

Texas Register

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Texas Register

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Withdrawn Sections-sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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



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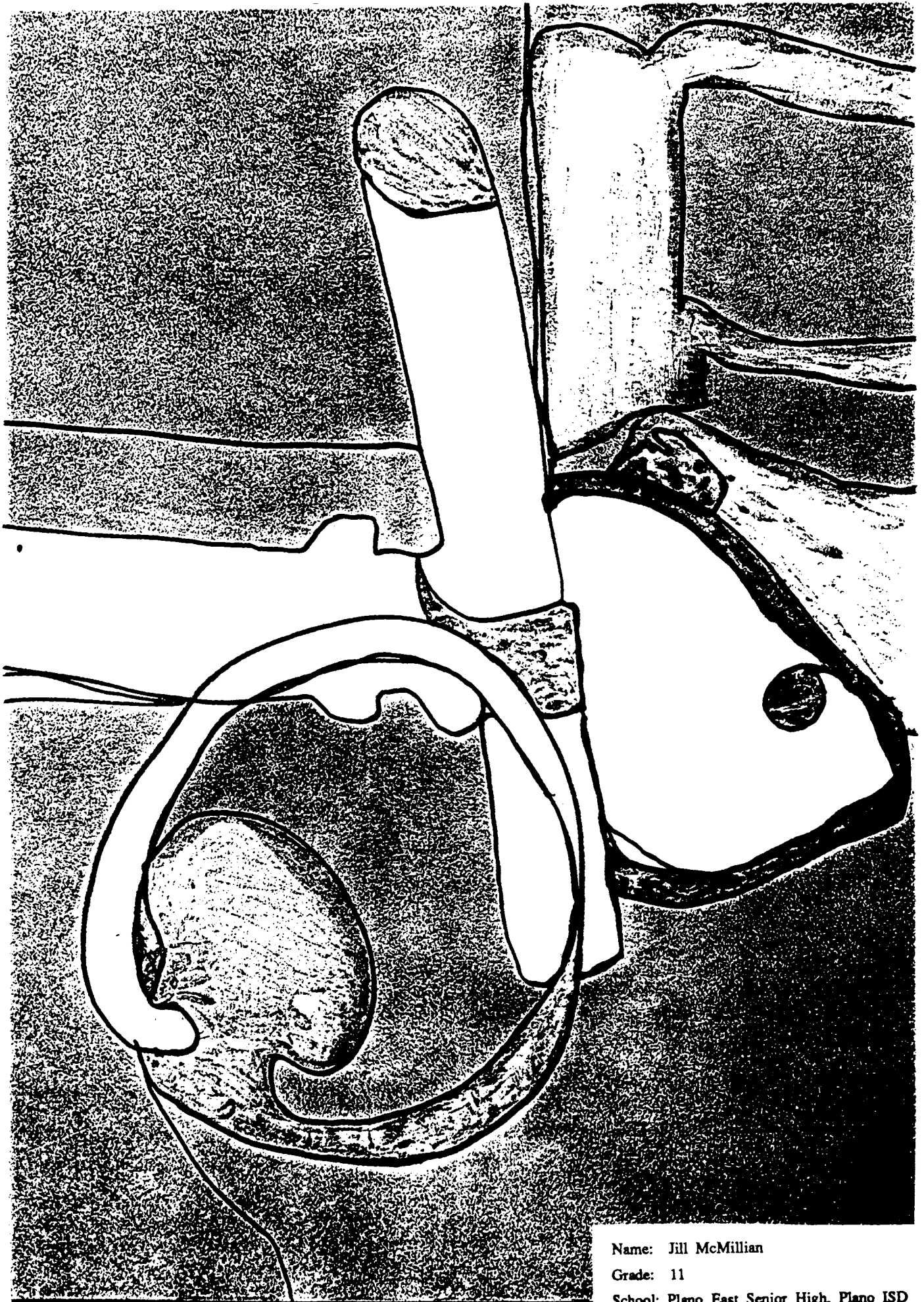
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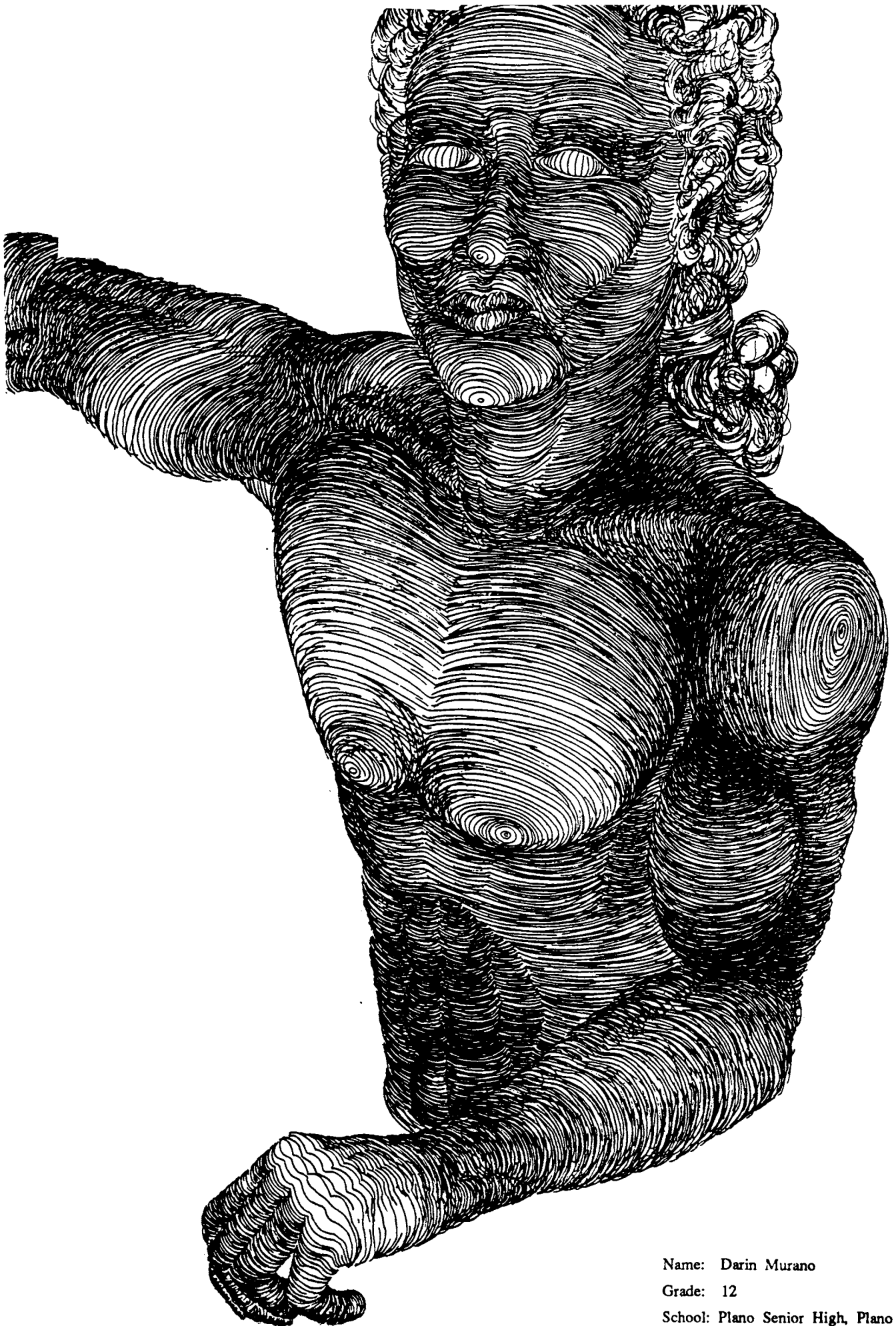
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TAC Titles Affected

TAC Titles Affected—August

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◆ ◆ ◆



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Proposed Sections

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

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

TITLE 7. BANKING AND SECURITIES

Part V. Office of Consumer Credit Commissioner

Chapter 85. Rules of Operation for Pawnshops

(Editor's note: The text of the following sections proposed for repeal will not be published.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

The Office of Consumer Credit Commissioner proposes the repeal of and new §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, and 85.58, concerning the operation of pawnshops subject to licensure under the provisions of the Texas Pawnshop Act. The sections define terms commonly used by pawnbrokers, set standards, duties, and responsibilities of pawnbrokers involving the location, licensing, and operation of pawnshops, including the requirements for the pledging or purchasing of tangible personal property and the redeeming or sale of such property; provide a comprehensive set of rules, supplementing the provisions of Texas Civil Statutes, Article 5069-Chapter 51, and provide guidance to pawnbrokers concerning all matters pertaining to the operation of pawnshops.

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

Mr. Endsley 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 to continue the stability of the pawn business in this state and to ensure the prevention of frauds, unfair practices, and unlawful property transactions. There will be no effect on small businesses. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Comments on the proposal are invited from all interested persons. A public hearing on this proposal is scheduled for 9 a.m. on August 30, 1991, in the Hearing Room of the Department of Human Services located at 701 West 51st Street, Austin. Oral and written public comment on the proposal will be accepted at the hearing. When oral comment is offered at the public hearing the Office of

Consumer Credit Commissioner would appreciate receiving one written copy of such comments prior to the hearing or three copies at the hearing. Oral comments may be made by telephoning (512) 479-1241 where comments will be recorded electronically. Comments received by the Office of Consumer Credit Commissioner by 5 p.m. on September 9, 1991, will be included in the hearing record.

- 7 TAC §§85.1, 85.2, 85.4, 85.9, 85.12, 85.22, 85.30, 85.50, 85.57, 85.58

The repeals are proposed under the Texas Pawnshop Act, Texas Civil Statutes, Article 5069-51.09(b), which provide the Office of Consumer Credit Commissioner with the authority to make regulations necessary for the enforcement of the Texas Pawnshop Act.

§85.1. *Definitions.*

§85.2. *Pawnshop Licensing.*

§85.4. *Pawnshop Employee Licensing.*

§85.9. *Siting of Pawnshops.*

§85.12. *Business Records.*

§85.22. *Personal Property-Pledged or Sold to Pawnbroker-Liability of Pawnbroker.*

§85.30. *Notices of Licensing, Regulations, and Law.*

§85.50. *Advertising.*

§85.57. *Examinations and Investigations.*

§85.58. *Miscellaneous Operating Provisions.*

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 August 5, 1991.

TRD-9109302

Al Endsley
Commissioner
Office of Consumer Credit
Commissioner

Earliest possible date of adoption: September 9, 1991

For further information, please call: (512) 479-1291

The new sections are proposed under the Texas Pawnshop Act, Texas Civil Statutes, Article 5069-51.09(b) which provides the Office of Consumer Credit Commissioner with the authority to make regulations necessary for the enforcement of the Texas Pawnshop Act.

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

Commissioner—The commissioner of the Texas Office of Consumer Credit Commissioner.

Goods—Tangible personal property held by a pawnbroker. Goods may be either those pledged as collateral for a pawn loan or merchandise inventory or both and should be given the broadest meaning unless the context dictates otherwise.

Grace Period—The 60-day period following the original or extended maturity date of a pawn loan during which a pledgor may redeem pledged goods.

Pawnbroker—A person who has an ownership interest in a pawnshop as shown in an application for a pawnshop license filed with the commissioner. When general duties and prohibitions are described, pawnbroker also includes pawnshop employees unless the context indicates otherwise.

§85.2. *Pawnshop Licensing.*

(a) *Qualifications.*

(1) Character and general fitness. To be eligible for a pawnshop license an applicant must have good moral character. Before granting a license, the commissioner must find that the character and general fitness of the applicant, its owners, and manager are such as would cause the commissioner to believe that the business will be operated lawfully and fairly within the purposes of the Texas Pawnshop Act, Texas Civil Statutes, Article 5069-Chapter 51. In evaluating character and general fitness the commissioner will consider, but is not limited to considering, any felony or significant misdemeanor convictions of parties to the application, as well as personal or business activities and reputations in their communities.

(2) Net assets.

(A) All new license applications must meet the current net assets requirement.

(B) Certain changes in ownership do not affect the net assets requirement. Each existing pawnshop license has a defined net assets requirement. The net assets requirement does not change when: a person who owns an interest in a pawnshop sells that interest to one or more persons who concurrently own interest(s) in that pawnshop; a corporate pawnshop purchases its shareholder's interest; there is a change in the proportionate ownership between or among persons owning interest in a pawnshop; a person inherits an ownership interest in a pawnshop; a person acquires an interest in a pawnshop where the person has been employed or has served as an officer or director for a period of 10 years or more; or a person acquires an ownership interest in a pawnshop from a person who is related to the acquirer within the second degree by affinity or consanguinity. Except as defined previously, the net assets requirement is subject to change when any natural person initially acquires an interest in a pawnshop or when a pawnshop changes its business location by moving out of a municipality. When such a change occurs the following formula will be used to establish a possible new asset requirement: The sum of the book values of the pawnshop's pawn loans and inventory as of the date of change shall be multiplied by 1.05 and the product shall be rounded to the next higher multiple of \$5,000. The result of the preceding calculation shall be the new net assets requirement for the license if it exceeds the net assets requirement immediately before the date of change and does not exceed the current net assets requirement for a new license. The net assets requirement shall not be reduced.

(3) Determination of net assets. Pursuant to Texas Civil Statutes, Article 5069-51.02(g), the net assets that an applicant or licensee has is the sum of cash on hand, cash on deposit in banks, the value of merchandise inventory held for sale in the pawnshop or to be held for sale in the pawnshop, and the amount of cash loaned on open pawn loans receivable less any and all unsecured debts, and debts secured in whole or part by the previously listed assets. Net assets of licenses obtained under a \$25,000 or less requirement are determined by the definition used at the time the license was granted.

(4) Determination of value of merchandise inventory. The value of tangible personal property constituting merchandise inventory shall be the lower of the owner's actual cost or the current market value. The current market value is the price that a willing seller would accept and a willing buyer would pay for the total inventory transferred in a single bulk sale within

30 days of the valuation. Valuations at cost must be substantiated by the books of the owner which are maintained according to generally accepted accounting principles. Property inherited or received as a gift shall be valued according to the previously stated basis as held by the decedent at the date of death or by the grantor at the date of transfer.

(5) Financial responsibility. The commissioner is required to find that an applicant is financially responsible before granting a pawnshop license. The commissioner shall investigate the history of the applicant as to the applicant's payment of debts, taxes, and judgments and handling of financial affairs generally. Compliance with the net assets requirement is not prima facie evidence of financial responsibility.

(6) Experience. The commissioner is required to find that an applicant has experience that would warrant belief that the business will be operated lawfully and fairly within the purposes of the Texas Pawnshop Act. The commissioner shall investigate the history of the applicant and any employees as to their previous satisfactory experience in the operation of a Texas pawnshop or other successful experience in the operation of a business.

(7) Public need. In counties with a population of 250,000 or more the commissioner must find that there is a public need for an additional pawnshop before granting a new license or approving the relocation of an existing license into such a county. In making such determination the commissioner shall consider the size of the trade area of the proposed location, the population density of the area, the distribution of existing pawnshops in the area, the ability of existing pawnshops to meet the public demand for pawn loans, and such other matters as the commissioner may determine to be pertinent to a valid finding of need.

(b) Applications.

(1) Forms. Applications for a pawnshop license under Texas Civil Statutes, Article 5069-Chapter 51 must be submitted on forms currently prescribed by the commissioner and in accordance with the commissioner's published instructions.

(2) Engaging in business. An application must be filed and approved before any person engages in the business of making pawn loans. The application and approval is required without regard to the rate of interest or pawn service charge contracted for, charged, or received, if any. An application must be filed and approved in connection with any change of ownership except as otherwise provided herein. A change in the proportionate interests of two or more owners of a pawnshop must be reported within 10 calendar days but does not require an application.

(3) Disclosure of principal parties. In submitting an application for a

license all principal parties must be fully identified. As used herein "principal party" includes all proprietors and individuals associated with applicants as general partners, limited partners, officers, directors, shareholders owning any outstanding stock, trustees, and beneficiaries of trusts. The term also includes any individual or legal entity who either directly or through ownership or control of any parent or controlling separate entity has a beneficial interest in the licensed entity. All corporations must identify any officer, director, or shareholder required to be identified previously who is an officer, director, or shareholder of any other corporation licensed under Texas Civil Statutes, Article 5069. Any corporation described in Texas Civil Statutes, Article 5069-51.04(d) shall identify its shareholders through filings required by Texas Civil Statutes, Article 5069-51.03(d).

(4) Bond. The commissioner may require a bond, as authorized by Texas Civil Statutes, Article 5069-51.04(c) of any applicant or licensee. If a bond is required, the commissioner shall give written notice to the applicant or licensee to deliver a bond acceptable to the commissioner within 40 days of the date of the mailing of the notice. Failure to provide a bond within the required time period may result in denial of any pending application or proceedings to revoke or suspend any license(s) held by the licensee. Every applicant and licensed pawnbroker who has not satisfactorily operated a lending business licensed by the commissioner for a period of five years or more shall provide the commissioner with a bond written in accordance with Texas Civil Statutes, Article 5069-51.04(c).

(5) Insurance. General liability and fire insurance coverage, as authorized by Texas Civil Statutes, Article 5069-51.04(b)(2), is required of every applicant and active licensee. All active licensees shall file evidence of the required insurance with the commissioner within 90 days after the effective date of this rule. Every applicant shall file evidence of insurance before a license will be issued. If insurance coverage is terminated, the pawnbroker or applicant shall promptly file evidence of replacement insurance acceptable to the commissioner. Failure to provide insurance coverage within the required time period may result in denial of any pending application or proceedings to revoke or suspend any license(s) held by the licensee.

(A) The limits of general liability insurance coverage required by this section shall not be less than \$100,000 combined single limit for bodily injury and property damage for each occurrence and not less than \$300,000 aggregate for all occurrences per policy year. The amount of fire insurance coverage shall not be less than 80% of the actual cash value of the pledged goods. The general liability policy

shall be conditioned to pay on behalf of the insured those amounts that the insured is legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of any pawnshop business.

(B) Except as provided herein, the evidence of general liability insurance required by this section must be in the form of a policy or certificate of insurance executed by an insurer authorized to do business in Texas and countersigned by an insurance agent licensed in Texas. Policies of insurance written by authorized insurers shall be on forms prescribed or approved by the State Board of Insurance and surplus lines policies must provide equivalent coverages and provisions, as determined by the consumer credit commissioner. A policy or certificate of insurance for surplus lines coverage procured in compliance with appropriate provisions of the Insurance Code by a licensed Texas surplus lines agent resident in this state may be filed with the commissioner as evidence of coverage required by this section. Insurance policies or certificates executed and filed with the commissioner under this section shall provide for notice to the commissioner of the insurers' intent to cancel such insurance.

(6) Securities and Exchange Commission (SEC) filings. Any person described in Texas Civil Statutes, Articles 5069-51.03(d) and 5069-51.04(d) shall make the filings described therein simultaneously with the commissioner and SEC. Any such licensee shall, upon request of the commissioner, provide the commissioner with such information that it may have or may reasonably obtain regarding its shareholders. Any person making filings with the SEC in anticipation of obtaining the benefits of Texas Civil Statutes, Articles 5069-51.03(d) and 5069-51.04(d) shall simultaneously make identical filings with the commissioner but shall not be required to pay a fee to the commissioner in connection with such preliminary filings.

(c) Timetable for actions.

(1) Initial review. The commissioner will respond to applications received by mail within 14 working days of receipt identifying deficiencies and/or requesting additional information.

(2) Approval or denial of complete application. A complete application is one which conforms to the commissioner's published instructions and for which all fees have been paid. A complete application will be approved or denied within 60 days from the date received by the commissioner.

(d) Notice to commissioner of change of ownership or form of business.

(1) Sale, transfer or assignment. Any sale, transfer, or assignment of a li-

cence or licensed business shall be reported to the commissioner no later than three business days after the transaction and said transaction shall be made subject to, and on the condition of, the approval of the commissioner. An application for license is required to be filed by the purchaser, transferee, or assignee.

(2) Acquisition of license by gift or inheritance. Any person or other legal entity acquiring any license or licensed business or any interest in a license or licensed business through gift or inheritance shall notify the commissioner within 10 calendar days and submit such proof of ownership as the commissioner may reasonably require. An application for license is required to be filed.

(3) Organizational form of business. A pawnbroker desiring to alter the organizational form of business under which the licensed business is conducted without effecting any change of beneficial ownership, management, or control shall advise the commissioner and file an application reflecting such change.

(4) Application filing deadline. Applications filed in connection with changes of ownership or organizational form of business may be filed in advance but must be filed no later than 14 calendar days following the actual change except that an application required due to an inheritance must be filed within 45 calendar days of the death of the decedent.

(e) Purchaser operating under seller's license. The commissioner may approve a written agreement whereby a seller grants a buyer the authority to operate a pawnshop under the seller's license pending approval of the buyer's license application. The agreement must provide that the seller accepts full responsibility to the commissioner and any customer of the pawnshop for any acts of the buyer in connection with the operation of the pawnshop. The request to operate under the seller's license must be submitted along with the written agreement between the seller and buyer not less than three business days after the date of sale.

(f) Relocation of a pawnshop.

(1) Notice or application to commissioner.

(A) Except as provided in subparagraph (B) of this paragraph, a pawnbroker may move a pawnshop from its licensed location to any other location but must forward notice of the intended relocation, to the commissioner not less than 30 days prior to the anticipated relocation date. Such notice must include the present name and address of the licensed pawnshop, the anticipated date of relocation, and a sample copy of the written notice to pledgors on open pawn loans.

(B) When a pawnbroker wishes to relocate an existing license to a

county with a population of 250,000 or more according to the most recent decennial census the pawnbroker shall make application to the commissioner at least 60 days prior to the planned date of relocation. Such application shall be on a form prescribed by the commissioner. Such relocation shall be subject to subsection (a)(7) of this section.

(2) Notice to customers. Written notices of relocation must be given to all pledgors whose pledged goods will be moved. Five days prior to relocation the pawnbroker must mail written notices to all pledgors who have not been given written notices prior to that date. Notices must identify the pawnshop, identify both the old and the new locations and the telephone number of the new location, and date the relocation is effective. The commissioner may modify the notification requirements if the relocation adversely affects pledgors. Such modification may require the pawnbroker to extend the maturity date of pawn transactions and/or waive the collection of pawn service charges which may accrue after relocation. No relocation shall be made which will adversely affect pledgors to the extent that redemption is unreasonable or impossible due to the distance between the locations. The commissioner may approve notification by signs in lieu of notification by mail if in his opinion no pledgors will be adversely affected.

