this paragraph, or any other format that clearly indicates the substitution instructions.

(iv) A pharmacist may not dispense a verbal prescription drug order for a Schedule III, IV, or V controlled substance issued by a practitioner licensed in another state unless the practitioner is also registered under the Texas Controlled Substances Act.

(v) A pharmacist may not dispense a verbal prescription drug order for a dangerous drug or a controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States unless the practitioner is also licensed in Texas.

(D) Facsimile (FAX) prescription drug orders. For the purpose of this subparagraph, FAX prescription drug orders shall be considered the same as verbal prescription drug orders communicated by telephone.

(i) A FAX prescription drug order may only be transmitted by a practitioner or a practitioner's designated agent directly pharmacy.

(ii) A practitioner shall designate in writing the name of each agent authorized by the practitioner to FAX prescriptions for the practitioner. The practitioner shall maintain at the practitioner's usual place of business a list of the designated agents. The practitioner shall provide a pharmacist with a copy of the practitioner's written authorization for a specific agent on the pharmacist's request.

(iii) A FAX prescription drug order may be initially dispensed only by the pharmacy indicated on the face of the prescription as being the pharmacy to which the prescription drug order was transmitted.

(iv) A pharmacist may not dispense a FAX prescription drug order for a:

(I) Schedule II controlled substance;

(II) Schedule III, IV, or V controlled substance issued by a practitioner licensed in another state unless the

practitioner is also registered under the Texas Controlled Substances Act; or

(III) dangerous drug or controlled substance issued by a practitioner licensed in the Dominion of Canada or the United Mexican States unless the practitioner is also licensed in Texas.

(v) The practitioner or practitioner's agent shall note any substitution instructions on the FAX prescription drug order. Such FAX prescription drug order may follow the two-line format indicated in subparagraph (B)(ii) of this paragraph or any other format that clearly indicates the substitution instructions.

(E) Authorization for substitution.

(i) A pharmacist may dispense a generically equivalent drug product if:

(I) the generic product cost the patient less than the prescribed drug product;

(II) the patient does not refuse the substitution; and

(III) the prescribing practitioner authorizes the substitution of a generically equivalent product; or

(IV) the practitioner or practitioner's agent does not clearly indicate that the verbal or FAX prescription drug order shall be dispensed as ordered.

(ii) Practitioners shall indicate their dispensing instructions by signing on either the "Dispense as Written" or "Product Selection Permitted" line on the prescription drug order. If the practitioner's signature does not clearly indicate the prescription drug order shall be dispensed as written, the pharmacist may substitute a generically equivalent drug product.

(iii) A pharmacist may not substitute on prescription drug orders identified in subparagraph (B)(ii) of this paragraph unless the practitioner has authorized substitution on the prescription drug order.

(iv) If the practitioner has not authorized substitution on the written prescription drug order, a pharmacist shall not substitute a generically equivalent drug product unless:

(I) the pharmacist obtains verbal or written authorization from the practitioner (such authorization shall be noted on the original prescription drug order); or



(II) the pharmacist obtains written documentation regarding substitution requirements from the State Board of Pharmacy in the state, other than Texas, in which the prescription drug order was issued. The following is applicable concerning this documentation.

(-a-) The documentation shall state that a pharmacist may substitute on a prescription drug order issued in such other state unless the practitioner prohibits substitution on the original prescription drug order.

(-b-) The pharmacist shall note on the original prescription drug order the fact that documentation from such other state board of pharmacy is on file.

(-c-) Such documentation shall be updated yearly.

(F) Original prescription drug order records.

(i) Original prescriptions shall be maintained by the pharmacy in numerical order and remain legible for a period of two years from the date of filling or the date of the last refill dispensed. If original FAX prescription drug orders are reproduced on standard paper, the original FAX prescription drug order must be attached to the reproduced copy.

(ii) If an original prescription drug order is changed, such prescription order shall be invalid and of no further force and effect; if additional drugs are to be dispensed, a new pdrug order with a new and separate number is required.

(iii) Original prescriptions shall be maintained in one of the following formats:

(I) in three separate files as follows:

(-a-) prescriptions for controlled substances listed in Schedule II;

(-b-) prescriptions for controlled substances listed in Schedule III- V; and

(-c-) prescriptions for dangerous drugs and non-prescription drugs; or

(II) within a patient medication record system provided that original prescriptions for controlled substances are maintained separate from original prescriptions for non-controlled substances and triplicate prescriptions for Schedule II controlled substances are maintained separate from all other original prescriptions.

(iv) Original prescription records other than triplicate prescriptions

may be stored on microfilm, microfiche, or other system which is capable of producing a direct image of the original prescription record, e.g., digitalized imaging system. If original prescription records are stored in a direct imaging system, the following is applicable.

(I) The record of refills recorded on the original prescription must also be stored in this system.

(II) The original prescription records must be maintained in numerical order and as specified in clause (iii) of this subparagraph.

(III) The pharmacy must provide immediate access to equipment necessary to render the records easily readable.

(G) Prescription drug order information.

(i) All original prescriptions shall bear:

(I) name of the patient;

(II) address of the patient; provided, however, a prescription for a dangerous drug is not required to bear the address of the patient if such address is readily retrievable on another appropriate, uniformly maintained pharmacy record, such as medication records;

(III) name, and if for a controlled substance, the address and DEA registration number of the practitioner;

(IV) name and strength of the drug prescribed;

(V) quantity prescribed;

(VI) directions for use;

(VII) date of issuance; and

(VIII) if telephoned to the pharmacist by a designated agent, the full name of the designated agent.

(ii) All original prescriptions for dangerous drugs carried out by a registered nurse or physician assistant in accordance with the Medical Practice Act, §3.06(d) shall bear:

(I) name and address of the patient;

(II) name, address, telephone number, and original signature of the practitioner;

(III) name, identification number, and original signature of the registered nurse or physician assistant;

(IV) name, strength, and quantity of the dangerous drug;

(V) directions for use;

(VI) date of issuance; and

(VII) number of refills authorized.

(iii) All original FAX prescription drug orders shall bear:

(I) name of the patient;

(II) address of the patient; provided, however, a prescription for a dangerous drug is not required to bear the address of the patient if such address is readily retrievable on another appropriate, uniformly maintained pharmacy record, such as patient medication records;

(III) name and strength of the drug prescribed;

(IV) quantity prescribed;

(V) directions for use;

(VI) date of issuance; and

(VII) the following information, placed on the face of the prescription drug order by the practitioner or practitioner's agent prior to transmission:

(-a-) a statement which indicates that the prescription has been FAXed, (e.g., FAXed to:);

(-b-) name, address, and FAX number of the pharmacy to which the prescription was transmitted;

(-c-) telephone number of the prescribing practitioner;

(-d-) date the prescription drug order was FAXed to the pharmacy if different from the date of issuance of the prescription; and

(-e-) if transmitted by a designated agent, the full name of the designated agent.

(iv) At the time of dispensing, a pharmacist is responsible for the addition of the following information to the original prescription:

(I) unique identification number of the prescription drug order;

(II) initials or identification code of the person who compounded the sterile pharmaceutical and the pharmacist who checked and released the product;

(III) name, quantity, lot number, and expiration date of each product used in compounding the sterile pharmaceutical; and

(IV) date of dispensing, if different from the date of issuance.

(H) Refills.

(i) Refills may be dispensed only in accordance with the prescriber's authorization as indicated on the original prescription drug order. Such refills may be indicated as authorization to refill the prescription drug order a specified number of times or for a specified period of time period, such as the duration of therapy.

(ii) If there are no refill instructions on the original prescription drug order (which shall be interpreted as no refills authorized) or if all refills authorized on the original prescription drug order have been dispensed, authorization from the prescribing practitioner shall be obtained prior to dispensing any refills.

(iii) Refills of prescription drug orders for dangerous drugs or non-prescription drugs are as follows.

(I) Prescription drug orders for dangerous drugs or non-prescription drugs may not be refilled after one year from the date of issuance of the original prescription drug order.

(II) If one year has expired from the date of issuance of an original prescription drug order for a dangerous drug or non-prescription drug, authorization shall be obtained from the prescribing practitioner prior to dispensing any additional quantities of the drug.

(iv) Refills of prescription drug orders for Schedule III-V controlled substances are as follows.

(I) Prescription drug orders for Schedule III-V controlled substances may not be refilled more than five times or after six months from the date of issuance of the original prescription drug order, whichever occurs first.

(II) If a prescription drug order for a Schedule III, IV, or V controlled substance has been refilled a total of five times or if six months have expired from the date of issuance of the original prescription drug order, whichever occurs first, a new and separate prescription drug order shall be obtained from the prescribing practitioner prior to dispensing any additional quantities of controlled substances.

(3) Prescription drug order records maintained in a manual system.

(A) Original prescriptions. Original prescriptions shall be maintained in three files as specified in paragraph (2)(F)(iii) of this subsection.

(B) Refills.

(i) Each time a prescription drug order is refilled, a record of such refill shall be made:

(I) on the back of the prescription by recording the date of dispensing, the written initials or identification code of the dispensing pharmacist and the amount dispensed (If the pharmacist merely initials and dates the back of the prescription drug order, he or she shall be deemed to have dispensed a refill for the full face amount of the prescription drug order.); or

(II) on another appropriate, uniformly maintained, readily retrievable record, such as patient medication records, which indicates by patient name the following information:

(-a-) unique identification number of the prescription;

(-b-) name, strength, and lot number of each drug product used in compounding the sterile pharmaceutical;

(-c-) date of each dispensing;

(-d-) quantity dispensed at each dispensing;

(-e-) initials or identification code of person who compounded the sterile pharmaceutical and the pharmacist who checks and releases the final product; and

(-f-) total number of refills for the prescription.

(ii) If refill records are maintained in accordance with clause (i)(II) of this subparagraph, refill records for controlled substances in Schedule III-V shall be maintained separately from refill records of dangerous drugs and non-prescription drugs.

(C) Authorization of refills. Practitioner authorization for additional refills of a prescription drug order shall be

noted on the original prescription, in addition to the documentation of dispensing the refill.

(D) Transfer of prescription drug order information. For the purpose of refill dispensing, the transfer of original prescription drug order information is permissible between pharmacies, subject to the following requirements:

(i) the transfer of original prescription drug order information for controlled substances listed in Schedules III, between pharmacies on a one-time basis;

(ii) the transfer of original prescription drug order information for dangerous drugs between pharmacies without limitation up to the number of originally authorized refills;

(iii) the transfer is communicated directly between two licensed pharmacists;

(iv) both the original and the transferred prescription drug order are maintained for a period of two years from the date of last refill;

(v) the pharmacist transferring the prescription drug order information shall:

(I) write the word "void" on the face of the invalidated prescription drug order; and

(II) record on the reverse of the invalidated prescription drug order the following information:

(-a-) the name, address, and if a controlled substance, the DEA registration number of the pharmacy to which such prescription drug order is transferred;

(-b-) the name of the pharmacist receiving the prescription drug order information;

(-c-) the name of the pharmacist transferring the prescription drug order information; and

(-d-) the date of the transfer.

(vi) the pharmacist receiving the transferred prescription drug order information shall:

(I) write the word "transfer" on the face of the transferred prescription drug order; and

(II) record on the transferred prescription drug order, the following information:

(-a-) original date of issuance and date of dispensing, if different from date of issuance;

(-b-) original prescription number and the number of refills authorized on the original prescription drug order;

(-c-) number of valid refills remaining and the date of last refill;

(-d-) name, address, and if a controlled substance, the DEA registration number of the pharmacy from which such prescription information is transferred; and

(-e-) name of the pharmacist transferring the prescription drug order information.

(4) Records maintained in a data processing system.

(A) General requirements for records maintained in a data processing system.

(i) Compliance with data processing system requirements. If a Class A (community) pharmacy's data processing system is not in compliance with this subsection, the pharmacy must maintain a manual recordkeeping system as specified paragraph (3) of this subsection.

(ii) Original prescriptions. Original prescriptions shall be maintained as specified in paragraph (2)(F)(iii) of this subsection.

(iii) Requirements for back-up systems.

(I) The pharmacy shall maintain a back-up copy of information stored in the data processing system using disk, tape or other electronic back-up system and up-date this back-up copy on a regular basis, at least monthly, to assure that data is not lost due to system failure.

(II) Data processing systems shall have a workable (electronic) data retention system which can produce an audit trail of drug usage for the preceding two years as specified in subparagraph (B)(vii) of this paragraph.

(iv) Change or discontinuance of a data processing system.

(I) Records of dispensing. A pharmacy that changes or discontinues use of a data processing system must:

(-a-) transfer the records of dispensing to the new data processing system; or

(-b-) purge the records of dispensing to a printout which contains the same information required on the daily printout as specified in subparagraph (B) (ii) of this paragraph. The information on this hard-copy printout shall

be sorted and printed by prescription number and list each dispensing for this prescription chronologically.

(II) Other records. A pharmacy that changes or discontinues use of a data processing system must:

(-a-) transfer the records to the new data processing system; or

(-b-) purge the records to a printout which contains all of the information required on the original document.

(III) Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(v) Loss of data. The pharmacist-in-charge shall report to the board in writing any significant loss of information from the data processing system within 10 days of discovery of the loss.

(B) Records of dispensing.

(i) Each time a prescription drug order is filled or refilled, a record of such dispensing shall be entered into the data processing system.

(ii) The data processing system shall have the capacity to produce a daily hard-copy printout of all original prescriptions dispensed and refilled. This hard copy printout shall contain the following information:

(I) unique identification number of the prescription;

(II) date of dispensing;

(III) patient name;

(IV) prescribing practitioner's name;

(V) name and amount of each drug product used in compounding the sterile pharmaceutical;

(VI) total quantity dispensed;

(VII) initials or an identification code of the dispensing pharmacist; and

(VIII) if not immediately retrievable via CRT display, the following shall also be included on the hard-copy printout:

(-a-) patient's address;

(-b-) prescribing practitioner's address;

(-c-) practitioner's DEA registration number, if the prescription drug order is for a controlled substance;

(-d-) quantity prescribed, if different from the quantity dispensed;

(-e-) date of issuance of the prescription drug order, if different from the date of dispensing; and

(-f-) total number of refills dispensed to date for that prescription drug order.

(iii) The daily hard-copy printout shall be produced within 72 hours of the date on which the prescription drug orders were dispensed and shall be maintained in a separate file at the pharmacy. Records of controlled substances shall be readily retrievable from records of non-controlled substances.

(iv) Each individual pharmacist who dispenses or refills a prescription drug order shall verify that the data indicated on the daily hard-copy printout is correct, by dating and signing such document in the same manner as signing a check or legal document (e.g., J.H. Smith, or John H. Smith) within seven days from the date of dispensing.

(v) In lieu of the printout described in clause (ii) of this subparagraph, the pharmacy shall maintain a log book in which each individual pharmacist using the data processing system shall sign a statement each day, attesting to that fact that the information entered into the data processing system that day has been reviewed by him or her and is correct as entered. Such log-book shall be maintained at the pharmacy employing such a system for a period of two years after the date of dispensing; provided, however, that the data processing system can produce the hard-copy printout on demand by an authorized agent of the Texas State Board of Pharmacy, the Texas Department of Public Safety, or the Drug Enforcement Administration. If no printer is available on site, the hard-copy printout shall be available within 48 hours with a certification by the individual providing the printout, which states that the printout is true and correct as of the date of entry and such information has not been altered, amended, or modified.

(vi) The pharmacist-in-charge is responsible for the proper maintenance of such records and responsible that such data processing system can produce the records outlined in this section and that such system is in compliance with this subsection.

(vii) The data processing system shall be capable of producing a

hard-copy printout of an audit trail for all dispensings (original and refill) of any specified strength and dosage form of a drug (by either brand or generic name or both) during a specified time period.

(I) Such audit trail shall contain all of the information required on the daily printout as set out in clause (ii) of this subparagraph.

(II) The audit trail required in this subparagraph shall be supplied by the pharmacy within 48 hours, if requested by an authorized agent of the Texas State Board of Pharmacy, Department of Public Safety, or Drug Enforcement Administration.

(viii) Failure to provide the records set out in this paragraph, either on site or within 48 hours for whatever reason, constitutes prima facie evidence of failure to keep and maintain records.

(ix) The data processing system shall provide on-line retrieval (via CRT display or hard-copy printout) of the information set out in clause (ii) of this subparagraph of:

(I) the original controlled substance prescription drug orders currently authorized for refilling; and

(II) the current refill history for Schedule III, IV, and V controlled substances for the immediately preceding six-month period.

(x) In the event that a pharmacy which uses a data processing system experiences system downtime, the following is applicable:

(I) an auxiliary procedure shall ensure that refills are authorized by the original prescription drug order and that the maximum number of refills has not been exceeded or authorization from the prescribing practitioner shall be obtained prior to dispensing a refill; and

(II) all of the appropriate data shall be retained for on-line data entry as soon as the system is available for use again.

(C) Authorization of refills. Practitioner authorization for additional refills of a prescription drug order shall be noted as follows:

(i) on the hard-copy prescription drug order;

(ii) on the daily hard-copy printout; or

(iii) via the CRT display.

(D) Transfer of prescription drug order information. For the purpose of refill dispensing, the transfer of original prescription drug order information is permissible between pharmacies, subject to the following requirements.

(i) The transfer of original prescription drug order information for controlled substances listed in Schedules III, IV, or V is permissible between pharmacies on a one-time basis.

(ii) The transfer of original prescription drug order information for dangerous drugs is permissible between pharmacies without limitation up to the number of originally authorized refills.

(iii) The transfer is communicated directly between two licensed pharmacists or as authorized in paragraph (3)(D) of this subsection.

(iv) Both the original and the transferred prescription drug orders are maintained for a period of two years from the date of last refill.

(v) The pharmacist transferring the prescription drug order information shall:

(I) write the word "void" on the face of the invalidated prescription drug order; and

(II) record on the reverse of the invalidated prescription drug order the following information:

(-a-) the name, address, and if a controlled substance, the DEA registration number of the pharmacy to which such prescription is transferred;

(-b-) the name of the pharmacist receiving the prescription drug order information;

(-c-) the name of the pharmacist transferring the prescription drug order information; and

(-d-) the date of the transfer.

(vi) The pharmacist receiving the transferred prescription drug order information shall:

(I) write the word "transfer" on the face of the transferred prescription drug order; and

(II) record on the transferred prescription drug order, the following information:

(-a-) original date of issuance and date of dispensing, if different from date of issuance;

(-b-) original prescription number and the number of refills authorized on the original prescription drug order;

(-c-) number of valid refills remaining and the date of last refill;

(-d-) name, address, and if a controlled substance, the DEA registration number of the pharmacy from which such prescription drug order information is transferred; and

(-e-) name of the pharmacist transferring the prescription drug order information.

(vii) Prescription drug orders may not be transferred by non-electronic means during periods of downtime except on consultation with and authorization by a prescribing practitioner; provided, however, during downtime, a hard-copy of a prescription drug order may be made available for informational purposes only, to the patient or another pharmacist, and the prescription may be read to another pharmacist by telephone.

(viii) The original prescription drug order shall be invalidated in the data processing system for purposes of filling or refilling, but shall be maintained in the data processing system for refill history purposes.

(ix) If the data processing system has the capacity to store all the information required in clauses (v) and (vi) of this subparagraph, the pharmacist is not required to record this information on the original or transferred prescription drug order.

(x) The data processing system shall have a mechanism to prohibit the transfer or refilling of controlled substance prescription drug orders which have been previously transferred.

(E) Electronic transfer of prescription drug order information between pharmacies. Pharmacies electronically accessing the same prescription drug order records may electronically transfer prescription information if the following requirements are met.

(i) The data processing system shall have a mechanism to send a message to the transferring pharmacy containing the following information:

(I) the fact that the prescription drug order was transferred;

(II) the unique identification number of the prescription drug order transferred;

(III) the name of the pharmacy to which it was transferred; and

(IV) the date and time of the transfer.

(ii) A pharmacist in the transferring pharmacy shall review the message and document the review by signing and dating a hard copy of the message or a log book containing the information required on the message as soon as practical, but in no event more than 72 hours from the time of such transfer.

(iii) Pharmacies not owned by the same person may electronically access the same prescription drug order records, provided the owner or chief executive officer of each pharmacy signs an agreement allowing access to such prescription drug order records.

(5) Limitation to one type of record keeping system. When filing prescription drug order information a pharmacy may use only one of the two systems described in paragraph (3) or (4) of this subsection.

(6) Policy and procedure manual. A policy and procedure manual as it relates to the sterile pharmaceuticals shall be maintained at the pharmacy and be available for inspection. The manual shall include policies and procedures for:

(A) clinical services;

(B) handling, storage, and disposal of cytotoxic/biohazardous drugs and waste;

(C) disposal of unused drugs, supplies, returns, and cytotoxic/biohazardous waste;

(D) security;

(E) equipment;

(F) sanitation;

(G) reference materials;

(H) drug selection and procurement;

(I) drug storage;

(J) drug administration to include infusion devices, drug delivery systems, and first dose monitoring;

(K) drug labeling;

(L) delivery of drugs;

(M) record keeping;

(N) controlled substances;

(O) investigational drugs, including the obtaining of protocols from the principal investigator;

(P) quality assurance/quality control;

(Q) duties for professional and nonprofessional staff;

(R) emergency preparedness plan, to include continuity of patient therapy; and

(S) public safety.

(7) Patient medication records (PMR). A patient medication record shall be maintained for each patient of the pharmacy. The PMR shall contain at a minimum the following information:

(A) patient information:

(i) name, gender, and date of birth;

(ii) weight and height;

(iii) known drug sensitivities and allergies to drugs and/or food;

(iv) primary diagnosis and chronic conditions;

(v) other drugs the patient is receiving; and

(vi) documentation of patient training;

(B) prescription drug order information:

(i) date of dispensing each sterile pharmaceutical;

(ii) unique identification number of the prescription;

(iii) physician's name;

(iv) name, quantity, and lot number of each product used in compounding the sterile pharmaceutical;

(v) quantity dispensed; and

(vi) directions for use and method of administration, including infusion rate if applicable.

(8) Distribution of controlled substances to another registrant. A pharmacy may distribute controlled substances to a practitioner, another pharmacy or other registrant, without being registered to distribute, under the following conditions.

(A) The registrant to whom the controlled substance is to be distributed is registered under the Controlled Substances Act to dispense that controlled substance.

