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Texas Register

Volume 13, Number 36, May 10, 1988

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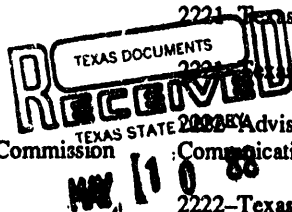
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Texas Register Publications

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

Withdrawn Sections—sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date

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

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "13 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 13 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, 503E Sam Houston 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).

Subscriptions-one year (96 regular issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues are available at \$3 per copy.

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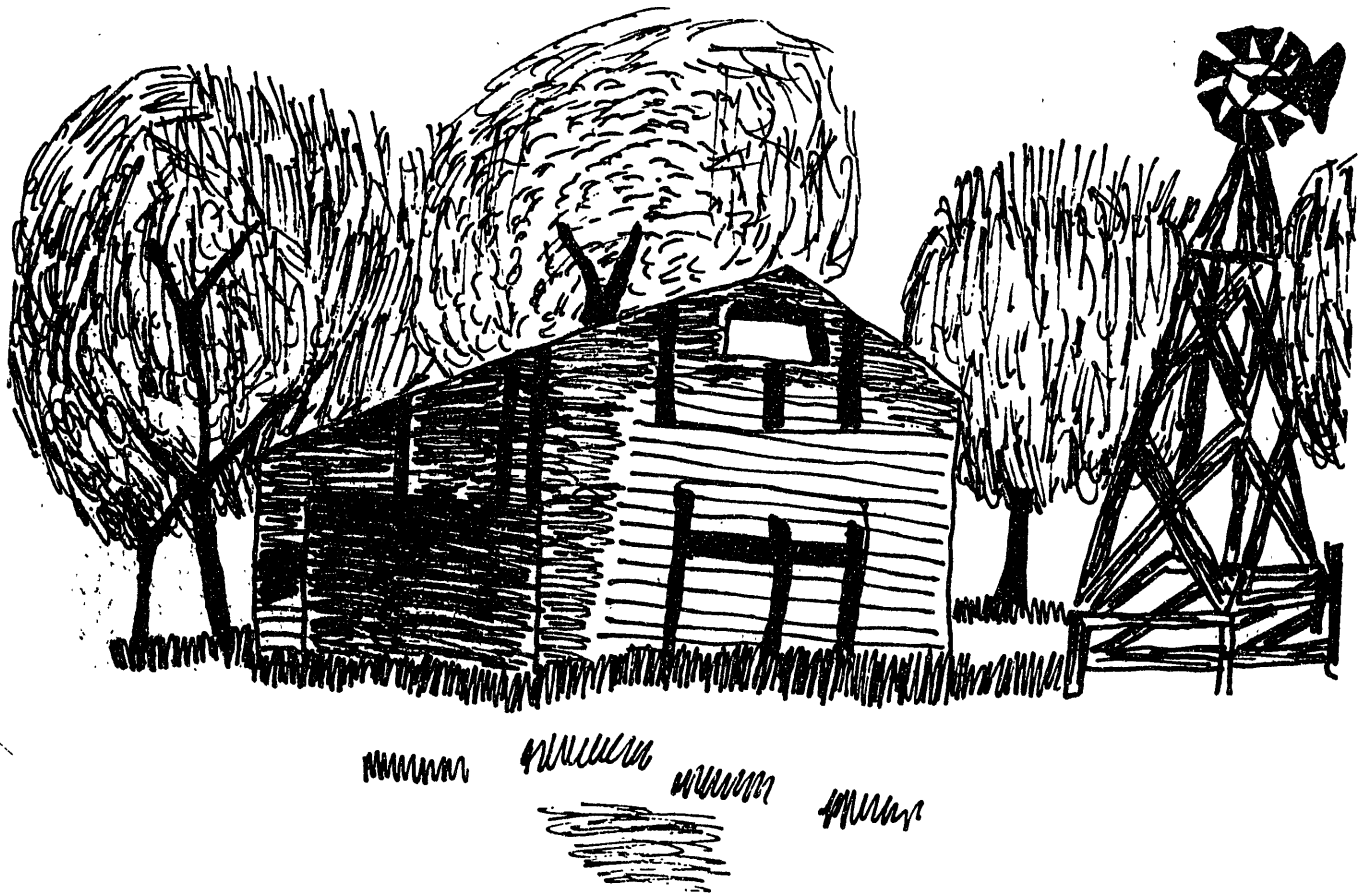
Public Utility Commission of
Texas

2231-Correction of Error

Texas Water Commission

2231-Notice of Application





Name: Shad Vickrey
Grade: 5
School: Bruce Shulkey Elementary, Fort Worth



Name: Chris Hetzler
Grade: 5
School: Bruce Shulkey Elementary, Fort Worth



Name: Tony Hull
Grade: 5
School: Bruce Shulkey Elementary, Fort Worth

TAC Titles Affected

TAC Titles Affected—April

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

TITLE 1. ADMINISTRATION

Part I. Office of the Governor

1 TAC §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54, 1.61—2207

1 TAC §3.811, §3.812—2159

1 TAC §3.821—2159

1 TAC §§3.831-3.838—2159

1 TAC §§3.841-3.843—2159

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1 TAC §§3.911-3.920—2159

1 TAC §§5.1-5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.51-5.57, 5.71, 5.91-5.93, 5.101-5.110, 5.121-5.131—2207

1 TAC §§5.211-5.217, 5.231-5.236, 5.251-5.253, 5.271—2208

1 TAC §§7.1-7.5—2208

Part V. State Purchasing and General Services Commission

1 TAC §115.32, §115.40—2133

1 TAC §§125.1-125.21—2133

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TITLE 7. BANKING AND SECURITIES

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7 TAC §§104.1-104.6—2160

7 TAC §109.13—2205

7 TAC §115.1, §115.3—2160

7 TAC §133.7—2161

7 TAC §133.12—2161

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TITLE 13. CULTURAL RESOURCES