(g) Relocation of pawn loans. A pawnbroker may sell pawn loan receivables to a nonaffiliated licensee or transfer pawn loan receivables to an affiliated licensed location. The pawnbroker must notify the commissioner of an intended transfer to an affiliate not less than three business days in advance of the transfer and of a sale to a nonaffiliate no later than three business days after the date of sale. Such notice must include the present name and address of the licensed pawnshop, the name and address of the receiving pawnshop, the anticipated date of sale or transfer, a sample copy of the notice to be mailed to pledgors, and a copy of any agreement between the buyer and seller concerning the sale of loans. The "Notice to Customers" provisions in subsection (f)(2) of this section are applicable to such sales and transfers.

(h) Expiration and renewal of licenses.

(1) Coordination with regulated loan licenses. Where both a pawnshop license and a regulated loan license are issued to any person authorizing the conduct of both businesses at the same location, the pawnshop license and the pawnshop employee licenses of employees of such pawnshop shall expire on December 31 of each year unless the annual fees for the following calendar year have previously been paid. At any time a pawnbroker obtains, surrenders, or transfers a regulated loan license authorizing such business at the same location as the pawnshop the expiration date of the pawnshop license shall be ad-

justed in accordance with these provisions and the amount of the license fee shall be adjusted on a pro rata basis.

(2) General expiration date. All other pawnshop licenses and the pawnshop employee licenses of employees of such pawnshops shall expire on June 30 of each year unless the annual fees for the following year have been previously paid.

(3) Pro rata fees. The license fee for any new pawnshop license shall be the statutory annual fee if that license becomes effective more than six months prior to its expiration date; otherwise, the fee shall be one-half of the annual fee.

(i) Cost of hearings. If an application for a new license or for a relocation is contested and a public hearing requested, the maximum cost of such hearing assessed against the parties shall be \$2,500. One-half of such cost shall be assessed against the proponent(s) and one-half against the opponent(s).

§85.4. Pawnshop Employee Licensing.

(a) Knowledge of laws and rules. Every applicant or employee whose duties require a pawnshop employee license must have a working knowledge of all applicable laws and rules as they relate to the making of pawn loans and the purchase of used or second hand personal property. The commissioner may develop a course of study and thereafter may require all applicants to satisfactorily complete the course within a time period specified by the commissioner. Failure to satisfactorily complete the required study will result in a denial of license.

(b) Application.

(1) A pawnbroker must notify employees of the pawnshop of employee licensing requirements and make available to employees all necessary forms for the employees to apply for pawnshop employee licenses. This action is required at the date of employment. Each pawnbroker shall review each employee's application for a pawnshop employee license to ensure that it is accurate and completed according to applicable instructions.

(2) Applications for a pawnshop employee license under the Texas Pawnshop Act must be submitted on forms currently prescribed by the commissioner and in accordance with his instructions.

(3) An application and any required exhibits may not be accepted for filing unless it is in compliance with the commissioner's published instructions. The 60-day period within which the commissioner must act on an application begins when a completed application is received and all required fees have been paid.

(4) No person may apply for a pawnshop employee license unless that person is an employee of a pawnshop.

(c) Employment of persons with licenses.

(1) When a pawnbroker hires a person who holds a valid employee license, a new application is not required. The pawnbroker must notify the commissioner of the employment of such a person within 10 days of hiring. The pawnbroker should provide notification on forms provided by the commissioner. A new license will not be issued due to an employment change during the period and no extra fee will be charged.

(2) Any pawnshop employee whose license has expired must submit a new application.

(d) Display of license.

(1) All pawnshop employee licenses must be publicly displayed at the employing pawnshop.

(2) If a pawnshop employee regularly works in several pawnshops, the employee must display the employee license at the pawnshop whose address is on the license or other new address reported to the commissioner. The employee must carry the pocket card issued with the license when working at other pawnshops.

(e) Renewal.

(1) A pawnshop employee license may be renewed annually by payment of the required fee and submission of a renewal application prescribed by the commissioner. Renewal applications may be returned if not completed in accordance with the commissioner's printed instructions.

(2) No person may apply for renewal of a pawnshop employee license unless that person is an employee of a pawnshop.

(f) Employee terminations. When the employment of a licensed employee is terminated, the pawnbroker must notify the commissioner of such termination. The pawnbroker must give this notification within 20 days of the termination and should do so on forms provided by the commissioner.

(g) Age and citizenship. There are no age or citizenship requirements or limitations. A minor may work in a pawnshop without an employee license if supervised by a parent who is an owner named in the pawnshop license application for that shop as filed with the commissioner.

(h) Owner of license. The employee named in each pawnshop employee license is the owner of the license and may take possession of the license when terminating employment.

§85.9. Siting of Pawnshops.

(a) Application of local ordinances. A pawnbroker making application for a new license or making application for or giving

notice of a proposed relocation of a pawnshop shall file with the commissioner evidence that the operation of a pawnshop at the proposed location is an approved use of such property as specified by local ordinances, if any. The commissioner shall not approve the requested license or relocation unless such evidence is filed.

(b) Distribution of pawnshops. The commissioner shall not approve an application for a new license, an application for relocation, or a notice of intended relocation if the proposed pawnshop site is less than 1,000 feet from an existing licensed pawnshop.

§85.12. Business Records. Each pawnbroker must keep books and records relating to all business transacted in the pawnshop. Such books and records shall be adequate and sufficient to assure compliance with the Texas Pawnshop Act when subjected to an examination by the commissioner. The following records are the minimum required records and must be kept in the pawnshop unless otherwise approved by the commissioner. If records are temporarily removed from the pawnshop for customary business purposes, they must be returned to the pawnshop within 24 hours upon request of the commissioner or his duly authorized representative. If reasonably available the pawnbroker shall authorize examination of the records at the site to which they were temporarily removed.

(1) Loans.

(A) Pawn ticket.

(i) Prescribed form and content. The commissioner shall prescribe the form and content of the pawn ticket. Each pawnbroker must file with the commissioner a sample of the pawn ticket to be used. In a manual records system the pawn ticket must be a four-part form on which entries to the top part are legibly and simultaneously reproduced on the remaining parts. The ticket must contain all the information required in Texas Civil Statutes, Article 5069-51.10, satisfy the requirements of the Truth-in-Lending Act and Regulation Z, contain identification of the person making the loan and handling any subsequent transactions on the loan, disclose the last date in the grace period on which the pawnshop will be open and on which pledged goods may be redeemed, the time of day when a loan is made and when redeemed, and contain any additional information which the commissioner may prescribe. The fourth part must provide appropriately designated spaces for posting amounts paid on the loan. All parts of the form must be sequentially numbered by the printing company that produces the ticket. The form must provide a perforated, sequentially numbered stub to be utilized in tagging pledged goods. The finished form shall be four inches high and six inches wide unless otherwise approved by the commissioner.

(ii) Distribution of copies.

The original must be given to the pledgor when the loan is made. The second part must be made available to a local law enforcement agency and may be retained by the agency. The third part must be placed in an alphabetical file of open loans. The fourth part must be maintained in a file in strict numerical sequence.

(iii) Voided tickets. The

original and third parts of voided tickets must be retained and filed with the fourth part of the ticket.

(B) Memorandum of extension.

(i) Prescribed form and content. The commissioner shall prescribe the form and content of the memorandum of extension. Each pawnbroker must file with the commissioner a sample copy of the memorandum of extension. A written memorandum must be used to document the extension of the maturity date of a pawn loan. The extension must be by agreement between the pledgor and the pawnbroker. The memorandum must be at least a two-part form on which entries to the top part are legibly and simultaneously reproduced on other part(s). The memorandum must clearly set out the pawn ticket number of the loan being extended, the date of preparation of the memorandum, the extended maturity date, the last date in the grace period on which the pawnshop will be open and on which pledged goods may be redeemed, the amount of pawn service charge (finance charge) paid, the additional amount of pawn service charge to be paid as a result of the extension, the date to which pawn service charges have been paid, and the daily rate at which the pawn service charge accrues. A written procedure explaining the proper use of the memorandum of extension shall be published and made available to all pawnbrokers.

(ii) Distribution of copies.

The original of the memorandum must be given to the pledgor or shall be mailed to the pledgor if the transaction is negotiated by mail. The copy shall be retained by the pawnbroker and shall be attached to the fourth part of the corresponding pawn ticket.

(C) Records of payment and forfeiture. A written record of every payment on a loan must be made immediately upon receipt. Payments must be posted on the day received or the following business day to the fourth part of the pawn ticket. The payment record shall show at least the following information:

(i) the date (month, day, year) of payment;

(ii) the actual amount received and itemized as applied to:

(I) principal (amount financed);

(II) pawn service charge;

(III) charge for lost ticket statement;

(IV) charge for packing, insurance, and shipping.

(D) Written receipt. A pawnbroker must upon request give a payor a written receipt for any payment on a loan.

(E) Record of redemption option. When a pawnbroker exercises his option to take pledged goods as his property he must make a notation of such action and the date of action on the fourth part of the pawn ticket. If a pawn ticket has not been so marked, the related loan is considered open even if the grace period has expired. The pledged goods on any open loan may be redeemed by payment of the amount financed and any pawn service charges accrued to the actual date of redemption.

(F) The alphabetical index. The third part of each pawn ticket issued is to be filed alphabetically by the name of the pledgor no later than close of business on the next business day. The index shall be maintained in strict alphabetical order and tickets promptly removed when the corresponding loans are closed.

(G) Numerical index of loans. The fourth part of each pawn ticket must be filed in numerical sequence by the serial number on the ticket no later than close of business on the next business day. A pawnbroker who uses the memorandum of extension may maintain the fourth part of each ticket on an open loan in a separate numerical file.

(H) Numerical file of redemptions. The original of each pawn ticket returned to the pawnbroker must be filed in serial number sequence no later than close of business on the next business day. Any separate lost ticket statement forms must be filed with the original pawn tickets according to the serial number of the related ticket. This file may be maintained separately or may be merged and combined with the numerical index of loans.

(2) Agreement to purchase.

(A) Prescribed form and content. The commissioner shall prescribe the form and content of the agreement to purchase, commonly called the "sellers bill of sale." Each pawnbroker must file with the commissioner a sample copy of the form to

be used. The form must be a three-part form on which entries to the top part are legibly and simultaneously reproduced on the remaining parts. The form must contain a warranty that the seller has the right to possess and sell the property, the information required in Texas Civil Statutes, Articles 5069-51.16(i), identification of the person making the purchase, the time of day of the purchase, and such additional information as the commissioner may require. The finished form shall be four inches high and six inches wide unless otherwise approved by the commissioner. All parts of the form must be sequentially numbered by the printing company that produces the agreement.

(B) Distribution of copies. All originals must be retained by the pawnbroker in serial number sequence. The second part must be made available to a local law enforcement agency and may be retained by the agency. The third part must be given to the seller of the goods at the time such goods are purchased by the pawnbroker.

(C) Voided agreements. The third part must be retained with the original.

(D) Implementation. Any pawnbroker not possessing numbered or three-part forms on the effective date of these rules shall begin using such forms no later than January 1, 1992.

(3) Titled goods.

(A) Negotiation. A pawnbroker may accept motor vehicles and other tangible personal property requiring a certificate of title as goods pledged on loans. The pawnbroker must not have the owner sign the title to effect transfer to the pawnbroker.

(B) Limited power of attorney. When a pawn loan involves titled property, the pawnbroker may require that the owner sign a power of attorney form appointing the pawnbroker as his attorney-in-fact for the sole purpose of transferring the ownership of the titled property to the pawnbroker in the event the pledgor fails to pay the loan. The pawnbroker must establish a separate, special file in which all powers of attorney, certificates of title, and registration receipts are kept.

(C) Title, tax, and transfer fees. A pawnbroker must not charge for title, tax, transfer or other such fees when accepting titled goods on a pawn loan.

(4) Standards for describing goods. Pledged goods and purchases must be accurately and fully described. All serial numbers including vehicle identification numbers and boat hull numbers that are

reasonably available must be accurately entered on required documents. Any visible owner applied number must be recorded. As applicable, the item type, brand, make or model number, inscriptions, color, size, unique markings, and design must be recorded.

(A) Firearms. Descriptions of firearms must also include caliber, if known, and type of firearm such as handgun or pistol, rifle, shotgun, airgun, or black powder weapon.

(B) Jewelry. Descriptions of jewelry must also include type and approximate weight of metal including the purity of gold if indicated or determined; gender if determinable; style or pattern; and color, shape, number, size, and approximate weight of stones. If a stone is of a type that is readily identifiable or if a loan is based on the value of a stone or stones the type shall be shown. Class ring descriptions must include school name and class year.

(C) Motor vehicles. Descriptions of motor vehicles must include the year model of manufacture, body style, license plate number, and state of registration.

(D) Required sequence. The commissioner may prescribe a required sequence in which primary descriptive information is required to be entered on pawn tickets and on agreements to purchase.

(5) Sales. A pawnbroker must give a purchaser an appropriate written acknowledgement of any amounts paid for purchases.

(6) Layaways.

(A) Written agreement required. A pawnbroker must establish a written agreement for every layaway. A copy of the agreement must be given to the purchaser at the time the agreement is established. Each pawnbroker must file with the commissioner a sample copy of the form to be used.

(B) Prescribed content. The agreement must accurately and fully describe the goods according to the rules for describing goods on pawn tickets. The agreement must also disclose the sale price of the goods, the amount paid when the agreement was established, the dates, and amounts of payments required to fulfill the agreement. The agreement must clearly state whether the purchaser has any vested rights in amounts paid in the event of default and what those rights are, if any.

(C) Payment receipts. The pawnbroker must give the purchaser a writ-

ten receipt for every payment made on a layaway. The agreement may be designed and used to satisfy this requirement.

(7) Accounting records and systems. Each pawnbroker must no later than December 1, 1991, establish and maintain an internal accounting control system that can be relied upon to produce accurate financial information and to safeguard assets. Such system shall conform to generally accepted accounting principles.

(8) Records maintained on electronic data processing (EDP) systems. This section is applicable only to EDP systems that do not maintain records according to the preceding rules.

(A) Filing of description of systems and programs. Records and accounting systems maintained in whole or in part by electronic data processing may be used in lieu of the books, files, and records required by these rules if they contain equivalent information. Each such system must receive prior written approval from the commissioner. Pawnbrokers seeking such approval must file a complete and detailed written description of the system proposed to be utilized, including an enumeration of all features that do not meet the requirements of these rules and a full explanation as to how the equivalent information is maintained in the proposed system. Filings must include operating manuals and instructions and, if requested, a copy of the software in the magnetic media as used by the pawnbroker. Printed user instructions must provide a clear and concise section of procedures which must be followed to operate the system as contemplated by the commissioner in approving the system. Within 30 days of the effective date of these rules every pawnbroker using an EDP system shall file notice of such use with the commissioner. Such notice shall clearly identify the name and address of the supplier of such system. All systems in place shall be deemed approved if previously reviewed and approved by the commissioner.

(B) Filing of amendments. All changes to a pawnbroker's electronic data processing system which degrade the system must be filed with the commissioner at least 14 days in advance of use by a pawnbroker. All changes which constitute upgrades of a system shall be filed within 14 days after the close of each calendar quarter.

(C) Who to file. Each pawnbroker is responsible for filings as described previously; however, a vendor may make filings on behalf of pawnbrokers provided such filing identifies each pawnbroker represented by the filing.

(D) Withdrawal of approval by the commissioner. If based on examina-

tions and practical experience with an EDP system and its records the commissioner finds that such system and records do not function and provide information as anticipated at the time of approval and are unsatisfactory, approval may be withdrawn by the commissioner. A pawnbroker will have 90 days to make modifications in accord with directives of the commissioner concerning a satisfactory record system.

(9) Reporting property transactions to law enforcement. The commissioner may require that pawnbrokers who maintain their records by use of an electronic data processing system report their loan transaction information and information on purchases of used or secondhand personal property to an appropriate local law enforcement agency directly or through the commissioner's office. The commissioner may do this by publication of a bulletin setting forth the technical criteria and details developed through consultation with interested law enforcement agencies and vendors of electronic data processing system software.

(10) Records retention. All required books, records, instruments, and papers must be available for inspection during normal business hours and at other reasonable times as requested by the commissioner or his authorized representative for two years from the date of the last recorded transaction.

(11) Consumer credit commissioner file. Each pawnbroker shall maintain a separate file for all communications from the commissioner and for copies of correspondence and reports addressed to the commissioner. This file shall include, but not be limited to, copies of the Texas Pawnshop Act, examination reports and any orders and rules issued by the commissioner.

§85.22. Personal Property-Pledged or Sold to Pawnbroker-Liability of Pawnbroker.

(a) A pawnbroker is liable for any loss or damage to pledged goods. No signs shall be posted in a pawnshop and no verbal statements shall be made by a pawnbroker or a pawnshop employee that would lead a pledgor to believe otherwise. A pawnbroker shall not advise a pledgor that the pawnbroker's liability will be satisfied in a manner less favorable to the pledgor than full repair and restoration or replacement with like kinds of merchandise. The amount loaned on pledged goods may not be used in the determination of the value of pledged goods being replaced.

(b) Each pawnbroker shall establish a separate record immediately upon discovery that pledged goods have been lost or damaged. If the current market value of the lost item(s) or the extent of damage to the pledged item(s) exceeds \$1,000, the pawnbroker shall immediately notify the commissioner by telephone and in writing of the scope of such loss or damage.

(c) No payment of pawn service charge or principal of a pawn loan shall be accepted by a pawnbroker if none of the pledged goods are in the possession of the pawnbroker or otherwise cannot be made available to the pledgor for redemption. No payment shall be accepted by a pawnbroker if the pledged goods were damaged while in the possession of the pawnbroker, such goods were not fully restored, and were known to be damaged at the time of redemption or renewal. A partial payment may be negotiated when part of the pledged goods on a loan are in good condition and available for redemption.

(d) In each instance when a pawnbroker must deny acceptance of payment by a pledgor under this rule, the pawnbroker, shall, at that time, provide the pledgor with a notice of the rights of the pledgor. The required notice shall be in a form prescribed by the commissioner and shall disclose the rights of the person entitled to redeem the pledged goods.

(e) If a pawnbroker accepts pledged goods that cannot be stored inside the pawnshop, i.e., motor vehicles, boats, trailers, construction equipment, etc., such goods are required to be stored within the proximity of the pawnshop and shall be securely enclosed by protective fencing. Reasonable protection for pledged goods stored in a fenced area shall include security lighting.

§85.30. Notices of Licensing, Regulation, and Law. A pawnbroker must provide that the following notice is legibly printed on every pawn ticket and on every agreement to purchase that is delivered to the customer. "Pawnbrokers are required to be licensed by: The Office of Consumer Credit Commissioner 2601 North Lamar Boulevard, Austin, Texas 78705-4207. Contact the above office relative to any inquiries or complaints." In addition, any pawnbroker must include the commissioner's Austin telephone number and any telephone number that provides toll free calling to the commissioner's office from the trade area in which the advertising is used.

§85.50. Advertising.

(a) Prohibition-false, misleading or deceptive. No pawnbroker may advertise or cause to be advertised, in any manner whatsoever, any false, misleading, or deceptive statement or representation.

(b) Advertising copy file. Every pawnbroker must maintain at the licensed location or other location authorized by the commissioner a complete record of all printed and other advertising material used. This record must be retained until the next examination by a representative of the commissioner. Printed text or audio cassette recording of any audio advertising and a VHS video tape copy of any television advertising must be included. If any language other

than English is used in any advertising material, a true and correct translation must be made and attached.

(c) Compliance with federal laws and regulations. Every pawnbroker must comply with all applicable requirements and disclosures of the Truth-in-Lending Act and Regulation Z.

(d) Use of state agency name. It shall be permissible for a licensed pawnbroker to publicly display or advertise the following statement: "Licensed and examined by the Texas Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705-4207." In addition, any pawnbroker must include the commissioner's Austin telephone number and any telephone number that provides toll free calling to the commissioner's office from the trade area in which the advertising is used. The authorized statement must be used in its entirety if any reference is made to licensing or regulation.

§85.57. Examinations and Investigations. Corrective actions required. If a pawnbroker has violated the Texas Pawnshop Act or these rules, the commissioner may direct the pawnbroker to review his records and make appropriate refunds or take other corrective actions. The pawnbroker must comply with such directive within a reasonable period of time as specified by the commissioner.

§85.58. Miscellaneous Operating Provisions.

(a) Hours and days of operation.

(1) Public posting. Each pawnbroker must post the days and the hours of each day that the shop will normally be open for business. Normal hours may include regular periods of closing during a day such as a lunch hour closing. The pawnshop shall be open for business during the posted hours. Any pawnshop may be closed on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day without notice. A pawnbroker may close a pawnshop for other state, national, and religious holidays after posting notice of the intended closing for 10 days prior to the closing. If the pawnshop must be closed during regular posted hours due to an emergency, a notice of closing must be posted. Such notice must include the date and the time that the pawnshop will reopen for business. All postings must be easily visible to a person outside all public entrances.

(2) Temporary, non-emergency closings. All pledgors must be advised through use of posted notices 10 days prior to the planned date of the temporary closing. Any closing in excess of three business days requires notification to the commissioner in advance. A notice shall be posted as in subsection (a)(1) of this section.

(3) Effect of closing.

(A) Pawn service charge accrual. The amount of pawn service charge scheduled to accrue on each pawn loan during emergency or temporary, non-emergency closings of one or more full days must be waived for any person who states that he made an unsuccessful effort to redeem goods during such closings.

(B) Expiration of grace period. If the 60-day grace period of any pawn loan expires on a day on which the pawnshop is normally open for business but is closed, the grace period is extended by one business day for each posted business day or part of a day that the pawnshop is closed.

(b) Identification of customers.