(B) The total number of dosage units of controlled substances distributed by a pharmacy may not exceed 5.0% of all controlled substances dispensed and distributed by the pharmacy during the 12-month period in which the pharmacy is registered; if at any time it does exceed 5.0%, the pharmacy is required to obtain an additional registration to distribute controlled substances.

(C) If the distribution is for a Schedule III, IV, or V controlled substance, a record shall be maintained which indicates:

(i) the actual date of distribution;

(ii) the name, strength, and quantity of controlled substances distributed;

(iii) the name, address, and DEA registration number of the distributing pharmacy; and

(iv) the name, address, and DEA registration number of the pharmacy, practitioner, or other registrant to whom the controlled substances are distributed.

(D) If the distribution is for a Schedule I or II controlled substance, the following is applicable.

(i) The pharmacy, practitioner, or other registrant who is receiving the controlled substances shall issue copy 1 and copy 2 of a DEA order form (DEA 222C) to the distributing pharmacy.

(ii) The distributing pharmacy shall:

(I) complete the area on the DEA order form (DEA 222C) titled "TO BE FILLED IN BY SUPPLIER;"

(II) maintain copy 1 of the DEA order form (DEA 222C) at the pharmacy for two years; and

(III) forward copy 2 of the DEA order form (DEA 222C) to the divisional office of the Drug Enforcement Administration.

(9) Other records. Other records to be maintained by a pharmacy:

(A) a permanent log of the initials or identification codes which will identify each dispensing pharmacist by name (the initials or identification code shall be unique to ensure that each pharmacist can be identified, i.e., identical initials or identification codes shall not be used);

(B) copy 3 of DEA order form (DEA 222C) which has been properly dated, initialed, and filed, and all copies of each unaccepted or defective order form and any attached statements or other documents;

(C) a hard-copy of the power of attorney to sign DEA 222C order forms (if applicable);

(D) suppliers' invoices of dangerous drugs and controlled substances; pharmacists or other responsible individuals shall verify that the controlled drugs listed on the invoices were actually received by clearly recording their initials and the actual date of receipt of the controlled substances;

(E) suppliers' credit memos for controlled substances and dangerous drugs;

(F) a hard-copy of controlled substances inventories required by §291. 17 of this title (relating to the Controlled Substances Inventory Requirements);

(G) hard-copy reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency;

(H) a hard-copy of the Schedule V non-prescription register book;

(I) records of distribution of controlled substances and/or dangerous drugs to other pharmacies, practitioners, or registrants; and

(J) a hard-copy of any notification required by the Texas Pharmacy Act or these sections, including, but not limited to, the following:

(i) reports of theft or significant loss of controlled substances to DEA, DPS, and the board;

(ii) notifications of a change in pharmacist-in-charge of a pharmacy; and

(iii) reports of a fire or other disaster which may affect the strength, purity, or labeling of drugs, medications, devices, or other materials used in the diagnosis or treatment of injury, illness, and disease.

(10) Permission to maintain central records. Any pharmacy that uses a centralized recordkeeping system for invoices and financial data shall comply with the following procedures.

(A) Controlled substance records. Invoices and financial data for con-

trolled substances may be maintained at a central location provided the following conditions are met.

(i) Prior to the initiation of central recordkeeping, the pharmacy submits written notification by registered or certified mail to the divisional director of the Drug Enforcement Administration as required by Title 21, Code of Federal Regulations, §1304(a), and submits a copy of this written notification to the Texas State Board of Pharmacy. Unless the registrant is informed by the divisional director of the Drug Enforcement Administration that permission to keep central records is denied, the pharmacy may maintain central records commencing 14 days after receipt of notification by the divisional director.

(ii) The pharmacy maintains a copy of the notification required in clause (i) of this subparagraph.

(iii) The records to be maintained at the central record location shall not include executed DEA order forms, prescription drug orders, or controlled substance inventories, which shall be maintained at the pharmacy.

(B) Dangerous drug records. Invoices and financial data for dangerous drugs may be maintained at a central location.

(C) Access to records. If the records are kept on microfilm, computer media, or in any form requiring special equipment to render the records easily readable, the pharmacy shall provide access to such equipment with the records.

(D) Delivery of records. The pharmacy agrees to deliver all or any part of such records to the pharmacy location within two business days of written request of a board agent or any other authorized official.

(E) Ownership of pharmacy records. For purposes of these sections, a pharmacy licensed under the Act is the only entity which may legally own and maintain prescription drug records.

(11) Confidentiality. A pharmacist shall provide adequate security of prescription drug order records to prevent indiscriminate or unauthorized access to confidential health information.

(e) Triplicate prescription requirements.

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

(A) Designated agent or authorized agent—An individual under the supervision of a practitioner, designated in

writing by the practitioner, and for whom the practitioner assumes responsibility, who communicates the practitioner's instructions to the pharmacist. The written designation of an agent authorized to communicate prescriptions shall be maintained in the usual place of business of the practitioner and shall be available for inspection by investigators for the Texas State Board of Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, or the Department of Public Safety.

(B) Emergency rule—For the purpose of authorizing an oral prescription for a Schedule II substance, the term "emergency situation" means those situations in which the prescribing practitioner determines that:

(i) immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

(ii) no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under Schedule II; and

(iii) it is not reasonably possible for the prescribing practitioner to provide a written prescription to a pharmacist prior to the dispensing.

(C) Hospital—

(i) General hospital—Any establishment offering services, facilities, and beds for use beyond 24 hours for two or more nonrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy, and regularly maintaining at least clinical laboratory services, diagnostic x-ray services, treatment facilities which would include surgery and/or obstetrical care, and other definitive medical or surgical treatment of similar extent.

(ii) Special hospital—Any establishment offering services, facilities, and beds for use beyond 24 hours for two or more nonrelated individuals who are regularly admitted, treated, and discharged and require services more intensive than room, board, personal services, and general nursing care and which has clinical laboratory facilities, diagnostic x-ray facilities, treatment facilities, and/or other definitive medical treatment and has a medical house staff in regular attendance, and maintains records of the clinical work performed for each patient.

(iii) Ambulatory surgical center—Approved surgical centers licensed by the State Hospital Licensing Board and approved by Medicaid to do day surgery when a patient is not admitted beyond a 24-hour period.

(D) Institutional practitioner—

(i) An individual who meets each of the following qualifications:

(I) not yet licensed by the appropriate state professional licensing board;

(II) enrolled in a bona fide professional training program;

(III) in a base hospital or institutional training facility registered by the Federal Drug Enforcement Administration; and

(IV) authorized by the base hospital or training institution to administer, dispense, or prescribe controlled substances.

(ii) Institutional practitioner shall be limited to interns, residents, fellows, or their equivalent.

(E) Medical purpose—The utilization of controlled substances for the purpose of relieving or curing mental or physical diseases or infirmities.

(F) Possession—The actual care, custody, control, or management.

(G) Prescribe—A direction or authorization, by prescription, permitting an ultimate user lawfully to obtain controlled substances from any person authorized by law to dispense such substances.

(H) Triplicate prescription—The official Texas Department of Public Safety prescription form utilized to administer, dispense, prescribe, or deliver a Schedule II narcotic and/or Schedule II-N nonnarcotic controlled substance to an ultimate user.

(I) Ultimate user—A person who has lawfully obtained and possess a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or a member of his household.

(2) Special instructions. Information and special instruction information regarding procedures under these rules and regulations will be furnished upon request by writing to the Triplicate Prescription Section, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773.

(3) Purpose of issuing triplicate prescriptions.

(A) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by

an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription not issued in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Texas Controlled Substances Act, §481.074 and the person knowingly filling such a purported prescription, as well as the person issuing it, may be subject to the penalties provided for violation of the provisions of law or rules relating to controlled substances.

(B) Prescriptions for Schedule II controlled substances shall be issued on the triplicate prescription form only and may not be refilled.

(4) Emergency dispensing of Schedule II controlled substances. No controlled substance in Schedule II may be administered, dispensed, prescribed, or delivered without the written prescription of a practitioner on a triplicate prescription form, except that in emergency situations, as defined as follows:

(A) Schedule II controlled substances may be dispensed upon oral or telephonically communicated prescription of a practitioner or a practitioner's designated agent reduced promptly to writing by the pharmacy and filed by the pharmacy. Within 72 hours after authorizing an emergency oral prescription, the prescribing individual practitioner shall cause a written triplicate prescription, with the "Check if Emergency" block marked and indicating the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to other requirements of the CFR, Title 21, Chapter 2, Part 1306.05, the prescription shall have written on its face "Authorization for Emergency Dispensing" and the date of the oral order. The federal regulation will be deemed satisfied by marking the block at the bottom of the triplicate prescription form indicating "Check if Emergency" and filling in "Date Issued" space at top of form.

(B) The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail, it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach copy 2 of the triplicate prescription to the oral emergency prescription which has earlier been reduced to writing.

(C) The dispensing pharmacist shall send copy 1 of the triplicate prescription to the Department of Public Safety

within 30 days from the date the prescription is filled. Copy 2 of the triplicate prescription, along with the copy of the oral emergency prescription, will be retained by the pharmacy for two years for inspection purposes. No prescription for a Schedule II controlled substance may be refilled.

(5) Exceptions to use of triplicate prescriptions.

(A) A medication order written for a patient who is admitted to a hospital at the time the medication order is written and filled is not required to be on a triplicate prescription.

(i) Medication order, as used in this subsection, will mean a drug order issued for administration to a patient admitted to a hospital.

(ii) Admitted to a hospital, as used in this subsection, will include the following:

(I) general hospital, special hospitals, ambulatory surgical centers, and surgical duties in dental schools;

(II) hospital clinics and emergency room admittance, if the clinic and/or emergency room is under the control, direction, and administration as an integral part of the general or special hospital.

(B) A prescription written and filled for a patient who is admitted to a hospital at the time the prescription is written and filled is not required to be on a triplicate prescription; however, such prescription shall comply with the requirement of the Texas Pharmacy Act, Texas Civil Statutes, Article 4542a-1, §40(g).

(i) Schedule II controlled substances may be dispensed by a practitioner or pharmacy of the hospital, to a patient who has been admitted to a hospital and who will require an emergency quantity of controlled substances upon release from the hospital. These Schedule II controlled substances may only be dispensed to a patient while such patient is still admitted to and a resident of the hospital.

(ii) The amount of Schedule II controlled substances dispensed under this paragraph may only be the amount needed for proper treatment of the patient until access to a pharmacy other than the hospital pharmacy is possible, but in no event may exceed a seven-day supply. However, when an emergency supply is dispensed from the emergency room of the hospital, the amount dispensed may not exceed a 72-hour supply.

(iii) The Schedule II controlled substances dispensed under the situations outlined in this must be in a properly labeled container.

(6) Pharmacist responsibilities.

(A) Upon receipt of copy 1 and copy 2 of a properly completed triplicate prescription from a practitioner, each dispensing pharmacist shall utilize the "Pharmacy Use Only" section and record the following:

(i) pharmacy name, address, area code/telephone number, and Drug Enforcement Administration number. This information may be printed, typed, or rubber stamped, or the pharmacist may use a label that is securely affixed in this area;

(ii) the dispensing pharmacist's signature in a space located directly below the pharmacy information;

(iii) enter in the spaces provided the date filled and the pharmacy prescription number;

(iv) ensure that the drug prescribed and/or its substitute is legible on copy 1 and copy 2 of the triplicate prescription.

(B) No Schedule II prescription may be dispensed after the end of the second day following the date of issuance.

(C) A pharmacist may dispense a prescription that is orally or telephonically communicated by a practitioner or his designated agent for a Schedule II controlled substance in "emergency situations," as defined by paragraph (1)(B) of this subsection.

(i) In such emergency situations the dispensing pharmacist shall reduce promptly to writing the following:

(I) name, address, and federal Drug Enforcement Administration number of the dispensing practitioner;

(II) drug prescribed, the dosage, and instructions for use;

(III) name, address, and age of the person for whom the controlled substance is prescribed (or if an animal, the species and owner's name and address).

(ii) The pharmacist shall file the recorded information as set out in subsection (d) of this section in the pharmacy's Schedule II prescription files.

(iii) Within the 72 hours from the time the emergency oral or telephonic communication was received, the practitioner must provide the dispensing pharmacy with the triplicate prescription corresponding to the oral prescription order. If such triplicate prescription is not provided, the pharmacist shall contact the Department of Public Safety and the Drug Enforcement Administration.

(iv) The practitioner is required to place the date issued on the triplicate prescription and such date shall be the date the practitioner or his designated agent communicated the emergency oral or telephonic prescription to the pharmacy.

(v) The practitioner shall check the block at the bottom of the triplicate prescription which indicates the prescription is an emergency order. If the practitioner fails to check such block, the pharmacist should do so.

(vi) The pharmacist shall attach copy 2 to the oral emergency prescription which was reduced to writing upon receipt from the practitioner or practitioner's designated agent.

(D) Within 30 days from the date a pharmacist fills a triplicate prescription, the pharmacy is required to mail copy 1 of the form to the Texas Department of Public Safety, Triplicate Prescription Section, P.O. Box 4087, Austin, Texas 78773.

(E) Should a prescription be written on a triplicate prescription by a practitioner for a controlled substance other than a Schedule II, the pharmacist may dispense the prescription but shall mark the prescription in such way as to clearly indicate that the drug dispensed is not a Schedule II controlled substance.

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

Issued in Austin, Texas on May 21, 1991.

TRD-9106025 Fred S. Brinkley, Jr.,  
R.Ph., M.B.A.  
Executive  
Director/Secretary  
Texas State Board of  
Pharmacy

Earliest possible date of adoption: July 7, 1991

For further information, please call: (512) 832-0661

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**TITLE 25. HEALTH SERVICES**

**Part I. Texas Department of Health**

**Chapter 1. Texas Board of Health**

**Procedures and Policies**

**• 25 TAC §1.4**

The Texas Department of Health (department) proposes an amendment to §1.4, concerning committees of the Board of Health (board). The amendment will authorize the department to pay compensatory per diem to members of the Kidney Health Program Advisory Committee (committee) for attending

meetings of the committee. The compensatory per diem will be in accordance with the rate set in the General Appropriations Act for each meeting the member attends. This amendment also is being adopted on an emergency basis in this issue of the *Texas Register*.

Stephen Seale, Chief Accountant III, Budget Office, has determined that for the first five-year period the section is in effect there will be fiscal implications for state government as a result of enforcing or administering the section. The cost to the department is that for each meeting each member of the committee will receive a compensatory per diem not to exceed the rate in the current General Appropriations Act. The current compensatory per diem rate is \$30 for each meeting. There will be no fiscal implications for local government.

Mr. Seale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be in that members of the committee will be compensated for providing public service in the field of kidney health care by serving on the committee. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed. There will be no impact on local employment.

Comments on the proposal may be submitted to Hal L. Nelson, Chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7236. Comments will be accepted for 30 days after publication of the proposal in the *Texas Register*.

The amendment is proposed under the Health and Safety Code, §11.016, which provides the board with the authority to appoint advisory committees; §12.001, which provides the board with the authority to adopt rules implementing its duties and procedures; and Acts of the 71st Legislature, 1989, Chapter 631, §1, which provides the board with the authority to adopt rules authorizing the department to pay compensatory per diem to members of advisory committees appointed to assist the board and the department.

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

Issued in Austin, Texas, on June 3, 1991.

TRD-9106452 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of  
Health

Proposed date of adoption: July 20, 1991

For further information, please call: (512) 458-7236

◆ ◆ ◆  
**• 25 TAC §1.5**

The Texas Department of Health proposes an amendment to §1.5, concerning the commissioner of health. The amendment will update and generalize the language concerning the commissioner's qualifications.

Stephen Seale, Chief Accountant III, Budget Office, 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. Seale also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be appropriately updated. There will be no cost to small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed. There will be no impact on local employment.

Comments on the proposal may be submitted to Hal Nelson, Chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7236. Comments will be accepted for 30 days after publication of the proposal in the *Texas Register*.

The amendment is proposed under the Health and Safety Code, §11.012, which provides the Board of Health with the authority to employ the commissioner of health; and §12.001, which provides the board with the authority to adopt rules for the performance of each duty imposed by law on the board.

**§15. Commissioner of Health.** The Board of Health (board) shall appoint a commissioner who shall have the following qualifications and responsibilities. [:]

(1) Commissioner's [commissioner's] qualifications. [:] The Commissioner shall meet the qualifications established in the Health and Safety Code.

[(A) licensed to practice medicine in the State of Texas;]

[(B) hold a masters degree in public health sciences;]

[(C) evidence of five or more years' experience in the field of public health.]

(2) Commissioner's [commissioner's] responsibilities. [:]

(A) As [as] the executive head of the Texas Department of Health (department), the commissioner shall perform those duties assigned and assume responsibility for functions delegated by the board. The commissioner shall supervise personnel, implement programs, develop administrative procedures, maintain professional standards, and represent the department [Texas Department of Health] as its chief executive.

(B) The commissioner shall take appropriate administrative action to direct or delegate to department staff responsibility and authority to perform its proper health role. This authority must assure the existence of an appropriate organization, adequate personnel, suitable administrative, clinical, and laboratory facilities, and suffi-

cient financial support to function effectively. The commissioner shall take those actions necessary to comply with and enforce those federal or state laws applicable to the department and its mission of enhancement and preservation of the health of the citizens of the state.

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

Issued in Austin, Texas, on June 3, 1991.

TRD-9106453

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

Proposed date of adoption: July 20, 1991

For further information, please call: (512) 458-7236

## Chapter 31. Special Supplemental Food Program for Women, Infants, and Children (WIC)

### • 25 TAC §31.3

The Texas Department of Health (department) proposes an amendment to §31.3, which adopts by reference the Special Supplemental Food Program for Women, Infants, and Children (WIC) Policy and Procedure Manual. The amendment is to both the text of the section and to the material adopted by reference.

The WIC Policy and Procedure Manual is part of the WIC State Plan of Operations which the United States Department of Agriculture (USDA) approves under authority of 7 Code of Federal Regulations Part 246. The manual incorporates all of the requirements of the federal regulations and federal management circulars into state policies and procedures. The manual is provided to and serves as the operating manual for the local health agencies that have contracts with the department to provide WIC services. The WIC program submits suggested amendments to the USDA for its consideration in developing final changes in the policies.

A portion of the manual deals with the criteria used for contracting with grocer/vendors and their accountability as authorized WIC grocer/vendors, and two policies are being proposed for amendment. The first proposed amendment is to the policy for the criteria used for approving grocer/vendor's authorization. The policy has significant changes which will explain in greater detail and clarify what circumstances may cause a vendor to be denied authorization because that vendor has developed a history of previous noncompliance with WIC policies and procedures. Included in this change is an outline of the procedures and requirements for change of ownership. Also, the amendment changes the competitive pricing criteria for receipt and continuance of authorization. The second proposed amendment is to the policy concerning sanctions for vendor abuse. The amendment clarifies the period a vendor has to submit copies of requested invoices to the

state agency; allows the state agency to disqualify a vendor who has been assessed a civil monetary penalty by the Food Stamp Program; revises the civil monetary penalty amounts the department may impose on vendors for various types of vendor abuse; and, adds a department disclaimer of responsibility for losses incurred by a vendor as a result of denial of authorization.

The amendment to the text of the section will reflect the effective date of adoption.

Stephen Seale, Chief Accountant III, Budget Division, Texas Department of Health, 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. Seale also has determined that for each year of the first years the section is in effect the public benefit anticipated as a result of enforcing the section will be to serve more participants with existing funds. There will be an economic impact on private companies who will be required to be cost competitive to obtain a WIC contract which could incur a net loss of \$1,000 to \$25,000 per year. There is no anticipated economic cost to persons who are required to comply with the section as proposed. There is no anticipated impact on local employment.

Comments on the proposals may be submitted to Debra C. Stabeno, Chief, Bureau of WIC Nutrition, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7446. Public comments will be accepted for 30 days after publication of the sections in the *Texas Register*.

The amendment is proposed under the following statutes and regulations which provide the Texas Board of Health with the authority to adopt rules covering the Special Supplemental Food Program for Women, Infants, and Children: the Texas Omnibus Hunger Act of 1985, Acts 1985, 69th Legislature, Chapter 150, Title II, as amended by Acts 1989, 71st Legislature, Chapter 875, §1; Texas Codes Annotated, Human Services Code, Chapter 33; the Health and Safety Code, §12.001; the Child Nutrition Act of 1966, 42 United States Code Annotated 1786; the Commodity Distribution Reforms Act and Amendments of 1987, Public Law 100-237; and 7 Code of Federal Regulations Part 246.

### §31.3. WIC Policy and Procedure Manual.

(a) The Texas Department of Health (department) adopts by reference the publication titled, "WIC Policy and Procedure Manual," which the department developed, as amended in August 1991 [February 1991]. This plan has been developed by the department's WIC Program and approved by the United States Department of Agriculture.

(b) (No change.)

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

Issued in Austin, Texas, on June 3, 1991.

Proposed date of adoption: July 20, 1991

For further information, please call: (512) 458-7444

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 59. Parks

##### Park Entrance and Park User Fees

###### • 31 TAC §59.6

The Texas Parks and Wildlife Department proposes new §59.6, concerning the conservation permit fee set by the commission. New legislation requires the commission to set the amount of the conservation permit fee.

Jim Dickinson, deputy executive director, has determined that for the first five-year period the section is in effect there will be fiscal implications for state as a result of enforcing or administering the section. The effect on state government will be an estimated increase in revenue of \$1,250,000 for fiscal years 1992-1996. There will be no fiscal implications for local government.

Mr. Dickinson also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that conservation permit fee income will be sufficient to maintain public land visitor services. There will be no effect on small businesses. The anticipated economic cost to visitors to undeveloped public lands, wildlife management areas, and state natural areas with the rule as proposed will be the payment of the fees indicated.

The department has determined that the rule as proposed will have no impact on local employment.

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

The new section is proposed under the Texas Parks and Wildlife Code, Chapter 43, Subchapter N, as amended by House Bill 1207, 72nd Legislature, which provides the

Texas Parks and Wildlife Commission with the authority to set the conservation permit fee.

###### §59.6. Conservation Permit Fee.

(a) The fee for an annual conservation permit shall be \$25 effective September 1, 1991.

(b) The department may grant discounts on charges for entrance and use of land to holders of conservation permits.