Part VII. State Preservation Board

13 TAC §111.13—2208

TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas

16 TAC §5.503—2121

TITLE 19. EDUCATION

Part II. Texas Education Agency

19 TAC §105.331—2162

Part II. Texas Education Agency

19 TAC §78.23—2138

19 TAC §81.164—2140

19 TAC §109.61—2213

19 TAC §§141.431-141.433—2140

19 TAC §141.434—2141

TITLE 22. EXAMINING BOARDS

Part X. Texas Funeral Service Commission

22 TAC §203.22—2141

22 TAC §231.41—2142

22 TAC §235.18—2142

Part XII. Board of Vocational Nurse Examiners

22 TAC §231.41—2121

Part XIX. Polygraph Examiners Board

22 TAC §391.3—2163

22 TAC §393.3—2163

22 TAC §395.4—2163

22 TAC §395.13—2163

Part XXIII. Texas Real Estate Commission

22 TAC §542.1—2163

Part XXIX. Texas Board of Land Surveying

22 TAC §661.21—2164

22 TAC §§661.41, 661.42, 661.45—2164

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §§37.82-37.93, 37.97—2142

25 TAC §37.90—2157

25 TAC §§115.2, 115.18—2213

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §3.3039, 2209

28 TAC §§5.4601-5.4603—2121

28 TAC §§7.1601-7.1621—2157

28 TAC §§7.1601-7.1622—2121

28 TAC §9.1—2210

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

31 TAC §373.2—2164

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.391—2128

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Part III. Teacher Retirement System of Texas

34 TAC §25.30—2210

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34 TAC §67.89—2164

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34 TAC §155.4—2165

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34 TAC §155.44—2165

34 TAC §155.51—2165

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

37 TAC §1.3—2150

37 TAC §1.32—2150

37 TAC §3.9—2166

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

40 TAC §8.2, §8.3—2166

40 TAC §27.1214—2211

40 TAC §43.201—2212

40 TAC §45.504—2219

40 TAC §49.328—2219

40 TAC §56.306—2154

40 TAC §56.501—2154

40 TAC §72.401—2153

40 TAC §§73.4105, 73.4107, 73.4110, 73.4111—2167

40 TAC §79.1203—2167

40 TAC §79.1302—2167

Part V. Veterans Land Board

40 TAC §175.18—2128, 2153

40 TAC §175.20—2167

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation

43 TAC §9.3—2129, 2155

43 TAC §9.6, §9.7—2130, 2155

43 TAC §§17.60, 17.61, 17.68-17.71—2168

43 TAC §17.65—2169

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Emergency Sections

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

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

TITLE 7. BANKING AND SECURITIES

Part VII. State Securities Board

Chapter 109. Transactions Exempt from Registration

7 TAC §109.13

The State Securities Board adopts on an emergency basis an amendment to §109.13(k), concerning the uniform limited offering exemption.

Currently, this section indicates that the exemption is available when offers and sales of securities meet the conditions of the section and, in addition, are offered or sold in compliance with The Securities Act of 1933, Regulation D, Rules 230.501-230.502, 230.505, and 230.506 as made effective in certain Securities and Exchange Commission (SEC) rule releases cited in this section. Regulation D has been amended by the SEC and, in response thereto, the North American Securities Administrators Association, Inc. (NASAA) voted to accept the amendments, as reflected in specific SEC releases, for purposes of the NASAA uniform limited offering exemption (ULOE).

This section is the Texas version of the ULOE and must be amended on an emergency basis in order to retain the uniform limited offering requirements as they now exist among the states, and thereby allow issuers to continue to structure securities offerings in such a manner that compliance with only one set of uniform conditions is required.

The emergency amendment avoids imminent peril to the public that will result if securities issuers are unable to raise capital on an interstate basis by offering and selling their securities pursuant to the uniform requirements. Severe disruptions in these capital raising activities conducted on an interstate basis are avoided by referencing in the section itself all SEC rule releases accepted by NASAA that relate to the ULOE.

The amendment is adopted on an emergency basis under Texas Civil Statutes, Article 581, §28-1, which provide that the board may make or adopt rules or regulations governing registration statements, applications, notices, and reports, and in the adoption of rules and regulations, may classify securities, persons, and matters within its jurisdiction, and prescribe different requirements for different classes, and Texas Civil Statutes, Article 62.52-13a, §5.(d) which provide for the adoption of administrative rules on an emergency basis without notice and comment.

§109.13. Uniform Limited Offering Exemption.

(a)-(j) (No change.)

(k) Uniform limited offering exemption. In addition to sales made under the Texas Securities Act, §5.1, the State Securities Board, pursuant to the Act, §5.T, exempts from the registration requirements of the Act, §7, any offer or sale of securities offered or sold in compliance with the Securities Act of 1933, Regulation D, Rules 230.501-230.503, 230.505, and 230.506 as made effective in United States Securities and Exchange Commission Release 33-6389 and as amended in Release 33-6437, 33-6663, and 33-6758, and which satisfies the following further conditions and limitations:

(1)-(16) (No change.)

(l) (No change.)

Issued in Austin, Texas, on May 3, 1988.

TRD-8804477

Richard D. Latham
Securities Commissioner
State Securities Board

Effective date: May 4, 1988

Expiration date: August 31, 1988

For further information, please call: (512) 474-2233





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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 1.

ADMINISTRATION

Part I. Governor's Office

Chapter 1. Office of Traffic Safety

- 1 TAC §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54, 1.61

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the Office of the Governor or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Governor's Office proposes the repeal of §§1.1, 1.3, 1.11-1.13, 1.21, 1.31-1.34, 1.41-1.45, 1.51-1.54, and 1.61, concerning the office of traffic safety. The provisions are unnecessary as the relevant ones were merged into similar provisions relating to the Department of Public Safety. Thus, there is no need for them to go into the administrative code.

D. R. Millard, III, assistant general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Millard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to describe the number of regulations which are no longer applicable and simplifying the administrative code.

Comments on the proposal may be submitted to D. R. Millard, III, Assistant General Counsel, Office of the Governor, P.O. Box 12428, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Articles 4413(32a), 6252-13a, and Texas Constitution Article IV, §10, which provide the Governor's Office with the authority to adopt and therefore repeal and make available for public inspection rules setting the formal and informal procedures of the office.

§1.1. *Purpose and Scope.*

§1.3. *Availability of Documents.*

§1.11. *Relationship of Traffic Safety Contracts to the Texas Traffic Safety Program Plan.*

§1.12. *Eligible Programs.*

§1.13. *Ineligible Activities and Items.*

§1.21. *Submission of Plans.*

§1.31. *Basic Requirements.*

§1.32. *Special Exception for State*

Interagency Contracts.