(1) Pledgors and sellers. All authorized identification documents must relate to active files maintained by the issuing agency. A pawnbroker must inquire as to the current validity of any address shown on documents. If advised that such address is not the pledgor's or seller's current address, the pawnbroker shall request and record the current address. If a pledgor or seller has lost or had his driver's license stolen, the temporary driving permit plus any form of identification with a photograph of the customer is considered acceptable.

(2) Persons presenting pawn tickets to redeem pledged goods. Texas Civil Statutes, Article 5069-51.14, requires that the person presenting a pawn ticket to the pawnbroker for redemption properly identify himself. If not personally known to the pawnbroker, the pawnbroker must identify the person by requiring the person to produce an authorized form of identification or, if the presenter has no authorized identification, by having another person who has authorized identification confirm the identity of the person presenting the pawn ticket. A pawnbroker must record on the original pawn ticket the name, type of identification, and the identifying number presented by any person other than the pledgor.

(c) Use of pledged goods prohibited. A pawnbroker must not use or permit any other person to use pledged goods.

(d) Public display of pledged goods prohibited. A pawnbroker must not place pledged goods in a public area of the pawnshop.

(e) Pawnshop premises.

(1) Outdoor displays. All outdoor displays of merchandise for sale must be compatible with surrounding properties. Outdoor displays must not be established unless permitted by local ordinances and customarily established by other retail merchants in the immediate vicinity, if any. No displays may be placed on public right-of-

way or within 15 feet of any street. All displays must be orderly.

(2) Signage. All signage must be in compliance with local ordinances. Each pawnshop must have at least one readily visible, permanent, external sign clearly stating the trade name of the business as shown on the pawnshop license issued by the commissioner. No signage may be constructed or positioned that creates a safety hazard.

(3) Animals. A pawnbroker must not keep in a pawnshop when open for business, dogs or any other animals trained to attack humans on command.

(f) Identification of source of goods in pawnshop. The tag required by Texas Civil Statutes, Article 5069-51.17B(h) shall identify the source of the property found in the pawnshop. The commissioner may, upon written application, exempt a pawnbroker from tagging certain property found in a pawnshop which is associated with a different type of business conducted on the same premises.

(g) Hold period.

(1) Except as provided herein, each item of personal property purchased or otherwise acquired by a pawnbroker, other than forfeited goods, must be held at the pawnshop by the pawnbroker for a period of at least 20 calendar days from the date of acquisition before being sold or disposed of in any manner.

(2) Upon application to and investigation by the commissioner, the commissioner may reduce the hold period requirement for pawnbrokers in a specific jurisdictions. Such reduction shall be granted when:

(A) a pawnbroker and the local law enforcement agency have adopted a reporting system that minimizes the elapsed time between the recording of purchase transactions by the pawnbroker and access by the law enforcement agency to the transaction data in a useable, machine readable form; or

(B) a local law enforcement agency with the concurrence of the chief executive officer of its governing body recommends a reduction to the commissioner. Such reduced hold periods may be terminated at any time if the commissioner has reason to believe that the reduced hold period has significantly interfered with the recovery of stolen property.

(3) No hold period shall be required for the following merchandise when sold in the normal course of business:

(A) new merchandise acquired from a wholesaler who operates from a permanent business location;

(B) merchandise for which a full description has been reported to a law enforcement agency and subsequently held by a licensed pawnbroker for more than 20 days;

(C) firearms whose transfer is fully documented to show the name and address of the purchaser in accordance with federal law and rules;

(D) merchandise purchased at an auction conducted by an auctioneer licensed by the State of Texas; or

(E) merchandise purchased from a governmental agency.

(h) Modification of character of goods. A pawnbroker must not modify or change the characteristics of any goods in his possession in connection with any open pawn loans or during any hold period described in subsection (g) of this section.

(i) Redemptions by mail.

(1) Persons authorized. Any pledgor may do so by mailing the pawn ticket and such a request of the pawnbroker provided the pawnbroker has not received prior notice that the pawn ticket has been lost, destroyed, or stolen. The pledgor must pay in advance all principal and pawn service charges due on the loan and the charges authorized following.

(2) Shipping, handling, and insurance charges. The pawnbroker shall be entitled to recover the reasonable and necessary expenses involved in the packaging and shipping of the goods and any additional charge to insure the goods. Goods must be insured for their retail value during shipment. Shipment may be by United States mail, any authorized parcel delivery service, or any common carrier.

(j) Monitoring of transactions and customers.

(1) Type of goods offered. A pawnbroker must not purchase, accept in pawn, or otherwise acquire any item on which the serial number has been defaced, altered, or removed. A pawnbroker must monitor goods coming into a pawnshop in an effort to identify stolen goods. Pawnbrokers shall use their experience and knowledge and customs and practices in the industry which would help identify stolen goods.

(2) Acceptance of uniquely marked goods. A pawnbroker must not purchase, accept in pawn, or otherwise acquire any item that is marked in a manner that suggests or indicates ownership by a rental company, motel, training school, construction company, governmental body, or any other person or firm other than the person offering the item to the pawnbroker, unless the seller or pledgor produces a valid receipt or other evidence of purchase or ownership of the item.

(k) Restitution to purchasers of pawnshop goods. A pawnbroker shall exert his best efforts to replace goods purchased at the pawnshop that are subsequently confiscated by a law enforcement agency or shall refund the full purchase price.

(l) Unclaimed funds. A pawnbroker must maintain a record of any amounts due a pledgor and not paid.

(1) Proof of attempt to pay refund. Evidence of a bona fide attempt to pay monies due a pledgor must be kept. The minimum acceptable evidence is an unopened envelope addressed to the last known address of the pledgor and returned as undeliverable by the United States Post Office.

(2) Use of unclaimed monies. Use of unclaimed monies within the business until such time as paid to the pledgor, the estate of the pledgor, or to the State of Texas is not prohibited.

(3) Payment of unclaimed funds to treasurer. At the end of three years a pawnbroker must pay the unclaimed funds to the state treasurer, as required by the Property Code.

(4) Preservation of records. The records shall be preserved according to applicable law or rule of the state treasurer.

(m) Duties and responsibilities of pawnbrokers.

(1) Examinations. When a representative of the commissioner appears at a pawnshop to make an examination, the pawnbroker must provide the examiner with a desk or table providing adequate working space. The pawnbroker must also provide a suitable chair, adequate lighting, and convenient access to a 110 volt electrical outlet in an area reasonably suited to the type of work to be performed.

(2) Communications. A pawnbroker must not misrepresent to any examiner, peace officer, property crime victim, or member of the general public any facts regarding activities in or about the pawnshop or the status of any goods which may have come into the pawnbroker's possession.

(3) Responsibility for acts of others. Any person who holds a pawnshop license may be held responsible for the acts of its officers, directors, employees, and agents in the conduct of the pawnshop business.

(4) License application supplements. Each pawnbroker and licensed pawnshop employee shall provide the commissioner with information supplemental to that contained in their original license application documents and attachments. Any action, fact, or information that would require a different answer than that given in the original license application shall be reported to the commissioner within 10 business

days after the person has knowledge of the action, fact, or information.

(5) Federal firearms license. A pawnbroker must report to the commissioner any known investigation of alleged violations of the federal laws or rules relating to firearms. A pawnbroker must also report any adverse action proposed or taken by the Bureau of Alcohol, Tobacco, and Firearms against the federal firearms license held by or used in the pawnshop. Such reports must be made within three business days of the pawnbroker's knowledge of such information or action.

(6) Cooperation with property crime victims. A pawnbroker who is presented to a law enforcement agency report of a theft of tangible personal property, within 30 days after discovery of the loss, by a victim or a victim's personal representative shall within 24 hours make a search of all records of purchases and loans made on or subsequent to the date of the theft. Such search shall determine whether the property described in the offense report or property which might be that described in the offense report had come into the possession of the pawnbroker. If the pawnbroker determines that such property had come into the pawnbroker's possession the pawnbroker shall within four hours notify the law enforcement agency which investigated the theft. The pawnbroker shall within 12 hours thereafter notify the victim or personal representative of this action. If the pawnbroker determines that such property has not come into the pawnbroker's possession the pawnbroker shall within 12 hours of such determination notify the victim or personal representative. The pawnbroker shall treat such property in his possession as subject to a police hold for 72 hours following notification to the law enforcement agency. Such hold may be extended by the law enforcement agency concerned. A pawnbroker shall have no duty to permit a victim or personal representative to examine the records of the pawnshop, the pledged goods of the pawnshop, or any property purchased by the pawnshop which is not on public display.

(7) Electrically powered pledged goods. A pawnbroker must provide a site within the pawnshop that has appropriate electrical outlets where customers can test electrically powered goods at the time of redemption.

(8) Alcoholic beverages and other drugs. A pawnbroker must not use or possess or permit the use or possession of any drugs or other chemicals in or around the pawnshop if such use or possession violates any law or ordinance. A pawnbroker must not operate the pawnshop while under the influence of alcohol or other drugs. A pawnbroker may operate the pawnshop while taking medication or drugs prescribed by an authorized medical practitioner if his ability to operate the pawnshop properly is not impaired.

(9) Treatment of customers. A pawnbroker must not abuse, insult, or otherwise harass any customer when any dispute arises over a regulated transaction.

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 August 5, 1991.

TRD-9109303

Al Endsley
Commissioner
Office of Consumer Credit
Commissioner

Earliest possible date of adoption: September 9, 1991

For further information, please call: (512) 479-1291

TITLE 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 231. Administration

Definitions

• 22 TAC §231.1

The Board of Vocational Nurse Examiners proposes an amendment to §231.1, concerning the deletion of five definitions. These definitions have been addressed in Chapter 239 of the rules and regulations.

Marjorie A. Bronk, 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.

Mrs. Bronk also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. 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 Marjorie A. Bronk, Executive Director, Board of Vocational Nurse Examiners, 9101 Burnet Road, Suite 105, Austin, Texas 78758, (512) 835-2071.

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

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

[Contested case—A proceeding in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.]

[Impaired vocational nurse—A licensed vocational nurse whose nursing ability is diminished due to chemical dependency and/or mental illness.]

[Peer Assistance Program—A program designed to identify, assist, and monitor impaired licensed vocational nurses, which is approved by the Board of Vocational Nurse Examiners and meets the criteria established by the Texas Commission on Alcohol and Drug Abuse and additional criteria established by the Board of Vocational Nurse Examiners.]

[Pleading—Written allegations filed by parties concerning their respective claims.]

[Respondent—Any party against whom any complaint has been filed with the board.]

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

Issued in Austin, Texas, on August 5, 1991.

TRD-9109348

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

Earliest possible date of adoption: September 13, 1991

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

Part XXI. Texas State Board of Examiners of Psychologists

Chapter 463. Applications

• 22 TAC §463.5

The Texas State Board of Examiners of Psychologists proposes an amendment to §463.5, concerning application file requirements. The board is adding the requirements to include the names of all jurisdictions where the applicant currently holds a certificate or license to practice psychology.

Patricia S. Bizzell, 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.

Ms. Bizzell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be to provide more complete information about an applicant's background. There will be no effect on small businesses. There is no anticipated economic cost to persons which are required to comply with the section as proposed.

Comments on the proposal may be submitted to Patricia S. Bizzell, M.P.A., 9101 Burnet Road, Suite 212, Austin, Texas 78758.

The amendment is proposed under Texas Civil Statutes, Article 4512c, which provide the Texas State Board of Examiners of Psychology with the authority to make all rules,

not inconsistent with the Constitution and laws of this state, which are reasonably necessary or the proper performance of its duties and regulations of proceedings before it.

§463.5. Application File Requirements. An application file must be complete and contain whatever information or examination results the board requires. An incomplete application remains in the active file for 90 days, at the end of which time, if still incomplete, it is void. If certification or licensure is sought again, a new application and filing fee must be submitted.

(1) A completed application for certification as a psychologist or psychological associate includes:

(A)-(E) (No change.)

(F) supportive documentation and other materials the board may deem necessary, including the names of all jurisdictions where the applicant currently holds a certificate or license to practice psychology.

(2)-(3) (No change.)

(4) If a complaint is filed against an applicant for certification as a psychologist or psychological associate, an applicant for the oral examination, or an applicant for licensure, the application process will be held in abeyance until the board has made a final determination on the complaint filed.

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 August 6, 1991.

TRD-9109351 Patricia S. Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Earliest possible date of adoption: September 13, 1991

For further information, please call: (512) 835-2036

TITLE 34. PUBLIC FINANCE

Part IV. Employee Retirement System of Texas

Chapter 71. Creditable Service

• 34 TAC §71.9

(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 Employees Retirement System of Texas or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Employees Retirement System of Texas proposes the repeal of §71.9, concerning military service credit-eligible periods. The rule is being repealed to comply with legislation adopted by the 72nd Legislature.

William S. Nail, general counsel, 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. Nail 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 that state employees will be able to purchase service credit for any active duty military service without regard to whether it was during a time of war or armed conflict. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711.

The repeal is proposed under the Texas Government Code, §815.102, which provides the Employees Retirement System of Texas with the authority to adopt rules for the administration of the funds of the retirement system.

§71.9. Military Service Credit-Eligible Periods.

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 July 31, 1991.

TRD-9109312 Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 13, 1991

For further information, please call: (512) 867-3336

• 34 TAC §71.17

The Employees Retirement System of Texas proposes an amendment to §71.17, concerning credit for unused accumulated sick leave. The rule is being amended to correspond with legislation passed by the 72nd Legislative Session.

William S. Nail, general counsel, 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. Nail 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 compliance with legislation passed by the 72nd Legislature and members with over 40 years' service will be entitled to additional credit for retirement purposes. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711.

The amendment is proposed under the Texas Government Code §815.102, which provides the Employees Retirement System of Texas with the authority to adopt rules for the administration of the funds of the retirement system.

§71.17. Credit for Unused Accumulated Sick Leave.

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

(f) The percentage value of all service creditable in the employee class of membership shall not exceed 100% [80%].

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 July 31, 1991.

TRD-9109315 Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 13, 1991

For further information, please call: (512) 867-3336

Chapter 73. Benefits

• 34 TAC §73.19

(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 Employees Retirement System of Texas or in the Texas Register office, Room 245, James Earl Rudder Building, 1019 Brazos Street, Austin.)

The Employees Retirement System of Texas proposes the repeal of §73.19, concerning disability retiree-continuation of benefits. The rule is being repealed to comply with legislation adopted by the 72nd Legislature.

William S. Nail, general counsel, 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. Nail 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 that disability retirees will be able to earn additional income without their disability annuity being reduced. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711.

The repeal is proposed under the Texas Government Code, §815.102, which provides the Employees Retirement System of Texas with the authority to adopt rules for the administration of the funds of the retirement system.

§73.19. Disability Retiree-Continuation of Benefits.

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 July 31, 1991.

TRD-9109314

Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 13, 1991

For further information, please call: (512) 867-3336

Chapter 77. Judicial Retirement

• 34 TAC §77.5

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

The Employees Retirement System of Texas proposes the repeal of §77.5, concerning military service credit-eligible periods. The rule is being repealed to comply with legislation adopted by the 72nd Legislature.

William S. Nail, general counsel 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. Nail 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 that members of Judicial Retirement Systems I and II will be able to purchase service credit for any active duty military service without regard to whether it was during a time of war or armed conflict. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711.

The repeal is proposed under the Texas Government Code, §815.102, which provides the Employees Retirement System of Texas with the authority to adopt rules for the administration of the funds of the retirement system.

§77.5. Military Service Credit-Eligible Periods.

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 July 31, 1991.

TRD-9109313

Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 13, 1991

For further information, please call: (512) 867-3336

Chapter 81. Insurance

• 34 TAC §81.7

The Employees Retirement System of Texas proposes an amendment to §81.7, concerning enrollment and participation. Trustee Rules will be modified in compliance with legislation to allow state employees and retirees who do not reside in any HMO service area an annual opportunity to enroll eligible dependents without evidence of insurability. Rules will also be modified to clarify the effective date of coverage changes and to allow a State employee to reinstate cancelled coverage without evidence of insurability when he/she returns to work from leave without pay due to a certified work-related disability.

William S. Nail, general counsel, 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 amendment of trustee rules to comply with legislation passed by the 72nd Legislature; to clarify and make consistent with other sections of the trustee rules the effective date of a decrease or cancellation of coverage; to clarify the effective date of coverage for a state employee who terminates employment and returns to work within the same contract year; to correct an inequity in benefits pertaining to a state employee whose coverages are cancelled while on leave without pay due to a certified work-related disability. 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 William S. Nail, General Counsel, P.O. Box 13207, Austin, Texas 78711.

The amendment is proposed under the Texas Insurance Code, §43.50-2, which provides the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and carry out the purposes and provisions of the Texas Employees Group Insurance Benefits Act.

§81.7. Enrollment and Participation.

- (a)-(e) (No change.)
- (f) Changes in coverages beyond the first 31 days of eligibility.
 - (1) (No change.)
 - (2) The evidence of insurability provision applies only to those employees, retirees, or eligible dependents who:
 - (A) -(B) (No change.)
 - (C) enrolled in any coverage under the insured plan and later dropped or canceled from such coverage, **except as**

provided in subsection (h)(2) and (3) of this section.

(3)-(7) (No change.)

(8) Participants who do not reside in any HMO service area will be provided an annual opportunity to enroll eligible dependents in dependent coverages without evidence of insurability. Such opportunity will be scheduled at times to be announced by the Employees Retirement System. Coverages applied for during this period will be effective on a date determined by the trustees.

(9)[(8)] An employee or retiree who wishes to decrease or cancel coverage may do so at any time. An application completed by the employee or the retiree [and postmarked or received by the employing agency (Employees Retirement System for the retiree) on the first day of the month will be effective on the first day of the month. An application submitted after the first day of the month] will be effective on the last [first] day of the month following the date of application.

(10)[(9)] An eligible dependent spouse or child who is insured as an employee for health coverage under the Uniform Group Insurance Program becomes eligible for coverage as a dependent on the day following termination of state employment. Eligible dependent children who are insured as dependents for health coverage under the Uniform Group Insurance Program by an employee who terminates state employment also become eligible for coverage on the day following termination of employment. In order to be eligible for coverage, dependents must meet the definition of dependent contained in 81.1 of this title (relating to Definitions) and be enrolled for coverage by the State employee of whom they are the eligible dependent and who is enrolled for health coverage under the program. The effective date of coverage will be the first day of the month following termination of employment if an application is submitted on or within 30 days following the date the dependent(s) become eligible under this rule.

(11)[(10)] Notwithstanding the effective dates of coverages, as defined in paragraphs (1)-(9)[(8)] of this subsection, an employee, retiree, or other eligible participant in the Uniform Group Insurance Program may complete an application or applications during the annual limited enrollment period to make coverage changes, as determined by the trustee, to be effective September 1.

(g) (No change.)

(h) Reinstatement in the program.

(1) Unless specifically prohibited by these sections or contractual provisions, an employee who terminates employment and returns to active duty within the same contract year may reinstate health coverage for himself and his depend-

ents identical to, and optional coverages no greater than, those that were in effect when the employee terminated by submitting an application for the coverages. [Dependents acquired during the break in employment may be added on the application.] The application must be submitted on the first day the employee returns to active duty, and, unless the employee completes the application indicating coverages are to be effective on the first day of the month following the date the employee returns to active duty, the coverages [coverage] will be effective on the day the employee returns to active duty. [If the reinstatement results in a break in coverage, the pre-existing conditions clause will apply and evidence of insurability acceptable to the insurance carrier shall be required to reinstate disability insurance coverage.] Dependents acquired during the break in employment may be added on the application. A returning employee who has selected coverages less than those for which the employee is eligible [in effect when terminating employment] may reinstate any

waived coverages by submitting the appropriate application during the 30 days following the date the employee returns to active duty. The change in coverage will become effective on the first day of the month following the date of application except that an application completed on the first day of the month shall be effective on the first day of the month.

(2) (No change.)

(3) Employees whose coverages were canceled during a period of leave without pay due to a certified work-related disability may, upon return to active duty status, reinstate all coverages that were in effect on the day immediately prior to entering the leave without pay status, except as provided in §81.11(c)(4) of this title (relating to Termination of Coverage), and provided application to reinstate such coverages is made within 30 days of the return to active duty. Evidence of insurability shall not apply. Coverages applied for on the first day of return to active duty will be effective on that day unless the employee

completes the application indicating coverages are to be effective on the first day of the month following the date the employee returns to active duty. Coverages applied for after the first day of return to active duty and within 30 days after that day will be effective on the first day of the month following the date of application; however, coverages applied for on the first day of the month will be effective on that day.

(i) (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 July 31, 1991.

TRD-9109316

Charles D. Travis
Executive Director
Employees Retirement
System of Texas

Earliest possible date of adoption: September 13, 1991

For further information, please call: (512) 867-3336



Adopted Sections

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

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

TITLE 22. EXAMINING BOARDS

Part VI. Texas State Board of Registration for Professional Engineers

Chapter 131. Practice and Procedure

Examinations

• 22 TAC §§131.101, 131.103, 131.104

The Texas State Board of Registration for Professional Engineers adopts amendments to §§131.101, 131.103, and 131.104, concerning examinations. Section 131.101 is adopted with changes to the proposed text as published in the May 17, 1991, issue of the *Texas Register* (16 TexReg 2697). Section 131.103 and §131.104 are adopted without changes and will not be republished.

The amendments were necessary to establish three additional categories under which an individual may qualify for an exemption from one or both of the engineering examinations; clarify the scheduling requirements for the engineering examinations as required for registration under the Act, §12(b); and clarify the qualifications and requirements necessary for certification as an engineer-in-training.

The amendment to §131.101 provides exemptions from one or both of the engineering examinations if an individual has 20 or more years of outstanding technical achievement and widespread professional recognition in a particular engineering field; or 20 or more years of board-approved engineering experience; or a Ph.D. degree in engineering from a recognized college or university that offers an EAC/ABET-approved undergraduate or master's engineering curriculum in the same branch of engineering, provided the individual also has an EAC/ABET-approved bachelor's or master's degree in the same branch. Subsection (d), paragraph (2), extends the number of examination dates from two to three in which an individual is required to pass the principles and practice examination; and subsection (i) reduces the waiting period from two years to one year for filing a new application after an application is not approved for failing to pass either examination.