(c) Fifty cents of each conservation permit fee collected by an agent of the department, other than a department employee, may be retained as a collection fee by the agent.

(d) An annual conservation permit may be required for one person in each vehicle entering land under the control of the department.

(e) The department may require each person to possess a conservation permit to participate in certain activities and to enter certain facilities designated as wildlife management areas, state natural areas, or lands that have not been fully developed.

(f) A person will not be required to possess a conservation permit to use land under the department's control for hunting purposes, to utilize a state park for day use, to attend musical or theatrical productions at Galveston Island or Palo Duro State Parks, or to enter Washington-on-the-Brazos or San Jacinto State Parks.

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

Issued in Austin, Texas, on June 3, 1991

TRD-9106454

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

Earliest possible date of adoption: July 8, 1991

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

## Chapter 65. Fisheries and Wildlife

### Statewide Hunting and Fishing Proclamation

#### • 31 TAC §65.72

The Texas Parks and Wildlife Department proposes an amendment to §65.72, concern-

ing tarpon. The amendment would establish a catch and release fishery for tarpon by prohibiting their retention. Reproductive spawning success for this species would be increased while minimally impacting fishermen because tarpon have little food value, catches are currently very low, and many fishermen already practice catch and release fishing for tarpon.

Robin Riechers, staff economist, has determined that for the first five-year the section is in effect there will be minimal fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Riecher also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be enhanced conservation of tarpon in Texas waters where populations have been documented to be historically low and have continued to decline in recent years. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed will be the loss of benefits of retaining tarpon, but the rule should result in increased opportunity to catch tarpon. Anticipated economic impacts are unknown but will be dependent on future changes, if any, in participation in this fishery.

The department has filed a local employment impact statement with the Texas Employment Commission in compliance with the Administrative Procedure and Texas Register Act, §4A but has not yet received a reply.

Comments on the proposed amendment may be submitted to Hal Osburn, Director of Fisheries Harvest, Coastal Fisheries Branch, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, telephone 1-800-792-1112, extension 4863 or (512) 389-4863.

The amendment is proposed under the Texas Parks and Wildlife Code, Chapter 61, Uniform Wildlife Regulatory Act, §61.021 and §61.054, which requires the Parks and Wildlife Commission to regulate the taking or possession of wildlife resources by specifying the quantity and size of the wildlife resources authorized to be taken or possessed.

###### §65.72. Fish.

(a) (No change.)

(b) Bag, possession, and length limits.

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

(4) There are no bag, possession, or length limits on game or non-game fish, except as provided in these rules.

(A) Statewide daily bag, possession, and length limits shall be as follows.

Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Bass: largemouth, smallmouth, spotted, and Guadalupe bass, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	14	No Limit
Bass, striped, its hybrids, and subspecies.	5 (in aggregate)	15 (in aggregate)	18	No limit
Bass, white and yellow bass.	25 (in aggregate)	50 (in aggregate)	10	No limit
Catfish: channel and blue catfish, their hybrids, and subspecies.	25 (in aggregate)	50 (in aggregate)	9	No limit
Catfish, flathead.	5	10	9	No limit
Catfish, gafftopsail.	No limit	No limit	14	No limit
Cobia.	No limit	No limit	37	No limit
Crappie: white and black crappie, their hybrids, and subspecies.	25 (in aggregate)	50 (in aggregate)	10	No limit
Drum, black.	5	10	14	30
Drum, red.	3	6	20	28
Flounder: all species, their hybrids, and subspecies.	20	40	12	No limit
Mackerel, king.	2	2	14	No limit
Mackerel, Spanish.	3	3	14	No limit
Marlin, blue.	No limit	No limit	114	No limit
Marlin, white.	No limit	No limit	81	No limit
Pompano, Florida.	No limit	No limit	9	No limit
Sailfish.	No limit	No limit	76	No limit
Seatrout, spotted.	10	20	15	No limit
Spotted seatrout minimum length limit increases from 14 to 15 inches, effective June 27, 1990.				
Shark: all species, their hybrids, and subspecies.	5 (in aggregate)	5 (in aggregate)	No limit	No limit

Species	Daily Bag	Possession	Minimum Length (Inches)	Maximum Length (Inches)
Sheepshead.	5	10	12	No limit
Snapper, red.	No limit	No limit	13	No limit
Snook.	3	6	20	28
Tarpon.	<u>0</u> [1]	<u>0</u> [1]	[48]	[No limit] <u>Catch and release only</u>
Trout: rainbow and brown trout, their hybrids, and subspecies.	5 (in aggregate)	10 (in aggregate)	No limit	No limit
Walleye.	5	10	16	No limit

(B) (No change.)

(c)-(e) (No change.)

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

Issued in Austin, Texas, on June 3, 1991.

TRD-9108455

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

Earliest possible date of adoption: July 8, 1991

For further information, please call: 1-800-792-1112, ext. 4863 or (512) 389-4863

### Part III. Texas Air Control Board

#### Chapter 101. General Rules

##### • 31 TAC §101.1

The Texas Air Control Board (TACB) proposes an amendment to §101.1, concerning definitions. The proposed change to §101.1 adds a definition for liquid fuel. This definition is added in support of a simultaneous revision to §112.6, concerning allowable rates-liquid fuel-fired steam generators, which would limit the sulfur content of liquid fuel in Harris and Jefferson Counties. The new definition would be consistent with terminology now used by the United States Environmental Protection Agency (EPA).

Bennie Engelke, director of administrative services, 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.

James Myers, P.E., deputy director for regulatory operations, has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an improved and consistent understanding of the parameters of a liquid fuel. There will be no effect on small businesses. There is no anticipated economic cost to persons (facilities) who are required to comply with the section as proposed.

Public hearings on this proposal are scheduled for the following times and places: July 1, 1991, 7 p.m., John Gray Institute, 855 Florida Avenue, Beaumont and July 2, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston.

Copies of the proposed section are available from Karen Kirkpatrick at the central office of TACB, 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. Public comment, both oral and written, on the proposed change is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section at TACB central office by 4 p.m. on July 5, 1991, will be included in the hearing record.

The amendment is proposed under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA.

**§101.1. Definitions.** Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the board, the terms used by the board have the meanings commonly

ascribed to them in the field of air pollution control. In addition to the terms which are defined by TCAA, the following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

**Liquid fuel—A liquid combustible mixture, not derived from hazardous waste, with a higher heating value of at least 5,000 Btu per pound.**

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

Issued in Austin, Texas, on May 31, 1991.

TRD-9106439

Lane Hartssock  
Director, Planning and  
Development Program  
Texas Air Control Board

Earliest possible date of adoption: September 30, 1991

For further information, please call: (512) 451-5711 ext. 433

#### Chapter 112. Control of Air Pollution From Sulfur Compounds

##### • 31 TAC §112.6, §112.20

The Texas Air Control Board (TACB) proposes amendment to §112.6 and §112.20, concerning control of sulfur dioxide. The proposed changes have been developed to reduce existing and potential exposure to sulfur dioxide in Harris and Jefferson Counties. Measured concentrations near or above the 24-hour sulfur dioxide national ambient air quality standard have been observed, and using permitted allowable emissions, addi-

tional exceedances have been predicted. Placing limits on the sulfur content of liquid fuel has shown that the magnitude, frequency, and extent of these predicted exceedances could be reduced. The primary effect of the proposal is to supersede and remove the permitted flexibility of numerous sources in the two counties which currently enables them to convert from natural gas and/or low sulfur liquid fuels to high sulfur liquid fuels. Removal of the flexibility to utilize high sulfur liquid fuel is expected to help prevent future air quality deterioration.

The proposed change to §112.6, concerning allowable rates-liquid fuel-fired steam generators, adds a requirement to limit the sulfur content of liquid fuels combusted in Harris and Jefferson Counties to 0.3 weight percent and sulfur dioxide emissions from liquid fuel combustion to 150 parts per million volume (ppmv). Existing stocks of sulfurized fuels above 0.3 weight percent may be co-burned with low sulfur fuels as long as the 150 ppmv emissions limit is achieved. The proposed change to §112.20, concerning compliance deadlines, adds a compliance date for the new requirements.

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

James Myers, P.E., deputy director for regulatory operations, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be the reduced potential for public exposure to sulfur dioxide in Harris and Jefferson Counties. There will be no fiscal implications for persons and businesses required to implement the proposed amendments provided that availability and cost of natural gas remain unchanged. Those operating with sulfurized fuels will be required to pay a premium for fuel with a sulfur content limited to 0.3%. The cost differential can vary widely, depending on the comparative sulfur content, but may average approximately \$.10 per gallon, \$4.50 per barrel, and \$30 per ton.

Public hearings on this proposal are scheduled for the following times and places: July 1, 1991, 7 p.m., John Gray Institute, 8550 Florida Avenue, Beaumont and July 2, 1991, 11 a.m., City of Houston Pollution Control Building Auditorium, 7411 Park Place Boulevard, Houston.

Copies of the proposed sections are available from Karen Kirkpatrick at the central office of TACB, 12124 Park 35 Circle, Austin, Texas 78753, and at all TACB regional offices. Public comment, both oral and written, on the proposed changes is invited at the hearings. The TACB would appreciate receiving five copies of testimony prior to or at the hearings. Written testimony received by the Regulation Development Section at the TACB central office by 4 p.m. on July 5, 1991, will be included in the hearing record.

The amendments are adopted under the Texas Clean Air Act (TCAA), §382.017, Texas Health and Safety Code Annotated, (Vernon 1990), which provides TACB with the authority to adopt rules consistent with the policy and purposes of TCAA.

#### *§112.6. Allowable Rates-Liquid Fuel-Fired Steam Generators.*

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

(d) No person in Harris or Jefferson Counties may cause, suffer, allow, or permit the use of liquid fuel for combustion from any stationary liquid fuel-fired steam generator, furnace, or heater with a sulfur content greater than 0.3% by weight or emissions or sulfur dioxide from any liquid fuel-fired steam generator, furnace, or heater to exceed 150 ppm, by volume, under actual stack conditions.

#### *§112.20. Compliance Deadlines.*

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

(c) All persons in Harris and Jefferson Counties affected by the provisions of §112.6(d) of this title (relating to Allowable Rates-Liquid Fuel-Fired Steam Generators) shall be in compliance with this section as soon as practicable, but no later than July 31, 1993.

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

Issued in Austin, Texas, on May 31, 1991.

TRD-9106438

Lane Hartssock  
Director, Planning and  
Development Program  
Texas Air Control Board

Proposed date of adoption: September 30, 1991

For further information, please call: (512) 451-5711 ext. 433

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part I. Texas Department of Public Safety

#### Chapter 1. Organization and Administration

##### Accounting Procedures

###### • 37 TAC §1.231

The Texas Department of Public Safety proposes new §1.231, concerning protest, dispute resolution, hearings. This section will establish a formal procedure within the department to handle protests of bid procedures or the awarding of contracts on purchases delegated to the department. The department finds it necessary to establish these procedures to formally handle a protest in order to resolve matters through department administration.

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

Charles W. Iselt, chief of fiscal affairs, also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be an established method of resolving challenges made by aggrieved parties regarding state procurement procedures. The effect on small businesses cannot be determined at this time. The cost of compliance for small businesses compared to large businesses cannot be determined at this time. The anticipated economic cost to persons who are required to comply with the section as proposed cannot be determined because the department is unable to determine cost to persons which could be based on attorney fees, court costs, travel, and protest preparation time.

Comments on the proposal may be submitted to John C. West, Jr., Texas Department of Public Safety, Box 4087, Austin, Texas 78773-0001, (512) 465-2000.

The new section is proposed under the Texas Government Code, §411.004(3) and §411.006(4), which provides the Public Safety Commission with the authority to adopt rules necessary for carrying out the department's work. The director, subject to the approval of the commission, shall have the authority to adopt rules considered necessary for the control of the department.

#### *§1.231. Protest/Dispute Resolution/Hearings.*

(a) Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract, including, but not limited to, specifications, preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer, may formally protest to the chief of fiscal affairs. Such protests must be submitted in writing within 14 calendar days after such aggrieved person knows or should have known of the occurrence of the action which is protested. Formal protests must conform to the requirements herein and shall be resolved in accordance with the procedure set forth herein. Copies of the protest must be mailed or delivered by the protesting party to all other identifiable interested parties.

(b) A protest is considered filed when received by the chief of fiscal affairs. Protests filed after the 14-day period shall not be considered.

(c) In event of a timely protest under subsection (a) of this section, the Texas Department of Public Safety shall not proceed further with the solicitation or award of the contract until the director, after consultation with the using division, makes a written determination that the award of contract without delay is necessary to protect substantial interest of the state.

(d) A formal protest must contain:

(1) the name and address of the protestor;

(2) appropriate identification of the procurement;

(3) a specific identification of the statutory or regulatory provision that was allegedly violated;

(4) a precise statement of the relevant facts;

(5) an identification of the issue or issues to be resolved;

(6) supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time in which case the expected availability date shall be indicated;

(7) an affidavit that the contents of the protest are true and accurate; and

(8) an affidavit that copies of the protest have been mailed or delivered to other identifiable interested parties.

(e) The chief of fiscal affairs shall have the authority, prior to appeal to the director, the Public Safety Commission, or commencement of an action in court having jurisdiction to review the dispute, to settle and resolve a protest of an aggrieved bidder concerning the solicitation or award of a contract.

(f) If the protest is not resolved by mutual agreement, the chief of fiscal affairs will issue a written determination on the protest within 14 calendar days after receipt of the protest.

(1) If no violation of rules or statutes has occurred, he shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination. This determination shall inform the protestant of the right to judicial or administrative review as provided in this section.

(2) If a violation of the rules or statutes has occurred in a case where a contract has not been awarded, he shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination and the appropriate remedial action.

(3) If a violation of the rules or statutes has occurred in a case where a contract has been awarded, he shall so inform the protesting party and other interested parties by letter which sets forth the reasons for the determination, which may include ordering the contract void.

(g) The chief of fiscal affairs determination on protest may be appealed by an interested party to the director. An appeal of the chief of fiscal affairs determination must be in writing and must be received in the director's office no later than 10 days after the chief of fiscal affairs determination. No additional points for consideration shall be introduced in the appeal. Copies of the appeal must be mailed or delivered by the appealing party to the other interested parties, and must contain an affidavit that such copies have been provided.

(h) The chief of legal services shall review the chief of fiscal affairs determination and the appeal and prepare a written opinion with recommendation to the director. The director may, in his discretion, refer the matter to the commission for consideration at a regularly scheduled open meeting or issue a written decision on the protest, setting forth the reasons for the decision. A decision issued either by the commission in open meeting or in writing by the director shall be the final administrative action appealable only to the court system.

(i) Where a protest has been appealed to the director under subsection (g) of this section and has been referred to the commission by the director under subsection (h) of this section, the following requirements shall apply.

(1) Copies of the appeal, responses of interested parties, if any, and chief of legal services recommendation shall be mailed to the commission.

(2) All interested parties who wish to make an oral presentation at the open meeting shall notify the director at least 48 hours in advance of the open meeting.

(3) The commission may consider oral presentations and written documents presented by staff and interested parties.

(A) Each interested party shall be allowed a maximum of 10 minutes in which to make an oral presentation.

(B) Oral presentations shall be made in the following order: staff, protesting party, and all other interested parties.

(4) The Commission's determination of the appeal shall be by duly adopted resolution reflected in the minutes of the open meeting and shall be the final administrative action appealable only to the court system.

(j) In the event that a protest is not timely under subsection (a) of this section or an appeal is not timely under subsection (g) of this section, the protest or appeal will not be considered and the protesting or appealing parties will be so notified in writing.

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

Issued in Austin, Texas, on May 28, 1991.

TRD-9106366

Joe E. Milner  
Director  
Texas Department of  
Public Safety

Earliest possible date of adoption: July 8, 1991

For further information, please call: (512) 465-2000

## Part IX. Texas Commission on Jail Standards

### Chapter 297. Compliance and Enforcement

#### • 37 TAC §297.9

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

The Texas Commission on Jail Standards proposes the repeal of §297.9, concerning contracts with private sector for detention facilities. The section deals with contracts with private sector for the purpose of placing low risk county inmates in a detention facility operated by the private entity.

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

Mr. Crump also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the ability to adopt new rules which provide additional guidance for counties and private entities in the planning, construction, and operation of such facilities. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the repeal as proposed.

Comments on the proposal may be submitted to Jack E. Crump, Executive Director, Texas Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711.

The repeal is proposed under the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation for county jails.

#### §297.9. Contracts with Private Sector for Detention Facilities.

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

Issued in Austin, Texas, on May 22, 1991.

TRD-9108411

Jack E. Crump  
Executive Director  
Texas Commission on Jail  
Standards

Earliest possible date of adoption: July 8, 1991

For further information, please call: (512) 463-5505

The Texas Commission on Jail Standards proposes new §297.9, concerning county contract with private entity for jail facilities. The section deals with county contracts with private entity for the construction, leasing, operating, purchase, maintenance, or management of a facility for the confinement of persons accused or convicted of an offense.

Jack E. Crump, 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. Crump also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the ability to properly plan, construct, and operate facilities under private contract with counties in compliance with minimum jail standards. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Jack E. Crump, Executive Director, Texas Commission on Jail Standards, P.O. Box 12985, Austin, Texas 78711.

The new section is proposed under the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation for county jails.

#### §297.9. County Contract with Private Entity for Jail Facilities.

(a) The commissioners' court of a county may contract with a private vendor to provide for the financing, design, construction, leasing, operation, purchase, maintenance, or management of a facility for the confinement of persons accused or convicted of an offense.

(b) Contracts for these purposes shall comply with the Local Government Code, §§351.101-351.104 (concerning county contract with private entity for jail facilities).

(c) If the contract includes construction of a new facility or renovation of an existing facility, the construction documents shall be submitted and reviewed in accordance with Chapter 257 of this title (relating to Construction Approval Rules).

(d) A facility needs analysis shall be submitted by the county to the commission for approval for all facilities intended for the housing of persons not committed to the facility by local jurisdictions. The executive director may require a facility needs analysis be submitted for all facilities. The facility needs analysis shall minimally:

(1) describe the origin, conviction status, risk/needs level, and anticipated length of stay of persons to be confined in the facility;

(2) identify the availability of persons to be confined and duration of such availability;

(3) describe the basis and methodology utilized in determining the need for the facility; and

(4) indicate the work force availability within the county to properly staff the facility.

(e) A statement of objectives shall be submitted by the county to the commission for approval, indicating:

(1) the management concept under which the facility will be operated including description of how required services will be provided;

(2) educational, vocational, or rehabilitative programs which will be provided at the facility; and

(3) the construction standards under which the facility will be constructed or operated.

(f) The commissioners' court and the sheriff shall review and approve the facility needs analysis, statement of objectives, and construction documents prior to submission to the commission.

(g) Facility operational plans, as required by the commission, shall be developed by the private operator of the facility in consultation with the sheriff and shall be approved by the sheriff prior to submission to the commission for approval. Approval by the sheriff shall not be unreasonably withheld. Revised plans shall similarly be submitted when there is a change of sheriffs, operators, types of persons being confined, or operational procedures.

(h) The sheriff shall exercise regular on-site monitoring over the private jail facility, in accordance with the Local Government Code, §351.103 (concerning contract requirements). The specifics of such on-site monitoring, including the resolution of disputes, disagreements, or deficiencies shall be provided for in the contract and facility operational plans.

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

Issued in Austin, Texas, on May 22, 1991.

TRD-9106410

Jack E. Crump  
Executive Director  
Texas Commission on Jail  
Standards

Earliest possible date of adoption: July 8, 1991

For further information, please call: (512) 463-5505



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 49. Child Protective Services

##### Subchapter P. Preparation for Adult Living

###### • 40 TAC §§49.1601-49.1603

The Texas Department of Human Services proposes new Subchapter P, §§49.1601-49.1603, concerning preparation for adult living, in its Child Protective Services chapter. The purpose of the new subchapter and sections is to establish a program to prepare older teenagers in substitute care to live independently when they become adults.

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

Mr. Raiford also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that older teenagers in DHS's conservatorship will be prepared to begin living independently as adults. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the proposed sections.

Questions about the content of this proposal may be directed to Thomas Chapmond at (512) 450-3309 in DHS's Protective Services for Families and Children Department. Comments on the proposal may be submitted to Nancy Murphy, Policy and Document Support-114, Texas Department of Human Services E-503, P.O. Box 149030, Austin, Texas 78714-9030, within 30 days of publication in the *Texas Register*.

The new sections are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs. The sections are also proposed under the Texas Family Code, Title 2, Chapter 34, which authorizes the department to provide services to alleviate the effects of child abuse and neglect.

#### §49.1601. Required Services.

(a) Participants. The Texas Department of Human Services (DHS) provides preparation-for-adult-living (PAL) services to prepare teenagers in substitute care to live independently when they become adults. DHS's Protective Services for Families and Children (PSFC) Department must provide these services to each teenager in DHS's conservatorship who is 16 or older and in substitute care, unless staff document that:

(1) as a result of a severe physical, mental, or emotional handicap, or other

disabling condition, the teenager is unlikely to ever live independently; or

(2) despite staff efforts to encourage the teenager to accept PAL services, the teenager refuses to do so.

(b) Training. Except for teenagers who do not participate in the PAL program for a reason specified in subsection (a) of this section, PSFC must ensure that each teenager in substitute care who is 16 or older receives training in each of the following core areas:

- (1) personal and interpersonal skills;
  - (2) job skills;
  - (3) money management;
  - (4) housing and transportation;
  - (5) health; and
  - (6) planning for the future.
- (c) Evaluation.

(1) PSFC must test each PAL participant in each core area specified in subsection (b) of this section before and after the participant receives training in that area.

(2) PSFC must also conduct an assessment of each PAL participant's general readiness to live independently within four weeks of the participant's 16th birthday and again within eight weeks of the participant's discharge from substitute care. Staff use the results of the initial assessment to develop specific plans to prepare the participant to live as an adult.

#### *§49.1602. Transitional Living Allowance.*

(a) The Texas Department of Human Services (DHS) gives qualified participants in the Preparation for Adult Living (PAL) Program a dollar allowance. The allowance has two purposes:

(1) to provide an incentive for teenagers to participate in and complete PAL training; and

(2) to help participating teenagers make the transition from foster care to independent living.