§1.33. *Special Exception for Purchases Through the State Procurement System.*

§1.34. *Assistance to Applicants.*

§1.41. *General Acceptance Criteria.*

§1.42. *Acceptance Criteria for Countermeasure Program Contracts.*

§1.43. *Acceptance Criteria for Experimental Program Contracts.*

§1.44. *Acceptance Criteria for Support Program Contracts.*

§1.45. *Changes and Termination.*

§1.51. *Administrative Requirements.*

§1.52. *Cost Principles.*

§1.53. *Audits.*

§1.54. *Changes in Federal Rules and Regulations.*

§1.61. *Offices.*

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804441

D. R. Millard, III
Assistant General Counsel
Governor's Office

Earliest possible date of adoption: June 10, 1988

For further information, please call: (512) 463-1815

Chapter 5. Budget and Planning Office

- 1 TAC §§5.1-5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.51-5.57, 5.71, 5.91-5.93, 5.101-5.110, 5.121-5.131

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the Office of the Governor or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Governor's Office proposes the repeal of §§5.1-5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.51-5.57, 5.71, 5.91-5.93, 5.101-5.110, and 5.121-5.131, concerning various matters relating to the budget and planning office. The programs which gave rise to these provisions are no longer in effect and so the provisions are superfluous.

D. R. Millard, III, assistant general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the re-

peals.

Mr. Millard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to decrease the number of regulations which are no longer applicable and by simplifying the administrative code. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to D. R. Millard, III, Assistant General Counsel, Office of the Governor, P.O. Box 12428, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Articles 4413(32a), 6252-13a, and Texas Constitution Article IV, §10, which provide the Governor's Office with the authority to adopt and therefore repeal and make available for public inspection rules setting the formal and informal procedures of the office.

§5.1. *Public Works and Economic Development Act.*

§5.2. *Intergovernmental Personnel Act of 1970.*

§5.3. *Comprehensive Planning Act of 1970.*

§5.4. *Federal Aid Highway Act.*

§5.5. *National Mass Transportation Assistance.*

§5.6. *Areawide Waste Treatment Management.*

§5.7. *Comprehensive Employment Training Act.*

§5.8. *National Environmental Policy Act of 1969.*

§5.21. *Name.*

§5.22. *Purpose.*

§5.23. *Membership.*

§5.24. *Meetings.*

§5.25. *Staffing.*

§5.31. *Adoption by Reference.*

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§5.42. *Purpose.*

§5.43. *Membership.*

§5.44. *Meetings.*

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§5.55. *Procedure.*

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§5.71. *Parliamentary Guidelines.*

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§5.102. *Meetings.*

§5.103. *Quorum.*

- §5.104. Officers.
- §5.105. Staff.
- §5.106. Agenda Items.
- §5.107. Minutes.
- §5.108. Committees.
- §5.109. Amendments.
- §5.110. Rules.
- §5.121. Scope of Coastal Energy Impact Program.
- §5.122. Types of Assistance.
- §5.123. Eligibility for Coastal Energy Impact Program Assistance.
- §5.124. Relationship to the Texas Coastal Management Program.
- §5.125. Intrastate Allocation Process Requirement.
- §5.126. Allocation Criteria and Procedures.
- §5.127. Applications.
- §5.128. Review Requirements.
- §5.129. Notice of Allocation Recommendations.
- §5.130. Appeals Process.
- §5.131. Submission of Applications to the Office of Coastal Zone Management.

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804442 D. R. Millard, III
Assistant General Counsel
Governor's Office

Earliest possible date of adoption: June 10, 1988

For further information, please call: (512) 463-1815



• 1 TAC §§5.211-5.217, 5.231-5.236, 5.251-5.253, 5.271

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the Office of the Governor or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Governor's Office proposes the repeal of §§5.211-5.217, 5.231-5.236, 5.251-5.253, and 5.271, concerning various matters relating to the budget and planning office. The programs which gave rise to these provisions are no longer in effect and so the provisions are superfluous.

D. R. Millard, III, assistant general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the repeals.

Mr. Millard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be to decrease the number of regulations which are no longer applicable and by simplifying the administrative code. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to D. R. Millard, III, Assistant General Coun-

sel, Office of the Governor, P.O. Box 12428, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Articles 4413(32a), 6252-13a, and Texas Constitution Article IV, §10, which provide the Governor's Office with the authority to adopt and therefore repeal and make available for public inspection rules setting the formal and informal procedures of the office.

- §5.211. State Single Point of Contract Responsibilities.
- §5.212. Regional Review Agency Responsibilities.
- §5.213. Conflict of Interest.
- §5.214. Use of Other Public Bodies in the Review Process.
- §5.215. Sharing of Application Information Among Review Agencies.
- §5.216. State Agency Responsibilities.
- §5.217. Applicant Responsibilities.
- §5.231. Review Procedures.
- §5.232. Review of Projects with Mandated Public Participation.
- §5.233. Notification of Intent.
- §5.234. Determining Eligibility for Review.
- §5.235. Project Review Criteria.
- §5.236. Review Schedule.
- §5.251. Federal Accommodation of Review Comments.
- §5.252. State Accommodation of Local Review Comments.
- §5.253. Right of a Dissenting Political Subdivision to Request Accommodation.
- §5.271. Transition from OMB Circular A-95 to TRACS.

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804444 D. R. Millard, III
Assistant General Counsel
Governor's Office

Earliest possible date of adoption: June 10, 1988

For further information, please call: (512) 463-1815



Chapter 7. Greater South Texas Cultural Basin Commission .

• 1 TAC §§7.1-7.5

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the Office of the Governor or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Governor's Office proposes the repeal of §§7.1-7.5, concerning the Greater South Texas Cultural Basin Commission. The commission is no longer in existence and therefore the regulations are superfluous.

D. R. Millard, III, assistant general counsel, has determined that for the first five-year period the proposed repeals are in effect there will be no fiscal implications for state or local government or small businesses as a

result of enforcing or administering the repeals.

Mr. Millard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the sections will be to decrease the number of regulations which are no longer applicable and by simplifying the administrative code. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to D. R. Millard, III, Assistant General Counsel, Office of the Governor, P.O. Box 12428, Austin, Texas 78711.

The repeals are proposed under Texas Civil Statutes, Articles 4413(32a), 6252-13a, and Texas Constitution Article IV, §10, which provide the Governor's Office with the authority to adopt and therefore repeal and make available for public inspection rules setting the formal and informal procedures of the office.

- §7.1. Eligible Applicants
- §7.2. Types of Grants
- §7.3. Project Selection Procedure
- §7.4. Application Procedures
- §7.5. Appendices.