The amendment to §131.103 allows individuals who have graduated from a curriculum in an engineering or an engineering-related program and who also have passed the fundamentals of engineering examination to apply for engineer-in-training certification. Section

131.104 specifies that once the engineer-in-training certificate expires, the board will continue to maintain records of those individuals who have passed the fundamentals of engineering examination and the results made available as requested by the individual or another licensing jurisdiction.

Comments were received from three individuals concerning adoption of §131.101. Two commenters felt the imminence exemption was too vague while the other commenter expressed his endorsement of the exemptions. The board concurred with the comments regarding the imminence exemption and adopted the rule with clarifying language. No comments were received regarding adoption of the remaining amendments.

The amendments are adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.101. Engineering Examinations.

(a) The written examinations required under the Texas Engineering Practice Act, §12(b) will consist of an eight-hour fundamentals of engineering examination and an eight-hour principles and practice of engineering examination. Each of these examinations normally will be offered twice each year, once in the first six months and once in the second six months of each calendar year. Written examinations will be held in Austin or places designated by the board.

(b) Individuals may be exempt from one or both of the written examinations for the following reasons.

(1) Individuals may be exempt from either or both of the examinations if the professional engineering licensing authority of any state, territory, or possession of the United States certifies the individual has passed a similar examination.

(2) Individuals who have 20 or more years of outstanding technical achievement and widespread professional recognition in their field of engineering practice indicating competence in the engineering profession may be exempt from one or both of the examinations. A personal interview before the board may be required at the request of the board.

(3) Individuals with at least 20 years or more of board-approved engineering experience may be exempt from the fundamentals of engineering examination.

(4) Individuals who have a Ph.D. degree in engineering from a recognized college or university that offers an EAC/ABET-approved undergraduate or master's engineering curriculum in the same branch of engineering may be exempt from the fundamentals of engineering examination, provided the individual also has a bachelor's degree in an EAC/ABET-accredited engineering program of four years or more from a recognized college or university and/or a master's degree in engineering from a college or university that offers an EAC/ABET-approved engineering curriculum in the same branch.

(c) Individuals must either pass or be exempt from the fundamentals of engineering examination in order to be eligible to take the principles and practice of engineering examination. An applicant must meet the engineering educational and experience requirements and have the application for registration approved by the board in order to be eligible to take the principles and practice of engineering examination.

(d) Individuals who have been approved to take the examinations will be advised of the first examination date for which they are eligible. The applicants must elect to start an examination schedule with either the first or second examination date for which they are eligible. Once started the schedule shall consist of consecutive examination dates not to exceed the following:

(1) the number of examination dates, not to exceed four, required to pass the fundamentals of engineering; plus

(2) the number of examination dates, not to exceed three, required to pass the principles and practice examination.

(e) Failure to pass either examination within the schedule will cause the application to be not approved.

(f) Individuals and applicants who have been approved to take the examinations for registration will be charged an established fee for each examination scheduled.

(g) All examinations will be in the English language.

(h) An applicant whose application for registration has been not approved for failure to take either examination within the limits set by the schedule in subsection (d) of this section will be required to file a new application and pay a new application fee.

(i) An applicant whose application has been not approved after taking and failing to pass either examination within the limits set by the schedule in subsection (d) of this section will be required to wait one year from the date the application is not approved before filing a new application. The new application must include evidence the applicant has acquired additional education or experience that would indicate he may be able to pass the required examinations.

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 August 5, 1991.

TRD-9109355 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: May 17, 1991

For further information, please call: (512) 440-7723

Board Review of Applications

• 22 TAC §131.120

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.120, concerning criminal convictions, without changes to the proposed text as published in the May 17, 1991, issue of the *Texas Register* (16 TexReg 2698).

The amendment was needed to provide a clearer understanding of the due process procedures available to an applicant in accordance with Texas Civil Statutes, Article 6252-13a.

The amendment stipulates that when an application for registration is proposed for rejection because of a prior criminal conviction, the applicant will be provided the opportunity to show compliance with all requirements of the law for registration as a professional engineer as a contested case matter in accordance with Texas Civil Statutes, Article 6252-13a, §18.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 August 5, 1991.

TRD-9109356 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: May 17, 1991

For further information, please call: (512) 440-7723

Registration

• 22 TAC §131.134

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.134, concerning expirations and renewals, without changes to the proposed text as published in the June 21, 1991, issue of the *Texas Register* (16 TexReg 3346).

The amendment was necessary to make the funds generated from the renewal fee consistent with funds required by the agency's appropriation pattern.

The amendment changes the effective date of the license renewal fee, which is set annually by the board, from the beginning of each calendar year to the beginning of the state's fiscal year.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 August 5, 1991.

TRD-9109357 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: June 21, 1991

For further information, please call: (512) 440-7723

• 22 TAC §131.137

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.137, concerning professional responsibility, without changes to the proposed text as published in the May 17, 1991, issue of the *Texas Register* (16 TexReg 2699).

The amendment was necessary to clarify when disciplinary actions will be made public; to expedite disciplinary matters by allowing the executive director to offer a consent order to a registrant rather than a board member; and to clarify that reinstatement of a license will be considered in accordance with contested case procedures.

The amendment specifies that disciplinary actions taken by the board against its registrants will be properly recorded and available upon request as public information, and that all actions, with the exception of informal reprimands, will be published in the board's newsletter and also transmitted to the National Council of Examiners for Engineering and Surveying. It also permits the executive director to offer a consent order to a regis-

trant in lieu of an informal conference as a means of expediting disciplinary matters and clarifies that the board will consider the reinstatement of a registration in accordance with the contested case procedures outlined in subsection (f) of the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 August 5, 1991.

TRD-9109358 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: May 17, 1991

For further information, please call: (512) 440-7723

Professional Conduct and Ethics

• 22 TAC §131.151

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.151, concerning professional responsibility, with changes to the proposed text as published in the June 25, 1991, issue of the *Texas Register* (16 TexReg 3393).

The amendment was necessary to provide clearer interpretation of the engineering services that the engineering professional provides for the public.

The section clarifies functions where the practice of engineering is involved for which the professional engineer will be held.

Comments were received from the Bechtel Corporation concerning adoption of the section as proposed. The corporation suggested that the board modify the section by substituting the probability standard "may" with the revised standard "is reasonably likely to" in order to provide an objective basis by which to measure the conduct and professional judgement of an engineer. The board concurred with the recommendation and adopted the section with the suggested revision.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

§131.151. Professional Responsibility. The engineer shall not prepare, complete, revise, alter, sign, or seal any designs, plans, specifications, reports, analyses, or orders, or in any manner participate in any engineering practice, judgment, or decisions which, when measured by generally ac-

cepted engineering standards or procedures, is reasonably likely to result in any utility, structure, building, machine, equipment, process, product, device, work, or project endangering the property, lives, safety, health, or welfare of the general public.

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 August 5, 1991.

TRD-9109359 Charles E. Nemir, P.E.
Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: June 25, 1991

For further information, please call: (512) 440-7723

Complaints

• 22 TAC §131.171

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.171, concerning complaints, without changes to the proposed text as published in the June 25, 1991, issue of the *Texas Register* (16 TexReg 3393).

The amendment was necessary to clarify that the board is not responsible for proving the basis of a complaint when there is no proof or probable cause to rely upon and accept as a bona fide complaint.

The board will not respond to nor will it be responsible for proving the basis of a complaint made against a registrant which cannot be substantiated by sufficient evidence.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 August 6, 1991.

TRD-9109360 Fred Herber, P.E.
Deputy Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: June 25, 1991

For further information, please call: (512) 440-7723

Hearings-Contested Cases

• 22 TAC §131.224

The Texas State Board of Registration for Professional Engineers adopts an amendment to §131.224, concerning show cause

orders and complaints, without changes to the proposed text as published in the May 17, 1991, issue of the *Texas Register* (16 TexReg 2699).

The amendment was necessary to provide a clearer understanding of the due process procedures available to an applicant in accordance with Texas Civil Statutes, Article 6252-13a.

When an application for initial registration is proposed for rejection because of a prior criminal conviction, the board will notify the applicant by personal service or registered or certified mail of the facts relative to the proposed ineligibility for registration and the applicant will be given an opportunity to show compliance with all requirements of the law for registration as a professional engineer in accordance with Texas Civil Statutes, Article 6252-13a, §18.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 3271a, §8(a), which provide the board with the authority to make and enforce all rules and regulations necessary for the performance of its duties.

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 August 6, 1991.

TRD-9109361 Fred Herber, P.E.
Deputy Executive Director
Texas State Board of
Registration for
Professional Engineers

Effective date: August 27, 1991

Proposal publication date: May 17, 1991

For further information, please call: (512) 440-7723

TITLE 28. INSURANCE Part I. State Board of Insurance

Chapter 3. Life, Accident, and Health Insurance and Annuities

Subchapter HH. Standards for Reasonable Cost Control and Utilization Review for Chemical Dependency Treat- ment Centers

• 28 TAC §§3.8001-3.8022

The State Board of Insurance adopts new §§3.8001-3.8022. Sections 3.8001-3.8005 and 3.8007-3.8022 are adopted with changes to the proposed text as published in the March 15, 1991, issue of the *Texas Register* (16 TexReg 1536). Section 3.8006 is adopted without changes and will not be republished.

Sections 3.8001-3.8022, concern standards for the reasonable control of costs necessary for the treatment of chemical dependency. The new sections are adopted as new

Subchapter HH of Chapter 3, concerning life, accident, and health insurance and annuities. The new sections are necessary to implement the legislative directive in the Insurance Code, Article 3.51-9, that the State Board of Insurance adopt by rule standards for the reasonable control of costs necessary for inpatient and outpatient treatment of chemical dependency. This adoption includes many changes. For clarification and partially in response to comments, the board has added a definition of partial hospitalization, substituted a definition of treatment provider for the definition of provider, and substituted a definition of chemical dependency counselor for the definition of certified alcoholism and drug abuse counselor in §3.8001; and the board has modified or eliminated definitions of adolescent, child, qualified credentialed professional, and utilization review. Throughout the subchapter, the board has modified references to these terms, and has also made other clarifications partially in response to comments. These clarifications include modification of use of terms referring to adults, benefits, circumstances, conditions, coverage, insurers, payors, providers, and treatment. The adoption includes the addition to §3.8002 of subsections concerning the reporting of misuse or abuse of standards in the subchapter, the confidentiality of medical records, and severability. The board has changed §3.8003 to include references to the Insurance Code, Article 21.58A, recently enacted by the state legislature concerning health care utilization review. In response to comments, the board has changed §3.8004, and §3.8005 to refer to review and approval by the admitting or attending physician and has deleted proposed §3.8005(d) concerning liability of payor or patient for payment in the event documentation does not support information provided telephonically. In response to comments, the board has also deleted §3.8005(f) and has modified language in §3.8005(b) concerning utilization review by a qualified credentialed professional. For clarification, the board has changed §§3.8007-3.8014 to include specific references to inpatient (hospital or 24-hour residential) treatment for detoxification and rehabilitation/treatment services. The board has changed §3.8019(a) and §3.8022 to clarify the recommended length of stay for an intensive outpatient rehabilitation/treatment service.

New §3.8001 defines the terms "abusable glue or aerosol paint," "adolescent," "advanced clinical practitioner," "aerosol paint," "certified social worker," "chemical dependency," "chemical dependency counselor," "chemical dependency treatment center," "controlled substance," "facility," "glue," "licensed professional counselor," "licensed vocational nurse," "partial hospitalization," "payor," "physician," "program," "psychiatrist," "psychologist," "qualified credentialed professional," "toxic inhalant," "treatment provider," "utilization review," and "volatile chemical." New §3.8002 contains a statement of purpose for these new sections, and includes general provisions on severability, confidentiality of medical records, and other subjects. New §3.8003 sets out circumstances under which the formulated standards and corresponding criteria are to be used and the limits of such use. Section 3.8003 includes references to the Insurance Code, Article 21.58A, recently enacted by the state legislature con-

cerning health care utilization review. New §3.8004 provides for physician admission and monitoring. New §3.8005 provides for utilization review of chemical dependency treatment plans. New §3.8006 encourages parties with disputes about chemical dependency treatment decisions to resolve them expeditiously. New §3.8007 provides admission criteria for inpatient (hospital or 24-hour residential) admission detoxification services. New §3.8008 provides continued stay criteria for inpatient (hospital or 24-hour residential) detoxification services. New §3.8009 provides the discharge criteria for inpatient detoxification services. New §3.8010 provides for recommended length of stay for inpatient detoxification services. New §3.8011 provides the admission criteria for inpatient rehabilitation/treatment (hospital or 24-hour residential) services. New §3.8012 provides continued stay criteria for inpatient rehabilitation/treatment (hospital or 24-hour residential) services. New §3.8013 provides discharge criteria for inpatient rehabilitation/treatment services. New §3.8014 provides recommended length of stay for inpatient rehabilitation/treatment services. New §3.8015 provides admission criteria for partial hospitalization services. New §3.8016 provides continued stay criteria for partial hospitalization services. New §3.8017 provides discharge criteria for partial hospitalization services. New §3.8018 provides recommended length of stay for partial hospitalization services. New §3.8019 provides admission criteria for intensive outpatient rehabilitation/treatment service. New §3.8020 provides continued stay criteria for intensive outpatient rehabilitation/treatment service. New §3.8021 provides discharge criteria for intensive outpatient rehabilitation/treatment service. New §3.8022 provides recommended length of stay for intensive outpatient rehabilitation/treatment service.

Commenting for the new sections were the Abilene Council on Alcohol and Drug Abuse, Inc., the Amarillo Council on Alcoholism and Drug Abuse, the Greater Austin Council on Alcoholism and Drug Abuse, Inc., the Hunt County Council on Alcohol and Drug Abuse, the San Angelo Council on Alcohol & Drug Abuse, the Tarrant Council on Alcoholism & Drug Abuse, the Texas Chemical Dependency Association, Inc., and the Texas Medical Association. Objecting against the sections as proposed were Blue Cross and Blue Shield of Texas, Inc., Corphealth, Inc., Greater Amarillo Health Plan, Frances Hamm, the Health Insurance Association of America, Robert Hughes, the Kaiser Foundation Health Plan of Texas, Noll Lane, Metropolitan Life Insurance Company, PCA Health Plans of Texas, Inc., Prudential's health care or managed healthcare organization in the state of Texas and in the region in Southwest group operations, U.S. Behavioral Health, the Teen & Family Counseling Center of Austin, the Texas Department of Mental Health and Mental Retardation, the Texas Health Maintenance Organization Association, and the Travelers Health Network, Inc.

Some commenters urged that these sections should provide for treatment at the lowest level of care. The commenters argued that any care above the lowest level for adequate treatment of the patient does not implement cost control under the Insurance Code, Article 3.51-9, §2A, and that any reference to criteria

for care should clearly be labeled as model criteria and not mandatory criteria. The board notes that Article 3.51-9, §2A, refers to standards for the reasonable control of costs necessary for inpatient and outpatient treatment of chemical dependency, including guidelines for treatment periods, refers to standards applicable to the provisions of all services for treatment of chemical dependency, and refers to standards for appropriate utilization review of treatment as well as necessary extensions of treatment. The board notes that §2A also refers to benefits for the necessary care and treatment of chemical dependency that are not less favorable than for physical illness generally, subject to the same durational limits, dollar limits, deductibles, and coinsurance factors. The board notes that cost containment does not occur in a vacuum, but within a framework of necessary care and treatment and review thereof. Commenters noted that §3.8005(f) is largely redundant because much of the same language appears in the definition of qualified credentialed professional. In response, the board has deleted §3.8005(f). One commenter asked for a definition of partial hospitalization and, in response the board has added such a definition. One commenter also noted that the physician who reviews and approves the need for admission is often the attending physician in charge of continued care. In response, the board has modified §3.8004 and §3.8005 to refer to review and approval by the admitting or attending physician. Some commenters complained that criteria in §3.8003 are inappropriate and overly restrictive both to the payor and to the provider. The board notes that §3.8003 specifically states that standards and corresponding criteria are not in any way or manner to be construed to establish absolute minimum or maximum periods for treatment or to establish standards of clinical care or appropriate clinical practice. A commenter noted the absence of reference to Axes IV and V of DSM-111R. The board noted the absence of any recommendation by the commenter for insertion of specific language into this subchapter. The commenter suggested that any qualified credentialed professional should be allowed to deny care, to discharge from treatment, or to change the level of treatment. The board responded that provision for review by a physician emphasizes that denial, reduction, or termination of care should be based on a thorough review. The commenter urged that use of physicians should be restricted to board eligible or certified psychiatrists or state licensed physicians who are certified in addictive disease medicine by the American Medical Society of Addictive Medicine. The board notes the qualification of physicians in general to provide necessary care and treatment for diseases and conditions. Commenters argued that this subchapter concerning chemical dependency should not apply to health maintenance organizations or should more explicitly recognize that health maintenance organizations directly provide services, while insurers reimburse for services. The board responds that the provisions of this subchapter should apply necessary standards to health maintenance organizations without restricting the ability of health maintenance organizations to provide responsible care for chemical dependency. Commenters requested a delay in effectuation of the subchapter so that the legislature, state administrative agencies, and

affected parties could adequately prepare for implementation. The board responds that care for chemical dependency is too important a subject for undue delay. Another commenter objected against restrictions on utilization review, but offered no reason for the objection. The commenter also argued that the conditions listed as indicative of major psychiatric illness will apply to virtually all persons with chemical dependency problems. The board notes that the conditions are to be gauged by the severity of neurological and psychological symptoms. The commenter contended that abnormal laboratory findings sufficient to establish eligibility for continued stay for inpatient detoxification services should document medical instability and be related to the chemical dependency. In response, the board has changed §3.8008(a)(1)(A)(ii) to refer to findings related to chemical dependency. The commenter wanted §3.8008 (a)(3)(A) to provide that to be a basis for inpatient services a psychiatric condition should require inpatient treatment. The board rejected such phrasing as tautological, the commenter wanted an understanding on nature and length of treatment as a precondition to admission for residential rehabilitation. The board deemed treatment and discharge as inappropriate topics in §3.8011(2)(B) concerning admission. The commenter contended that residential rehabilitation on the basis of logistic impairments under §3.8011(2)(B)(v) may be appropriate only for initial treatment and may interfere with involvement of co-dependents. The board notes that admission to residential rehabilitation does not preclude subsequent modification of rehabilitation. The commenter wanted motivation as a criterion for admission to residential rehabilitation. The board notes that §3.8011(2)(c) (ii) addresses the mental state of the patient. The commenter wanted individualization of goals and contracts, and acceptance by the patient, as preconditions for admission to residential rehabilitation. The board notes that §3.8011(2)(C)(ii)(I) already requires goals or contracts in place to help the patient. The commenter urged that admission to residential rehabilitation should depend on the absence of better treatment at a less intensive level. The board notes that §3.8011(2)(D)(i) addresses standards for admission, not standards for choices among alternative treatments. Concerning a condition for continuing inpatient rehabilitation, the commenter urged reference to an event serious enough to interrupt rehabilitation within a rehabilitation center. The board deems the adopted language definitive enough to express the intent of §3.8012(a)(2)(A). The commenter suggests that a condition for continuing inpatient rehabilitation should refer to anticipation of transfer within 24 hours. The board responds that reference to immediate transfer emphasizes transfer within less than 24 hours, if appropriate. Many commenters objected to definitions of adolescent and of child. In response, the board has removed the definition of child and modified the definition of adolescent. One commenter complained of ambiguous usage of such terms as coverage, insurer, and payor. In response, the board has modified the use of some terms in provisions throughout the subchapter. One commenter wanted use of the term "medical" in the definition of utilization review and in §3.8003 concerning standards and corresponding criteria. The board notes that the Insurance Code, Article

3.51-9, §2A, refers to benefits for the necessary care and treatment of chemical dependency, to reasonable control of costs necessary for inpatient and outpatient treatment of chemical dependency, and to appropriate utilization review of treatment. The commenter also objected that this subchapter unduly restricts a professional's clinical judgment. The board notes that §3.8003 does provide that recommended lengths of stay are not intended to, nor are they in any way or manner to be construed to, establish absolute minimum or maximum periods for treatment. Another commenter objected to references to common symptoms as severe. The board notes that severity is a basis for necessary care, not a comparison with other patients. Commenters questioned the reference in §3.8008(a)(1)(C) to a drug sufficiently clearing a patient's system. The board notes that the reference includes a reference to a physician's judgment. Commenters urged greater flexibility and greater consideration for success of outpatient treatment and they criticized criteria for inpatient detoxification services and for inpatient treatment in §§3.8007(2)(A) and (C), 3.8008(a)(1) and (3), 3.8010, 3.8011(2), 3.8012(a)(1), 3.8013, and 3.8014; for partial hospitalization in §3.8015(2)(A), (C), and (D) and §3.8018; and for intensive outpatient rehabilitation or treatment in §3.8019(a) and (b) and §3.8022. The board responds that these sections attempt to provide for cost control in the context of effective care and of professional evaluation of care. One commenter complained that procedures for utilization review allow disagreements to detract from effective patient care and management. The board responds that the provisions of these sections should allow patients to receive effective care without undue restrictions on the efforts of providers and to contain costs and thus to increase the availability of effective care. The commenter also complained of the lack of guidance on granting exceptions to limits. The board notes that the commenter offered no suggestion for standards on granting exceptions. The commenter complained that partial hospitalization is too excellent a method of care to be limited to cases when outpatient treatment is not practical. The board responds that the sections attempt to provide for cost control, for effective care, and for professional evaluation of care. The commenter urged that supportive outpatient services are essential to the full recovery of persons with chemical dependency problems and can be very cost efficient and effective. The board notes that the commenter offered no language concerning coverage for supportive outpatient services. Another commenter objected against restrictions on utilization review, but offered no reason for the objection. The commenter also argued that the conditions listed as indicative of major psychiatric illness will apply to virtually all persons with chemical dependency problems. The board notes that the conditions are to be gauged by the severity of neurological and psychological symptoms. The commenter contended that abnormal laboratory findings sufficient to establish eligibility for continued stay for inpatient detoxification services should document medical instability and be related to the chemical dependency. In response, the board has changed §3.8008(a)(1)(A) (iii) to refer to findings related to chemical dependency. The commenter wanted §3.8008(a)(3)(A) to provide that to be a basis for inpatient services a

psychiatric condition should require inpatient treatment. The board rejected such phrasing as tautological. The commenter wanted an understanding on nature and length of treatment as a precondition to admission for residential rehabilitation. The board deemed treatment and discharge as inappropriate topics in §3.8011(2)(B) concerning admission. The commenter contended that residential rehabilitation on the basis of logistic impairments under §3.8011(2)(B)(v) may be appropriate only for initial treatment and may interfere with involvement of co-dependents. The board notes that admission to residential rehabilitation does not preclude subsequent modification of rehabilitation. The commenter wanted motivation as a criterion for admission to residential rehabilitation. The board notes that §3.8011(2)(c)(ii) addresses the mental state of the patient. The commenter wanted individualization of goals and contracts, and acceptance by the patient, as preconditions for admission to residential rehabilitation. The board notes that §3.8011(2)(C)(iii)(II) already requires goals or contracts in place to help the patient. The commenter urged that admission to residential rehabilitation depend on the absence of better treatment at a less intensive level. The board notes that §3.8011(2)(D) (i) addresses standards for admission, not standards for choices among alternative treatments. The commenter urged reference to an event serious enough to interrupt rehabilitation within a rehabilitation center concerning a condition for continuing inpatient rehabilitation. The board deems the proposed language definitive enough to express the intent of §3.8012(a)(2)(A). The commenter suggests that a condition for continuing inpatient rehabilitation should refer to anticipation of transfer within 24 hours. The board responds that reference to immediate transfer emphasizes transfer within less than 24 hours, if appropriate.