(b) To qualify for a PAL allowance, a teenager must:

- (1) be at least 16 years old;
- (2) have been in licensed, DHS-paid substitute care within the previous 12 months;

(3) have attended training in five of the six core areas specified in §49.1601(b) of this title (relating to Required Services), including the money-management core area, with few absences and with improved test results in each area after the training;

(4) be employed, actively seeking employment, in school, or receiving vocational or technical training; and

(5) provide all information required by DHS.

(c) DHS's Protective Services for Families and Children (PSFC) Department pays the PAL allowance as a component of the participant's money-management training. PSFC staff must deliver the allowance to the participant in person unless the participant lives outside Texas.

(d) Except as otherwise specified in subsections (e) through (g) of this section, the allowance must be paid on a monthly basis for no more than six continuous months. If PSFC suspends a participant's allowance, then renews it, the last payment must take place within six months of the first payment before the suspension. In other words, all payments must be made within a six-month period.

(e) The monthly payment of the PAL allowance cannot exceed \$300. The total amount paid cannot exceed the following maximums:

(1) \$300 total for a participant who enters the Job Corps or a branch of the United States armed forces;

(2) \$800 total for a participant who is attending a college, school, or vocational or technical training institute; or

(3) \$800 total for a participant who is moving into a living situation that requires him to pay rent. The amount of the participant's rent must be evidenced by a written agreement between the participant and the landlord.

(f) When the allowance is drawn from Title IV-B funds, PSFC must pay out the entire allowance by the end of the month of the PAL participant's 19th birthday. When the allowance is drawn from Title IV-E Independent Living Initiative funds, PSFC must pay out the entire allowance within six months after DHS terminates payments for the participant's substitute care, unless the director of PSFC authorizes an exception.

(g) PSFC must suspend the PAL allowance if the participant:

(1) returns to live with his parents or the alleged perpetrator;

(2) is incarcerated;

(3) is not employed, actively seeking employment, in school, or receiving vocational or technical training; or

(4) refuses to provide required information.

#### *§49.1603. Household Supplies Stipend.*

(a) The Texas Department of Human Services (DHS) gives each qualified participant in the Preparation for Adult Living (PAL) Program a one-time \$200 stipend for household supplies. DHS's Protective Services for Families and Children Department pays the stipend during the participant's last two months in substitute care or during the following three months. The participant must:

(1) spend the stipend on basic household supplies such as towels, sheets, and cooking utensils;

(2) spend no more than \$50 of the stipend on expendable household items such as groceries and paper goods; and

(3) keep receipts for all purchases made with the stipend.

(b) To qualify for the household supplies stipend, the participant:

(1) must have completed training in four of the six core areas of the PAL curriculum specified in §49.1601(b) of this title (relating to Required Services); and

(2) must not be living with his parents or with the alleged perpetrator.

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

Issued in Austin, Texas, on May 31, 1991.

TRD-9106389

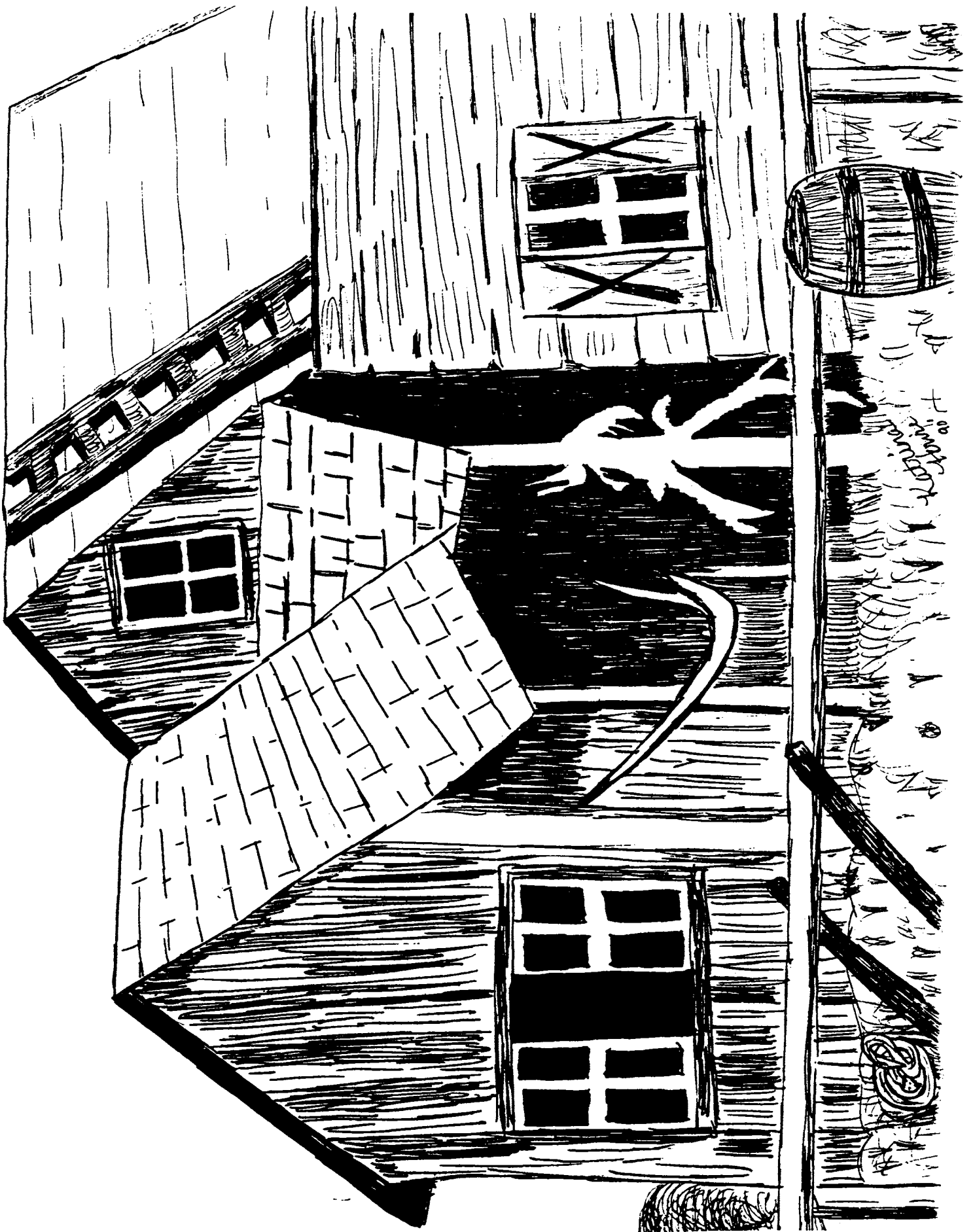
Nancy Murphy  
Agency liaison, Policy and  
Document Support  
Texas Department of  
Human Services

Proposed date of adoption: September 1, 1991

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



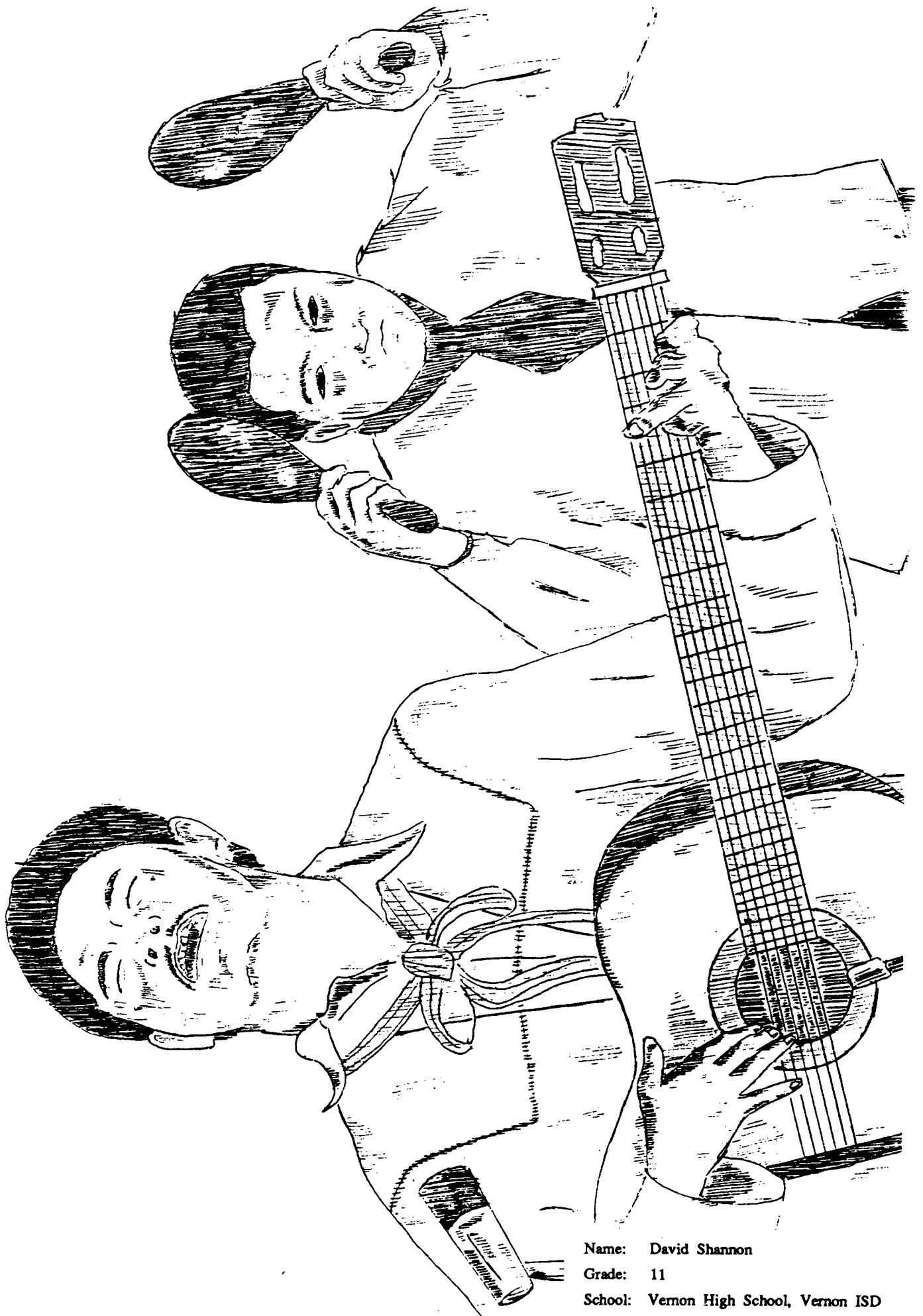




Name: Katrina Howie

Grade: 11

School: Vernon High School, Vernon ISD



Name: David Shannon

Grade: 11

School: Vernon High School, Vernon ISD

# 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 FI- NANCE

### Part VII. State Property Tax Board

#### Chapter 165. Practice and Procedure

##### Rules and Practice and Proce- dure

- 34 TAC §§165.73-165.78

Pursuant to Texas Civil Statutes, Article 6252-13, §5(b), and 1 TAC §91. 24(b), new and amended §§165.73-165.78, submitted by the State Property Tax Board has been automatically withdrawn, effective May 1, 1991. The new and amended sections appeared in the November 30, 1990, issue of the *Texas Register* (15 TexReg 6832).

TRD-9106420





Name: Myron Reeves

Grade: 11

School: Vernon High School, Vernon 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 28. INSURANCE

### Part II. Texas Workers' Compensation Commission

#### Chapter 126. Benefits: General Provisions Applicable to All Benefits

##### • 28 TAC §126.7

The Texas Workers' Compensation Commission adopts new §126.7, concerning injured employee's choice of doctor, with changes to the proposed text as published in the March 28, 1991, issue of the *Texas Register* (16 TexReg 1811).

New §126.7 details the procedures that an injured employee must follow in order to select, or change, his or her choice of treating doctor, in accordance with the Texas Workers' Compensation Act (the Act), Article 8308-4.62. The provision controls for all injured employees who are covered by workers' compensation insurance and who were injured on or after January 1, 1991. It is noted here that §4.62 of the statute will expire on December 31, 1992; after that date a new process for assignment of a treating doctor to an injured employee will go into effect.

New §126.7 works in this way: It states that the injured employee is entitled to his or her initial choice of doctor, which will be the "treating doctor" for that employee, according to the Act. It is noted here that the treating doctor is that doctor, as defined in the Act, §1.03(17) and §1.03(46), who approves or recommends health care treatment for the injured employee, and those provisions of the Act are referenced in the proposed section. The section makes clear that a doctor who renders emergency treatment to an employee is not deemed to be the initial choice of treating doctor unless the employee returns to that doctor for additional treatment, other than follow-up care related to the emergency treatment. The section provides that the receipt of health care from a doctor selected by the employer or carrier does not, by itself, constitute the employee's choice of treating doctor, unless the doctor continues to treat the injured employee for a period of 60 days, in which case the doctor will be deemed to be the injured employee's first choice of treating doctor.

The section describes the process that an employee must follow in order to change doctors beyond the second choice, when that change does not result from emergency treatment or a medically-necessary referral by the treating doctor. The insurance carrier must respond to the employee's request to change doctors within 14 days after receiving the

request; if the request is denied, the carrier must list reasons for denial. The injured employee may request review of a denial by the carrier to change doctors by mailing a written request to the commission. The section tells the injured employee what forms and information to file when a change to a third (or greater) choice of doctors is requested.

Concerning proposed subsection (c), two commenters suggested that subsection (c) be clarified on the basis that the language in subsection (c) contradicts the language in subsection (d) by implying that the first doctor to administer care (including an emergency doctor) is to be known as the employee's treating doctor. The commission agrees with the suggestion that clarification is needed and modifies subsection (c) by adding the word "non-emergency" after the word "administer" in the first sentence of subsection (c) and by adding a new second sentence to subsection (c) as follows: "Although a doctor who renders emergency treatment shall also file a completed TWCC Form 61, that doctor shall not be considered the injured employee's initial choice of doctor, except as stated in subsection (d) of this section."

Concerning proposed subsection (d), several commenters suggested that subsection (d) be clarified on the basis that the meaning of the term "continuous treatment" is vague. The commission agrees with the suggestion that clarification is needed and modifies subsection (d) by replacing the word "continuous" with the word "additional" and by adding the following language after the word "treatment": "other than follow-up care related to the emergency treatment."

Concerning proposed subsection (e), several commenters suggested that subsection (e) be deleted entirely or clarified on the basis that the subsection, as written, is contradictory, exceeds the language of the statute, and seems to imply that even when a physician is selected by the claimant, no "initial choice" has been made. The commission agrees with the suggestion that clarification is needed and modifies subsection (e) by deleting both commas in subsection (e) and by deleting the words "including a doctor."

Concerning proposed subsection (f), several commenters suggested that subsection (f) be modified on the basis that the 90-day period is too long, that the language in the subsection is not clear, and that the subsection fails to clearly distinguish between doctors selected by the employer and doctors suggested by the employer. The commission agrees with the suggestions that the subsection be modified and deletes the language "does not, by itself, constitute the injured employee's initial choice of a treating doctor; however, if this doctor continues to treat the injured employee for a period of 60 days, the doctor is then deemed to be the injured em-

ployee's first choice of treating doctor." The commission substitutes the following language for the deleted language: "or carrier does not, by itself, constitute the injured employee's initial choice of treating doctor. The employee should choose a treating doctor and notify the commission of that choice as soon as possible. However, if this doctor continues to treat the injured employee for a period of 60 days, the doctor is then deemed to be the injured employee's first choice of treating doctor."

Concerning proposed subsection (g), one commenter suggested that subsection (g) be modified on the basis that it does not state that carriers will be notified by the commission of the reason for change. The commission disagrees with the suggested modification, noting that subsection (h) already provides that carriers be notified. Another commenter suggested that subsection (g) be modified to clarify whether carriers will be obligated to preauthorize treatment by a second doctor as things could become confused if the second claim was disputed. The commission disagrees with the suggested modification, noting that a claimant gets one change of doctor which cannot be disputed. The commission on its own motion, for purposes of clarification, modified (g) by inserting the following language at the end of the second sentence after the word "include": "the following information if known by the employee."

Concerning proposed subsection (i), the commission on its own motion deleted the words "or the commission" in the first sentence of subsection (i) for purposes of clarification.

Concerning proposed subsection (j), the commission on its own motion, for purposes of clarification, added the following language after the word "letterhead" in the second sentence of subsection (j): "or that of the carrier's representative."

Concerning proposed subsection (k), one commenter suggested that subsection (k) be modified to require that the commission give its reason for granting an employee's appeal to change doctors. The commission disagrees with the suggested modification, noting that subsection (k) does not deal with the commission's decision, but only deals with the appeal to the commission. The same commenter suggested that subsection (k) be modified to require the commission to contact the carrier to make certain that the carrier has all the information before overturning the carrier's decision. The commission disagrees with the suggested modification, noting that subsection (j) requires the carrier to include all reasons for denial of change, so the commission will already have the information without needing to contact the carrier again. The commission on its own motion, for purposes of clarification, added the following lan-

guage after the word "denial" in the first sentence of subsection (k): "by the carrier to change doctors."

Comments against the proposed section were received from the Texas Association of Business, Southwestern Bell Telephone Company, American Insurance Association, Brown & Root, Inc., Baker & Botts, and Medical and Surgical Clinic, P.A. No comments specifically in favor of the proposed 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 this Act.

#### §126.7. Injured Employee's Choice of Doctor.

(a) The injured employee is entitled to the employee's choice of doctor as provided by the Texas Workers' Compensation Act (the Act), §4.62 and this section.

(b) The commission shall include, with the information mailed to the employee, as required by the Act, §5.09, the requirements to change treating doctors as described in this section.

(c) The first doctor as defined in the Act, §1.03(17) to administer non-emergency health care shall submit to the commission a completed TWCC Form 61, Initial Medical Report and shall be known as the injured employee's treating doctor, as defined in the Act, §1.03(46). Although a doctor who renders emergency treatment shall also file a completed TWCC Form 61, that doctor shall not be considered the injured employee's initial choice of doctor, except as stated in subsection (d) of this section.

(d) A doctor providing emergency care is not the initial choice of treating doctor unless the injured employee returns to this doctor for additional treatment other than follow up care related to the emergency treatment.

(e) The receipt of health care from a doctor salaried by the employer does not constitute the injured employee's initial choice of a treating doctor.

(f) The receipt of health care from a doctor selected by the employer or carrier does not, by itself, constitute the injured employee's initial choice of a treating doctor. The employee should choose a treating doctor and notify the commission of that choice as soon as possible. However, if this doctor continues to treat the injured employee for a period of 60 days, the doctor is then deemed to be the injured employee's first choice of treating doctor.

(g) After an injured employee has made the initial choice of a doctor, the injured employee may change to a second doctor by notifying the commission, at its designated field office, within three days of

the first visit with the second doctor. Notification shall be in writing and include the following information if known by the employee:

(1) the injured employee's full name, address, and social security number;

(2) the date and nature of the injury or illness;

(3) the workers' compensation claim number, if known;

(4) the employer's name and address;

(5) the insurance carrier's name;

(6) the name and address of the initial treating doctor;

(7) the name and address of the second doctor; and

(8) the reasons for changing doctors.

(h) The commission shall forward a copy of the written change of doctor to the insurance carrier within 10 days of notification from the injured employee.

(i) Except when the treatment is recommended by the treating doctor or due to a documented emergency situation, the injured employee, wishing to change doctors beyond the second doctor, shall submit a written request, to the commission for transmittal to the carrier on TWCC Form 50 and receive prior approval from the insurance carrier to change doctors. The request shall be submitted to the insurance carrier and shall include the same information required in subsection (g) of this section. The carrier shall consider the reasons identified in the injured employee's request. The carrier may also consider such factors as listed following:

(1) the medical necessity of the current treatment;

(2) the specialties of the doctors; and

(3) the doctor/patient relationship.

(j) Insurance carriers shall respond to any request to change a treating doctor beyond the employee's second choice by notifying the injured employee and the commission of approval or denial within 14 days after receiving the request. The notification shall be in writing on the insurance carrier's letterhead, or that of the carrier's representative, attached to a copy of the injured employee's request, and shall include:

(1) information sufficient to identify the worker and the claim as well as the doctors involved; and

(2) if denied, the reasons for denial.

(k) The injured employee may request review of a denial by the carrier to

change doctors by mailing a written request to the commission. The request shall include the information from, or a copy of the initial request to, the insurance carrier and the insurance carrier's denial, if any.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 3, 1991.

TRD-9106459

Susan M. Kelley  
General Counsel  
Texas Workers'  
Compensation  
Commission

Effective date: June 24, 1991

Proposal publication date: March 28, 1991

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

## TITLE 31. NATURAL RESOURCE AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 53. Finance

##### License Fees and Boat and Motor Fees

###### • 31 TAC §53.8, §53.10

The Texas Parks and Wildlife Department adopts amendments to §53.8 and §53.10, concerning license fees and boat and motor fees. Section 53.8 is adopted with changes to the proposed text as published in the February 26, 1991, issue of the *Texas Register* (16 TexReg 1276). Section 53.10 is adopted without changes and will not be republished.

The rules are necessary to provide additional funding to maintain the current level of department services for the benefit of the public. Increases reflect inflationary costs of department programs as well as additional costs required for proper funding of programs.

The public will be aware of the cost of licenses and boat and motor fees by literature distributed through businesses and other license issuing establishments.

Comments made by the public concerning the amendments as proposed were presented to the Texas Parks and Wildlife Commission in its March 28, 1991, public hearing. The comments were summarized from the February public hearing, and petitions, resolutions, letters, and telephone calls received. A total of 1,270 comments were received which opposed the hunting and fishing license fee increases, 105 commenters opposed the proposed falconry fee increases, 32 favored increased fees, for this proposal and an unrelated increase of park entrance fees and 789 opposed all fee increases, both hunting and fishing as well as park entrance fees. Due to the voluminous nature of the comments, no attempt is being made to address each comment individually.

All comments are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

The large number of groups presenting comments make the list too voluminous to list. Names of the individuals and the groups they represent are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

The agency does not disagree in principal with the comments. However, since 88% of the department's funding comes from user and license fees, the department must take into consideration its ability to continue to carry out its statutory mandate to manage public wildlife resources by funding its protective and management programs through user fees. In response to specific comments, the finally adopted rules reduced the proposed falconry permit fees as well as the menhaden boat fee. Comments made at the public hearing immediately prior to adoption were addressed by not increasing the alligator hide tag fee as proposed. All other comments relevant to the proposal were considered by the commission and rejected. The proposed rules were found to be reasonable and consistent with the commission's obligation to fund its statutory required programs through user fees.