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804443 D. R. Millard, III
Assistant General Counsel
Governor's Office

Earliest possible date of adoption: June 10, 1988

For further information, please call: (512) 463-1815



TITLE 13. CULTURAL RESOURCES

Part VII. State Preservation Board

Chapter 111. Rules and Regulations of the Board

• 13 TAC §111.13

The State Preservation Board proposes an amendment to §111.13, concerning exhibitions and events in the Capitol Building. The State Preservation Board proposes amendments to rules concerning exhibits and events in the Capitol Building. The section defines exhibitions and events, what areas of the building can be used, and what constitutes a public purpose. The section also specifies what must be done to get approval of an exhibition or event, and also, what is allowed and not allowed, in addition to who approves such.

Michael Schneider, administrative assistant, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Schneider also has determined that for

each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be a uniform policy of scheduling exhibits and events in the capitol under the direction of the office of the architect of the Capitol. The anticipated economic cost to individuals who are required to comply with the section as proposed will be that exhibitors sponsoring events are responsible for any costs associated with their respective exhibit or event.

Comments on the proposal may be submitted to Michael Schneider, P.O. Box 13286, Austin, Texas 78711 or Room 313, State Library and Archives Building.

The amendment is proposed under Texas Civil Statutes, Article 6145-14, which provide the State Preservation Board with the authority to authorize rules and approve all exhibits placed in the building.

§111.13. Exhibitions and Events in the Capitol Building.

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

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

(4) Public purpose—The promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all of the inhabitants or residents within the state, the sovereign powers of which are exercised to promote such public purpose or public business. The chief test of what constitutes a public purpose is that the public generally must have a direct interest in the purpose and the community at large is to be benefited. This does not include activities which promote a specific viewpoint or issue and/or [and] could be considered lobbying. Political rallies, receptions, and campaign activities are prohibited in the public areas of the Capitol.

(b) Approval of Exhibits.

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

(c) Scheduling Exhibits.

(1)-(6) (No change.)

(d) Approval of Events.

(1)-(7) (No change.)

(8) All art and photographic exhibits, such as banners, streamers, or posters, used during an event, must be on free-standing displays, backdrops, or tripods. Such materials may not be hung from walls or railings.

(e) Scheduling Events.

(1)-(4) (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 May 2, 1988.

TRD-8804452 Michael Schneider
Administrative Assistant
State Preservation Board

Earliest possible date of adoption: June 10,

1988

For further information, please call: (512) 463-5495

TITLE 28. INSURANCE

Part I. State Board of Insurance

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

Subchapter S. Minimum Standards and Benefits and Readability for Accident and Health Insurance Policies

• 28 TAC §3.3039

The State Board of Insurance proposes new §3.3039, concerning mandatory policy provisions for individual policies of accident and sickness insurance. The new section is necessary to implement the provisions of the Insurance Code, Article 3.76, which provides that each individual or group policy of accident and sickness insurance, including a policy issued by a company subject to the Insurance Code, Chapter 20, that is delivered, issued for delivery, or renewed in Texas on or after January 1, 1988, shall provide for payment of benefits on behalf of dependent children to the Texas Department of Human Services (the department) under appropriate circumstances. The new section specifies the language which an insurance policy must use to require payment to the department, and specifies the circumstances under which benefits must be paid to the department.

A. W. Pogue, deputy insurance commissioner for life, accident, and health insurance, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section. For small businesses, the cost of compliance with the proposed section will be the same as the anticipated economic cost to all persons who are required to comply with the section. On the basis of cost per hour of labor, there is no anticipated difference in cost of compliance between small and large businesses.

Mr. Pogue 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 more effective payment to the Texas Department of Human Services of accident and health insurance benefits for dependent children. The anticipated economic cost to persons who are required to comply with the section is the cost of amending or endorsing existing policy forms. That cost should be less than \$5.00 per policy.

Comments on the proposal may be submitted to A. W. Pogue, Deputy Insurance Commissioner for Life, Accident, and Health Insurance, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The new section is proposed under the Insur-

ance Code, Article 3.76, §3, which provides the State Board of Insurance with the authority to prescribe uniform policy provisions, riders, and endorsements for statutory requirements for individual and group policies of accident and sickness insurance, including a policy issued by a company subject to the Insurance Code, Chapter 20, that is delivered, issued for delivery, or renewed in this state.

§3.3039. Mandatory Policy Provisions.

(a) Each individual policy of accident and sickness insurance, including a policy issued by a company subject to the Insurance Code, Chapter 20, that is delivered, issued for delivery, or renewed in Texas on or after January 1, 1988, must contain a benefit provision which states, "All benefits payable under this policy on behalf of a dependent child insured by this policy for which benefits for financial and medical assistance are being provided by the Texas Department of Human Services shall be paid to said department" whenever:

(1) the Texas Department of Human Services is paying benefits under the Human Resources Code, Chapter 31 or Chapter 32, i.e., financial and medical assistance service programs administered pursuant to the Human Resources Code; and

(2) the parent who purchased the individual policy has possession or access to the child pursuant to a court order, or is not entitled to access or possession of the child and is required by the court to pay child support.

(b) The insurer or group nonprofit hospital service company must receive at its home office, written notice affixed to the insurance claim when the claim is first submitted, and the notice must state that all benefits paid pursuant to this section must be paid directly to the Texas Department of Human Services.

(c) With respect to any policy forms approved by the State Board of Insurance prior to January 1, 1988, an insurer is authorized to achieve compliance with this section by the use of endorsements or riders, provided such endorsements or riders are approved by the State Board of Insurance as being in compliance with this section and the provisions of the Insurance Code.