The new sections are adopted under the Insurance Code, Article 1.04, which authorizes the State Board of Insurance to determine rules in accordance with the laws of this state; under the Insurance Code, Article 3.51-9, §2A, which authorizes and requires the board to adopt rules with standards for the reasonable control of costs necessary for treatment of chemical dependency; and under Texas Civil Statutes, Article 6252-13a, §4 and §5, which authorize and require each state administrative agency to adopt rules of practice setting forth the nature and requirements of available procedures, and which prescribe the procedure for the adoption of rules by any state administrative agency.

§3.8001. Definitions. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

Abusable glue or aerosol paint—Glue or aerosol paint that is:

(A) packaged in a container holding a pint or less by volume or less than two pounds by weight; and

(B) labeled in accordance with the labeling requirements concerning precautions against inhalation established under the Federal Hazardous Substances

Act (15 United States Code §1261, et seq), and under regulations adopted under that Act.

Adolescent—A person who is 17 years of age or younger.

Advanced clinical practitioner—An individual certified as an advanced clinical practitioner by the Texas Department of Human Services.

Aerosol paint—An aerosol paint product, including a clear or pigmented lacquer or finish.

Certified social worker—An individual who is certified as a certified social worker by the Texas Department of Human Services.

Chemical dependency—The abuse of, or the psychological or physical dependence on, or the addiction to, alcohol or a controlled substance.

Chemical dependency counselor—A person who is certified by the Texas Certification Board for Alcoholism and Drug Abuse Counselors (TCBADAC) or licensed by the Texas Commission on Alcohol and Drug Abuse.

Chemical dependency treatment center—A facility which provides a program for the treatment of chemical dependency pursuant to a written treatment plan approved and monitored by a physician and which facility is also:

(A) affiliated with a hospital under a contractual agreement with an established system for patient referral; or

(B) accredited as such a facility by the Joint Commission on Accreditation of Hospitals; or

(C) licensed as a chemical dependency treatment program by the Texas Commission on Alcohol and Drug Abuse; or

(D) licensed, certified, or approved as a chemical dependency treatment program or center by any other state agency having legal authority to so license, certify, or approve.

Controlled substance—A toxic inhalant, or a substance designated as a controlled substance in the Texas Controlled Substances Act (the Health and Safety Code, §481.002(5)).

Facility—An individual program, entity, organization, or other provider of chemical dependency treatment services.

Glue—An adhesive substance intended to be used to join two surfaces.

Licensed professional counselor—An individual licensed as a professional counselor by the Texas State Board of Examiners of Professional Counselors.

Licensed vocational nurse—A nurse licensed by the Texas State Board of Vocational Nurse Examiners.

Partial hospitalization—The provision of treatment for chemical dependency for

persons who require care or support or both in a hospital or chemical dependency treatment center but who do not require 24-hour supervision.

Payor—Any insurer, any nonprofit hospital, and medical service plan corporation subject to the Insurance Code, Chapter 20, any health maintenance organization providing group health coverage, and any employer, trustee, or other self-funded or self-insured plan or arrangement transacting health insurance or providing other health coverage or services in this state but excluding any employer, trustee, or any other self-funded or self-insured plan or arrangement with 250 or fewer employees or members, or any individual insurance policies regardless of the method of solicitation or sale, or any individual health maintenance organization policies, or any health insurance policies that only provide cash indemnity for hospital or other confinement benefits, or supplemental or limited benefit coverage, or coverage for specified diseases or accidents, or disability income coverage, or any combination thereof.

Physician—An individual who is licensed by the Texas State Board of Medical Examiners.

Program—A particular type or level of service that is organizationally distinct within a facility.

Psychiatrist—An individual who is licensed in the State of Texas to practice psychiatry, who is eligible for, or has received, board certification, and who has hospital affiliation and experience in appropriate use of psychotropic drugs.

Psychologist—An individual licensed as a psychologist by the Texas State Board of Examiners of Psychologists.

Qualified credentialed professional—An individual:

(A) who is a chemical dependency counselor, or who is certified, licensed, or registered by the State of Texas as a certified social worker, advanced clinical practitioner, licensed professional counselor, physician, psychologist, physician assistant, advanced nurse practitioner, registered nurse, or licensed vocational nurse; or

(B) who is employed outside the State of Texas and licensed, certified, or registered in a profession corresponding to those described in subparagraph (A) of this definition.

Toxic inhalant—A volatile chemical under this section or under the Health and Safety Code, §484.002, or abusable glue or aerosol paint under this section or under the Health and Safety Code, §485.001.

Treatment provider—Any "chemical dependency treatment center" as defined in this section or in the Insurance Code, Article 3.51-9, §2A, and also any certified or licensed practitioner or facility licensed to provide treatment for chemical dependency.

Utilization review—A system for prospective or concurrent review of the ap-

propriateness of health care services being provided or proposed to be provided in this state.

Volatile chemical—A chemical or an isomer of a chemical listed in subparagraphs (A)-(X) of this definition, as follows:

- (A) acetone;
- (B) aliphatic hydrocarbons;
- (C) amyl nitrite;
- (D) butyl nitrite;
- (E) carbon tetrachloride;
- (F) chlorinated hydrocarbons;
- (G) chlorofluorocarbons;
- (H) chloroform;
- (I) cyclohexanone;
- (J) diethyl ether;
- (K) ethyl acetate;
- (L) glycol ether inter solvent;
- (M) glycol ether solvent;
- (N) hexane;
- (O) ketone solvent;
- (P) methanol;
- (Q) methyl cellosolve acetate;
- (R) methyl ethyl ketone;
- (S) methyl isobutyl ketone;
- (T) petroleum distillate;
- (U) toluene;
- (V) trichloroethane;
- (W) trichloroethylene; and
- (X) xylol or xylene.

§3.8002. Purpose and General Provisions.

(a) Purpose. The purpose of this subchapter is to provide:

(1) standards for use by payors and chemical dependency treatment providers for the reasonable control of costs necessary for inpatient and outpatient treatment of chemical dependency; and

(2) standards for appropriate utilization review and necessary extension of treatment.

(b) Applicability of this subchapter to control of costs. To reasonably control the costs of inpatient and outpatient treatment of chemical dependency, benefits for each individual should be provided for the appropriate level in accordance with the provisions of this subchapter.

(c) Reporting of misuse or abuse of standards. Misuse or abuse of the standards in this subchapter by qualified credentialed professionals shall be reported to the appropriate credentialing entity. Misuse or abuse of these standards by payors shall be reported to the State Board of Insurance and the Texas Commission on Alcohol and Drug Abuse. Misuse of these standards by treatment providers shall be reported to the Texas Commission on Alcohol and Drug Abuse and the State Board of Insurance.

(d) Confidentiality of medical records. Payors and providers shall preserve the confidentiality of individual medical records to the extent required by law.

(e) Severability. If any provision of the sections in this subchapter or its application to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of sections which can be given effect without the invalid provisions, and to this end, the provisions of each section are declared to be severable.

§3.8003. Criteria. In all chemical dependency treatment utilization review decisions respecting coverage providing benefits for necessary care and treatment, each payor and treatment provider shall use the standards and corresponding criteria in this subchapter; on and after June 1, 1992, utilization review decisions shall comply with all applicable requirements of the Insurance Code, Article 21.58A. These decisions include admission to treatment, the appropriate level of chemical dependency treatment, continuing treatment, transferring to different levels of treatment, or discharge from treatment. Each payor and treatment provider shall also use this set of standards and corresponding criteria to guide decisions concerning reasonable periods of treatment at particular levels of treatment in a chemical dependency treatment center, as defined in §3.8001 of this title (relating to Definitions) or in the Insurance Code, Article 3.51-9. These standards and corresponding

criteria define the conditions under which benefits shall be provided for the necessary care and treatment of chemical dependency. These standards and corresponding criteria are not intended to, nor are they in any way or manner to be construed to, establish standards of clinical care or appropriate clinical practice. The standards and corresponding criteria set forth in this subchapter include recommended lengths of stay for treatment. These recommended lengths of stay are not intended to, nor are they in any way or manner to be construed to, establish absolute minimum or maximum periods for treatment. Initial and continued eligibility for treatment is to be predicated on the patient meeting the standards and corresponding criteria set forth in this subchapter. Disputes resulting from utilization review decisions respecting necessary care and treatment shall be settled on the basis of the criteria in this subchapter; additionally, on and after June 1, 1992, disputes resulting from utilization review decisions respecting necessary care and treatment shall be settled in accordance with applicable requirements of the Insurance Code, Article 21.58A.

§3.8004. Physician Admission and Monitoring. The admitting or attending physician shall review and approve in writing within 24 hours each admission to an inpatient hospital, 24-hour residential chemical dependency treatment center, or partial hospitalization program. Physician review and approval shall include determination of the appropriate diagnosis and application of the standards and corresponding criteria as set out in this subchapter to determine the appropriate level of treatment. A physician assessment shall occur prior to any change in the level of treatment or discharge from treatment.

§3.8005. Utilization Review.

(a) Treatment providers shall provide for utilization review in accordance with the provisions of this subchapter. Each payor shall provide for utilization review prior to admission and/or within one working day of notification by the treatment provider in accordance with the provisions of this subchapter in order to reserve the right to contest or deny claims based on the medical necessity or appropriateness of treatment, including level of care. Both payor and treatment provider shall make available a physician to discuss the appropriateness of treatment, including levels of care, should this become necessary.

(b) Within one working day of the time an individual is admitted or transferred to any level of treatment, the treatment provider's qualified credentialed professional shall initiate utilization review and provide to the payor the diagnosis and the level of treatment. Within one working day of the receipt of the information required by these rules, the payor's qualified credentialed pro-

fessional shall provide to the treatment provider an initial utilization review decision. A review shall be conducted by a physician on any determination not to certify treatment, the results of which shall be in writing and shall specify the reasons for denial, and that physician should be reasonably available to telephonically discuss that determination with the admitting or attending physician.

(c) Since utilization review as proposed in these standards must be accomplished in a timely manner, information provided telephonically must be supported by documentation in the patient record and available on request for review.

(d) At least one working day prior to the expiration of the initial treatment period, follow-up utilization review will be initiated by the treatment provider's qualified credentialed professional to determine if the patient should be moved to another level of treatment or continued for extended treatment. Within one working day of the receipt of the information required by this provision, the payor's qualified credentialed professional shall provide to the treatment provider a follow-up utilization review decision. A review shall be conducted by a physician on any determination not to certify treatment, the results of which shall be in writing and shall specify the reasons for denial, and that physician should be reasonably available to telephonically discuss that determination with the admitting or attending physician. Follow-up utilization review shall be based on the standards and corresponding criteria as set out in this subchapter. The provider and/or patient must show, and document if so requested, specific facts to justify continued or extended care. The payor must show, and document if so requested, specific reasons for denial of coverage for continued or extended care, or its recommended level of care. The treatment provider shall initiate and begin documentation of discharge planning within five days after admission to the program, in order that a transfer, if necessary, or discharge can be accomplished in a timely fashion and as clinically appropriate. If it is determined at any time that continued treatment is necessary but at a different level, a reasonable number of days to provide for a transfer that is clinically appropriate shall be allowed, provided said discharge planning, as set out in this subsection, has occurred.

§3.8007. Admission Criteria for Inpatient (Hospital or 24-hour Residential) Detoxification Services. An individual is considered eligible for inpatient (hospital or 24-hour residential) admission for detoxification services when the individual meets the conditions of paragraphs (1)(2) of this section.

(1) **Diagnosis.** The diagnosis must meet the criteria for the definition of chemical dependence, as detailed in either

the most current revision of the international classification of diseases, or the most current revision of the diagnostic and statistical manual for professional practitioners.

(2) Other factors for admission to inpatient (hospital or 24-hour residential) treatment for detoxification. Once the diagnostic criteria for chemical dependency have been met, the conditions of at least one subparagraph out of subparagraphs (A)-(C) of this paragraph must also be met. Determination of whether treatment should be provided for an individual patient in a hospital or in an other-treatment-center-based program shall depend on the category or categories of dysfunction explained in subparagraphs (A)-(C) of this paragraph.

(A) **Category 1: chemical substance withdrawal.** The individual must meet the conditions in one of the clauses (i)-(vi) of this subparagraph, as follows:

(i) impaired neurological functions as evidenced by:

(I) extreme depression (e.g., suicidal); and/or

(II) altered mental state with or without delirium as manifested by:

(-a) disorientation to self;

(-b) alcoholic hallucinosis;

(-c) toxic psychosis;

(-d) altered level of consciousness, as manifested by clinically significant obtundation, stupor, or coma; and/or

(III) history of recent seizures or past history of seizures on withdrawal; and/or

(IV) presence of any presumed new asymmetric and/or focal findings (i. e., limb weakness, clonus, spasticity, unequal pupils, facial asymmetry, eye ocular movement paresis, papilledema, or localized cerebellar dysfunction, as reflected in asymmetrical limb incoordination);

(ii) unstable vital signs combined with a history of past acute withdrawal syndromes, that are interpreted by a physician to be indication of acute alcohol/drug withdrawal;

(iii) evidence of coexisting serious injury or systemic illness, newly discovered or progressive;

(iv) clinical condition (e. g., agitation, intoxication, or confusion) which prevents satisfactory assessment of

items cited in clauses (i)-(iii) of this subparagraph, indicating placement in an inpatient service may be justified;

(v) neuropsychiatric changes of a severity and nature that place the patient at imminent risk of harming self or others (e. g., Pathological Intoxication or Alcohol Idiosyncratic Intoxication, etc.);

(vi) serious disulfiram-alcohol (antabuse) reaction with hypothermia, chest pains arrhythmia, or hypotension.

(B) Category 2: medical complications. The individual must present a documented condition or disorder which, in combination with alcohol and/or drug use, presents a physician-determined health risk (e. g., G.I. bleeding; gastritis; anemia, severe; diabetes mellitus, uncontrolled; hepatitis; malnutrition; cardiac disease, hypertension, etc.).

(C) Category 3: major psychiatric illness. The individual must meet the conditions of at least one clause out of clauses (i)-(v) of this subparagraph, as follows:

(i) a documented DSM III-R AXIS I condition or disorder which, in combination with alcohol and/or drug use, compounds a preexisting or concurrent emotional or behavioral disorder and presents a major risk to the individual;

(ii) severe neurological and psychological symptoms: (e. g., anguish; mood fluctuations; overreactions to stress, lowered stress tolerance; impaired ability to concentrate; limited attention span; high level of distractibility; extreme negative emotions; extreme anxiety);

(iii) danger to others and/or homicidal;

(iv) uncontrolled behavior endangering self or others, or documented neuropsychiatric changes of a severity and nature that place the individual at imminent risk of harming self or others;

(v) mental confusion and/or fluctuating orientation;

§3.8008. Continued Stay Criteria for Inpatient (Hospital or 24-Hour Residential) Detoxification Services.

(a) Eligibility for continued stay for inpatient (hospital or 24-hour residential) detoxification services shall be based on the patient meeting at least one of the criteria in paragraphs (1)-(3) of this subsection.

(1) Chemical substance withdrawal complication. The patient must meet the criteria in one of the subparagraphs (A)-(C) of this paragraph, as follows:

(A) incomplete medically stable withdrawal from alcohol/drugs, as evidenced by documentation of:

(i) unstable vital signs;
(ii) continued disorientation;

(iii) abnormal laboratory findings related to chemical dependency;

(B) continued cognitive deficit related to withdrawal with the deficit affecting the patient's ability to recognize alcohol/drug use as a problem; or

(C) laboratory finding which, in the judgment of a physician, indicate that a drug has not sufficiently cleared the patient's system.

(2) Major medical complications. Documentation must indicate that a medical condition or disorder (e. g., diabetes mellitus, uncontrolled) continues to present a health risk and is actively being treated.

(3) Major psychiatric complication. The patient must meet the criteria in subparagraph (A) or (B) of this paragraph, as follows:

(A) documentation that a DSM III-R AXIS I psychiatric condition or disorder, which, in combination with alcohol/drug use, continues to present a major health risk, is actively being treated; or

(B) documentation that severe neurological and/or psychological symptoms have not been satisfactorily reduced but are actively being treated.

(b) The criteria in subsection (a)(1)-(3) of this section shall be considered in determining utilization review points referred to in §3.8010 of this title (relating to Recommended Length of Stay for Inpatient-Hospital or 24-Hour Residential-Detoxification Services).

§3.8009. Discharge Criteria for Inpatient (Hospital or 24-Hour Residential) Detoxification Services. The patient is no longer considered eligible for inpatient (hospital or 24-hour residential) detoxification services when the patient fails to meet the criteria for continued stay care for inpatient (hospital or 24-hour residential) detoxification, as addressed in §3.8008 of this title (relating to Continued Stay Criteria for Inpatient-Hospital or 24-Hour Residential-Detoxification Services).

§3.8010. Recommended Length of Stay for Inpatient (Hospital or 24-Hour Residential) Detoxification Services. The recommended stay period for inpatient (hospital or 24-hour residential) detoxification services is up to 14 days, based on the inpatient detoxification admission criteria in §3.8007 of this title (relating to Admission Criteria for Inpatient-Hospital or 24-Hour Residential-Detoxification Services), with

utilization review points, based on continued stay criteria in §3.8008 of this title (relating to Continued Stay Criteria for Inpatient-Hospital or 24-Hour Residential-Detoxification Services), and recommended treatment periods depending on the condition of the patient, accompanied by the commencement of appropriate utilization review and discharge planning at the time of admission.

§3.8011. Admission Criteria for Inpatient Rehabilitation/Treatment (Hospital or 24-Hour Residential) Services. An individual is considered eligible for admission to a residential rehabilitation/treatment service when the individual meets the required conditions of paragraphs (1) and (2) of this section.

(1) Diagnosis. The diagnosis must meet the criteria for the definition of chemical dependence, as detailed in the most current revision of the international classification of diseases, or the most current revision of the diagnostic and statistical manual for professional practitioners, accompanied by evidence that some of the symptoms have persisted for at least one month or have occurred repeatedly over a longer period of time.

(2) Other factors for admission to residential rehabilitation/treatment services. Once the diagnostic criteria for chemical dependence have been met, the patient must meet the conditions of each of the subparagraphs (A)-(D) of this paragraph, in order to be eligible for treatment provided in an adult residential rehabilitation/treatment service program. Once the diagnostic criteria for chemical dependency have been met, the patient must meet the conditions of each of the subparagraphs (A)-(F) of this paragraph in order to be eligible for treatment provided in an adolescent residential rehabilitation/treatment service program.

(A) Category 1: medical functioning. The patient must meet the criteria in clauses (i) and (ii) of this subparagraph.

(i) A documented medical assessment following admission (except in instances in which the patient is being referred from an inpatient service) indicates that the patient is medically stable and not in acute withdrawal.

(ii) The patient is not bed-confined or has no medical complications that would hamper participation in the residential service.

(B) Category 2: family, social, or academic dysfunction and logistic impairments. The patient must meet the criteria in at least one clause out of clauses (i)-(v) in this subparagraph.

(i) The patient manifests severe social isolation or withdrawal from social contacts.

(ii) The patient lives in an environment (social and interpersonal network) in which treatment is unlikely to succeed (e. g., a chaotic family dominated by interpersonal conflict which undermines patient's efforts to change).

(iii) Patient's family and/or significant others are opposed to the patient's treatment efforts and are not willing to participate in the treatment process.

(iv) Family members and/or significant other(s) living with the patient manifest current chemical dependence disorders, and are likely to undermine treatment.

(v) Logistic impairments (e. g., distance from treatment facility, mobility limitations, etc.) preclude participation in a partial hospitalization or outpatient treatment service.

(C) Category 3: emotional/behavioral status. The patient must meet the criteria in all three of the clauses (i)-(iii) of this subparagraph.

(i) Patient is coherent, rational, and oriented for treatment.

(ii) Mental state of the patient does not preclude the patient's ability to:

(I) comprehend and understand the materials presented; and

(II) participate in rehabilitation/treatment process.

(iii) There is documentation that:

(I) with continued treatment the patient will be able to improve and/or internalize the patient's motivation toward recovery within the recommended length of stay time frames (e. g., becoming less defensive, verbalizing, and working on alcohol and/or drug related issues, etc);

(II) interventions, treatment goals, and/or contracts are in place to help the patient deal with or confront the blocks to treatment (e. g., family intervention, employee counseling confrontation, etc.).

(D) Category 4: recent chemical substance use. The patient must meet the criteria in at least one clause out of clauses (i) and (ii) of this subparagraph.

(i) The patient's chemical substance use is excessive, and the patient has attempted to reduce or control it, but has been unable to do so (as long as chemical substances are available).

(ii) Virtually all of the patient's daily activities revolve around obtaining, using, and/or recuperating from the effects of chemical substances and the patient requires a secured environment to control the patient's access to chemical substances.

(E) Category 5: maturation level. The patient must meet the criteria in both clauses (i) and (ii) of this subparagraph.