The amendments are adopted under the Texas Parks and Wildlife Code, which provides the Texas Parks and Wildlife Commission with the authority to set certain license and boat fees. The Parks and Wildlife Code, §11.027, directs the commission to establish reasonable and necessary fees for the administration of department programs.

**§53.8. License Fees Set by Commission.** The following license fee amounts are effective September 1, 1991:

- (1) resident combination hunting and fishing—\$25;
- (2) resident hunting—\$13;
- (3)-(4) (No change.)
- (5) general nonresident hunting—\$200;
- (6) resident trapper—\$15;
- (7) nonresident special hunting—\$75;
- (8) resident retail fur buyer—\$75;
- (9) resident wholesale fur dealer—\$150;
- (10)-(11) (No change.)
- (12) game breeder—\$15;
- (13) hunting boat—\$75;
- (14) scientific breeder's permit—\$150;
- (15) fur-bearing animal propagation—\$75;
- (16) non-resident trapper—\$250;
- (17) commercial game bird

- breeder—Class I—\$150;
- (18) apprentice falconer's permit—\$50;
- (19) general falconer's permit—\$100;
- (20) master falconer's permit—\$150;
- (21) falconer's renewal permit—\$50;
- (22) non-resident five-day falconer's permit—\$20;
- (23) white-winged dove stamp—\$7.00;
- (24) commercial game bird breeder—Class 2—\$15;
- (25) alligator hide tag—\$5.00;
- (26) hunting lease—small—\$25;
- (27) hunting lease—medium—\$50;
- (28) hunting lease—large—\$75;
- (29) archery hunting stamp—\$7.00;
- (30) waterfowl hunting stamp—\$7.00;
- (31) non-resident retail fur buyer's—\$300;
- (32) non-resident wholesale fur dealer's—\$500;
- (33) resident fishing—\$13;
- (34) blind/disabled veteran or commercial fisherman—resident sportfishing—\$1.50;
- (35) shellfish culture—\$75;
- (36) non-resident fishing—\$20;
- (37) fishing duplicate—\$6.00;
- (38) temporary nonresident fishing—\$10;
- (39) Lake Texoma fishing—\$7.50;
- (40) saltwater sportfishing stamp—\$7.00;
- (41) freshwater trout stamp—\$7.00;
- (42) retail fish dealer's—\$40;
- (43) saltwater trotline tags—\$3.00;
- (44) seine tags—\$3.00;
- (45) fish guide—\$75;
- (46) resident freshwater commercial fishing boat—\$15;
- (47) bait dealer's—\$30;
- (48) wholesale fish dealer's—\$500;
- (49) wholesale fish dealer's—truck—\$300;

- (50) retail fish dealer's—truck—\$75;
- (51) resident saltwater commercial fishing boat—\$15;
- (52) mussel, clam, and naiaid—\$30;
- (53) mussel dredge permit—power—\$80;
- (54) commercial fishing boat—Menhaden only—\$3,500;
- (55) Menhaden fish plant permit—\$150;
- (56) resident commercial gulf shrimp boat—\$150;
- (57) shrimp house operator—\$400;
- (58) individual bait shrimp trawl tags—\$20;
- (59) bait shrimp dealer's—\$100;
- (60) resident commercial bay shrimp boat—\$150;
- (61) resident commercial bait shrimp boat—\$150;
- (62) nonresident general commercial fisherman—\$150;
- (63) nonresident general commercial fisherman vessel—\$150 per fisherman;
- (64) nonresident general commercial finfish fisherman \$150;
- (65) resident commercial finfish fisherman—\$75;
- (66) resident general commercial fisherman—\$20;
- (67) nonresident commercial gulf shrimp boat—\$320;
- (68) resident general commercial fisherman vessel—\$20 per fisherman;
- (69) finfish import—\$75;
- (70) resident fishing under 17, or 65 years old or older—no charge;
- (71) person having a commercial fishing license of this state—no additional fee required to sportfish.
- (72) Lifetime Combination Hunting and Fishing—\$800;
- (73) Lifetime Hunting—\$500; and
- (74) Lifetime Fishing—\$400.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 3, 1991.

TRD-9106456

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

Effective date: June 24, 1991

Proposal publication date: February 26, 1991

## Chapter 59. Parks

### Park Entrance and Park User Fees

#### • 31 TAC §59.2, §59.3

The Texas Parks and Wildlife Department adopts amendments to §59.2 and §59.3 concerning park entrance and park user fees. Section 59.2 is adopted with changes to the proposed text as published in the April 16, 1991, issue of the *Texas Register* (16 TexReg 2185). Section 59.3 is adopted with changes and will not be republished.

The rules are necessary to provide additional funding to maintain the current level of public lands services for the benefit of the public. Increases reflect inflationary costs of park operations as well as additional costs required for proper funding of park operations.

The public will be aware of the cost of day use and other use fees by literature distributed park entrances and business establishments.

Comments made by the public concerning the new rules as proposed were presented to the Texas Parks and Wildlife Commission in its March 28, 1991, public hearing. The comments were summarized from the February public hearing, and petitions, resolutions, letters, and telephone calls received. A total of 1,439 comments were received which opposed the park fee increases, 32 favored increased fees for this proposal and an unrelated increase of hunting and fishing license fees, and 789 opposed all fee increases, both hunting and fishing as well as park entrance fees. Due to the voluminous nature of the comments, no attempt is being made to address each comment individually.

All comments are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

The large number of groups presenting comments make the list too voluminous to list. Names of the individuals and the groups they represent are available for public inspection at the Texas Parks and Wildlife Department Headquarters Complex, 4200 Smith School Road, Austin, Texas 78744.

The agency does not disagree in principal with the comments. However, since 88% of the department's funding comes from use and entrance fees, the department must take into consideration its ability to continue to carry out its statutory mandate to operate and maintain state parks by funding them through entrance and use fees. In response to specific comments, the finally adopted rules restored the previously proposed elimination of the annual park pass and allow the discounting of entrance and use fees in order to enhance park utilization. All other comments relevant to the proposal were considered by the commission and rejected. The proposed rules were found to be reasonable and consistent with the commission's obligation to operate and maintain state parks through entrance and use fees.

The amendments are adopted under the Texas Parks and Wildlife Code, §13.015 and §21.111, which provides the Texas Parks and Wildlife Commission with the authority to set certain park fees.

#### §59.2. Park Entrance and Use Fees.

(a) An entrance/use fee may be levied at state parks. The fee will grant entry and presence privileges for a specific 24-hour period or part thereof, regardless of the number of times of entry during the valid period. At the end of each 24-hour period, the fee will become due for the succeeding 24-hour period or part thereof.

(b) An annual \$25-\$50 entrance permit and use fee may apply at certain state parks where entrance fees are prescribed in lieu of a daily entrance fee. The annual permit will admit the purchaser and all occupants of his private, noncommercial vehicle, but will not apply to commercial, quasi-public, or public buses, or other such vehicles. A duplicate permit will be available at a rate of \$8.00 each. A replacement permit will be available at a rate of \$2.00 each.

(c) Annual permits are not valid for conducted tours, or for fishing privileges on fishing piers.

(d) An entrance and use fee of \$2.00 to \$6.00 per motorized vehicle per day will apply at parks designated by the department in lieu of an annual or parklands passport.

(e) An entrance fee will apply on a per person basis at parks designated by the department.

(f) The executive director may, at his discretion, temporarily waive any entrance fees or conditions thereof established in this section at any park when construction activities at the park adversely affect public enjoyment of the recreational opportunities normally available. The executive director may discount or waive entrance fees in order to enhance utilization of existing facilities.

(g) No entrance fee will be charged or collected at parks unless the department deems it feasible to collect the fees.

(h) Persons entering parks by boat, bicycle, or on foot are authorized to use a valid annual park entrance permit receipt in lieu of paying an individual entrance fee. An individual presenting a receipt must be the same person to whom the annual permit was issued or a member of the original permit holder's immediate family. Individuals eligible for park entry as specified herein may be accompanied by as many as three other persons.

(i) Persons 65 years of age or over and veterans of the armed services of the United States who, as a result of military service, have a service-oriented disability as defined by the Veterans Administration,

consisting of the loss of the use of a lower extremity or of a 60% disability rating and who are receiving compensation from the United States government because of the disability, will not be required to pay an entrance fee at state parks. State parklands passports will be issued to eligible persons at state parks and the Austin headquarters. A driver's license, birth certificate, military discharge papers, or any other suitable identification considered sufficient proof for establishing the age and identity of an individual must be presented at the time the passport is issued to persons 65 years of age and over. Disabled veterans must establish eligibility by presenting one of the following:

(1) disabled veteran's of Texas license plate receipt;

(2) veteran's award letter (which establishes the degree of service-connected disability);

(3) tax exemption letter for Texas veterans.

(j) All motor vehicles carrying the holder of a state parklands passport may enter the park without payment of an entrance fee. This passport does not exempt the holder from payment of fees for fishing privileges or tour fees required in certain units of the state park system.

(k) A duplicate state parklands passport may be issued for use on additionally owned motor vehicles. A replacement for a state parklands passport may be issued when the original registration or windshield sticker is lost, stolen, damaged, or the motor vehicle is sold, traded, or stolen, or when the motor vehicle windshield is replaced.

(l) Entrance fees established in subsections (b) and (d) of this section will apply to all private aircraft noncommercial motorized vehicles which includes two- or more-wheeled vehicles. Commercial, quasi-public, or public buses or other vehicles are excluded.

(m) Persons entering parks by bus, where entrance and use fees are charged on a per-car basis, will be charged a group rate as follows: Adults one-11 persons, \$1.00 each, minimum \$4.00; 12-47 persons, \$12; 48 or more persons, \$20; children 12 years of age and under, one-29 persons, \$.50 cents each, minimum \$4.00; 30 or more persons, \$12.

(n) Organized groups consisting of individuals 12 years of age and under may enter the park in buses or other type vehicle at the rate \$.50 per person, provided they are accompanied by adult supervisors and the entrance fee for the entire group is paid at one time.

(o) Persons entering parks on foot, bicycle, or by boat where entrance and use fees are charged on a per-car basis will be charged an individual rate of \$1.00 for adults and \$.50 for children 12 years of age and under.



(p) The valid time period for daily entrance fees will be:

(1) for day use, the time period encompassing the day-use opening hours of the park on the date on which admission is paid; and

(2) for overnight use, a 24-hour period beginning at 2 p.m. on the date admission is paid.

(q) At the discretion of the executive director, any person or persons may be exempted from the provisions of this section if the entry of such person or persons to a park or parks is necessary or desirable in order to provide a service for the state. The executive director is authorized to issue such entrance fee waivers under certain circumstances and conditions. A written record shall be maintained of all such exemptions.

(r) The executive director is authorized to establish an entrance fee in accordance with these sections at any site hereafter established as a state park when he deems such action is appropriate and in accord with applicable statutes.

(s) Any fees established in this section may be waived or reduced at the discretion of the executive director for public use of a park during special events or exhibitions.

(t) The executive director may designate the amount of use fee and entrance fee within the total amount provided for by this section.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on June 3, 1991.

TRD-9106457

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

Effective date: June 24, 1991

Proposal publication date: April 16, 1991

For further information, please call: 1-800-792-1112, ext. 4700 or (512) 389-4700

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part IX. Texas Commission on Jail Standards

#### Chapter 271. Classification and Separation of Inmates

##### • 37 TAC §271.3

The Texas Commission on Jail Standards adopts an amendment to §271.3, with changes to the proposed text as published in the April 30, 1991, issue of the *Texas Register*

for (16 TexReg 2420).

The amendment is necessary to provide adequate separation of different classification of inmates in county jails.

The section will allow greater flexibility in the housing of inmates under disciplinary or administrative separation.

Most of the comments received were supportive. Several suggestions were noted and incorporated as changes. These suggestions dealt with clarification of privileges and personal hygiene needs.

Commenters in favor of adopting the proposed amendment were: the county sheriff's offices of: Austin, Bailey, Bastrop, Cass, Cochran, Collin, Comal, Dallas, Denton, Ellis, El Paso, Gaines, Gillespie, Harris, Hays, Henderson, Jefferson, Johnson, Lavaca, Live Oak, Matagorda, McCulloch, Moore, Parker, Parmer, Tarrant, Travis, Ward, Williamson, Wood, and Young. A commenter opposing adoption of the proposed amendment was the Taylor County Sheriff's Office.

The amendment is adopted under the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation for county jails.

##### §271.3. Cell Assignment.

(a) The number and capacity of cells or rooms in a facility shall be designed and constructed so that the mandatory separation provisions of the Local Government Code, Chapter 351 (concerning the operation of county jails) and the facility's inmate classification plan can be implemented.

(b) In addition to disciplinary separation, inmates who require protection or those who require separation to protect the safety and security of the facility may be housed in a separation cell as defined in Chapter 253 of this title (relating to Definitions).

(c) Inmates placed in administrative separation shall be reviewed at least every 14 days for continuance of status. Inmates housed in administrative separation shall retain all privileges as defined under Chapter 291 of this title (relating to Inmate Privileges), unless the continuance of such privileges would adversely affect the safety and security of the facility.

(d) Single cells may be utilized for disciplinary or administrative separation provided inmates are allowed access to a shower at least once each day.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 22, 1991.

TRD-9106413

Jack E. Crump  
Executive Director  
Texas Commission on Jail  
Standards

Effective date: June 21, 1991

Proposal publication date: April 30, 1991

For further information, please call: (512) 463-5505

## Chapter 283. Discipline and Grievances in County Jails

### • 37 TAC §283.1

The Texas Commission on Jail Standards adopt an amendment to §283.1, with changes to the proposed text as published in the April 30, 1991, issue of the *Texas Register* (16 TexReg 2421).

The amendment is necessary to administer proper discipline of inmates in jails operated under the direct supervision management concept.

The permissive change will allow the housing pod officer in direct supervision jails to temporarily restrict inmates to their cells for minor acts of non-conformance or minor violations of institution rules.

Most comments were supportive with several suggested modifications.

Commenters in favor of adopting the proposed amendment were: the county sheriff's offices of: Austin, Bailey, Bastrop, Cass, Cochran, Collin, Comal, Dallas, Denton, Ellis, El Paso, Gaines, Gillespie, Harris, Hays, Henderson, Jefferson, Johnson, Lavaca, Live Oak, Matagorda, McCulloch, Moore, Parker, Parmer, Tarrant, Travis, Ward, Williamson, Wood, and Young. A commenter opposing adoption of the proposed amendment was the Taylor County Sheriff's Office.

The amendment is adopted under the Government Code, Title 4, Chapter 511, which provides the Texas Commission on Jail Standards with the authority to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation county jails.

§283.1. Inmate Discipline Plan. Every sheriff shall have and implement a written plan, approved by the commission, for inmate disciplinary procedures prescribing rules governing inmate conduct and staff handling of inmate discipline problems. The plan and rules shall be available for commission review and approval, and shall:

(1) provide for uniform application of disciplinary rules among all inmates and for maintaining as part of the inmate's file a written record of all discipline, investigation, and punishment (except informal verbal handling by staff for minor acts of non-conformance or minor rule violations).

(2)-(3) (No change.)

(4) provide that minor acts of non-conformance or minor violations of institution rules may be handled informally by a staff member by counseling or advising the inmate of expected conduct. Temporary restriction to cells for a period not to exceed 24 hours may be imposed on inmates by the housing pod officer in

podular/direct supervision facilities.

(5) (No change.)

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 22, 1991.

TRD-9106412

Jack E. Crump  
Executive Director  
Texas Commission on Jail  
Standards

Effective date: June 21, 1991

Proposal publication date: April 30, 1991

For further information, please call: (512)  
463-5505



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 24. Reimbursement Methodology for Medical Assistance Programs

##### Subchapter C. Inflation Indices

###### • 40 TAC §24.301

The Texas Department of Human Services (DHS) adopts an amendment to §24.301, concerning determination of inflation indices, without changes to the proposed text as published in the April 23, 1991, issue of the *Texas Register* (16 TexReg 2281).

The amendment is justified because it changes the title from "Consumer Price Index for All Urban Consumers (CPI-U) for Medical Services," to "Consumer Price Index for All Urban Consumers (CPI-U) for Medical Care" in the reimbursement methodology rules for the Vendor Drug and ICF-MR State School Programs.

The amendment will function by informing staff and the public of the current section of the CPI-U utilized by the department.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department 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 May 31, 1991.

TRD-9106383

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

Effective date: June 21, 1991

Proposal publication date: April 23, 1991

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



# 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

**Tuesday, June 18, 1991, 1 p.m.** The Texas Department of Agriculture will meet at the Stephen F. Austin Building, Ninth Floor Conference Room, 1700 North Congress Avenue, Room 933, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Administrative Code, §7.22 by Charles H. Jones doing business as Hardcastle Ag Air, Inc., as petitioned by the Texas Department of Agriculture.

**Contact:** Cordelia Martinez, P.O. Box 12847, Austin, Texas 78711, (512) 475-1609.

**Filed:** May 30, 1991, 10:20 a.m.

TRD-9106357

**Tuesday, July 9, 1991, 10 a.m.** The Texas Department of Agriculture will meet at the Texas Department of Agriculture, 1700 North Congress Avenue, Room 926A, Stephen F. Austin Building, Austin. According to the complete agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §76.116(a)(1) Vernon 1991 and 4 TAC §7.22(a) by Charles Yant doing business as Yant Air Service, Inc.

**Contact:** Chris Hanger, P.O. Box 12847, Austin, Texas 78711, (512) 463-7703.

**Filed:** May 30, 1991, 10:20 a.m.

TRD-9106358

## State Bar of Texas

**Friday, June 7, 1991, 10 a.m.** The Commission on Lawyer Discipline of the State Bar of Texas will meet at Suite 3737 Renaissance Tower, 1201 Elm Street, Dallas. According to the agenda summary, the commission will review and discuss duties and authority; review rules and procedures; appoint committees; approval of settlements; budget for commission; organization of general counsel; budget for general counsel; approval and rejection of reports; appropriate discipline; pending litigation; expansion of grievance committees; opinion of chief disciplinary counsel; use of ADR; case load update; and meeting days and locations.

**Contact:** Pat Hiller, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1541.

**Filed:** May 30, 1991, 3:56 p.m.

TRD-9106374

**Friday June 7, 1991, 10 a.m.** The Commission on Lawyer Discipline of the State Bar of Texas will meet at Suite 3737 Renaissance Tower, 1201 Elm Street, Dallas. According to the revised agenda summary, the commission will review and discuss duties and authority; approval of settlements; budget for commission; organization of general counsel; budget for general counsel; approval and rejection of reports; appropriate discipline; pending litigation; meet in closed executive session; expansion of grievance committees; opinion of chief disciplinary counsel; use of ADR; case load update; and meeting days and locations.

**Contact:** Pat Hiller, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1541.

**Filed:** May 30, 1991, 5:29 p.m.

TRD-9106377

## Texas Commission for the Blind

**Thursday, June 20, 1991, 1 p.m.** The Austin District Office of the Texas Commission for the Blind will meet at 3001 South Lamar Boulevard, Suite 200, South Office District Office, Austin. According to the complete agenda, this year marks the 60th anniversary of the commission and this public forum is for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind or visually impaired Texans and commenting on the agency's state plans. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

**Contact:** Cecilia Berrios, P.O. Box 12888, Austin, Texas 78711, (512) 459-2611.

**Filed:** May 30, 1991, 2:04 p.m.

TRD-9106365

**Thursday, June 27, 1991, 6 p.m.** The Fort Worth District Office of the Texas Commission for the Blind will meet at 912 West Broadway Street, Fort Worth Lighthouse for the Blind, Fort Worth. According to the complete agenda, this year marks the 60th anniversary of the commission and this public forum is for the purpose of giving local consumers an opportunity of speaking to agency staff about services to blind or visually impaired Texans and commenting on the agency's state plans. Consumers will also have the opportunity of participating in a question and answer period about local agency services.

**Contact:** Cecilia Berrios, P.O. Box 12888, Austin, Texas 78711, (512) 459-2611.

**Filed:** May 31, 1991, 1:53 p.m.

TRD-9106408

## Texas Child Care Development Board

**Friday, June 14, 1991, 9:30 a.m.** The Texas Child Care Development Board will meet at the Sam Houston Building, 201 East 14th Street, Seventh Floor Conference Room, Austin. According to the complete agenda, the board will welcome and discuss approval of minutes from previous meeting; review legislation passed by 72nd Legislature; review of renovation plans and proposed bid opening; review of RFP and plan for distribution and filing of notice to private providers; and discuss new business.

**Contact:** Mary Fero, 209 West 14th Street, Austin, Texas 78711, (512) 463-2062.

**Filed:** June 3, 1991, 2:25 p.m.

TRD-9106488

## Texas Department of Commerce

**Tuesday, June 11, 1991, 9:30 a.m.** The Board of Directors of the Texas Department

of Commerce will meet at 816 Congress Avenue, 11th Floor Board Room, Austin. According to the agenda summary, the board will call the meeting to order; recess into executive session; at 10 a.m. call back to order in regular open meeting; adopt minutes; report from Interim Executive Director; SPGSC rules and regulations; presentation from TIDC; appoint commerce board as directors of TSBIDC; appoint membership Capital CDC; three enterprise project designations; purchase of computer equipment for work force development, data depository and tourism; rapid response team obligations; overview of Texas Community Development Program; progress report General Dynamics; agency financial reports; comptroller's special audit report; legislation update-legislation and budget; and adjourn.

Contact: Mike Regan, Suite 1100, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9611.

Filed: June 3, 1991, 3:37 p.m.

TRD-9106500

### State Depository Board

Monday, June 17, 1991, 4 p.m. The State Depository Board will meet at 111 East 17th Street, LBJ Building, Office of the State Treasurer, Austin. According to the complete agenda, the board will consider amendments to the rule regarding Collateral Transactions set forth in 34 TAC §171.1 to include certain types of mortgage-backed securities as acceptable collateral for state deposits; consideration of an amendment to the rule regarding Collateral Transaction set forth in 34 TAC §171.1 to include portions of Small Business Administration loans which are guaranteed by the United States Government as acceptable collateral for state deposits; consideration of state depository applications; and discussion of agenda for next meeting.