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804500 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: June 10, 1988

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

Chapter 9. Title Insurance

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

• 28 TAC §9.1

The State Board of Insurance proposes an amendment to §9.1, concerning adoption by reference of the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* (the manual). The amendment to the section itself is necessary to reflect amendments which the board is proposing to the manual, which the section adopts by reference. The amendments to the manual are necessary to facilitate the administrator of the regulation of title insurance in this state. The amendment to §9.1 would incorporate by reference certain amendments to the manual which were originally submitted as individual agenda items at the annual hearing of the State Board of Insurance on rates and rules concerning title insurance. The board held the annual hearing on December 17, 18, and 21, 1987, and January 7, 1988. The amendments to the manual would modify currently existing promulgated rate rules and would add or expand other rules and forms. Agenda Item 87-4 would amend Rate Rule R-8 to reduce the credit on mortgagee policies and lengthen the time credit is available. Agenda Item 87-5 proposes new rate rules R-21 and R-22 which would require the deposit of an application premium. Agenda Item 87-6 proposes an amendment to rate rule R-9 pertaining to change of title. Agenda Item 87-7 proposes new procedural rule P-23 establishing the division of premium between underwriters and agents. Agenda Items 87-8, 87-9, and 87-10 propose an amendment to license procedures. Agenda Item 87-15 proposes amendments to definitions in procedural rule P-1. Agenda Item 87-16 proposes new procedural rule P-25 defining reasonable time for furnishing title evidence. Agenda Item 87-17 proposes new procedural rule P-27 regarding good funds. Agenda Item 87-18 proposes new procedural rule P-24 which establishes percentages or premium to be paid for services rendered.

Agenda Items 87-50, 87-51, and 87-52 propose a new insuring form, procedural rule, and rate rule providing for protection pertaining to environmental liens. Agenda Item 87-60 proposes amendment to the facultative reinsurance agreement. The board has filed with the Secretary of State's Office, Texas Register Division, copies of the proposals for amendments to the manual under the agenda items. Persons desiring copies of the proposals can obtain copies from the Title Insurance Section of the State Board of Insurance at 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Stephen A. Hester, Jr., title insurance manager, has determined that for the first five-year period the proposed amendment will in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering this section. The cost of compliance with the amendment for small businesses will be an increase of no more than \$25 in expenses for completion of any form required by the amendment. On the basis of cost per hour of labor, there will be no difference in cost of compliance

between small businesses and large businesses.

Mr. Hester 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 clarification and standardization of rules and forms in the regulation of title insurance and a decrease in the expenses incurred by title insurers resulting in a downward effect on the rates for the consumer. The anticipated economic cost to persons who are required to comply with the proposed section will be a minimal increase of no more than \$25 in expenses for completion of any form as required by amendment of the manual.

Comments on the proposal may be submitted to Stephen A. Hester, Jr., Title Insurance Manager, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Texas Civil Statutes, Article 6252-13a, §4 and §5 and Insurance Code, Articles 1.04, 9.07, and 9.21, which provide the State Board of Insurance with the authority to determine policy and rules. The Insurance Code, Article 9.07, authorizes and requires the board to fix and promulgate the premium rates to be charged by title insurance companies and title insurance agents, to promulgate or approve forms for policies of title insurance, and to require title insurance companies and agents to submit information material for the board's consideration. The Insurance Code, Article 9.21, authorizes the board to promulgate and enforce rules and regulations prescribing underwriting standards and practices, and to promulgate and enforce all other rules and regulations necessary to accomplish the purposes of the Insurance Code, Chapter 9, concerning regulation of title insurance.

§9.1. *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas*. The State Board of Insurance adopts by reference the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas* as amended effective July 1, 1988 [May 1, 1987]. The document is published by and is available from Hart Graphics, P.O. Box 968, Austin, Texas 78767, and is available from and on file at the State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804499 Nicholas Murphy
Chief Clerk
State Board of Insurance

Earliest possible date of adoption: June 10, 1988

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



TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

Chapter 25. Membership Credit Compensation

• 34 TAC §25.30

The Teacher Retirement System of Texas (TRS) proposes an amendment to §25.30, which prevents the manipulation of compensation credit with the retirement system to maximize retirement benefits while minimizing member contributions. TRS law excludes various forms of compensation, such as bonuses, fringe benefits, and allowances, from salary credit in determining member benefits and contributions. Section 25.30 excludes from credit for a period of seven years before retirement amounts subsequently converted from noncreditable compensation to creditable compensation. The proposed amendment would relax the application of the rule where the noncreditable compensation has been paid for only one year. This permits employers who may institute a new noncreditable form of compensation to change to a creditable form of compensation by the next year and avoid the application of the conversion rule for their employees.

Wayne Fickel, TRS controller, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Fickel also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that TRS members receiving noncreditable compensation will not lose retirement benefits under the conversion rule if their employers convert the form of compensation before the next school year. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Bruce Hineman, Executive Secretary, 1001 Trinity, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Title 110B, §35.110, which provide the Board of Trustees of the Teacher Retirement System with the authority to adopt rules to prevent conversion of noncreditable compensation to creditable compensation in benefit calculations.

§25.30. *Conversion of Noncreditable Compensation to Salary*.

(a)-(g) (No change.)

(h) This section does not apply to noncreditable compensation that was paid in only one school year.

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

Issued in Austin, Texas, on May 3, 1988.

TRD-8804504

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Proposed date of adoption: June 10, 1988

For further information, please call: (512)
397-6400

◆ ◆ ◆
**Chapter 27. Termination of
Membership and Refunds**

◆ ◆ ◆
• 34 TAC §27.1

The Teacher Retirement System of Texas proposes an amendment to §27.1, concerning the termination of membership and refunds because of absence from covered employment. Paragraph (2) of this section is deleted because the statute in Texas Civil Statutes, Title 110B, §32.003, regarding termination of membership does not provide a disability exception to membership termination.

Wayne Fickel, TRS controller, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Fickel also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the rule will accurately state current law with respect to termination of membership because of absence from covered employment. There is no anticipated economic cost to individuals who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Bruce Hineman, Executive Secretary, 1001 Trinity, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Title 110B, §35.102, providing the Board of Trustees of the Teacher Retirement System with the authority to adopt rules for membership eligibility, administer the funds of the retirement system, and conduct its business.

§27.1. Termination Because of Absence. Membership in the Teacher Retirement System terminates because of absence from creditable service for six consecutive school years unless the member[:]

[(1) does not withdraw his account and has ten or more creditable years of actual service in the public schools of Texas, regardless of age, at the end of his last covered employment [:or]

[(2) does not withdraw his account and was eligible for disability retirement at the end of his last covered employment.]

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

Issued in Austin, Texas, on May 3, 1988.

TRD-8804505

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Proposed date of adoption: June 10, 1988

For further information, please call: (512)
397-6400

◆ ◆ ◆
Chapter 45. Franchise Tax

◆ ◆ ◆
• 34 TAC §45.01, §45.02

The Teacher Retirement System of Texas (TRS) proposes new §45.01 and §45.02, concerning the payment of Texas franchise tax by corporations which contract with TRS. The new sections are proposed to comply with the law requiring corporations that contract with state agencies certify that the Texas franchise taxes are current and paid.