(i) The adolescent is assessed as manifesting physical maturation at least in middle adolescent range (i. e., post pubescent; not growth retarded).

(ii) The history of the adolescent reflects cognitive development of at least 11 years of age.

(F) Category 6: developmental status. The adolescent patient must display:

(i) documented history of inability to function within the expected age norms despite normal cognitive and physical maturation (e. g., refusal to interact with family members, overt prostitution, felony, other criminal charges, etc.); and/or

(ii) a recent history of moderate to severe conduct disorder, as defined in the Diagnostic and Statistical Manual, or impulsive disregard for social norms and rights of others; and/or

(iii) documented difficulty in meeting developmental expectations in a major area of functioning (e. g., social, academic, or psychosexual) to an extent which interferes with the capacity to remain behaviorally stable.

§3.8012. Continued Stay Criteria for Inpatient Rehabilitation/Treatment (Hospital or 24-Hour Residential) Services.

(a) Eligibility for continued stay in an inpatient rehabilitation/treatment (hospital or 24-hour residential) program shall be based on the patient's meeting at least one of the conditions in paragraph (1) or (2) of this subsection.

(1) Chemical dependency rehabilitation/treatment complication. The patient must meet the conditions in subparagraph (A) or (B) of this paragraph.

(A) Patient recognizes or identifies with the severity of the alcohol and/or drug problem, but demonstrates minimal insight into the patient's defeating use of alcohol/drugs, but documentation in the record indicates that the patient is progressing in treatment.

(B) Patient:

(i) identifies with the severity of the patient's alcohol and/or drug

problem and manifests insight into the patient's personal relationship with mood-altering chemicals, yet does not demonstrate behaviors indicating that the patient is developing problem solving skills necessary to cope with the problem; and

(ii) would predictably relapse if moved to a lesser level of care.

(2) Psychiatric or medical complications. The patient must meet the conditions in subparagraph (A) or (B) of this paragraph.

(A) Documentation in the record indicates an intervening medical or psychiatric event which was serious enough to interrupt rehabilitation/treatment, but the patient is again progressing in treatment.

(B) Documentation in the record indicates that the patient is being held pending an immediate transfer to a psychiatric, acute medical service or inpatient detoxification alcohol/drug service.

(b) In determining the utilization review points discussed in §3.8014 of this title (relating to Recommended Length of Stay for Inpatient Rehabilitation/Treatment—Hospital or 24-Hour Residential—Services), the criteria in subsection (a) (1) and (2) of this section shall be considered.

§3.8013. Discharge Criteria for Inpatient Rehabilitation/Treatment (Hospital or 24-Hour Residential) Services. The patient is no longer considered eligible for inpatient rehabilitation/treatment (hospital or 24-hour residential) services for any particular episode when the patient meets the conditions of any one paragraph out of paragraphs (1)-(4) of this section.

(1) Diagnosis. The patient no longer meets the diagnostic criteria as addressed in §3.8011(1) of this title (relating to Admission Criteria for Inpatient Rehabilitation/Treatment—Hospital or 24-Hour Residential—Services).

(2) Psychiatric illness or medical complication. The patient must meet the conditions of subparagraph (A) or (B) of this paragraph, as follows:

(A) documentation that a psychiatric or medical condition should be treated in another setting; or

(B) documentation that a psychiatric or medical condition which is interfering with alcohol/drug recovery is not being treated.

(3) Chemical dependency rehabilitation/treatment. The patient must meet all conditions under at least one subparagraph out of subparagraphs (A)-(C) of this paragraph.

(A) Patient displays behaviors which demonstrate that the patient:

(i) is medically stable;

(ii) recognizes or identifies with the severity of chemical substance use;

(iii) has insight into the patient's defeating relationship with alcohol/drugs;

(iv) is applying the essential coping skills necessary to maintain sobriety either in a self-help fellowship and/or with post-treatment supportive care.

(B) The provider and patient have developed an individualized aftercare plan to help the patient maintain the gains made during active treatment.

(C) In the case of adolescents, the family or adult significant other refuses to participate in treatment (if the discharge plan is to return to the original setting), unless the attending provider can document that the adolescent is making progress toward established treatment goals and can demonstrate that active efforts are being made to involve the family or adult significant other in treatment.

(4) Behavioral factors. The patient must meet the conditions under subparagraphs (A) and (B) of this paragraph.

(A) Patient is consistently uncooperative, to the degree that no further progress is likely to occur.

(B) Greater intensity of service or transfer to another treatment provider would not have a positive impact on the problem.

§3.8014. Recommended Length of Stay for Inpatient Rehabilitation/Treatment (Hospital or 24-Hour Residential) Services. For adult admissions, the recommended length of stay is between 14 and 35 days, with utilization review points and treatment periods, depending on the condition of the patient, accompanied by the commencement of appropriate utilization review and discharge planning at the time of admission. For adolescent admissions, the recommended length of stay is between 14 and 60 days, with utilization review points and treatment periods, depending on the condition of the patient, accompanied by the commencement of appropriate utilization review and discharge planning at the time of admission. The utilization review points referred to in this section shall be based on criteria addressed in §3.8012 of this title (relating to Continued Stay Criteria for Inpatient Rehabilitation/Treatment—Hospital or 24-Hour Residential—Services).

§3.8015. Admission Criteria for Partial Hospitalization Services. An individual is considered eligible for partial hospitalization admission when the individual meets the conditions of paragraphs (1) and (2) of this section.

(1) The criteria for the definition of chemical dependence diagnosis must meet the criteria for the definition of chemical dependence, as detailed in the most current revision of the international classification of diseases, or the most current revision of the diagnostic and statistical manual for professional practitioners, accompanied by evidence that some of the symptoms have persisted for at least one month or have occurred repeatedly over a longer period of time.

(2) Other factors for admission to adult and/or adolescent partial hospitalization service. The individual has met the diagnostic criteria for chemical dependency in paragraph (1) of this section and must meet the conditions of all four subparagraphs (A)-(D) of this paragraph.

(A) Category 1: medical functioning. All the conditions in clauses (i)-(iii) of this subparagraph must be met, as follows:

(i) a documented medical assessment (except in instances in which the patient is being referred from an inpatient service) which indicates that the patient is medically stable and not in acute withdrawal; and

(ii) the absence of any medical or physical complications that would hamper the patient's participation in the partial hospitalization program; and

(iii) logistic impairments (e. g., distance from treatment facility, mobility limitations, etc.) that would preclude participation in an outpatient treatment service.

(B) Category 2: family, social, academic dysfunction. The individual must meet the conditions in at least one clause out of clauses (i) and (ii) of this subparagraph.

(i) Patient's social system and significant others are supportive of recovery to the extent that the patient can adhere to a treatment plan and treatment service schedules without substantial risk of reactivating the patient's addiction.

(ii) Patient's family and/or significant others are willing to participate in the Partial Hospitalization Program.

(C) Category 3: emotional/behavioral status. The individual must meet the conditions of all three clauses of clauses (i)-(iii) of this subparagraph.

(i) Patient is coherent, rational, and oriented for treatment.

(ii) Mental state of the patient does not preclude the patient's ability to:

(I) comprehend and understand the materials presented; and

(II) participate in rehabilitation/treatment process.

(iii) There is documentation that:

(I) with continued treatment the patient will be able to improve and/or internalize the patient's motivation toward recovery within the recommended length of stay time frames (e. g., becoming less defensive, verbalizing and working on alcohol and/or drug related issues, etc.); and

(II) interventions, treatment goals, and/or contracts are in place to help the patient deal with or confront the blocks to treatment (e. g., family intervention, employee counseling confrontation, etc).

(D) Category 4: recent alcohol/drug chemical substance use. The individual must meet the conditions in at least one clause out of clauses (i) and (ii) of this subparagraph.

(i) The patient's chemical substance use is excessive, and the patient has attempted to reduce or control it, but has been unable to do so (as long as chemical substances are available).

(ii) Virtually all of the patient's daily activities revolve around obtaining, using, and/or recuperating from the effects of chemical substances.

§3.8016. Continued Stay Criteria for Partial Hospitalization Services.

(a) Eligibility for continued stay in a residential rehabilitation/treatment program shall be based on the patient's meeting at least one of the conditions in paragraph (1) or (2) of this subsection.

(1) Chemical dependency rehabilitation/treatment complication. The patient must meet the conditions in subparagraph (A) or (B) of this paragraph.

(A) Patient recognizes or identifies with the severity of the alcohol and/or drug problem, but demonstrates minimal insight into the patient's defeating use of alcohol/drugs, but documentation in the record indicates that the patient is progressing in treatment.

(B) Patient identifies with the severity of the patient's alcohol and/or drug problem and manifests insight into the patient's personal relationship with mood-altering chemicals, yet does not demonstrate behaviors that indicate that the patient is developing problem solving skills necessary to cope with the problem.

(2) Psychiatric or medical complications. The patient must meet the conditions in subparagraph (A) or (B) of this paragraph.

(A) Documentation in the record indicates an intervening medical or psychiatric event which was serious enough to interrupt rehabilitation/treatment, but the patient is again progressing in treatment.

(B) Documentation in the record indicates that the patient is being held pending an immediate transfer to a psychiatric, acute medical service or inpatient detoxification alcohol/drug service.

(b) In determining utilization review points discussed in §3.8018 of this title (relating to Recommended Length of Stay for Partial Hospitalization Services), the criteria in subsection (a)(1) and (2) of this section shall be considered.

§3.8017. Discharge Criteria for Partial Hospitalization Services. The patient is no longer considered eligible for partial hospitalization services for any particular episode when the patient meets the conditions under any one paragraph out of paragraphs (1)-(4) of this section.

(1) Diagnosis. The patient no longer meets the diagnostic criteria as addressed in §3.8015(1) of this title (relating to Admission Criteria for Partial Hospitalization Services).

(2) Psychiatric illness or medical complication. The patient must meet the conditions under subparagraph (A) or (B) of this paragraph, as follows:

(A) documentation that a psychiatric or medical condition should be treated in another setting; or

(B) documentation that a psychiatric or medical condition which is interfering with alcohol/drug recovery is not being treated.

(3) Chemical dependency rehabilitation/treatment. The patient must meet all conditions under at least one subparagraph out of subparagraphs (A)-(C) of this paragraph.

(A) Patient displays behaviors which demonstrate that the patient;

(i) is medically stable;

(ii) recognizes or identifies with the severity of chemical substance use;

(iii) has insight into the patient's defeating relationship with alcohol/drugs;

(iv) is applying the essential coping skills necessary to maintain sobriety either in a self-help fellowship and/or with post-treatment supportive care.

(B) The provider and patient had developed an individualized aftercare plan to help the patient maintain the gains made during active treatment.

(C) In the case of adolescents, the family or adult significant other refuses to participate in treatment, if the discharge plan is to return to the original setting.

(4) Behavioral factors. The patient must meet the conditions under subparagraphs (A) and (B) of this paragraph.

(A) Patient is consistently uncooperative, to the degree that no further progress is likely to occur.

(B) Greater intensity of service or transfer to another treatment provider would not have a positive impact on the problem.

§3.8018. Recommended Length of Stay for Partial Hospitalization Services. For adult admissions, the recommended length of stay for partial hospitalization service is between 14 and 35 days, with utilization review points and treatment periods, depending on the condition of the patient, accompanied by the commencement of appropriate utilization review and discharge planning at the time of admission. For adolescent admissions, the recommended length of stay is between 14 and 60 days, with utilization review points and treatment periods, depending on the condition of the patient, accompanied by the commencement of appropriate utilization review and discharge planning at the time of admission. The utilization review points referred to in this section shall be based on criteria addressed in §3.8016 of this title (relating to Continued Stay Criteria for Partial Hospitalization Services).

§3.8019. Admission Criteria for Intensive Outpatient Rehabilitation/Treatment Service.

(a) An intensive outpatient rehabilitation/treatment service is defined as one consisting of at least 12 hours per week for four to 12 weeks.

(b) An individual is considered eligible for treatment in an outpatient service

when the individual meets the conditions of paragraph (3) of this subsection, as well as the conditions of paragraph (1) or (2) of this subsection.

(1) The diagnosis must meet the criteria for the definition of chemical dependence, as detailed in the most current revision of the international classification of diseases, or the most current revision of the diagnostic and statistical manual for professional practitioners, accompanied by evidence that some of the symptoms have persisted for at least one month or have occurred repeatedly over a longer period of time.

(2) Concerning diagnosis of alcohol/drug abuse, the individual must meet the criteria for the definition of chemical substance abuse, as detailed in either the most current revision of the international classification of diseases, or the most current revision of the diagnostic and statistical manual for professional practitioners.

(3) Concerning factors for admission to an intensive outpatient rehabilitation/treatment service, the patient must have met the diagnostic criteria for chemical dependency under paragraph (1) of this subsection or for abuse under paragraph (2) of this subsection, and must meet the conditions of all four of the subparagraphs (A)-(D) of this paragraph.

(A) Category 1: medical functioning. The patient must meet the following criterion: the patient is not bed-confined or has no medical complications that would hamper the patient's participation in the outpatient service.

(B) Category 2: family, social, academic dysfunction. The patient must meet the criteria of at least one clause out of clauses (i) and (ii) of this subparagraph.

(i) Patient's social system and significant others are supportive of recovery to the extent that the patient can adhere to a treatment plan and treatment service schedules without substantial risk of reactivating the patient's addiction.

(ii) Patient has no primary or social support system to assist with immediate recovery, but has the social skills to obtain such a support system or to become involved in a self-help fellowship.

(C) Category 3. emotional/behavioral status. The patient must meet the criteria under all three clauses (i)-(iii) of this subparagraph.

(i) Patient is coherent, rational, and oriented for treatment.

(ii) Mental state of the patient does not preclude the patient's ability to:

(I) comprehend and understand the materials presented; and

(II) participate in rehabilitation/treatment process.

(iii) There is documentation that the patient expresses an interest to work toward rehabilitation/treatment goals.

(D) Category 4. recent chemical substance use. The patient must meet the following criterion: the patient's chemical substance use is excessive and maladaptive.

§3.8020. Continued Stay Criteria for Intensive Outpatient Rehabilitation/Treatment Service.

(a) A patient is considered eligible for continued stay in the intensive outpatient rehabilitation/treatment service when the patient meets the diagnostic criteria and the conditions under at least one paragraph out of (subsection (b)(1) and (2) of this section.

(b) Factors for continued intensive outpatient rehabilitation/treatment services are listed in paragraphs (1) and (2) of this subsection.

(1) Alcohol/drug rehabilitation/treatment complication. The patient must meet the conditions of subparagraph (A) or (B) of this paragraph.

(A) Patient demonstrates an insight and understanding into the patient's personal relationship with mood-altering chemicals, yet is not effectively addressing the life functions of work, social, or primary relationships without the use of mood altering chemicals.

(B) Patient, while physically abstinent from chemical substance use, remains mentally preoccupied with such use to the extent that the patient is unable to adequately address primary relationships, or social or work tasks, but there are indications that, with continued treatment, the patient will effectively address these issues.

(2) Psychiatric or medical complications. Documentation in the record indicates an intervening medical or psychiatric event which was serious enough to interrupt rehabilitation/treatment, but the patient is again progressing in treatment.

§3.8021. Discharge Criteria for Intensive Outpatient Rehabilitation/Treatment Service. The patient is considered eligible for discharge from the outpatient service when the patient meets the conditions for discharge as stated in any one paragraph out of paragraphs (1)-(3) of this section.

(1) Psychiatric illness or medical complication. The patient must meet the

conditions in subparagraph (A) or (B) of this paragraph, as follows:

(A) documentation that a psychiatric or medical condition should be treated in another setting; or

(B) documentation that a psychiatric or medical condition which is interfering with alcohol/drug recovery is not being treated

(2) Alcohol/drug rehabilitation/treatment. The patient must meet all the conditions in subparagraph (A) or (B) of this paragraph.

(A) Patient displays behaviors which demonstrate that the patient:

(i) recognizes or identifies with the severity of chemical substance use;

(ii) has insight into the patient's defeating relationship with alcohol/drugs; and

(iii) is applying the essential coping skills necessary to cope with the alcohol and/or drug problem and to maintain abstinence.

(B) Patient is functioning adequately in assessed deficiencies in the life tasks areas of work, social functioning, or primary relationships.

(3) Behavioral factors. The patient must meet all the conditions in subparagraphs (A) and (B) of this paragraph.

(A) Patient is consistently uncooperative, to the degree that no further progress is likely to occur.

(B) Greater intensity of service or transfer to another treatment provider would not have a positive impact on the problem.

§3.8022. Recommended Length of Stay for Intensive Outpatient Rehabilitation Treatment Service. The recommended stay period for intensive outpatient rehabilitation/treatment services is from four to 12 weeks, meeting at least 12 hours per week, based on the criteria in §3.8019 of this title (relating to Admission Criteria for Intensive Outpatient Rehabilitation/Treatment Service), with utilization review points, based on the criteria in §3.8020 of this title (relating to Continued Stay Criteria for Intensive Outpatient Rehabilitation/Treatment Service), and recommended treatment periods depending on the condition of the patient, accompanied by the commencement of appropriate utilization review and discharge planning at the time of admission.

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 August 7, 1991.

TRD-9109399

Nicholas Murphy
Chief Clerk
State Board of Insurance

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

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 4. Medicaid Programs—Children and Pregnant Women

Eligibility Requirements

• 40 TAC §§4.1004, 4.1006, 4.1010

The Texas Department of Human Services (DHS) adopts amendments to §§4.1004, 4.1006, and 4.1010, concerning eligible groups, requirements for application, and income eligibility determination.

The purpose of the amendments is to comply with the Omnibus Budget Reconciliation Act of 1990.

The amendment to §4.1004 extends Medicaid coverage to children born on or after October 1, 1983, who are six years of age or older and are members of families with incomes below 100% of the federal poverty level and have resources within acceptable limits.

The amendment to §4.1006 clarifies that the exceptions to the resource eligibility limits for the Medicaid Program for Children and Pregnant Women includes children born on or after October 1, 1983, who are six years of age or older.

The amendment to §4.1010 clarifies that the income limits for children age six or older born on or after October 1, 1983, are 100% of the federal poverty income level. The amendment also clarifies that the income level is adjusted annually in accordance with federal requirements.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs. The amendments are adopted under federal requirements to be effective July 1, 1991.

§4.1004. Eligible Groups. The programs serve the following groups of people:

- (1)-(2) (No change.)
- (3) children age six or older born on or after October 1, 1983, whose

family income is less than 100% of the federal poverty level and whose total resources are less than the food stamp limit for households with no members age 60 or over;

(4) newborn children born on or after October 1, 1984, if their mothers are receiving Medicaid coverage at the time of birth. This coverage can continue through the month:

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

(5) children born prior to October 1, 1983, who meet all AFDC eligibility requirements except that they are not deprived of parental support, or because they have been denied participation in the AFDC Program for failure to comply with employment services or child support requirements outlined in the AFDC Program rules;

(6) children who meet all AFDC eligibility requirements except income. These deprived children live with their legal parent and stepparent of their legal minor parent and their minor parent's parents. They are ineligible for AFDC because of the applied income of their stepparent or grandparents.

§4.1006. Requirements for Application. To be eligible to apply for the CPW Program, clients must meet the following requirements.

(1) (No change.)

(2) Resources. Resource limits and types of countable and exempt re-

sources for CPW are the same as those outlined in the AFDC rules, with the following exceptions.

(A) (No change.)

(B) The food stamp resource policy for households with no members 60 or over is applied when determining eligibility for pregnant women, children under six, and children six or older born on or after October 1, 1983.

(C) When determining eligibility for pregnant women and children under six, and children six or older born on or after October 1, 1983, the family's primary vehicle is exempt. All other vehicles are considered in accordance with food stamp resource requirements.

(3)-(7) (No change.)

§4.1010. Determining Income Eligibility. Income eligibility is determined using the AFDC eligibility requirements outlined in the AFDC rules with the following exceptions.

(1) The income limits for pregnant women and children under six are 133% of the federal poverty level adjusted annually according to federal requirements.

(2) The income limits for children six or older born on or after October 1, 1983, are 100% of the federal poverty level adjusted annually according to federal requirements.

(3) The types of countable and exempt income are the same as those outlined in the AFDC rules except AFDC payments are countable income for CPW.

(4) The AFDC 30 and 1/3 disregard is not used.

(5) The income, resources, and needs of eligible and ineligible members of the budget group are considered when determining eligibility. Exception: The caretaker relative of a child in the budget group may choose to exclude the child's income, resources, and needs when determining eligibility of the child's siblings who are also in the budget group.

(6) Ongoing eligibility for pregnant women is not denied because of increased income.

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 August 7, 1991.