Contact: Arne L. Schwartz, P.O. Box 12608, Austin, Texas 78711, (512) 463-5971.

Filed: May 31, 1991, 1:32 p.m.

TRD-9106404

### Texas Employment Commission

Tuesday, June 11, 1991, 8:30 a.m. The Texas Employment Commission will meet at the TEC Building, 101 East 15th Street, Room 644, Austin. According to the agenda summary, the commission will discuss prior meeting notes; consideration and possible approval of professional engineering services for HVAC modifications at Eagle Pass agency-owned building; internal procedures of commission appeals; consideration and action on tax liability cases and

higher level appeals in unemployment compensation cases listed on Commission Docket Number 24; and set date of next meeting.

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

Filed: June 3, 1991, 3:46 p.m.

TRD-9106503

### Governor's Task Force on Revenue

Saturday, June 8, 1991, 9 a.m. The Governor's Task Force on Revenue will meet at the State Capitol, Senate Chamber, Austin. According to the complete agenda, the Task Force will consider public testimony received at regional public hearings and Task Force deliberations.

Contact: Terrell Blodgett, P.O. Box 12068, Austin, Texas 78711, (512) 463-3004.

Filed: May 31, 1991, 2:44 p.m.

TRD-9106422

Saturday, June 15, 1991, 9 a.m. The Governor's Task Force on Revenue will meet at the State Capitol, Senate Chamber, Austin. According to the complete agenda, the Task Force will consider public testimony received at regional public hearings and Task Force deliberations.

Contact: Terrell Blodgett, P.O. Box 12068, Austin, Texas 78711, (512) 463-3004.

Filed: May 31, 1991, 2:45 p.m.

TRD-9106423

Saturday, June 22, 1991, 9 a.m. The Governor's Task Force on Revenue will meet at the State Capitol, Senate Chamber, Austin. According to the complete agenda, the Task Force will consider public testimony received at regional public hearings and Task Force deliberations.

Contact: Terrell Blodgett, P.O. Box 12068, Austin, Texas 78711, (512) 463-3004.

Filed: May 31, 1991, 2:45 p.m.

TRD-9106424

### Texas Department of Health

Thursday, June 6, 1991, 10 a.m. The Poison Control Coordinating Committee of the Texas Department of Health held an emergency meeting at the Texas Department of Health, 1100 West 49th Street, Room G-107, Austin. According to the complete agenda, the committee approved minutes of previous meeting; considered and possibly acted on legislation; data set; services areas; and considered other business not requiring action. The emergency status was necessary due to unforeseeable circumstances.

Contact: Gene Weatherall, 1100 West 49th

Street, Austin, Texas 78756, (512) 458-7550.

Filed: May 31, 1991, 4:12 p.m.

TRD-9106437

### Texas Commission on Human Rights

Tuesday, June 11, 1991, 9 a.m. The Texas Commission on Human Rights will meet at the Crest Hotel on Town Lake, Congress Room, 111 East First Street at Congress Avenue, Austin. According to the agenda summary, the commission will discuss and vote on item(s) covered in executive session as necessary or required; welcoming of guests; approval of minutes; administrative reports (executive director's report, complaint monitoring report, operations report-employment and housing, finance report); critique of Texas Commission on Human Rights' annual EEO Conference; outcome of legislative issues affecting the commission; adoption of proposed rule related to the amendment of a complaint; briefing on testing as an investigative tool in fair housing complaints; status of EEO Compliance Training; discussion of the commission's 1992-1993 appropriations request; IAOHRA board elections; commissioner issues; and discuss unfinished business.

Contact: William M. Hale, P.O. Box 13493, Austin, Texas 78711, (512) 837-8534.

Filed: June 3, 1991, 2:16 p.m.

TRD-9106486

### Texas Department of Human Services

Tuesday, June 11, 1991, 10 a.m. The Client Self-Support Services Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Conference Room 1W, Austin. According to the complete agenda, the council will call the meeting to order; approval of minutes; introduction of members; hear commissioner's comments; overview of new CSS programs; state legislation update; CSSC; child care planning process update; child care and development block grant eligibility rules; child care management services vendor payment rules; update on medical coverage for newborns; treatment of government assistance payments in the AFDC and medicaid programs; continuation of refugee case assistance program; OBRA requirements for outstationed eligibility workers; closing remarks; discuss other business; and adjournment.

Contact: Cindy Marler, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3662.

Filed: June 3, 1991, 9:47 a.m.

TRD-9106458

Tuesday, June 11, 1991, 10 a.m. The Client Self-Support Services Advisory Council

of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Conference Room 1W, Austin. According to the revised agenda summary, the council will review and discuss self-arranged child care provider eligibility and increase in JOBS transportation allowance; and remove from the agenda child care management services vendor payment rules.

Contact: Cindy Marler, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3662.

Filed: June 3, 1991, 2:02 p.m.

TRD-9106476

Thursday, June 13, 1991, 10 a.m. The Family Planning Interagency Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Public Hearing Room, Austin. According to the revised agenda summary, the council will review and discuss the Supreme Court decision regarding Rust versus Sullivan.

Contact: Beth Weber, P.O. Box 149030, Austin, Texas 78714-9030, (512) 338-6460.

Filed: June 4, 1991, 9:58 a.m.

TRD-9106526

## State Board of Insurance

Friday, June 7, 1991, 8:30 a.m. The State Board of Insurance will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 8-101, Austin. According to the agenda summary, the board will consider extension of emergency effect and authorize publication for final adoption of 28 TAC §3.7001-3.7016, concerning Texas Health Insurance Risk Pool Plan of Operations; consider publication as a proposal of 28 TAC §7.36, concerning requirements for an audited report of workers' compensation reserves; consider final action on repeal of 28 TAC §5.6301, concerning sale of alternatives to workers' compensation insurance; consider publication as proposal of 28 TAC §5.6302, concerning sale of substitutes to workers' compensation insurance; consider motion for rehearing concerning disciplinary action against Gilbert Castillo; consider request from Crum & Forster Commercial Insurance Company for cessation of acceptance of small premium policies; transfer of designated insurer status to Zurich Insurance Company; consider provisions of workers' compensation policies for retrospective rating calculation and possible rule changes; consider special semi-annual call of workers' compensation insurance to provide information on premiums and losses for use at the annual workers' compensation rate hearing.

Contact: Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6328.

Filed: May 30, 1991, 4:14 p.m.

TRD-9106376

Tuesday, June 11, 1991, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether United International Life Insurance Company should be ordered to take appropriate action or whether its Certificate of Authority should be revoked or suspended. Docket Number 11204.

Contact: Wendy L. Ingham, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 3, 1991, 4:15 p.m.

TRD-9106508

Tuesday, June 11, 1991, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against Robert Dale Harris, Houston, who holds a Group I, Legal Reserve Life Insurance Agent's license. Docket Number 11200.

Contact: Lisa Lyons, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 3, 1991, 4:15 p.m.

TRD-9106506

Tuesday, June 11, 1991, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against National Bancshares Life Insurance Company, San Antonio, which holds a Certificate of Authority. Docket Number 11191.

Contact: James W. Norman, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 3, 1991, 4:15 p.m.

TRD-9106507

Wednesday, June 12, 1991, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet at 333 Guadalupe Street, Hobby I, 12th Floor, Austin. According to the complete agenda, the section will conduct a public hearing to consider whether disciplinary action should be taken against James Robert Boynton, Cleveland, who holds a Group II Insurance Agent's license. Docket Number 11175.

Contact: O. A. Cassity, III, 333 Guadalupe Street, Hobby I, Austin, Texas 78701, (512) 475-2983.

Filed: June 3, 1991, 4:14 p.m.

TRD-9106505

## Texas Department of Licensing and Regulation

Thursday-Friday, June 13-14, 1991, 9 a.m. The Texas Commission of Licensing and Regulation of the Texas Department of Licensing and Regulation will meet at the E. O. Thompson Building, 920 Colorado Street, Room 1012, Austin. According to the agenda summary, the commission will call the meeting to order; take roll call and certification of quorum; approval of minutes; motions for rehearing; hear contested cases; review agreed orders; discuss old business; discuss new business; hear public comments; discuss agency report; discuss Homeowner's Recovery Fund; meet in executive session; discussion of date, time and location of next commission meeting; and adjourn.

Contact: Elvis G. Schulze, 920 Colorado Street, Austin, Texas 78711, (512) 463-3127.

Filed: May 31, 1991, 12:19 p.m.

TRD-9106402

Tuesday, June 11, 1991, 9 a.m. (rescheduled from May 7, 1991) The Business and Occupational Programs, Boxing of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Richard Tomn/TCS Sports for violation of Statutes, Articles 8501-1 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 4, 1991, 9:39 a.m.

TRD-9106518

Tuesday, June 12, 1991, 9 a.m. The Business and Occupational Programs, Boxing of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Loren Tate Gonzales for violation of Statutes, Articles 8501-1 and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 4, 1991, 9:39 a.m.

TRD-9106519

Monday, June 17, 1991, 9 a.m. The Business and Occupational Programs, Tow Trucks of the Texas Department of Licens-

ing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Eighth Floor Conference Room, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Car Store for violation of Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 4, 1991, 9:39 a.m.

TRD-9106520

Monday, June 17, 1991, 10:30 a.m. The Business and Occupational Programs, Tow Trucks of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Eighth Floor, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Atilano Cereceres for violation of Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 4, 1991, 9:39 a.m.

TRD-9106521

Tuesday, June 18, 1991, 9 a.m. The Business and Occupational Programs, Tow Trucks of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Rolando Esquized doing business as Rolando's Used Auto Parts for violation of Statutes, Articles 6687-9b and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 4, 1991, 9:40 a.m.

TRD-9106522

Monday, June 24, 1991, 9 a.m. The Manufactured Housing of the Texas Department of Licensing and Regulation will meet at 920 Colorado Street, E. O. Thompson Building, Room 1012, Austin. According to the complete agenda, the department will hold an administrative hearing to consider the possible assessment of an administrative penalty and denial, suspension or revocation of the respondent's license for Palm Harbor Homes, Inc. for violation of Statutes, Articles 5221f and 9100.

Contact: Paula Hamje, 920 Colorado Street, Austin, Texas 78701, (512) 475-2899.

Filed: June 4, 1991, 9:40 a.m.

TRD-9106523

### Texas State Board of Medical Examiners

Monday, June 10, 1991, 8:30 a.m. The Disciplinary Process Review Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda summary, the committee will discuss approval of minutes from April meeting; April and May 1991 enforcement reports; report on current employee vacancies and recruitment activities; update on priority rating system; and meet in executive session to review selected files and cases dismissed by informal settlement conferences; executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 4.05(d), 5.06(s)(1), and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 31, 1991, 4:53 p.m.

TRD-9106444

Monday, June 10, 1991, 8:30 a.m. The Examination Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda summary, the committee will review examination applicants, review graduates of the American University of the Caribbean who are in training programs in Texas, and review examination applicants complete for consideration of licensure; meet in executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General, 1974, Number H-484.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 31, 1991, 4:53 p.m.

TRD-9106443

Monday, June 10, 1991, 8:30 a.m. The Reciprocity Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda summary, the committee will discuss items; recommendations of ineligibility as determined by the committee to be reported to the board; March, 1991 SPEX examination analysis; approval of reciprocal endorsement applicants to be considered for permanent licensure; review of reciprocal endorsement applicants; and meet in executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 31, 1991, 4:52 p.m.

TRD-9106442

Monday-Tuesday, June 10-11, 1991, 9 a.m. The Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda summary, the board will discuss approval of examination of applicants; review of FLEX examination; hearing on cancellations of licenses; hearing on proposed rule change; requests for reinstatements; presentation and review of Osteopathic National Board Examination; probationary appearances; approvals of agreed order, minutes, probationary panel reports; suspension termination; termination of probation; discussion of eligibility of graduates of American University of Caribbean; executive director's report to include: budget, licensure, computer, new space, enforcement; approval of duplicate licenses; and meet in executive session under authority of Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(s)(1) and Opinion of Attorney General 1974, Number H-484.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 31, 1991, 4:56 p.m.

TRD-9106446

Tuesday, June 11, 1991, 8 a.m. The Standing Orders Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda summary, the committee will discuss waiver granted at previous meeting; appointment of Physician Assistant Advisory Committee; discussion of bill regarding standing delegation orders for optometrists; and discussion of possible creation of Acupuncturist Advisory Committee.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 31, 1991, 4:54 p.m.

TRD-9106445

Tuesday, June 11, 1991, 8:30 a.m. The Finance Committee of the Texas State Board of Medical Examiners will meet at 1101 Camino La Costa, Suite 201, Austin. According to the agenda summary, the committee will review financial statements and budgets.

Contact: Pat Wood, P.O. Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 31, 1991, 4:47 p.m.

TRD-9106441

### Texas State Board of Pharmacy

Tuesday-Wednesday, June 11-12, 1991, 9 a.m. The Texas State Board of Pharmacy will meet at the Joe C. Thompson Center, 2405 East Campus Drive, Austin. Accord-

ing to the agenda summary, the board will consider proposed rules §291.33(c)(3), 291.34, and 309.5; and 291.32(c)(4), 291.73(e)(4), and 291.76(c) (4).

Contact: Fred S. Brinkley, Jr., 8505 Cross Park Drive, #110, Austin, Texas 78754, (512) 832-0661.

Filed: June 3, 1991, 12:32 p.m.

TRD-9106474

## Public Utility Commission of Texas

**Monday, June 10, 1991, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a prehearing conference in Docket Number 9981-petition of general counsel to inquire into the reasonableness of the rates and services of Central Telephone Company of Texas.

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

Filed: May 31, 1991, 3:29 p.m.

TRD-9106425

**Thursday, June 13, 1991, 10 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 10076-application of Southwestern Bell Telephone Company for approval of a customer-specific contract for billing and collection services for MCI.

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

Filed: May 31, 1991, 3:30 p.m.

TRD-9106427

**Monday, June 17, 1991, 9 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a prehearing conference in Docket Number 9960-Southwestern Bell Telephone Company notice of intent and application pursuant to Substantive Rule 23, 27.

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

Filed: May 31, 1991, 3:30 p.m.

TRD-9106426

**Tuesday, July 23, 1991, 10 a.m.** The Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the commission will hold a hearing on the merits in Docket Number

10196-application of Southwestern Bell Telephone Company to revise tariff to add an optional feature for Plexar-I, call transfer disconnect (CTD).

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

Filed: June 3, 1991, 3:07 p.m.

TRD-9106492

**Thursday, September 12, 1991, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete agenda, the division will hold a hearing on the merits in Docket Number 9953-application of Texas New Mexico Power Company for a certificate of convenience and necessity for proposed transmission line within Denton County.

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

Filed: June 3, 1991, 3:06 p.m.

TRD-9106490

## Texas Department of Public Safety

**Wednesday, June 12, 1991, 1 p.m.** The Division of Emergency Management State Emergency Management Council of the Texas Department of Public Safety will meet at DPS Headquarters, 5805 North Lamar Boulevard, Emergency Operating Center, Austin. According to the complete agenda, the council will hold LEPC nominations; discuss EPA grant proposals; and discuss SERC business.

Contact: David D. Haun, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2138.

Filed: May 31, 1991, 3:52 p.m.

TRD-9106429

## Texas Low-Level Radioactive Waste Disposal Authority

**Thursday, June 13, 1991, 8:30 a.m.** The Board of Directors' of the Texas Low-Level Radioactive Waste Disposal Authority will meet at 7701 North Lamar Boulevard, Suite 300, Austin. According to the agenda summary, the board will review and discuss the general manager's report on legislation affecting the authority and a discussion on site selection and characterization; new business items include the closure schedule for the Fort Hancock field office; opening of a field office in Sierra Blanca; contracts for site selection and characterization; and property access and damages policy. The board will meet in executive session to discuss and take all necessary action concern-

ing litigation with El Paso County, et al., Cause Number 2588-34, pursuant to Texas Revised Civil Statutes, Article 6252-17, §2(e).

Contact: L. R. Jacobi, Jr., 7701 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5292.

Filed: May 31, 1991, 3:53 p.m.

TRD-9106430

## Railroad Commission of Texas

**Monday, June 10, 1991, 9 a.m.** The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 12-126, Austin. Agendas follow.

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

Contact: Mark Bogan, P.O. Box 12967, Austin, Texas 78711, (512) 463-7187.

Filed: May 31, 1991, 11:15 a.m.

TRD-9106400

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

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

Filed: May 31, 1991, 11:15 a.m.

TRD-9106399

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

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

Filed: May 31, 1991, 11:14 a.m.

TRD-9106398

The commission will consider and act on the Office of Information Services Director's report on division administration, budget, procedures, and personnel matters.

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

Filed: May 31, 1991, 11:14 a.m.

TRD-9106397

The commission will consider and act on the Office of the Executive Director's report on commission budget and fiscal mat-

ters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; commission chairmanship; and appointment, reassignment and/or termination of various positions, including division directors. Consideration of reorganization of the well plugging program. The commission will meet in executive session to consider the appointment, employment, evaluation, reassignment, duties, discipline and/or dismissal of personnel, and pending litigation.

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

Filed: May 31, 1991, 11:14 a.m.

TRD-9106396

The commission will consider and act on the Investigation Division Director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Box 12967, Austin, Texas 78711, (512) 463-6828.

Filed: May 31, 1991, 11:14 a.m.

TRD-9106395

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

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

Filed: May 31, 1991, 11:13 p.m.

TRD-9106394

The commission will consider Docket Number 0000001A1RF; consideration of an inquiry into the Rail Safety conditions existing at the Atchison, Topeka and Santa Fe Railway Company crossing State Highway 69, 287 in Kountze.

Contact: Susan A. German, P.O. Box 12967, Austin, Texas 78711, (512) 463-7095.

Filed: May 31, 1991, 11:13 a.m.

TRD-9106393

The commission will consider various matters within the jurisdictions of the commission. In addition, the 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 commission may take various action, including, including but not limited to scheduling an item in its entirety or for particular action at a future time or date. The commission may consider the procedural status of any contested case if 60 days or more have elapsed from the date the hearing was closed or from the date the transcript was received. The commission will meet in executive session as authorized by the Open Meetings Act, including to

receive legal advice regarding pending and/or contemplated litigation.

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

Filed: May 31, 1991, 11:15 a.m.

TRD-9106401

Thursday, June 20, 1991, 10 a.m. The Railroad Commission of Texas will meet at the William B. Travis Building, 1701 North Congress Avenue, 12th Floor Conference Room, Austin. According to the agenda summary, the commission will hold a state-wide hearing on oil and gas.

Contact: Paula Middleton, P.O. Box 12967, Austin, Texas 78711, (512) 463-6729.

Filed: May 31, 1991, 11:12 a.m.

TRD-9106392

### Texas Rehabilitation Commission

Tuesday, June 11, 1991, 9:30 a.m. The Board of the Texas Rehabilitation Commission will meet at the Brown-Headly Building, Public Hearing Room, First Floor, 4900 North Lamar Boulevard, Austin. According to the complete agenda, the board will take roll call; introduce guests; give invocation; approval of minutes of March 14, 1991 board meeting; hear commissioner's comments; New Texas Plan; update on Social Security Program; update on Senate Bill 195: Comprehensive Rehabilitation Trust Fund; meet in executive session; and adjourn.

Contact: Charles W. Schiesser, 4900 North Lamar Boulevard, Suite 7300, Austin, Texas 78751-2316, (512) 483-4051.

Filed: May 31, 1991, 9:34 a.m.

TRD-9106385

### School Land Board

Tuesday, June 4, 1991, 10 a.m. The School Land Board met at the General Land Office, Stephen F. Austin Building, 1700 North Congress Avenue, Room 831, Austin. According to the emergency revised agenda summary, the board discussed lease suspension application, Nueces Bay, Nueces County. The emergency status was necessary as the lease would expire June 4, 1991.

Contact: Linda K. Fisher, 1700 North Congress Avenue, Room 831, Austin, Texas 78701, Austin, (512) 463-5016.

Filed: June 3, 1991, 8:43 a.m.

TRD-9106449

### Texas Council Risk Management Fund

Thursday, June 6, 1991, 7 p.m. The Executive Committee of the Texas Council Risk

Management Fund met at the Embassy Suites Hotel, Downtown, Topaz Room, 300 South Congress Avenue, Austin. According to the complete agenda, the committee reviewed and discussed organizational items; consent items; committee reports; administrator's reports; legal counsel's report; other business; and adjourned.

Contact: Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268.

Filed: June 3, 1991, 3:10 p.m.

TRD-9106493

Friday, June 7, 1991, 8 a.m. The Texas Council Risk Management Fund will meet at the Embassy Suites Hotel, Downtown, Topaz Room, 300 South Congress Avenue, Austin. According to the agenda summary, the council will review and discuss organizational items; consent items; committee reports; administrator's report; legal counsel's report; fix (or reaffirm) date of next meeting; and adjourn.

Contact: Spencer McClure, Westpark Building Three, Suite 240, 8140 Mopac Expressway, Austin, Texas 78759, (512) 794-9268.

Filed: June 3, 1991, 3:10 p.m.

TRD-9106494

### Texas Small Business Industrial Development Corporation

Tuesday, June 11, 1991, 12:30 p.m. The Board of Directors of the Texas Small Business Industrial Development Corporation will meet at 816 Congress Avenue, 11th Floor Board Room, Austin. According to the agenda summary, the board will call the meeting to order; in connection with outstanding bonds, adopt TSBIDC resolutions including appointment of directors of TEXCAP Financing Corporation; in connection with outstanding bonds, status report on process to determine availability of less expensive alternate credit and liquidity arrangement; and adjourn.

Contact: Dan McNeil, Suite 700, 816 Congress Avenue, Austin, Texas 78701, (512) 320-9689.

Filed: June 3, 1991, 3:37 p.m.

TRD-9106499

### University Interscholastic League

Tuesday, June 4, 1991, 9 a.m. The Academic Standing Committee of the University Interscholastic League met at the Radisson Plaza Hotel, Eighth and San Jacinto Streets, Austin. According to the



agenda summary, the committee heard proposals for amendments to the University Interscholastic League Constitution and Contest Rules.

Contact: Janet Wiman, P.O. Box 8028, U. T. Station, Austin, Texas 78713-8028.

Filed: May 30, 1991, 2:07 p.m.