Wayne Fickel, TRS controller, has determined that for the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Mr. Fickel also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the sections will insure that corporations which contract with TRS have paid and are current in payments of their Texas franchise tax. There is no anticipated economic cost to individuals who are required to comply with the sections as proposed.

Comments on the proposal may be submitted to Mr. Bruce Hineman, Executive Secretary, 1001 Trinity, Austin, Texas 78701.

The new sections are proposed under Texas Civil Statutes, Title 110B, §35.102 which provide authority to the Board of Trustees to adopt rules necessary to transact its business.

§45.01. Certification of Payment. Every corporation subject to Texas franchise taxes which contracts with TRS must certify in writing that its Texas franchise taxes are current and paid. Those corporations which are exempt from the payment of franchise taxes must certify in writing that they are exempt from the payment of Texas franchise taxes or that they are not subject to the Texas franchise taxes.

§45.02. False Statements. If a corporation makes a false statement in its certification regarding its status on the Texas franchise tax, TRS will treat the statement as a material breach of the contract and may at its own option cancel the contract.

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

Issued in Austin, Texas, on May 3, 1988.

TRD-8804503

Bruce Hineman
Executive Secretary
Teacher Retirement
System of Texas

Proposed date of adoption: June 10, 1988

For further information, please call: (512)

397-6400

◆ ◆ ◆
**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

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

**Chapter 27. Intermediate Care
Facility for Mentally
Retarded**

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services or in the Texas Register office, Room 503, Sam Houston Building, 201, East 14th Street, Austin.)

The Texas Department of Human Services (DHS) proposes the repeal of §27.1214 and new §27.3011, concerning discharge or transfer, in its Intermediate Care Facility for Mentally Retarded (ICF-MR) chapter. The repeal of §27.1214 permits development of a new section for discharge and transfer requirements in order to match the numerical sequence of topics in the ICF-MR Standards for Participation. New §27.3011 clarifies when a facility must complete a resident transaction notice to document a discharge or a transfer and when a facility must initiate a level-of-care determination after the discharge and readmission of a resident or after the admission of a resident discharged from another Title XIX facility.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Packard 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 clarify when facilities must complete resident transaction notices and when they must initiate level-of-care determinations. There is no anticipated economic cost to individuals who are required to comply with the proposal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-262, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

**Subchapter M. Admissions
Policy**

◆ ◆ ◆
• 40 TAC §27.1214

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

§27.1214. Discharge or Transfer.

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

Issued in Austin, Texas, on May 3, 1988.

TRD-8804463

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: July 27, 1988

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

◆ ◆ ◆
**Subchapter EE. Admission and
Release**

◆ ◆ ◆
• 40 TAC §27.3011

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

§27.3011. Discharge or Transfer.

(a) If a resident is discharged from a facility or transferred to a section of a facility providing a different level of care, the administrator of the facility must complete a resident transaction notice to document the change. The administrator must submit the resident transaction notice to the DHS Nursing Home Billing Services Section and to the appropriate DHS Medicaid eligibility worker within 72 hours. The administrator must include the resident's post-discharge address, if known, on the resident transaction notice.

(b) If the resident is discharged to another Title XIX facility (ICF, SNF, or ICF-MR), the administrator of the admitting facility must initiate a level-of-care determination for the admission if any of the following circumstances exist:

(1) more than 30 days have elapsed between discharge from one facility and admission to the new facility;

(2) the resident's current level of care has expired; or

(3) the admitting facility is contracted to provide a different level of care than the resident's current level of care.

(c) If a resident is discharged from a facility and subsequently readmitted to the same facility, the administrator must initiate a level-of-care determination when:

(1) more than 30 days have elapsed between discharge and readmission; or

(2) the resident's current level of care expired during his absence .

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

Issued in Austin, Texas, on May 3, 1988.

TRD-8804462

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: July 27, 1988

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

◆ ◆ ◆
**Chapter 43. Utilization Control
Physician Visits**

◆ ◆ ◆
• 40 TAC §43.201

The Texas Department of Human Services (DHS) proposes new §43.201, concerning the review and recoupment of claims for above-routine physician's visits, in its Utilization Control rule chapter. Section 43.201 is added under a new undesignated head, Physician Visits. Section 43.201 specifies that if a physician's billings for above-routine visits exceed 40% of his total billings for visits, DHS or its designee reviews the above-routine visits for medical appropriateness. If the claims are not medically appropriate, DHS or its designee will adjust the claim and recoup the difference between the above-routine and routine levels.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Packard has also 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 control unnecessary or excessive costs to the Medicaid program. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy De-

velopment Support Division-205, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§43.201. Review and Recoupment of Above-routine Physician Visit Claims.

(a) The department or its designee reviews each physician's claim for visits to determine whether any above-routine services were billed and were consistent with the standard in subsection (b) of this section. The review includes all phases of claims processing and retrospective review and is applied to billings for physicians' visits in all health care settings.

(b) The department or its designee determines which procedure codes are routine and above-routine. The department has established a standard that 60% of a physician's total billings for visits are routine. If a physician's billings for above-routine visits exceeds 40% of his total billings for visits, the department or its designee reviews the above-routine services for medical appropriateness.

(c) If the department or its designee determines that the above-routine services were not appropriate, it adjusts the billings for those services to a routine level. The department or its designee recoups the difference between the above-routine and routine levels.

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

Issued in Austin, Texas, on May 4, 1988.

TRD-8804502

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Proposed date of adoption: July 11, 1988

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

Adopted Sections

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

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

TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 109. Budgeting, Accounting, and Auditing

Subchapter D. Adoptions by Reference

19 TAC §109.61

The Texas Education Agency adopts an amendment to §109.61, without changes to the text published in the April 1, 1988, issue of the *Texas Register* (13 TexReg 1518). The section concerns the adoption by reference of the financial accounting manual for school districts and regional education service centers, Bulletin 679. The amended bulletin, which has been entirely reprinted, contains editorial changes for clarification. In order to continue implementation of the Public Education Information Management System (PEIMS) the bulletin continues to emphasize that all school districts are to use the codes as listed in the bulletin without deviation. Effective September 1, the bulletin requires uniformity in accounting for campus and program costs. The revised bulletin includes five new sections: Sections ACT 319-321, concerning accounting for enterprise, internal service and similar trust funds, accounting for gifts and bequests, and accounting for fixed assets subject to depreciation, and Sections PRC 507, and 511, concerning vehicle cost record and travel vouchers.