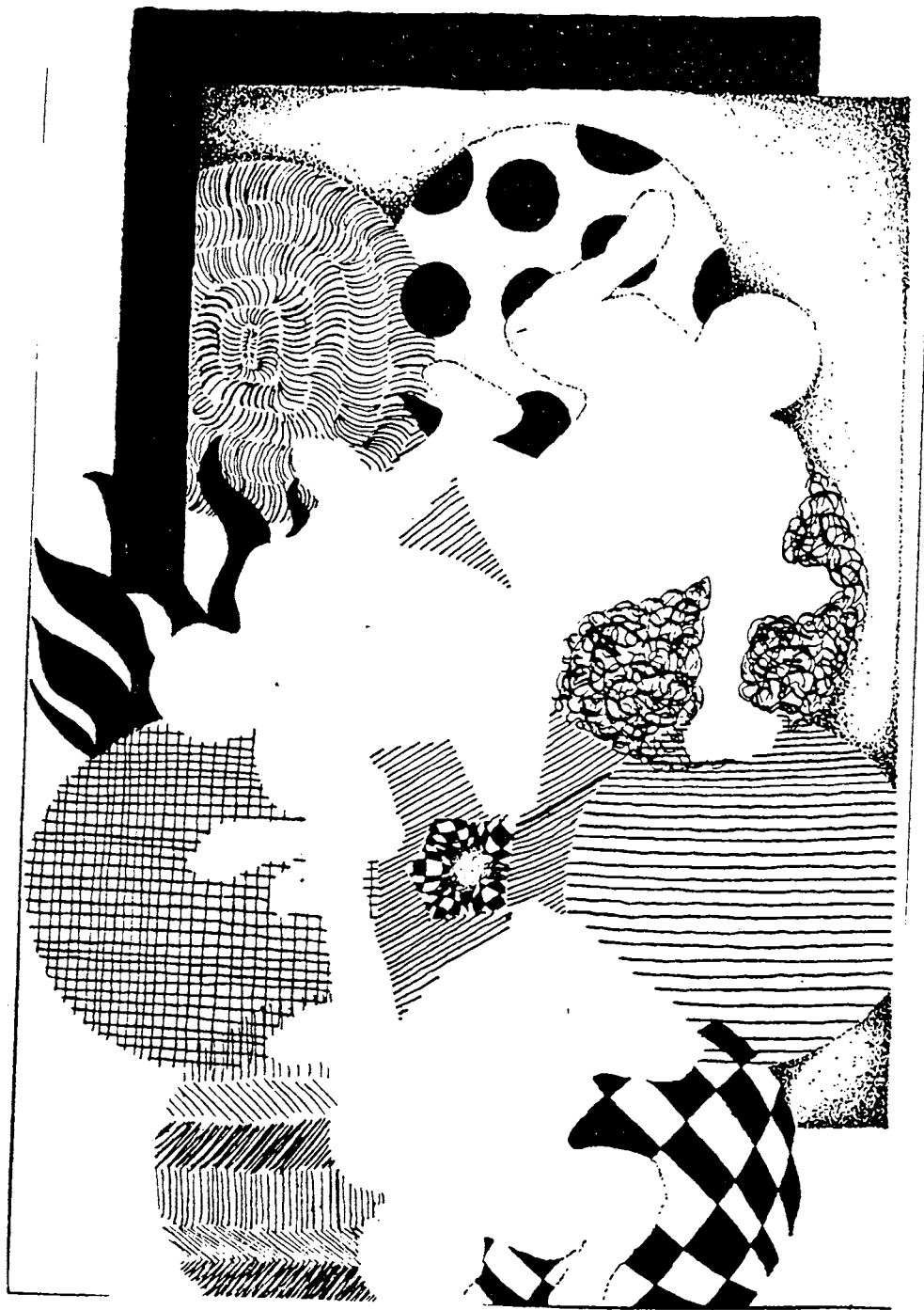
TRD-9109397

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

Effective date: July 1, 1991

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





Name: Jamie Crawley

Grade: 11

School: Plano East Senior High, Plano ISD

Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board 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*.

State Banking Board

Wednesday, August 14, 1991, 10 a.m. The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the board will approve previous minutes; hear legislative update; procedural briefing; appointment of hearings officer for the emergency charter for Equitable Bank and Trust Company, San Antonio; discussion of the emergency charter for First Federal Savings Bank, Lubbock; consideration of charter application for First Bank; rescission of interim charter application for New First State Bank, Columbus; rescission of interim charter of New First State Bank, Weimar; consideration of change of domicile application for Texas A&M Foundation Trust Company, College Station; notification of discontinuance of unmanned teller machine for Corpus Christi National Bank, Corpus Christi; other pending applications; and the board may convene into executive session for consideration of matters pertaining to applications as required by Article 342-115(6)(a) of TBC.

Contact: William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-1300.

Filed: August 6, 1991, 3:30 p.m.

TRD-9109374

Children's Trust Fund of Texas Council

Tuesday-Wednesday, August 20-21, 1991, 10 a.m. and 8 a.m. respectively. The Children's Trust Fund of Texas Council will meet at 8929 Shoal Creek Boulevard, #200, Austin. According to the complete agenda, the council will hear chairperson's report; executive director's report; program design/implementation report; and on Wednesday, discuss early childhood and preschool curricula presentations; discuss new business; and old business.

Contact: Janie D. Fields, 8929 Shoal Creek Boulevard, #200, Austin, Texas 78758-6854.

Filed: August 6, 1991, 10:33 a.m.

TRD-9109347

Texas Commission for the Deaf

Saturday, August 17, 1991, 10 a.m. The Board for Evaluation of Interpreters (BEI) of the Texas Commission for the Deaf will meet at the Texas Commission for the Deaf Conference Room, 1524 South IH-35, Suite 200, Austin. According to the complete agenda, the board will take roll call; call the meeting to order; approval of June 14 minutes; hear public comments; reports: staff report, evaluation program marketing, fee schedule; chairperson's report: activity calendar/schedule, financial status, rule proposal; meet in executive session to review applicant testing materials; discuss certification; revocation; recertification; certificate extensions; reinstatement; discuss old business; and new business.

Contact: Larry D. Evans, 1524 South IH-35, Austin, Texas 78704, (512) 444-3323.

Filed: August 7, 1991, 2:50 p.m.

TRD-9109409

Texas Education Agency

Thursday, August 15, 1991, 9 a.m. The State Textbook Agricultural Science Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:36 p.m.

TRD-9109429

Thursday, August 15, 1991, 9 a.m. The State Textbook Band and Orchestra Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; and vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:36 p.m.

TRD-9109430

Thursday, August 15, 1991, 9 a.m. The State Textbook Business and Office Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:36 p.m.

TRD-9109431

Thursday, August 15, 1991, 9 a.m. The State Textbook Social Studies Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:37 p.m.

TRD-9109432

Thursday-Friday, August 15-16, 1991, 6 p.m. and 8 a.m. respectively. The State Board of Education of the Texas Education Agency will meet at the Cedar Room, The Houstonian, 111 North Post Oak Lane, Houston. According to the complete agenda, on Thursday, the board will hear a report from the commissioner of education on the status of elementary and secondary education in Texas; and role of the State Board of Education. On Friday, the board will discuss the commissioner of education's report; and Long-range planning for State Board of Education activities.

Contact: Lionel R. Meno, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: August 7, 1991, 4:35 p.m.

TRD-9109428

Friday, August 16, 1991, 9 a.m. The State Textbook Art Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-109, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; and vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:37 p.m.

TRD-9109433

Friday, August 16, 1991, 9 a.m. The State Textbook Language Arts Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-111, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:37 p.m.

TRD-9109434

Friday, August 16, 1991, 9 a.m. The State Textbook Mathematics Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North

Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:37 p.m.

TRD-9109437

Friday, August 16, 1991, 9 a.m. The State Textbook ESL Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:38 p.m.

TRD-9109436

Saturday, August 17, 1991, 9 a.m. The State Textbook Industrial Technology Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-110, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 7, 1991, 4:38 p.m.

TRD-9109435

Saturday, August 17, 1991, 9 a.m. The State Textbook Secondary Science Committee of the Texas Education Agency will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1-104, Austin. According to the complete agenda, the committee will discuss textbooks under consideration for adoption in 1991; vote on books to be recommended to the State Board of Education for adoption; and members of the committee remain under no-contact rules until after the close of the discussion/balloting meeting.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701,

(512) 463-9601.

Filed: August 7, 1991, 4:38 p.m.

TRD-9109438

Governor's Office

Friday, August 16, 1991, 9 a.m. The Task Force on Economic Transition of the Governor's Office will meet at the Teacher's Retirement System Building, 1000 Red River, Henry Bell Board Room, Austin. According to the complete agenda, the task force will review and discuss federal and local input on the economic transition for the base closures.

Contact: Winsome Jean, 201 East 14th Street, Room 706, Austin, Texas 78701, (512) 463-1814.

Filed: August 6, 1991, 11:02 a.m.

TRD-9109350

Texas Department of Health

Wednesday, August 14, 1991, 9 a.m. The Sub-Committee of the Advisory Committee on Personal Care Facilities of the Texas Department of Health will meet at the Texas Department of Health, 1100 West 49th Street, Room T-607, Austin. According to the complete agenda, the committee will hear opening remarks; and review and discuss consumer guide document, and fee structure.

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

Filed: August 6, 1991, 4:14 p.m.

TRD-9109388

Texas Historical Commission

Wednesday, August 14, 1991, 8:30 a.m. The Los Caminos del Rio Heritage Project Task Force of the Texas Historical Commission will meet at the Joe C. Thompson Conference Center, Room 3.110, 26th and Red River Streets, Austin. According to the complete agenda, the task force will call the meeting to order; program overview and role of THC; role of Governor's Border Affairs Office; Instituto Nacional de Antropologia e Historia; Texas Department of Parks and Wildlife; Texas Department of Commerce; Texas Department of Highways and Public Transportation; cultural and historical resources committee legislative update; discussion task force mission statement; role of Los Caminos del Rio Inc. and the Meadows Foundation; role of the National Park Service; discussion; and adjournment.

Contact: Mario Sanchez, P.O. Box 12276, Austin, Texas 78711, (512) 475-4978.

Filed: August 6, 1991, 2:49 p.m.

TRD-9109368

Texas Department of Human Services

Thursday, August 15, 1991, 10 a.m. The Post-Adoption Services Advisory Committee of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, East Tower, Board Room, Austin. According to the complete agenda, the committee will welcome and introduce members and guests; review and approve minutes; post adoption services (DHS) status report and planning for FY 1992; hear provider's report; information sharing; and adjourn.

Contact: Susan Klickman, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3302.

Filed: August 7, 1991, 9:29 a.m.

TRD-9109396

Tuesday, August 20, 1991, 9 a.m. The Vendor Drug Advisory Subcommittee 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 complete agenda, the subcommittee will hear opening comments; approval of minutes; OBRA update on electronic claims adjudication; DUR update, formulary changes and prior approval, rebate billing and accounts receivable system; update on interagency agreements; nursing home and EPSDT changes; legislative update; schedule next meeting; and adjourn.

Contact: Carolyn Howell, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-3053.

Filed: August 7, 1991, 9:24 a.m.

TRD-9109394

Tuesday, August 20, 1991, 1:30 p.m. The Adolescent Pregnancy and Parenthood Advisory Council of the Texas Department of Human Services will meet at 701 West 51st Street, First Floor, West Tower, Conference Room 103-W, Austin. According to the complete agenda, the council will call the meeting to order; hear opening remarks; approval of minutes; FY 1992 council operations; APPAC presentation November 11-12, TACSAP Conference; subcommittee report on "Working Document"; presentation of client self-support services proposal; program updates; and wrap-up.

Contact: Liz Silbernagel, P.O. Box 149030, Austin, Texas 78714-9030, (512) 450-4163.

Filed: August 7, 1991, 9:26 a.m.

TRD-9109395

Texas Incentive and Productivity Commission

Wednesday, August 21, 1991, 10 a.m. The Texas Incentive and Productivity Commission will meet at the E. O. Thompson Building, 10th and Colorado Streets, 10th Floor, Austin. According to the complete agenda, the commission will call the meeting to order; members present; approval of minutes of previous meeting; consideration of: employee suggestions for approval; productivity bonus program awards for approval; goal/output report for approval; state employee incentive program rules for approval on permanent basis; productivity bonus program rules for approval; election of commission vice chair; discussion of legislative issues; report on administration matters; and adjournment.

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

Filed: August 7, 1991, 10:20 a.m.

TRD-9109400

Department of Information Resources

Thursday, August 15, 1991, 1:30 p.m. The Board of the Department of Information Resources will meet at the William B. Travis Building, 1701 North Congress Avenue, Room 1.100, Austin. According to the complete agenda, the board will review and discuss update on payroll request for proposal; report on training program; update on statewide strategic plan; presentation on final operating plan procedures and process; summary of changes to DIR legislation; and discuss other business.

Contact: Lisa Carter, 300 West 15th Street, Suite 1300, Austin, Texas 78701, (512) 475-4729.

Filed: August 6, 1991, 4:24 p.m.

TRD-9109392

State Board of Insurance

Wednesday, August 14, 1991, 8:30 a.m. The State Board of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will review and discuss pending board orders on excess of loss and fire and allied lines rate deviations; personnel; litigation; commissioner's orders; solvency; consideration of appointment of Deputy Commissioner I in charge of financial services in the liquidation division; and consideration of expenditure request for NAIC commissioner's dinner to be held in December.

Contact: Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6328.

Filed: August 6, 1991, 4:02 p.m.

TRD-9109377

Wednesday, August 14, 1991, 1:30 p.m. The State Board of Insurance will meet at the William P. Hobby Building, 333 Guadalupe Street, Room 100, Austin. According to the agenda summary, the board will hear a request from State Farm General Insurance Company to cease accepting small premium policies; amend 28 TAC 5.2002(d); adopt exclusion 2.e under Section II Exclusions of the Texas Homeowners Policy; adopt on an emergency basis mandatory endorsements to certain property policies; authorize proposal to repeal 28 TAC §§3.5301, 3. 5303, 3.5401; proposal to amend 28 TAC §3.5302; proposal for decision regarding Tam McGuire and Standard Fruit and Vegetable Company, Inc.; motion for dismissal in the request by Charles D. Sims; discuss personnel; and litigation.

Contact: Angelia Johnson, 333 Guadalupe Street, Austin, Texas 78701, (512) 463-6328.

Filed: August 6, 1991, 4:07 p.m.

TRD-9109378

Texas Board of Professional Land Surveying

Friday-Saturday, August 23-24, 1991, 9 a.m. The Texas Board of Professional Land Surveying will meet at 7701 North Lamar Boulevard, Suite 400, Austin. According to the complete agenda, the board will approve the minutes of the previous meeting; discuss correspondence; select the October 1991 examination; conduct one formal hearing on Complaint 91-6; hear committee reports; conduct interviews; and consider new business.

Contact: Sandy Smith, 7701 North Lamar Boulevard, Suite 400, Austin, Texas 78752, (512) 452-9427.

Filed: August 6, 1991, 2:01 p.m.

TRD-9109353

Public Utility Commission of Texas

Wednesday, August 7, 1991, 9 a.m. The Public Utility Commission of Texas met at 7800 Shoal Creek Boulevard, Suite 450N, Austin. According to the complete emergency revised agenda, the commission will also consider the appeal of Examiner's Order Number Two in Docket Number 10427-Gulf States Utilities Company petition for discharge of bond; appeal of Examiner's Order Number Eight in Docket Number 9960-Southwestern Bell Telephone Company notice of intent and application pursuant to Public Utility Commission Substantive Rule 23.27; appeal of Examiner's

Order Number 22 in Docket Number 10200/10034-application of Texas-New Mexico Power Company for authority to change rates and application of Texas-New Mexico Power Company for deferred accounting treatment for TNP One-Unit Two. The emergency status was necessary to preserve jurisdiction over the subject matter of the appeals.

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

Filed: August 6, 1991, 2:47 p.m.

TRD-9109364

Tuesday, August 20, 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 10325-application of Central Texas Electric Cooperative, Inc. for authority to change rates.

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

Filed: August 7, 1991, 3:23 p.m.

TRD-9109425

Thursday, August 22, 1991, 1:30 p.m. The Hearings Division of the Public Utility Commission 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 10495-application of Mustang Telephone Company to maintain records out of state.

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

Filed: August 7, 1991, 3:22 p.m.

TRD-9109423

Friday, August 23, 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 10325-application of Central Texas Electric Cooperative, Inc. for authority to change rates.

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

Filed: August 7, 1991, 3:22 p.m.

TRD-9109424

Wednesday, October 9, 1991, 9 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 Consolidated Docket Numbers 10381, 10122, and 10123: Docket Number

10381-Southwestern Bell Telephone Company's statement of intent to change and restructure the rates for directory assistance; Docket Number 10122-application of Southwestern Bell Telephone Company for approval of multiple list directory assistance; and Docket Number 10123-application of Southwestern Bell Telephone Company to revise tariff to introduce a new service called directory assistance call completion.

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

Filed: August 6, 1991, 2:48 p.m.

TRD-9109366

Thursday, October 10, 1991, 9 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 Consolidated Docket Numbers 10381, 10122, and 1023: Docket Number 10381-Southwestern Bell Telephone Company's statement of intent to change and restructure the rates for directory assistance; Docket Number 10122-application of Southwestern Bell Telephone Company for approval of multiple list directory assistance; and Docket Number 10123-application of Southwestern Bell Telephone Company to revise tariff to introduce a new service called directory assistance call completion.

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

Filed: August 6, 1991, 2:48 p.m.

TRD-9109365

School Land Board

Wednesday, August 14, 1991, 11:30 a.m. The School Land Board will meet at the Westin Hotel, 101 South El Paso Street, El Paso. According to the agenda summary, the board will inspect permanent school fund lands in El Paso County.

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

Filed: August 6, 1991, 4:21 p.m.

TRD-9109390

State Securities Board

Thursday, August 22, 1991, 10 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will hold a hearing to determine whether a cease and desist order should be issued prohibiting the

issue and sale of securities by Capital Resources, Inc., Paul Scott Faretra, individually and as president of Capital Resources, Inc., Entex Equity Group, Inc., Equity Capital, Inc., Richard D'Ambra and Lead Builder, Inc. and whether Resources Equity Group, Inc. should be granted or denied registration as a securities dealer and whether Richard D'Ambra should be granted or denied registration as the designated officer of Resources Equity Group, Inc.

Contact: John Morgan, P.O. Box 13167, Austin, Texas 78711, (512) 474-2233.

Filed: August 7, 1991, 4:46 p.m.

TRD-9109457

Monday, August 26, 1991, 10 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the revised agenda summary, the commissioner will hold a hearing to determine whether an order should be issued revoking the registration of Southard Securities Corporation as a securities dealer and prohibiting the sale of securities issued by HLS Energy Co., Inc. and David A. Beck and prohibiting HLS Energy Co., Inc., David A. Beck and Southard Securities Corporation from acting as dealers in securities.

Contact: John Morgan, P.O. Box 13167, Austin, Texas 78711, (512) 474-2233.

Filed: August 7, 1991, 4:46 p.m.

TRD-9109456

University of Texas System

Thursday, August 8, 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 complete emergency revised agenda, the board and committees also considered a resolution authorizing the continuing operation of the University of Texas System subject to and in compliance with all legislative, statutory, and legal restrictions and directives. The emergency status was necessary as legislative uncertainties and the approaching end of the fiscal year required the board to consider this interim action.

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

Filed: August 7, 1991, 3:58 p.m.

TRD-9109427

Texas Water Commission

Wednesday, September 11, 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 a resolution requesting approval of the levy of impact fees in the area of the Travis County Water Control and Improvement District Number 17.

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

Filed: August 6, 1991, 4:12 p.m.

TRD-9109379

Wednesday, September 11, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 618, Austin. According to the agenda summary, the commission will hold a hearing on El Jardin Water Supply Corporation's petition appealing the wholesale water rates charged by the Public Utilities Board of the City of Brownsville, Docket Number 9013-M.

Contact: Mary K. Sahs, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 6, 1991, 4:14 p.m.

TRD-9109384

Wednesday, September 11, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 618, Austin. According to the agenda summary, the commission will hold a hearing on Military Highway Water Supply Corporation's petition appealing the wholesale water rates charged by the Public Utilities Board of the City of Brownsville, Docket Number 9012-M.

Contact: Mary K. Sahs, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 6, 1991, 4:14 p.m.

TRD-9109383

Thursday, September 12, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Rooms 1149 A and B, Austin. According to the agenda summary, the commission will hold a hearing on the City of Fort Worth's petition requesting that the Texas Water Commission review the rates and underlying methodology for all wholesale wastewater services provided by the City of Fort Worth, Docket Number 9176-A.

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

Filed: August 6, 1991, 4:13 p.m.

TRD-9109382

Friday, September 13, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 1030, Austin. According to the agenda summary, the commission will hold a hearing on Elvin R. Irving doing business as Verde Estates Water System's application for a certificate of

convenience and necessity to provide water utility service in Kerr County, Docket Number 9004-C.

Contact: Sally C. Colbert, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: August 6, 1991, 4:13 p.m.

TRD-9109381

Monday, October 7, 1991, 10 a.m. The Texas Water Commission will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 512, Austin. According to the agenda summary, the commission will hold a hearing on a water and sewer rate increase for Candlelight Service Company, Inc., Docket Number 9045-R.

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

Filed: August 6, 1991, 4:13 p.m.

TRD-9109380

Texas Water Development Board

Wednesday, August 14, 1991, 3 p.m. The Audit Committee of the Texas Water Development Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 513-F, Austin. According to the complete agenda, the committee will consider approval of the minutes of the July 17, 1991 committee meeting; review and consider for adoption the following items: annual plan, including: focus, applicable laws and legislative update, and budget; meetings schedule; and be briefed on current projects in progress.

Contact: Craig Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 6, 1991, 3:33 p.m.

TRD-9109375

Wednesday, August 14, 1991, 3:30 p.m. The Finance Committee of the Texas Water Development Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 513, Austin. According to the complete agenda, the committee will consider approval of the minutes of the July 17, 1991 committee meeting; and may discuss items on the agenda of the August 15, 1991 board meeting.

Contact: Craig Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 6, 1991, 3:33 p.m.

TRD-9109376

Thursday, August 15, 1991, 9 a.m. The Texas Water Development Board will meet at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 118, Austin. According to the agenda summary, the board will consider minutes of the July 18, 1991 meeting; hear development fund manager's report; extension of commitment for City of Devine; requests for financial assis-

tance from Hondo, Johnson County Rural Water Supply Corporation, Edinburg-Lull Project, Corrigan, Minden-Brachfield WSC, South Texas Water Authority, Fort Worth, Texas Water Resources Institute; authorizing the executive administrator to contract with the Texas Department of Health for laboratory services and enter into interagency cooperative agreements for future reservoir site surveys and bays and estuaries studies; and agricultural conservation grants for seven districts.

Contact: Craig Pedersen, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 7, 1991, 2:52 p.m.

TRD-9109419

Regional Meetings

Meetings Filed August 6, 1991

The Bexar Appraisal District Appraisal Review Board met at 535 South Main Street, San Antonio, August 9, 1991, at 9 a.m. Information may be obtained from Walter Stoneham, 535 South Main Street, San Antonio, Texas 78204, (512) 224-8511. TRD-9109352.

The Henderson County Appraisal District Board of Directors will meet at 1751 Enterprise Street, Athens, August 19, 1991, at 7:30 p.m. (revised agenda). Information may be obtained from Helen Marchbanks, 1751 Enterprise Street, Athens, Texas 75751, (903) 675-9296. TRD-9109349.

The Kendall Appraisal District Appraisal Review Board will meet at 207 East San Antonio Street, Boerne Professional Building, Boerne, August 15-16, 1991, at 9 a.m. Information may be obtained from Alton Pfeiffer, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012. TRD-9109354.