TRD-9106367

Wednesday, June 5, 1991, 9:30 a.m. The State Executive Committee of the University Interscholastic League met at the Wyndham Hotel, IH-35 and Ben White Boulevard, Austin. According to the agenda summary, the committee heard allegations of Forth Worth Brewer High School coaches and players violating §1206(c) of the Constitution and Contest Rules, off-season workouts; allegations that the Clarksville basketball program violated SBOE Rule 19 TAC §97.115, limiting practice to no more than one period during the school day; allegations of violations of §1200(h) and 1201(b)(3) abuse of officials, by the Brownsville Hanna High School soccer team, Coach Juan Garcia, and player, Gernon Gomez; allegations that Brownsville Porter High School junior varsity soccer team and Coach Ladis Alvares violated §1200(h) and 1201(b)(3), of the Constitution and Contest Rules by verbally and physically abusing an official during and after a game on March 9, 1991; allegations that the father of a McCallum High School baseball player abused an official after the game on April 19, 1991, in violation of §1201(b)(3), extending protection to sports officials; and ineligible baseball player, Brackenridge, High School, case transferred by the District 27 AAAAA Executive Committee.

Contact: Bonnie Northcutt, P.O. Box 8028, U. T. Station, Austin, Texas 78713-8028, (512) 471-5883.

Filed: May 30, 1991, 2:08 p.m.

TRD-9106368

## University of Texas System

Thursday, June 6, 1991, 10 a.m. The Board of Regents and Standing Committees of the University of Texas System met at the Regents' Meeting Room, Ninth Floor, Ashbel Smith Hall, 201 West Seventh Street, Austin. According to the agenda summary, the committees will consider amendments to RRR; Chancellor's Docket (submitted by System Administration); appointments to development boards, advisory councils and endowed academic positions; fees; degree programs; Capital Improvement Plan-extension through FY 1996; amend policies regarding grievance and discipline and dismissal of employees; agreements; buildings and grounds matters including approval for projects, preliminary and final plans; award of contracts; land and investment matters; acceptance of gifts,

bequests and estates; establishment of endowed positions and funds; potential litigation, and other matters.

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

Filed: May 31, 1991, 1:13 p.m.

TRD-9106403

## Texas Water Commission

Wednesday, June 12, 1991, 9 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the commission will consider various matters within the regulatory jurisdiction of the commission. In addition, the 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 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: Doug Kitts, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: May 30, 1991, 3:36 p.m.

TRD-9106371

Wednesday, June 12, 1991, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the 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 commission may take various actions, including, but not limited scheduling an item in the entirety or for particular action at a future date or time.

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

Filed: May 30, 1991, 3:36 p.m.

TRD-9106372

Wednesday, July 17, 1991, 3 p.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the complete agenda, the commission will consider an application by Glynn A. Wilson, Application Number 12-3471A to amend Certificate Number 12-3471 to extend term of certificate; increase the irrigated acreage from 70 to 150 acres; increase the annual appropriation from 50 to 100 ac-ft of water per annum; add a 125 ac-ft capacity, exempt reservoir on an unnamed tributary of North Colony Creek; add a diversion point from the perimeter of the reservoir; authorize diversion of water from the reservoir to authorized Reservoir Number One or to the fields and

increase maximum diversion rate from Reservoir Number One.

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

Filed: June 3, 1991, 3:39 p.m.

TRD-9106502

Tuesday, July 23, 1991, 10 a.m. The Texas Water Commission will meet at the Grayson County Sub-Courthouse, Judge Harlan Sewell's Courtroom, 101 West Woodward, Denison. According to the agenda summary, the commission will hold a hearing on a water rate increase by Texoma Services Corporation in Docket Number 9007-R.

Contact: Sally C. Colbert, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 3, 1991, 3:38 p.m.

TRD-9106501

## Water Well Drillers Board

Thursday, June 13, 1991, 9 a.m. The Water Well Drillers Board will meet at the Bay Front Plaza Convention Center, Austin. According to the agenda summary, the board will consider the approval of the minutes of its March 7, 1991 meeting; consider whether to set the following complaints for a formal public hearing before the board of appropriate legal action: Tommy Alford, Charles Ballard, Hugh Lee Calaway, Richard Kyle Courtney, Billy T. Davis, Ronnie Davis, Lester Duffer, Steve Groves, Paul Hampton, Larry Johnson, John Kramer, Carl H. Kerman, Fred Paskell, Gary Prater, Lane Scarborough, Hauskins and Beckwith Sergeant, Richard Shelton, Jack Spears, Rusty Sughrue, Clarence Trawick and John Williamson; consider the certification of applicants for registration; consider the applications for driller-trainee registration; and will consider staff reports.

Contact: Larry Persky, P.O. Box 13087, Austin, Texas 78711, (512) 463-8071.

Filed: June 4, 1991, 9:48 a.m.

TRD-9106525

## Texas Workers' Compensation Commission

Thursday, June 6, 1991, 9 a.m. The Texas Workers' Compensation Commission met at the Southfield Building, 4000 South IH-35, Rooms 910-911, Austin. According to the agenda summary, the commission called the meeting to order; approved minutes for the public meeting of May 23, 1991; discussed and considered rules for adoption, or, in the alternative, re-proposal with withdrawal of previous proposed version; discussed and considered rules for adoption; amendment to Rule 110.103, notice of non-coverage to the commission, to be enacted

on emergency basis and also as proposed amendment for public comment; a thirty minute update and demonstration of Texas COMPASS; hear executive director's report on donations and gifts received; general report of issues relating to commission activities; discussion of future public meetings; and final adjournment.

Contact: George E. Chapman, 4000 South IH-35, Austin, Texas 78704, (512) 448-7962.

Filed: June 3, 1991, 8:34 a.m.

TRD-9106448

**Friday, June 7, 1991, 9 a.m.** The Medical Advisory Committee of the Texas Workers' Compensation Commission will meet at 4000 South IH-35, Southfield Building, Room 910, Austin. According to the complete agenda, the committee will call the meeting to order; review and approval of May 31, 1991 minutes; review, discuss, and consider Medical Advisory Committee recommendations regarding medical fee guideline as summarized by medical review division through Medical Advisory Committee minutes; review, discuss, and consider medical review division utilization review section's goals, objectives, and time goals; establish next meeting agenda; schedule next meeting date; and adjourn.

Contact: Susan Kelley, 4000 South IH-35, Southfield Building, Austin, Texas 78704, (512) 440-3973.

Filed: June 4, 1991, 8:39 a.m.

TRD-9106512

## Texas Workers' Compensation Insurance Facility

**Thursday, June 6, 1991, 10 a.m.** The Actuarial Subcommittee of Governing Committee of the Texas Workers' Compensation Insurance Facility held an emergency meeting at the Hyatt Regency DFW, International Parkway, Dallas/Fort Worth. According to the complete agenda, the committee discussed reserve status of the Texas Workers' Compensation Insurance Facility. The emergency status was necessary as the governor's request for action created an unforeseen situation requiring immediate action by the committee.

Contact: Miles L. Mathews, 8303 MoPac, Suite 310, Austin, Texas 78759-8396, (512) 345-1222.

Filed: June 3, 1991, 10:03 a.m.

TRD-9106461

## Regional Meetings

### Meetings Filed May 30, 1991

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main

Street, San Antonio, June 3-6, 10-14, 17-20, 24-28, 1991, at 8:30 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9106360.

The Brazos Valley Development Council Regional Advisory Committee on Aging met at the Council Offices, 3006 East 29th Street, Suite #2, Bryan, June 6, 1991, at 2 p.m. Information may be obtained from Roberta Lindquist, P.O. Drawer 4128, Bryan, Texas 77805-4128, (409) 776-2277. TRD-9106384.

The Dallas Area Rapid Transit Minority Affairs Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, June 4, 1991, at 9 a.m. Information may be obtained from Mattie Hansen, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6456. TRD-9106380.

The Dallas Area Rapid Transit Ethics Policy Review Ad Hoc Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, June 4, 1991, at 11 a.m. Information may be obtained from Mattie Hansen, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6456. TRD-9106381.

The Dallas Area Rapid Transit Corporate Relocation Ad Hoc Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, June 4, 1991, at 12:30 p.m. Information may be obtained from Mattie Hansen, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6456. TRD-9106379.

The Dallas Area Rapid Transit Operations Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, June 4, 1991, at 1 p.m. Information may be obtained from Mattie Hansen, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6456. TRD-9106378.

The Dallas Area Rapid Transit Planning and Development Committee met at the DART Office, 601 Pacific Avenue, Board Conference Room, Dallas, June 4, 1991, at 3 p.m. Information may be obtained from Mattie Hansen, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6456. TRD-9106382.

The Dallas Central Appraisal District Board of Directors met at 2949 North Stemmons Freeway, Dallas, June 5, 1991, at 7:30 a.m. Information may be obtained from Rick L. Kuehler, 2949 North Stemmons Freeway, Dallas, Texas 75247, (214) 631-0520. TRD-9106361.

The Gillespie Central Appraisal District Board of Directors will meet at the City Hall Assembly Room, Fredericksburg, June 7, 1991, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9807. TRD-9106363.

The Hickory Underground Water Conservation District Number One Board and Advisors met at 2023 South Bridge Street,

Brady, June 6, 1991, at 7 p.m. Information may be obtained from Lorna Moore, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785. TRD-9106370.

The Lavaca County Central Appraisal District Board of Directors will meet at the Lavaca County Central Appraisal District, 113 North Main Street, Hallettsville, June 10, 1991, at 4 p.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9106362.

The Tax Appraisal District of Bell County Appraisal Review Board will meet at the Tax Appraisal District Building, 411 East Central Avenue, Belton, June 17-19, 1991, at 8:30 a.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841, ext. 29. TRD-9106364.

The West Central Texas Economic Development District Board of Directors will meet at 5403 South First Street, Abilene, June 11, 1991, at 10:30 a.m. Information may be obtained from Alison Benton, 1025 East North 10th Street, Abilene, Texas 79601, (915) 672-89544. TRD-9106375.

## Meetings Filed May 31, 1991

The Brazos River Authority Retirement Committee met at 4400 Cobbs Drive, Waco, June 5, 1991, at 10 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, (817) 776-1441. TRD-9106390.

The Central Texas Council of Governments will meet at 302 East Central Street, Belton, June 13, 1991, at 10 a.m. Information may be obtained from A. C. Johnson, 100 South East Street, Belton, Texas 76513, (817) 939-1801. TRD-9106440.

The Coryell County Appraisal District Appraisal Review Board met at the Coryell County Appraisal District Office, 113 North Seventh Street, Gatesville, June 5, 1991, at 9:30. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593. TRD-9106417.

The East Texas Council of Governments JTPA Board of Directors met at the Ramada Inn, Highway 259, Kilgore, June 6, 1991, at 11:30 a.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9106421.

The East Texas Council of Governments Executive Committee met at the ETCOG Offices, Kilgore, June 6, 1991, at 2 p.m. Information may be obtained from Glynn Knight, 3800 Stone Road, Kilgore, Texas 75662, (903) 984-8641. TRD-9106431.

The Edwards County Appraisal District Board of Directors will meet at the New County Annex Building, Rocksprings, June

14, 1991, at 10 a.m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9106387.

The Edwards County Appraisal District Appraisal Review Board will meet at the New County Annex Building, Rocksprings, June 14, 1991, at 9:30 a.m. Information may be obtained from Natalie Goggans, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189. TRD-9106388.

The Gonzales County Appraisal District Agricultural Advisory Board met at 928 St. Paul Street, Gonzales, June 4, 1991, at 7 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879. TRD-9106419.

The Martin County Appraisal District Board of Directors met at the Appraisal Office, 308 North St. Peter Street, Stanton, June 6, 1991, at 7 p.m. Information may be obtained from Elaine Stanley, P.O. Box 1349, Stanton, Texas 79782, (915) 756-2823. TRD-9106414.

The Multimodal Transportation Planning Gulf Coast State Planning Region Transportation Planning Committee will meet at 3555 Timmons, Fourth Floor Conference Room, Houston, June 14, 1991, at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571. TRD-9106428.

The Scurry County Appraisal District Board of Directors met at the Scurry County Appraisal District, 2612 College Avenue, Snyder, June 4, 1991, at 8 a.m. Information may be obtained from L. R. Peveler, 2612 College Avenue, Snyder, Texas 79549, (915) 573-8549. TRD-9106415.

The South Texas Development Council Board of Directors met at the Falcon Room, Zapata National Bank, Zapata, June 6, 1991, at 11 a.m. Information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995. TRD-9106418.

The STED Corporation Board of Trustees met at the Zapata National Bank, Falcon Room, Zapata, June 6, 1991, at 9:30 a.m. Information may be obtained from Robert Mendiola, P.O. Box 2187, Laredo, Texas 78044-2187, (512) 722-3995. TRD-9106416.

#### Meetings Filed June 3, 1991

The Bexar Appraisal District Appraisal Review Board will meet at 535 South Main Street, San Antonio, June 7, 1991, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9106462.

The Brown County Appraisal District Board of Directors will meet at 403 Fisk Avenue, Brownwood, June 10, 1991, at 7 p.m. Information may be obtained from Bob Young, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9106498.

The Central Counties Center for Mental Health and Mental Retardation Services Board of Trustees will meet at 304 South 22nd Street, Temple, June 12, 1991, at 6 p.m. Information may be obtained from Michael K. Muegge, 304 South 22nd Street, Temple, Texas 76501, (817) 778-4841. TRD-9106468.

The Denton Central Appraisal District Board of Directors will meet at 3911 Morse Street, Denton, June 10, 1991, at 4 p.m. Information may be obtained from John D. Brown, 3911 Morse Street, Denton, Texas 76205, (817) 566-0904. TRD-9106495.

The Gonzales County Appraisal District Appraisal Review Board met at 928 St. Paul Street, Gonzales, June 6, 1991, at 6 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2979. TRD-9106447.

The Hansford County Appraisal District Board of Directors will meet at 709 West Seventh Street, Spearman, June 12, 1991, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575. TRD-9106496.

The High Plains Underground Water Conservation District Number One Board of Directors will meet at 2930 Avenue Q, Conference Room, Lubbock, June 11, 1991, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9106464.

The Hood County Appraisal District Board of Directors will meet at 1902 West Pearl Street, Granbury, June 11, 1991, at 7:30 p.m. Information may be obtained from Harold Chesnut, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471. TRD-9106504.

The Lavaca County Central Appraisal District Appraisal Review Board will meet at the Lavaca County Central Appraisal District Office, 113 North Main Street, Hallettsville, June 13, 20-21, 26, July 9, 1991, at 9 a.m. Information may be obtained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396. TRD-9106463.

The Multimodal Transportation Planning Gulf Coast State Planning Region Transportation Planning Committee will meet at 3555 Timmons, Fourth Floor Conference Room, Houston, June 14, 1991, at 9:30 a.m. Information may be obtained from LaDawn Bush, P.O. Box 1386, Houston, Texas 77251, (713) 869-4571. TRD-9106497.

The Nolan County Central Appraisal District Board of Directors will meet at the Nolan County Courthouse, Third Floor, Sweetwater, June 11, 1991, at 7 a.m. Information may be obtained from Patricia Davis, P.O. Box 1256, Sweetwater, Texas 79556, (915) 235-8421. TRD-9106467.

The Parmer County Appraisal District Board of Directors will meet at 305 Third Street, Bovina, June 13, 1991, at 7:30 p.m. Information may be obtained from Ron Procter, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405. TRD-9106466.

The Sabine Valley Center Personnel Committee will meet at the Administrative Building, 107 Woodbine Place, Bramlette Lane, Longview, June 10, 1991, at 6:30 p.m. Information may be obtained from Mack Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9106469.

The Sabine Valley Center Care and Treatment Committee will meet at the Administrative Building, 107 Woodbine Place, Bramlette Lane, Longview, June 10, 1991, at 6:30 p.m. Information may be obtained from Mack Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9106470.

The Sabine Valley Center Board of Trustees will meet at the Administrative Building, 107 Woodbine Place, Bramlette Lane, Longview, June 10, 1991, at 7 p.m. Information may be obtained from Mack Blackwell, P.O. Box 6800, Longview, Texas 75608, (903) 758-2471. TRD-9106471.

The Swisher County Appraisal District Appraisal Review Board will meet at 130 North Armstrong Street, Tulia, June 10, 1991, at 10:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118. TRD-9106472.

The Upshur County Appraisal District Board of Directors will meet at the Upshur County Appraisal District Office, Warren and Trinity Streets, Gilmer, June 10, 1991, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (903) 843-3041. TRD-9106465.

#### Meetings Filed June 4, 1991

The Gregg Appraisal District Board of Directors will meet at 2010 Gilmer Road, Longview, June 13, 1991, at 10 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (903) 749-0015. TRD-9106514.

The Henderson County Appraisal District Appraisal Review Board will meet at 1751 Enterprise Street, Athens, June 10-21, 1991, at 9 a.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9106516.

**The Region IV Education Service Center**  
Board of Directors will meet at the Board  
Room, Region IV Education Service Cen-  
ter, 7145 West Tidwell Road, Houston,  
June 11, 1991, at 6 p.m. Information may  
be obtained from W. L. McKinney, 7145  
West Tidwell, Houston, Texas 77092, (713)  
462-7708. TRD-9106515.



# In Addition

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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.

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## Texas Department of Agriculture Request for Pre-Proposals

The Texas Agricultural Diversification Board of the Texas Department of Agriculture is soliciting pre-proposals for grant awards in the areas of agriculture research and innovation, business assistance and small business incubators.

**Purpose.** The Texas Agricultural Diversification Program (TADP) is a matching grant program designed to help diversify the Texas agricultural industry by providing grants to assist in the transfer of newly developed agricultural crops and technologies to the marketplace. The program identifies opportunities for substituting Texas agricultural products for imported products and for demonstrating new farming practices, including soil, water and energy conservation, and sustainable agriculture techniques. The program also provides grants for the development of innovative educational and technical training programs that assist newly established rural business incubators.

**Program Objectives.** It is the general objective of the grant program to support projects which will stimulate increased economic activity within the Texas food and agriculture industry and to demonstrate the technical feasibility and commercial viability of alternative crop production, processing of agricultural products and direct marketing enterprises. The specific objectives of the program are: to establish research, demonstration and training projects that help commercialize the production and manufacture of new agricultural crops and products in Texas; to identify opportunities for substitution of Texas food and fiber products for imported products; to establish new methods or systems for marketing Texas agricultural products, including assisting marketing associations and cooperatives; to ensure agricultural employment and entrepreneurial opportunities for low-income and other disadvantaged populations in rural areas; to demonstrate new farming practices, including soil, water and energy conservation and sustainable agricultural techniques; to increase the capabilities of community or regional organizations to provide training and assistance to new and expanding businesses based on agriculture; and to provide seed money for self-financing small business incubators that provide business services to small enterprises that process or market agricultural crops in the state or produce alternative agricultural crops in the state.

**Project Categories.** Pre-proposals submitted must meet the requirements of Chapter 44 of the Texas Agriculture Code as follows.

### Research and Innovation.

**Eligibility.** A recipient of a research and innovation grant must be a non-profit organization such as a university, community college or other institution that is affiliated with a small business in a project leading to organizational or marketing improvement in a business based on agriculture or to the commercialization of new crops, new agri-

cultural products or new production processes.

**Match.** A recipient of a research and innovation grant must match the amount of the state grant with an equal amount of other money, with at least one-half of the matching money coming from the private sector.

**Amount.** Grants awarded in this category may not exceed \$30,000.

### Business Assistance.

**Eligibility.** A recipient of a business assistance grant must be a non-profit community or regional organization such as a community college or council of government. The grant shall be used to increase the capabilities of the recipient to provide training and assistance to new and expanding businesses based on agriculture.

**Match.** A recipient of a business assistance grant must match the amount of the state grant with an equal amount of other money.

**Amount.** Grants awarded in this section may not exceed \$30,000.

### Small Business Incubators.

**Eligibility.** A recipient of a small business incubator grant must be a non-profit organization such as a community college or council of government. The grant shall be used to provide seed money for self-financing small business incubators that provide business services to small enterprises that process or market agricultural crops in this state or that produce alternative agricultural crops in this state.

**Match.** A recipient of a small business incubator grant must match the amount of the state grant with assets valued at \$3.00 for every \$1.00 of the state grant. The grant must be used primarily for professional services. The local match may be in the form of land, buildings, business assistance and dedicated loan pools as well as cash contributions.

**Amount.** Grants awarded in this section may not exceed \$100,000.

**Selections and Schedule.** Technical reviews of the pre-proposals will be made by the Texas Department of Agriculture and evaluations will be made by the TADP Board. Principal investigators of selected pre-proposals will be mailed requests for full proposals on August 15, 1991. The deadline for submission of full proposals is September 16, 1991 at 5 p.m. The TADP Board will meet November 1, 1991, and make awards.

**Format For The Pre-proposal.** The pre-proposal must contain the following: TDA title page; summary of project (no more than three single-spaced pages); clearly state the purpose of the project; identify the TADP objective(s) the project will address; describe the economic potential to the Texas agricultural industry; list the project objectives; describe the plan for the dissemination of information; TDA project budget; include the full cost of the project, grant request and match.

The TDA title page and project budget forms may be obtained from the Texas Department of Agriculture.

**Deadline For Submission.** Pre-proposals must be post-marked or hand delivered by 5 p.m., Monday, July 15, 1991. Metered mail must not be used as it does not receive a postmark. Facsimile transmissions will not be accepted. Questions concerning the pre-proposal or requests for copies of this document may be directed to Richard Salmon at the following address or by calling (512) 463-7624. One original and 10 copies of the completed pre-proposal should be mailed to: Matching Grants Administrator, Texas Agricultural Diversification Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

**Other Information.** Although applicants may request up to \$100,000 for Small Business Incubators, the suggested amount to request is \$50,000 or less; for the Research and Innovation and the Business Assistance grants, the suggested amount to request is \$30,000 or less.

Employees of the Texas Department of Agriculture, members of the Agricultural Diversification Program Board and their immediate families are not eligible for the program.

Issued in Austin, Texas, on May 30, 1991.

TRD-9108369 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of Agriculture

Filed: May 30, 1991

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

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**State Banking Board**  
**Notice of Hearing Cancellation**

As no opposition has been noted in the application for domicile change by the Providence Trust Company, Houston, the hearing previously scheduled for Tuesday, June 4, 1991, has been cancelled.

Issued in Austin, Texas, on May 28, 1991.