The fiscal audit portion of the bulletin (Parts AUD and SPG) will be effective upon adoption of the amended section. The rest of the bulletin will be applicable for the 1988-1989 school year.

Effective September 1, school districts will use the codes in Bulletin 679 for campus and program cost budgeting and accounting.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.26(a)(1) and (3), which directs the State Board of Education to adopt budgets for operation of the Foundation School Program and other programs and to establish procedures for budgetary control, expending, auditing, and reporting on expenditures within budgets adopted.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 2, 1988.

TRD-8804464

W. N. Kirby

Commissioner of Education

Effective date: May 24, 1988

Proposal publication date: April 1, 1988

For further information, please call: (512) 463-9212

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 115. Home Health Care Agencies

Licensing and Regulation

• 25 TAC §115.2, §115.18

The Texas Department of Health adopts an amendments to §115.2 and new §115.18 with changes to the text as proposed in the January 12, 1988, issue of the *Texas Register* (13 TexReg 231). The amendment and new section will ensure patient health and safety by regulating the home health agencies that are providing dialysis care to patients in their home. The amendment adds new definitions regarding end stage renal disease and home dialysis. The new section covers clinical, equipment, and personnel standards for home dialysis.

Following are comments received and the departments responses concerning the proposed amendment to §115.2. One commenter stated he did not understand the meaning of the phrase "for home dialysis designation", which is used in each definition. The department's response is that the intent of the phrase "for home dialysis designation" is to clarify the definitions and is only applicable to a Class B agency which requests and meets the additional licensing standards to obtain home dialysis designation. Four commenters stated that the term "dietitian" was not defined. The department agrees with the commenters and has added a definition for "dietitian" which is consistent with Medicare and state regulations. The department changed the term "nephrology practitioner" to "medical director", as the definition is applicable to the medical director. The term "nephrology practitioner" is now referred to in the sections as "physician". One commenter stated that the reference to a physician being eligible by a professional board in the definition of "nephrology practitioner" has little meaning as it is not clearly defined. The department disagrees with the commenter as the language in the definition is consistent with Medicare regulations. The department, however, has changed the term "nephrology practitioner" to "medical director" and has de-

leted in adopted §115.18(i) the language regarding the medical director's qualifications. One commenter stated that the requirement for nursing care experience in the definition of "qualified registered nurse" be increased to 12 months so as to maximize the competence of care provided to dialysis patients. The department disagrees with the commenter as the current definition for "qualified registered nurse" is consistent with Medicare regulations concerning End Stage Renal Disease (ESRD). Under the definition, "qualified social worker", the department has changed the educational abbreviation of "MSW" to "MSSW", which is the correct title.

Following are comments received and the departments responses concerning the proposed new §115.18. One commenter questioned in subsection (a) whether the "agency" is the "provider". The department's response is that the word "provider" is a Medicare term. The department has clarified the term "agency" in the subsection by saying that it means the Class B home health agency which is providing home dialysis services. One commenter suggested adding language to subsection (a) which would clarify any conflicts between the standards specified in §115.18 and those specified in §115.10 of this title (relating to Standards for Class B License). The department agrees with the commenter and has added the suggested language to subsection (a). One commenter stated that the requirement under subsection (b) would violate the confidentiality of records and proceedings of any committee of a medical organization under Texas Civil Statutes, Article 4447d. The commenter recommended the deletion of the last two sentences in subsection (b). The department agrees with the commenter and has deleted the last sentence in subsection (b) and has changed the language in the previous sentence to require that the minutes from the governing body of the agency be on file. One commenter stated that the language in subsections (c), (d), and (e) are duplicative, and that subsection (e) alone adequately covers the requirements. The department agrees with the commenter and has deleted subsections (c) and (d). Subsection (e) has been changed to subsection (c) and subsequent adopted subsections have been realphabetized accordingly. The department has added a new paragraph (1) to the final subsection (c) which requires that there must be an effective procedure for the immediate transfer to a local medicare certified hospital for patients requiring emergency medical care. The department has added a new subsection (d) which augments the adopted subsection (c). The new subsection provides that the agency shall have an agreement with a Medicare certified ESRD center or facility to provide back-up outpatient dialysis services. One commenter suggested that the language in proposed subsection (h) in-

clude CPR certification. The department agrees and has changed the word "training" to CPR "certification" in adopted subsection (g). The language in proposed subsection (i) has been deleted as the qualifications for Medical Director are addressed in §115.2, Definitions.

Concerning proposed subsection (j), a commenter suggested that all physicians, including the medical director, be required to reside in the state of Texas. Another commenter suggested that the subsection require all physicians, including the medical director, to have evidence of current Texas state licensure. The department disagrees with the first comment because it is unreasonable to require Texas residency for all physicians. The department agrees with the second comment and adopted subsection (i) requiring all physicians, including the medical director, to be currently licensed in the State of Texas.

One commenter stated that the language in proposed subsection (k) be changed to require that the patient care plan be developed in writing by the interdisciplinary team within thirty days following the first dialysis treatment at home. The department agrees in part with the commenter and has deleted the requirement of developing the care plan prior to the first dialysis treatment at home. Also, the language has been changed to clarify the initial admission assessment is performed by a qualified registered nurse. Subsection (k) has been re-alphabetized and is now adopted subsection (j). Also, the department has deleted proposed subsection (w), has moved this subsection in modified form to the new adopted subsection (k), and has clarified the agency's development of a long term program for each patient admitted for home dialysis. The department has changed the language in adopted subsection (l) to state that home staff assisted dialysis is selected rather than ordered, and "nephrology practitioner" has been changed to "physician".