The Region III Education Service Center Board of Directors met at 3901 Houston Highway, Victoria, August 12, 1991, at 11:30 a.m. Information may be obtained from Dr. Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9109363.

The Region III Education Service Center Board of Directors met at 1905 Leary Lane, Victoria, August 12, 1991, at 1 p.m. (revised agenda). Information may be obtained from Dr. Julius D. Cano, 1905 Leary Lane, Victoria, Texas 77901, (512) 573-0731. TRD-9109362.

The Region IV Education Service Center Board of Directors will meet at the Region IV Education Service Center, Board Room, 7145 West Tidwell Road, Houston, August 13, 1991, at 6 p.m. Information may be obtained from W. L. McKinney, 7145 West Tidwell Road, Houston, Texas 77001, (713) 462-7708. TRD-9109391.

Meetings Filed August 7, 1991

The Blanco County Appraisal District Board of Directors will meet at the Court-house Annex in Blanco County, Avenue G and Seventh Street, Johnson City, August 13, 1991, at 6 p.m. Information may be obtained from Hollis Petri, P.O. Box 338, Johnson City, Texas 78636, (512) 868-4624. TRD-9109416.

The Canyon Regional Water Authority Board met at 529 South Center, Marion, August 12, 1991, at 7:30 p.m. Information may be obtained from David Davenport, P.O. Box 188, Marion, Texas 78124, (512) 420-2323. TRD-9109408.

The Deep East Texas Council of Governments Board of Directors will meet at the Trinity Community Center, 806 South Robb Street, Trinity, August 15, 1991, at 1 p.m. Information may be obtained from Joan Draper, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704. TRD-9109393.

The El Oso Water Supply Corporation Board of Directors will meet at their Office, FM 99, Karnes City, August 13, 1991, at 7 a.m. Information may be obtained from Hilmer Wagener, P.O. Box 309, Karnes City, Texas 78118, (512) 780-3539. TRD-9109414.

The Hansford County Appraisal District Board will meet at 709 West Seventh Street, Spearman, August 14, 1991, at 9 a.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas 79081, (806) 659-5575. TRD-9109411.

The High Plains Underground Water Conservation District Number One Board of Directors will meet at 2930 Avenue Q, Conference Room, Lubbock, August 13, 1991, at 10 a.m. Information may be ob-

tained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181. TRD-9109426.

The Jack County Appraisal District Appraisal Review Board will meet at 210 North Church Street, JCAD Conference Room, Jacksboro, August 15, 1991, at 4 p.m. Information may be obtained from J. D. Garcia or Donna Hartzell, P.O. Box 958, Jacksboro, Texas 76458, (817) 567-6301. TRD-9109422.

The Liberty County Central Appraisal District Appraisal Review Board will meet at 315 Main Street, Liberty, August 15, 1991, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722. TRD-9109421.

The Nueces-Jim Wells-Kenedy-Kleberg Soil and Water Conservation District Board of Directors will meet at 710 East Main Street, Robstown, August 20, 1991, at 2 p.m. Information may be obtained from Denise Lawhon, 710 East Main Street, Robstown, Texas 78380, (512) 387-4116. TRD-9109415.

The Sulphur-Cypress Soil and Water Conservation District #419 will meet at 1809 West Ferguson, Suite B, Mt. Pleasant, August 14, 1991, at 8:30 a.m. Information may be obtained from Beverly Amerson, 1809 Ferguson, Suite B, Mt. Pleasant, Texas 75455, (903) 572-5411. TRD-9109412.

The Sulphur River Basin Authority Board of Directors will meet at the Mt. Pleasant Chamber of Commerce Building, 1604 North Jefferson, Mt. Pleasant, August 13, 1991, at 3 p.m. Information may be obtained from Don R. Edmonds, P.O. Box 2284, Mt. Pleasant, Texas 75455, (903) 572-4711. TRD-9109413.

The Trinity River Authority of Texas Executive Committee will meet at 5300 South Collins Street, Arlington, August 13, 1991, at 9:30 a.m. Information may be obtained from J. Sam Scott, P.O. Box 60, Arlington, Texas 76004, (817) 467-4343. TRD-9109401.

Meetings Filed August 8, 1991

The Brown County Appraisal District Board of Directors met at 503 Fisk Avenue, Brownwood, August 12, 1991, at 7 p.m. (revised agenda). Information may be obtained from Linda Meeks, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676. TRD-9109458.

The Central Appraisal District of Taylor County Board of Directors will meet at 1534 South Treadaway, Abilene, August 14, 1991, at 3:30 p.m. Information may be obtained from Rivhard Petree, P.O. Box 1800, Abilene, Texas 79604, (915) 676-9381. TRD-9109461.

The South Plains Association of Governments Executive Committee will meet at 1323 58th Street, Lubbock, August 13, 1991, at 9 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9109459.

The South Plains Association of Governments Board of Directors will meet at 1323 58th Street, Lubbock, August 13, 1991, at 10 a.m. Information may be obtained from Jerry D. Casstevens, P.O. Box 3730, Freedom Station, Lubbock, Texas 79452-3730, (806) 762-8721. TRD-9109460.

NEW LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Dallas	Tamko Asphalt Products	L04499	Dallas	0	07/29/91
Houston	Pro Diagnostics, Inc.	L04484	Houston	0	07/26/91
San Antonio	Southwest Genetics	L04490	San Antonio	0	07/19/91

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
-----	----	-----	----	-----	-----
Amarillo	Northwest Texas Hospital	L02054	Amarillo	36	07/15/91
Austin	AHBION, Inc.	L04307	Austin	3	07/19/91
Austin	Austin Radiological Association	L00545	Austin	62	07/25/91
Austin	Medical Health Physics	L04092	Austin	7	07/24/91
Austin	The University of Texas at Austin	L00485	Austin	48	07/24/91
Beaumont	E.I. DuPont de Nemours & Co., Inc.	L00517	Beaumont	53	07/15/91
Beaumont	The Cancer Institute	L00821	Beaumont	22	07/29/91
Borger	Phillips 66 Company - Philtex Plant	L03977	Borger	2	07/15/91
Channelview	Lyondell Petrochemical Company	L00064	Channelview	25	07/29/91
College Station	A.A.E./B.C.S. Traders Inc.	L03949	Globe, Arizona	2	07/30/91
Corpus Christi	Spohn Hospital	L02357	Corpus Christi	12	07/29/91
Crosby	Energy Technology Inc.	L03400	Crosby	9	07/26/91
Dallas	Humana Hospital Medical City Dallas	L01976	Dallas	65	07/23/91
Denton	Denton Community Hospital	L04003	Denton	5	07/18/91
Denton	Texas Woman's University	L00304	Denton	34	07/23/91
Duncanville	Duncanville Diagnostic Center	L03717	Duncanville	7	07/24/91
El Paso	Healthcare Diagnostic Center	L03395	El Paso	12	07/30/91
Fort Worth	Saint Joseph Hospital	L02207	Fort Worth	19	07/19/91
Friendswood	Iso-Tex Diagnostics, Inc.	L02999	Friendswood	21	07/26/91
Grand Prairie	Dallas Fort Worth Medical Center - Grand Prairie	L02612	Grand Prairie	21	07/30/91
Houston	Memorial City Medical Center	L01168	Houston	33	07/25/91
Houston	Doctors Hospital East Loop	L01838	Houston	18	07/25/91
Houston	Baylor College of Medicine	L00680	Houston	40	07/25/91
Houston	Houston Dept. of Health and Human Services	L00149	Houston	44	07/29/91
Huntsville	Sam Houston State University	L00873	Huntsville	12	07/23/91

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Kingwood	Kingwood Plaza Hospital	L04482	Kingwood	1	07/26/91
Lake Jackson	Brazosport Memorial Hospital	L03027	Lake Jackson	9	07/24/91
Mission	Mission Hospital	L02802	Mission	20	07/22/91
N. Richland Hills	HCA North Hills Medical Center	L02271	N. Richland Hills	16	07/24/91
Orange	Polysar Gulf Coast Inc.	L00976	Orange	31	07/23/91
Pasadena	Pasadena Bayshore Medical Center	L00153	Pasadena	38	07/23/91
Port Arthur	Manske-Sheffield Radiology Group, P.A.	L04054	Port Arthur	3	07/25/91
San Angelo	Ethicon, Inc.	L00720	San Angelo	30	07/16/91
San Antonio	MedCenter Imaging	L04098	San Antonio	9	07/23/91
San Antonio	Syncor International Corp.	L02033	San Antonio	54	07/25/91
San Antonio	Oak Hills Path Lab, Inc.	L01128	San Antonio	17	07/26/91

San Antonio	Humana Hospital San Antonio	L02266	San Antonio	33	07/24/91
San Antonio	Southwest Texas Methodist Hospital	L00594	San Antonio	88	07/30/91
Throughout Texas	Midland Inspection and Engineering Incorporated	L03724	Midland	28	07/16/91
Throughout Texas	Professional Service Industries, Inc.	L00203	Houston	45	07/16/91
Throughout Texas	Four Seasons Industrial X-Ray	L02855	Beeville	17	07/16/91
Throughout Texas	Quantum Chemical Company	L04037	Deer Park	5	07/15/91
Throughout Texas	Baker, Shiflett and Associates	L02906	Fort Worth	13	07/15/91
Throughout Texas	DJ Inspection Services, Inc.	L02067	Houston	23	07/17/91
Throughout Texas	Hensel Phelps Construction Company	L04011	Austin	3	07/17/91
Throughout Texas	GEO-TECHNIQUE, Inc.	L04197	Grapevine	1	07/16/91
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	27	07/17/91
Throughout Texas	AMEC Environmental Services Inc.	L04028	College Station	5	07/18/91
Throughout Texas	Houston Inspection, Inc.	L04255	Houston	13	07/18/91
Throughout Texas	Baker Hughes MWD, Inc.	L04452	Houston	3	07/18/91
Throughout Texas	Global X-Ray & Testing Corp.	L03663	Houston	15	07/23/91
Throughout Texas	H & G Inspection Company Inc.	L02181	Houston	57	07/23/91
Throughout Texas	Ebasco Services Incorporated	L02662	Houston	26	07/23/91
Throughout Texas	ICO Inc.	L01884	Odessa	17	07/22/91
Throughout Texas	Basin Industrial X-Ray Inc.	L02280	Corpus Christi	33	07/26/91
Throughout Texas	Via NDT Engineering and Testing	L04322	Channelview	9	07/26/91
Throughout Texas	CBI NA-COM, Inc.	L01902	Houston	24	07/26/91
Throughout Texas	MQS Inspection Incorporated	L00087	Elk Grove Vill, IL	53	07/26/91
Throughout Texas	Permian Non-Destructive Testing	L03683	Odessa	18	07/30/91
Throughout Texas	Brainard-Kilman	L04302	Houston	3	07/29/91
Throughout Texas	DHTI Inc.	L04337	Corpus Christi	2	07/30/91
Throughout Texas	Professional Service Industries, Inc.	L00931	Lombard, Illinois	79	07/30/91
Throughout Texas	Conam Inspection, Inc.	L00478	Houston	60	07/30/91
Throughout Texas	GCT Inspection Inc.	L02378	South Houston	36	08/01/91
Victoria	E I Du Pont De Nemours & Co., Inc.	L00386	Victoria	54	07/29/91
Waco	Providence Health Center	L01638	Waco	27	07/29/91
Weslaco	Knapp Medical Center	L03290	Weslaco	10	07/23/91
Wichita Falls	Wichita Falls Clinic	L00523	Wichita Falls	20	07/25/91

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Amarillo	The Don and Sybil Harrington Cancer Center	L03053	Amarillo	15	07/22/91
Austin	Radiology Consultants Imaging Center	L03970	Austin	1	07/25/91
Houston	Sharpstown General Hospital	L01737	Houston	22	07/22/91

RENEWALS OF EXISTING LICENSES ISSUED CONTINUED:

Houston	Rice University	L00311	Houston	31	07/24/91
Katy	Katy Medical Center	L03052	Katy	15	07/24/91
La Porte	PPG Industries, Inc.	L02206	La Porte	14	07/16/91
Longview	Longview Oncology Facilities, Inc.	L03936	Longview	4	07/24/91
Odessa	Medical Center Hospital	L01223	Odessa	43	07/26/91
San Antonio	Brant S. Mittler, M.D., P.A.	L03833	San Antonio	6	07/24/91
Texas City	Amoco Chemicals Corporation	L00354	Texas City	23	07/15/91
Texas City	Mainland Center Hospital	L02577	Texas City	13	07/24/91
Texas City	Sterling Chemicals, Inc.	L03952	Texas City	4	07/30/91

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License#	City	Amend- ment #	Date of Action
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Amherst	South Plains Hospital-Clinic, Inc.	L03253	Amherst	4	07/15/91
El Paso	Robert E. Wehmeyer	L03206	El Paso	8	07/25/91
Houston	Radiology Associates of Bellaire	L03747	Houston	7	07/29/91
Houston	Exxon Company USA	L03900	Houston	5	07/30/91
Houston	R A D X Corporation	L01372	Houston	16	07/30/91
Stephenville	Allan D. Ahlschier, M.D.	L03965	Leesville, LA	1	07/23/91

In issuing new licenses and amending and renewing existing licenses, the Texas Department of Health, Bureau of Radiation Control, has determined that the applicants are qualified by reason of training and experience to use the material in question for the purposes requested in accordance with *Texas Regulations for Control of Radiation* in such a manner as to minimize danger to public health and safety or property and the environment; the applicants' proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property and the environment; the issuance of the license(s) will not be inimical to the health and safety of the public or the environment; and the applicants satisfy any applicable special requirements in the *Texas Regulations for Control of Radiation*.

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who is resident of a county, or a county adjacent to the county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A licensee, applicant, or person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas, 78756-3189.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated.

Copies of these documents and supporting materials are available for inspection and copying at the office of the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin, Texas, from 8 a.m. to 5 p. m. Monday-Friday (except holidays).

Issued in Austin, Texas, on August 5, 1991.

TRD-9109389 Robert A. MacLean, M.D.
Deputy Commissioner
Texas Department of Health

Filed: August 6, 1991

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

Notice of Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to Texas Regulations for Control of Radiation, Part 13 (25 TAC §289.112), has revoked the following certificates of registration: Arlon J. Hoermann, D.D.S., Fort Worth, R09502, March 8, 1991; Val-Agri, Inc., Amarillo, R09832, March 8, 1991; Randolph Sturup, D.D.S., M.S., Houston, R10803, March 8, 1991; Western Animal Hospital, Amarillo, R12980, March 8, 1991; Morrison-Knudsen Company, Inc., Boise, Idaho, R13270, March 8, 1991; Deepak Pattanaik, M.D., Deer Park, R14226, March 8, 1991; Lytle Veterinary Clinic, Lytle, R11395, March 8, 1991; Danny D. Dore, Alvin, R14259, March 8, 1991; Edward A. Zidd, M.D., Texarkana, R14728, March 8, 1991; R-Co, Inc., Republic, Missouri, R14987, March 11, 1991; William G. Patterson, D.D.S., Corpus Christi, R12436, March 8, 1991; John J. Meyer, D.C., Beeville, R12298, March 13, 1991; Laser Art Productions, Springfield, Missouri, Z00314, March 15, 1991; Jerome L. Borochoff, M.D., Houston, R13595, March 15, 1991; Linda F. Doerfler, D.D.S., Amarillo, R14481, March 15, 1991; The Breast Center of Houston, Houston, R15124, March 15, 1991; Oscar W. Boultinghouse, Jr., M.D., Alvin, R15230, March 15, 1991; George S. Kouns, D.O., Abemathy, R15941, March 15, 1991; Larry E. Freeman, D.D.S., Houston, R06279, March 21, 1991; Randall H. Boyett, D.D.S., Inc., Houston, R06641, April 9, 1991; Laser Images, Inc., Van Nuys, California, Z00104, April 9, 1991; Phillip L. Plunk, D.D.S., Amarillo, R09865, April 9, 1991; Gary M. Jones, D.D.S., Ballinger, R14442, April 17, 1991; M. W. Hare, D.V.M., Richwood, R07301, April 23, 1991; Jick Hill, D.D.S., P.C., Midland, R09461, April 23, 1991; John E. Hall, D.D.S., Arlington, R09498, April 23, 1991; Brookhaven Medical/Dental Center, Brookshire, R12039, April 23, 1991; Atascocita Medical Pavilion, Humble, R13158, April 23, 1991; Dan L. Kelley, M.D., Poteet, R06010, May 8, 1991; MacArthur Park Medical Center, Irving, R13245, May 8, 1991; Robert D. Bilderback, M.D., San Antonio, R01644, May 8, 1991; W. F. Woodson, D.D.S., San Antonio, R13841, May 8, 1991; Lasefx Limited, Middlesex, England, Z00300, May 8, 1991; Pedro Sanfiel, M.D., Lockhart, R14365, May 8, 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 August 6, 1991.

TRD-9109371

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

Filed: August 6, 1991

For further information, please call: (512) 835-7000

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**Notice of Revocation of Radioactive
Material Licenses**

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation*, Part 13 (25 TAC §289.112), has revoked the following radioactive material licenses: William B. Wilson Manufacturing Company, San Antonio, L02630, March 5, 1991; First Clinical Laboratory, Amarillo, G00156, April 17, 1991; Baptist Hospital, Winnie, Winnie, G01482, May 8, 1991; Tube Scan, Inc., Channelview, L02865, May 8, 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 August 6, 1991.

TRD-9109370

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

Filed: August 6, 1991

For further information, please call: (512) 835-7000.

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**Texas Department of Human Services
Public Notice of Closed Solicitation**

Pursuant to the Human Resources Code, Title 2, Chapters 22 and 32, and 40 TAC §19.2004, as published in the September 11, 1990, issue of the *Texas Register* (15 TexReg 5315), the Texas Department of Human Services (TDHS) is closing the solicitation for new Medicaid beds in Madison County, County Number 154, which appeared in the May 3, 1991, issue of the *Texas Register* (16 TexReg 2487). The solicitation is being closed effective the date of this public notice.

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

TRD-9109398

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

Filed: August 7, 1991

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

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**Public Utility Commission of Texas
Notice of Application to Amend
Certificate of Convenience and
Necessity**

Notice is given to the public of the filing with the Public Utility Commission of Texas of an application on July 26, 1991, to amend a certificate of convenience and necessity pursuant to the Public Utility Regulatory Act, §§16(a), 17(e), 50, 52, and 54. A summary of the application follows.

Docket Title and Number: Application of Texas Utilities Electric Company to amend certificate of convenience and necessity for transmission line in Midland, Martin, and Andrews Counties, Docket Number 10515 before the Public Utility Commission of Texas.

The Application: In Docket Number 10515, Texas Utilities Electric Company requests approval of its application to construct 11.4 miles of 138kV transmission line within Midland, Martin, and Andrews Counties.

Persons who wish to intervene in the proceeding or comment upon action sought, should contact the Public Utility Commission of Texas, at 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, or call the Public Utility Public Information Division at (512) 458-0223, or (512) 458-0227 within 15 days of this notice.

Issued in Austin, Texas, on August 2, 1991.

TRD-9109317

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

Filed: August 5, 1991

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

◆ ◆ ◆
**Notice of Intent to File Pursuant to
Public Utility Commission Substantive
Rules 23. 27**

Notice is given to the public of the intent to file with the Public Utility Commission of Texas an application pursuant to Public Utility Commission Substantive Rule 23.27 for approval of customer-specific PLEXAR-Custom Service for General Services Administration, Fort Worth.

Tariff Title and Number. Application of Southwestern Bell Telephone Company for approval for PLEXAR-Custom Service for General Services Administration pursuant to Public Utility Commission Substantive Rule 23.27(k). Tariff Control Number 10536.

The Application. Southwestern Bell Telephone Company is requesting approval of Plexar-Custom Service for General Services Administration. The geographic service market for this specific service is the Fort Worth area.

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

Issued in Austin, Texas, on August 6, 1991.

TRD-9109367

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

Filed: August 6, 1991

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

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**Texas Water Commission
Enforcement Orders**

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Killam Industrial Development Partnership Limited (no TWC facility ID number) on July 30, 1991, assessing \$11,760 in administrative penalties with 32% deferred and foregone pending compliance.

Information concerning any aspect of this order may be obtained by contacting Jennifer C. Smith, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on August 2, 1991.

TRD-9109385 Laurie J. Lancaster
Notices Coordinator
Texas Water Commission

Filed: August 6, 1991

For further information, please call: (512) 463-7898



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 Charlie Myers Feedlot (no permit) on July 30, 1991, assessing \$18,500 in administrative penalties with \$16,000 deferred and foregone pending compliance. Stipulated penalties were also imposed.

Information concerning any aspect of this order may be obtained by contacting Jennifer C. Smith, Staff Attorney,

Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on August 2, 1991.

TRD-9109386 Laurie J. Lancaster
Notices Coordinator
Texas Water Commission

Filed: August 6, 1991

For further information, please call: (512) 463-7898



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 Joe Jackson's Automatic Transmission Company (SWR 39948) on July 30, 1991, assessing \$52,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting H. Glenn Hall, III, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on August 2, 1991.

TRD-9109387 Laurie J. Lancaster
Notices Coordinator
Texas Water Commission

Filed: August 6, 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 INDEX	
55 Friday, July 26	Monday, July 22	Tuesday, July 23
56 Tuesday, July 30	Wednesday, July 24	Thursday, July 25
57 Friday, August 2	Monday, July 29	Tuesday, July 30
58 Tuesday, August 6	Wednesday, July 31	Thursday, August 1
59 Friday, August 9	Monday, August 5	Tuesday, August 6
60 Tuesday, August 13	Wednesday, August 7	Thursday, August 8
61 Friday, August 16	Monday, August 12	Tuesday, August 13
62 Tuesday, August 20	Wednesday, August 14	Thursday, August 15
63 Friday, August 23	Monday, August 19	Tuesday, August 20
64 Tuesday, August 27	Wednesday, August 21	Thursday, August 22
65 Friday, August 30	Monday, August 26	Tuesday, August 27
66 Tuesday, September 3	Wednesday, August 28	Thursday, August 29
Friday, September 6	NO ISSUE PUBLISHED	

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

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