TRD-9108359 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Types of Rate Ceilings

	<u>Effective Period</u> <u>(Dates are Inclusive)</u>	<u>Consumer (3)/Agricultural/</u> <u>Commercial (4) thru \$250,000</u>	<u>Commercial(4)</u> <u>over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	06/03/91-06/09/91	18.00%	18.00%
Monthly Rate - Art. 1.04 (c)(1)	06/01/91-06/30/91	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	07/01/91-09/30/91	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11(3)	07/01/91-09/30/91	18.00%	N.A.
Lender Credit Card Quarterly Rate - Art. 15.02(d)(3)	07/01/91-09/30/91	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2)(2)	07/01/91-09/30/91	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11(3)	07/01/91-09/30/91	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	06/01/91-06/30/91	10.00%	10.00%

(1)For variable rate commercial transactions only. (2)Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S. (3)Credit for personal, family or household use. (4)Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on May 28, 1991.

TRD-9106409 Al Endsley  
Consumer Credit Commissioner

Filed: May 31, 1991

For further information, please call: (512) 479-1280

Filed: May 30, 1991

For further information, please call: (512) 479-1200

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**Texas Department of Banking**  
**Notice of Hearing**

The hearing officer of the Texas Department of Banking, under the authority of the Texas Banking Code, Article 9, Chapter III (Texas Civil Statutes, Article 342-903), will conduct a hearing before the Banking Board regarding the protest of 1st National Bank of Wheeler, to the branch application of First State Bank of Mobeetie. The hearing will be held on May 12, 1991, at 9 a.m. at the Texas Department of Banking, 2601 North Lamar Boulevard, Austin.

Additional information may be obtained from: James Lee Murphy, III, Hearing Officer and Assistant General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on May 31, 1991.

TRD-9106386 Ann Graham  
General Counsel  
Texas Department of Banking

Filed: May 31, 1991

For further information, please call: (512) 479-1200

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**Office of Consumer Credit**  
**Commissioner**

**Notice of Rate Ceilings**

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

**Governor's Energy Office**  
**Consultant Proposal Request**

This request for professional services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

**Notice of Invitation.** The Governor's Energy Office (GEO) invites proposals from qualified agencies, institu-

tions of higher education, association, firms, and individuals to develop and deliver services for the third year of the Local Government Energy Management Program. The program will continue to provide on-site personalized training, technical assistance, and energy audits to units of local government in Texas.

**Services to be Performed.** A contractor or contractors will be selected to provide on-site energy training and technical assistance to units of local government requesting the service. The contractor will assist the local government in examining all energy consuming systems within the city, county, community college, or public airport. Technical assistance and training tasks may include, but are not limited to, the following: identifying low-cost/no-cost measures and operations and maintenance procedures to save energy and money; training local staff to make needed corrections and improvements; making regular visits and telephone calls to determine if suggested measures were properly implemented, and providing additional assistance as necessary; measuring the results of actions taken and reporting findings to GEO; assisting GEO staff in promoting programs; developing training materials as necessary; conducting energy management workshops; assisting the local government energy managers in selecting projects which require capital retrofit and which may qualify for the energy loan fund or the other services of the GEO; publishing and distributing a quarterly energy newsletter; providing a final report of program activities and results as directed by GEO; and performing other duties as assigned by GEO.

**Contact Person.** To obtain more detailed information concerning this project, contact Ernie Moore, Governor's Energy Office, P.O. Box 12428, Austin, Texas 78711, (512) 463-1931.

**Closing Date.** Six copies of the proposals should be sent to Barbara Hayes, Governor's Energy Office, P.O. Box 12428 Austin, Texas 78711.

The Governor's Energy office is located in room 620 of the Sam Houston State Office Building, 201 East 14th Street, Austin, Texas 78701. Proposals should be sent by certified mail or by courier and must be postmarked or received no later than 3 p.m. July 1, 1991. Proposals received after that time and proposals submitted by facsimile will not be considered.

**Selection Criteria.** Proposers must attend a pre-proposal conference on June 10, 1991, from 10-11 a.m. at the Balcones Research Center, Commons Building, Room 1.122.

The contractor selected must demonstrate comprehensive knowledge of energy using systems in local government operations, energy management technologies, and the demonstrated ability to communicate energy management technologies to local government staff.

Specific criteria for proposal evaluation are as follow: the proposer's demonstrated knowledge of and experience in providing energy technical assistance and training to units of local government; qualifications and experience of the specific staff assigned to this project; proposer's ability to measure the results of energy projects implemented by local governments; proposer's experience in performing on-site energy audits for local governments; proposer's demonstrated ability to develop and deliver effective energy management workshops and newsletters for local government officials; and reasonableness of proposed budget in relation to services provided.

Award will not necessarily be made to the bidder offering the lowest price; selection will be based on the proposer's ability to satisfy the criteria listed previously. The Govern-

nor's Office reserves the right to negotiate both budget and scope of work with the finalist. The Governor's Office reserves the right to reject any or all proposals and is under no legal requirement to execute a contract on the basis of this request for proposal.

Final selection of the contractor will be based on the recommendations of a review panel. If two or more proposals are ranked so closely that a decision cannot be made, the review panel may request finalists to provide additional information or meet with GEO staff in Austin prior to final selection of the contractor. No respondent will be reimbursed for any cost incurred in the preparation, submission, or clarification of a proposal.

Issued in Austin, Texas, on May 29, 1991.

TRD-9106312      Bob Armstrong  
Director  
Governor's Energy Office

Filed: May 29, 1991

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

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## Texas Department of Health

### Agreed Orders

On April 9, 1991, the director of the Radiation Control Program approved the settlement agreement between the Division of Compliance and Inspection and Inland-Orange Inc., holder of Texas Radioactive Material License Number L01029. A civil penalty in the amount of \$4,000 was assessed against the licensee.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 30, 1991.

TRD-9106436      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

For further information, please call: (512) 835-7000

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On January 22, 1991, the director of the Radiation Control Program ordered that the settlement agreement be approved between the Division of Compliance and Inspection and Trinity Engineering Testing Corporation, holder of Texas Radioactive Material License Number L01351. An administrative penalty in the amount of \$4,000 was assessed against the licensee for failure to comply with the Texas Health and Safety Code, Chapter 401, and the *Texas Regulations for Control of Radiation*.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 30, 1991.

TRD-9106435      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

For further information, please call: (512) 835-7000

## Announcement of Grant Funds for Municipal Solid Waste Information Exchange (Peer Match) Program

The Texas Department of Health (TDH) announces the availability of fourth-quarter funding for the TDH's Bureau of Solid Waste Management's (BSWM) Information Exchange (Peer Match) Program. Applications for utilization of program monies are currently being accepted.

The program is funded by municipal solid waste disposal fees and is designed to facilitate the direct and timely exchange of current municipal solid waste management information. The program provides information recipients supplementary/matching travel-related expense monies. Recipients are limited to eligible local governments, public agencies, and public and private primary and secondary schools.

Generally, under the program, the recipient organization will send an individual or a group of individuals to an information provider (advisor) so that a specific operational or educational technology or process, appropriate to the needs of the recipient organization, may be reviewed. However, to maximize the information exchanged, the recipient may wish to have an advisor or advisors travel to the recipient's location.

Under the program, the BSWM will pay the lesser of 50% of the approved travel-related expenses or an amount not to exceed \$500. Applications under this program will not be accepted for projects where the state travel-related support contribution is projected as being less than \$100. Tuition, salaries, and fees are not allowable reimbursable expenses, whether for the information recipient or the advisor.

Total funding available for information exchange grant projects, during the fourth quarter (June-August 1991), is \$15,000.

For more information on the program and the application procedures and/or application forms, contact Don Smith, Texas Department of Health, Bureau of Solid Waste Management, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7271 or 1-800-458-9796.

Issued in Austin, Texas, on May 29, 1991.

TRD-9108315      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 29, 1991

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

## Emergency Impoundment Order

Notice is hereby given that the Bureau of Radiation control ordered M.D.I. Inc., doing business as San Jacinto Foundry, to surrender immediately to the agency for impoundment the radioactive material possessed by the company. The order was issued because the company had illegal possession of radioactive material.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 31, 1991.

TRD-9108433      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

For further information, please call: (512) 835-7000

## Intent to Revoke Certificates of Registration

Pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8, the Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants: Allen P. Koepp, D.D.S., Pasadena, R07274; William Chavez, Jr., D.D.S., Houston, R08959; Cigna Health Plan of Texas, Dallas, R08998; David C. Kibbe, M.D., Mission, R11432; Karl E. Wallace, D.V.M., Houston, R12465; Houston Tillotson College, Austin, R10047; Panhandle Regional Veterinary Clinic, Spearman, R12051; G. L. Johnson, D.M.D., DeSoto, R12109; H. L. Watkins, D.D.S. Irving, R12203; James R. Arthur, D.D.S., Quitman, R08434.

The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of the Health and Safety Code, Chapter 401, as amended by Chapters 172, 840, 913, and 930, Acts of the 71st Legislature, 1989. If the fee is paid within 30 days of the date of each complaint, no order will issue.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice. A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a.m. to 5 p. m. (except holidays).

Issued in Austin, Texas, on May 30, 1991.

TRD-9108434      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

For further information, please call: (512) 835-7000

## Municipal Solid Waste Composting Demonstration Grants Request for Proposals

**Notice of Invitation for Grant Proposals.** The Texas Department of Health (TDH) invites proposals for the design and implementation of demonstration yard waste reduction/minimization programs and/or municipal solid waste composting programs, to be administered through the TDH Bureau of Solid Waste Management. Eligible applicants are: local governments; public agencies; public and private universities; and nonprofit service organizations, nonprofit environmental protection organizations, and for-profit businesses having a record of active involvement in municipal solid waste management within Texas. It is the intent of the TDH to make multiple grant awards



in each of the following categories: Yard waste minimization or utilization programs. Grants will be awarded to develop and implement or to expand the scope of existing yard waste minimization or utilization programs or operations. Selected programs shall be those that will demonstrate how the quantities of yard waste generated can be reduced and/or readily converted, without composting, into a usable product; Backyard or home composting programs. Grants will be awarded to develop and implement or to expand the scope of existing home or backyard composting programs or operations. Selected programs shall be those that demonstrate how yard waste can be processed and beneficially utilized by the residential or commercial generator; Local or regional composting programs. Grants will be awarded to develop and implement or to expand local or regional-scale yard waste composting programs or operations so as to demonstrate effective methodologies by which yard wastes can be handled and processed on a local or regional-scale; and Special or unusual composting programs. Grants will be awarded to develop and implement or to expand programs or operations designed primarily to compost materials other than yard wastes. These programs should demonstrate how organic municipal solid waste materials (non-yard wastes) can be composted with or without yard wastes.

**Authority and Regulations.** Regulations regarding the administration of this grant program are contained in the TDH "Municipal Solid Waste Management Regulations," 25 Texas Administrative Code, Subchapter S, §325.890 and §325.892. Applications and contracts must comply with TDH's Uniform Grant and Contract Management Standards (UGCMS).

**Objective.** These grants are intended to support, at various locations throughout Texas, yard waste minimization and/or composting demonstration programs which will minimize or recover resources currently entering the municipal solid waste stream and to increase the value and/or usefulness of recovered resources through composting. Supported projects will illustrate, by example, the economic value and operational merit of a particular operation, system, or technology. The grant awards are intended to provide financial assistance for programs selected for demonstration, through the start-up or expansion phase. It is not the objective of these awards to merely subsidize ongoing programs. It is also intended that these funded programs conclude with a comprehensive summarizing technical report on the project that can be reproduced and distributed by TDH to other organizations contemplating similar operations. These reports will describe the evolution of the demonstrated programs highlighting problems, modifications, and potential improvements so that other future programs may benefit from these operational experiences.

**Assistance Amounts.** This grant program is a matching-funds program. Financial assistance provided by the TDH to the recipient shall be matched, at least equally, by funds provided by the recipient. In-kind matches are permissible under this program. However, TDH provided funds may not be used to purchase land (real property). Where desirable and necessary, funding under this request for proposals may extend for up to a maximum of three years with contracts typically renewed on an annual basis. The maximum annual TDH contribution for any single award will be, \$20,000 for yard waste reduction programs, \$20,000 for backyard composting programs, \$100,000 for local or regional composting projects, and \$100,000 for special or unusual composting projects. The TDH is prepared to make multiple contracts in each of the four identified categories utilizing \$500,000 in currently available funds, with the possibility of significantly increasing the amount,

in state fiscal year 1992, depending on the number and quality of proposals received and the availability of future funds.

**Contact Person.** To obtain the necessary application forms, copies of the TDH's grant program regulations, copies of the UGCMS, or to submit completed applications and detailed proposal descriptions, contact Don Smith, Texas Department of Health, Bureau of Solid Waste Management, 1100 West 49th Street, Austin, Texas 78756-3199, (512) 458-7271.

**Pre-application Meeting.** A pre-application informational meeting will be held in the Texas Department of Health main auditorium at 1100 West 49th Street, Austin, Texas 78756 on Friday, June 28, 1991, at 1:30 p.m. Attendance at this meeting is not mandatory. The purpose of the meeting will be to provide information to potential applicants and respond to questions applicants may have.

**Closing Date.** Five copies of the proposal, any supporting documentation, and completed application forms should be sent to the contact person. Proposals will be accepted only if in writing and actually received at the Texas Department of Health, Bureau of Solid Waste Management, 1100 West 49th Street, Austin, Texas 78756-3199, no later than 5 p.m. on Friday, August 16, 1991.

**Procedure for Awarding Contract.** Final selection will be made by the chief of the Bureau of Solid Waste Management based on the recommendations of a staff review committee. The TDH reserves the right to reject any or all proposals and is under no obligation to execute a contract based on this request for proposals. All proposals submitted become the property of TDH. The TDH will not be liable for any costs incurred in the preparation or submission of the proposals.

**Selection Criteria.** Criteria used to evaluate proposals will include, but are not limited to: the technical and economic merit of the proposed program; the ability of the program to be reproduced at other Texas locations; the accessibility of the operation and/or operational and educational information to parties potentially interested in reproducing the demonstrated program; the reasonableness of the project cost; funding provided by the applicant organization above the 50% matching-funds minimum; the ability of the project being demonstrated to effectively remove materials from the local or regional waste stream; program flexibility; the plan for promoting and educating the public on the program thereby maximizing effectiveness and participation; and the commitment of the applicant organization to sustain the program after the conclusion of TDH funding.

Issued in Austin, Texas, on May 29, 1991.

TRD-0106314      Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 29, 1991

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

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## Permit Application for Municipal Solid Waste Site Notice of Filing

Notice is hereby given that the City of Center presently holds Solid Waste Permit Number. 1689-A as heretofore issued by the Texas Department of Health for the operation of a Type V municipal solid waste site (incinerator) located at 1004 Shelbyville Street, in the southeast quadrant of the intersection of State Highway 87 and the AT & SF Railroad, in the City of Center, Shelby County.

Said permit holder has now filed with the Texas Department of Health an application to amend the aforesaid permit to increase the hours of operation to 24 hours per day, seven days per week.

The site covers approximately 1.55 acres of land, and is to daily receive approximately 40 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, (512) 458-7271.

Issued in Austin, Texas, on May 31, 1991.

TRD-9106405 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

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



Notice is hereby given that the City of Carthage presently holds Solid Waste Permit Number 1741-A as heretofore issued by the Texas Department of Health for the operation of a Type V municipal solid waste site (incinerator) located adjacent to and on the west side of La Salle Parkway (U.S. Hwy 59), approximately 0.8 mile north of the intersection of La Salle Parkway and U.S. Hwy 79, in the City of Carthage, Panola County.

Said permit holder has now filed with the Texas Department of Health an application to amend the aforesaid permit to increase the hours of operation to 24 hours per day, seven days per week.

The site covers approximately 3.25 acres of land, and is to daily receive approximately 40 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, (512) 458-7271.

Issued in Austin, Texas, on May 31, 1991.

TRD-9106408 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

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



### Revocation of a Radioactive Material License

The Texas Department of Health, having duly filed a complaint pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following radioactive material license: Eye Center of Austin, L02373, Austin, March 26, 1991.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m. to 5 p.m. (except holidays).

Issued in Austin, Texas, on May 31, 1991.

TRD-9106432 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: May 31, 1991

For further information, please call: (512) 835-7000



### Schedule For Development and Review of Block Grant Funds

Under the Omnibus Budget Reconciliation Act (Act) of 1981, Public Law 97- 35, the State of Texas became the recipient of the preventive health and health services (PHHS) and maternal and child health services (MCHS) block grants. The Texas Department of Health (department) is the agency designated to administer the block grants. Provisions in the Act require the chief executive officer of each state to annually furnish the secretary of health and human services a description of the intended use of block grant funds in advance of each federal fiscal year (FFY). The description is to be made public within each state in such a manner as to facilitate comments and/or any complaints regarding the quality of services funded by the block grants.

Programs consolidated into the PHHS block grant include public health promotion, emergency medical services systems, sexual assault prevention and crisis services, fluoridation, and preventive health and health incentive (314d). The PHHS block grant award for FFY 1990 was \$3,511,995, and of this amount, \$236,200 had to be spent for sexual assault prevention and crisis

services. Funding for FFY 1991 increased to \$3,827,097.

Programs consolidated into the MCHS block grant include maternal and child health services, chronically ill and disabled children's services, and other special projects that are now part of the generalized maternal and child health services. The award for FFY 1990 was \$25,267,522. Funding for FFY 1991 increased to \$27,445,699.

The department's schedule for the review of the FFY 1992 reports of intended expenditures for the PHHS block grant and the FFY 1992 application for MCHS block grant funds is as follows. In July 1991, the department will hold public hearings in the following public health regions (PHR): July 1, 1991, PHR 1, Austin, 4 p.m. to 6 p.m.; July 1, 1991, PHR 7, Tyler, 1 p.m.; July 1, 1991, PHR 5, Arlington, 1 p.m.; July 1, 1991, PHR 2, Lubbock, 1 p.m.; July 2, 1991, PHR 3, Midland, 1 p.m.; July 2, 1991, PHR 8, Harlingen, 4 p.m. to 6 p.m.; July 2, 1991, PHR 6, Uvalde, 9 a.m.; and, July 2, 1991, PHR 4, Houston, 1 p.m. Following the public hearings, the department will summarize and consider the impact of public comments received at the hearings in the regions and consult with state advisory or coordinating councils that have responsibility for similar programs. In July 1991, the department will notify the public of the availability of published summaries of the public hearings. In August 1991, the department will prepare the final 1992 report of intended expenditures for the PHHS block grant and the application for MCHS block grant funds and forward the request to the governor, state legislature, and federal government.

Agencies shall continuously conduct information activities to inform recipients of the availability of services/benefits, their rules and eligibility requirements, and complaint procedures. Comments directed toward the PHHS block grant may be submitted through July 12, 1991, to Sidney P. Shelton, Jr., Acting Chief, Bureau of Financial Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199. Written comments regarding the MCHS block grant may be submitted through July 22, 1991, to Beverly L. Koops, M.D., Associate Commissioner, Family Health Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3199.

Issued in Austin, Texas, on June 3, 1991.

TRD-9106460 Robert A. MacLean, M.D.  
Deputy Commissioner  
Texas Department of Health

Filed: June 3, 1991

For further information, please call: (512) 458-7426

## North Central Texas Council of Governments

### Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the North Central Texas Council of Governments publishes this notice of consultant contract award. The consultant proposal request appeared in the March 8, 1991, issue of the *Texas Register* (16 TexReg 1843). The consultant is to conduct a planning study on the operation of commuter rail in the RAILTRAN corridor located between the central business districts of Dallas and Fort Worth.

The consultant selected to perform this study is LS Transit Systems, Inc., 1515 Broad Street, Bloomfield, New Jersey 07003. The maximum amount of this contract is \$349,993. The contract began May 12, 1991, and is scheduled for completion in February 1992.

A final report, composed mainly of the final version of technical memoranda, shall be prepared as the final product of this project. The report shall have an executive summary outlining project activity and the principal results and findings of the project. A "popular" summary report shall also be prepared in a style suitable for circulation in the community.

Issued in Arlington, Texas, on May 28, 1991.

TRD-9106355 William J. Pittstick  
Executive Director  
North Central Texas Council of Governments

Filed: May 30, 1991

For further information, please call: (817) 640-3300

## Public Utility Commission of Texas Joint Petition For EMS

Contel of Texas, Inc. herewith provides notice of its proposal to establish two-way, optional extended metro service (EMS) to subscribers in its Wilmer exchange. This service, if approved, will be available on an optional basis at the following monthly rates.

Residential, single line-30.10; business, single line-72.35; key line-83.20; PABX trunk-113.50.

If approved, the service will allow subscribers unlimited calling on the Dallas metropolitan exchanges of Southwestern Bell and GTE Southwest Incorporated. Also, Wilmer subscribers will be able to receive unlimited calls from any of the Dallas metropolitan exchanges. Regular, one-time service order charges will apply for customers who wish to subscribe to the EMS service. Contel has requested that the effective date for the service be May 30, 1991.

Customers who choose to subscribe to EMS will be required to change their telephone number. A recording will be provided free of charge to direct callers to the new numbers and the new numbers will be available from directory assistance.

This proposal has been assigned Project Number 10319-P Joint Petition of Contel of Texas, Inc., the City of Wilmer and the Wilmer Exchange, Southwestern Bell Telephone Company, and GTE Southwest, Inc. for optional two-way extended metropolitan service (EMS) between Contel of Texas, Inc., the Wilmer Exchange, and the Dallas Metropolitan Exchange by the Public Utility Commission of Texas. Persons who wish to intervene in the proceeding or comment upon the 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 Consumer Affairs Division at (512) 458-0256, or (512) 458-0221 for tele-typewriter for the deaf within 15 days of the notice.

Issued in Austin, Texas, on May 29, 1991.

TRD-9106321 Mary Ross McDonald  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: May 29, 1991

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



## Texas Water Commission Enforcement Order

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

An enforcement order was issued to Metsgar Dairy, (Permit 03189) on May 20, 1991, assessing \$16,960 in admin-

istrative penalties with the entire amount deferred and possibly waived pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Margaret Ligarde, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on May 28, 1991.

TRD-9106373

Laurie J. Lancaster  
Notices Coordinator  
Texas Water Commission

Filed: May 30, 1991

For further information, please call: (512) 463-7898.



## 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 IN- DEX	
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
5 Friday, January 17	Monday, January 13	Tuesday, January 14

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