One commenter recommended in proposed subsection (l) the changing of the revision of medical orders from every six months to every three months. The department disagrees with the commenter as the revision of medical orders every six months is consistent with the revision of patient care plans every six months. One commenter stated that many of the components required in the medical orders are the same in the patient care plan and requested that the reference requirements in proposed subsection (m) be included with the patient care plan. The department disagrees with the commenter as the physicians medical orders to the agency are different than the individualized patient care plans developed by the agency staff. The department has deleted the language in adopted subsection (m) requiring the initial orders be developed in conjunction with the interdisciplinary team. One commenter recommended in proposed subsection (m) that the orders include the prescription for type and reasons for use of dialysate. The department agrees in part with the commenter and has included the requirement for dialysate in the adopted subsection (m); however, it is each individual physician's judgment for using the dialysate ordered. One commenter objected to the language in proposed subsection (n) which would prohibit home dialysis treatments until after consultation with the

patient and/or the patient's family and the preparation of the patient care plan. The commenter recommended that the language be revised to require the completion of the care plan within 30 days after the patient's first treatment. The department agrees in part and has added language to the adopted subsection (n) requiring that the initial patient care plan be completed by the interdisciplinary team within ten days after the first home dialysis treatment. Concerning proposed subsection (n), one commenter suggested that all patient care plans be reviewed every two months for stable as well as non-stable patients. The department disagrees with the commenter and has changed in adopted subsection (n) the requirement for reviewing the patient care plan for a stable patient from every two months to every six months. This change is consistent with the review and update of medical orders every six months.

Concerning proposed subsection (n), one commenter suggested that if a particular patient experiences a given factor which results in his or her instability, the appropriate member of the interdisciplinary team be contacted for consultation. The department disagrees with the commenter as factors that indicate a patient is unstable would require the necessity for appropriate consultations or directions from an interdisciplinary team member. The department also has added language in adopted subsection (n) to require that the long term program be revised as needed and reviewed annually. This is consistent with Medicare regulations concerning End Stage Renal Disease (ESRD). One commenter stated that language in proposed subsection (o)(2) would not allow patients to leave or transfer out of home care on their own. The department disagrees with the commenter as the language is consistent with ESRD Medicare regulations. The patient has the right to plan his or her medical treatment which may include the right to leave the home care program. Three commenters took exception to the requirement in proposed subsection (p) which allows a licensed physician in the State of Texas to delegate to dialysis technicians the administration of medications to patients. The commenters stated that only registered nurses or licensed vocational nurses should be allowed to perform dialysis in the home. One commenter said that allowing non-licensed personnel to perform dialysis in the home would establish a lower standard of care. One commenter questioned which physician (medical director or attending physician) has the liability for procedures done by unlicensed personnel. The department disagrees with the commenters as the Texas Medical Practice Act, Texas Civil Statutes, Article 4495b, specifically authorizes the delegation of medical acts by a licensed physician in the State of Texas. This would include the delegation of medication administration to dialysis technicians. A Class B home health agency with home dialysis designation may, if it decides to do so, only hire and utilize the services of registered nurses and licensed vocational nurses. It is each physician's choice to select the level of preparation required for the care given. This question is addressed in adopted subsection (m).

One commenter suggested adding new language in proposed subsection (p) to allow the dialysis technician to administer, in an emergency, Dextrose 50% to a diabetic patient

who has a reaction. It is presumed the reaction is due to administration of insulin. The department disagrees with the commenter as the current language allows the dialysis technician to administer a minimal number of drugs, neither of which are insulin or Dextrose 50%. The administration of Dextrose 50% at ESRD inpatient units is not performed by dialysis technicians. A patient requiring Dextrose 50% would be considered unstable and should not be a candidate for home dialysis. The department has changed "nephrology practitioner" to "physician" in adopted subsection (p).

One commenter questioned if the language in proposed subsection (q) means that two registered nurses are on call. The intent of the language is for one registered nurse to be available at all times. The Department has changed the language in the adopted subsection (q) to clarify that the second registered nurse is designated by the administrator as an alternate. The department also has changed the language in adopted subsection (q) by changing "medical social worker" to "qualified social worker" and changing "MSW" to "MSSW".

Concerning proposed subsection (r), the department has rearranged the paragraphs in the adopted subsection (r) for purposes of clarifying the subsection.

One commenter stated that the on-site supervision of dialysis technicians by the registered nurse in proposed subsection (r)(1) be changed from every 30 days to once every 60 days. The department disagrees with the commenter because the supervisory requirements are consistent with those of other allied health care providers. Four commenters stated that the qualifications for the home dialysis technicians in proposed subsection (r)(2) are too stringent and may rule out the employment of most dialysis technicians. Two commenters suggested reducing the years of experience for the dialysis technician. The department disagrees with the commenters as the current qualifications are necessary to insure employment of knowledgeable and competent technicians. The department will consider revising these qualifications if they are found to be too regulatory. The department has changed the language in adopted subsection (r)(3)(B) to read "albumin or insulin". One commenter recommended the deletion of blood cultures from the list of prohibited tasks for a dialysis technician. The department has changed the language in adopted subsection (r)(3)(C) from "blood cultures" to "non-access site venipuncture". Due to the change in the language in adopted subsection (r)(3)(C), obtaining blood cultures by a dialysis technician would be allowed from the blood lines. The department has changed the language in adopted subsection (r)(3)(D) from "gas" to "gases". The department has changed the language in adopted subsection (r)(3)(E) from "Desferal" to the generic name "Deferoxamine Mesylate". One commenter recommended that the language be changed in proposed subsection (r)(3)(F) to read, "utilize the technique of tight heparinization". The department agrees and has changed the language in adopted subsection (r)(3)(F). One commenter considered the technique of tight heparinization to be a routine procedure which could be performed by a dialysis technician. The commenter recommended the de-

letion of the technique of tight heparinization from the list of tasks a dialysis technician is not allowed to perform. The department disagrees with the commenter because this procedure is considered a nursing level function. One commenter stated that the orientation and training required in proposed subsection (s) could be demonstrated by testing rather than retraining. The department agrees in part with the commenter and considers this to be addressed in adopted subsections (t)(1) and (u)(2). The department has adopted new subsection (u)(2) which contains language allowing the waiver of the classroom component of the orientation training program by the satisfactory completion of a written examination.

One commenter stated that the provision in proposed subsection (t)(2) of allowing the governing body to appoint the dialysis technician as a member of the medical staff is in violation of Texas Civil Statutes, Article 4437f, §2(e). The commenter recommended that this requirement be deleted. The department agrees with the commenter and has changed the language in adopted subsection (t)(2) to require that the governing body shall delineate the dialysis technician's privileges according to approved medical staff policies and procedures.

One commenter considered the chain of command in proposed subsection (t)(3) to be too long and suggested adding language to allow the dialysis technician to call the physician if he/she is unable to reach the registered nurse. The department disagrees as the registered nurse shall be available and is the supervisor of the dialysis technician.

One commenter considered the 80-hour orientation program in proposed subsection (u)(1) to be unreasonable and recommended the deletion of the 80-hour program to be replaced by appropriate orientation and direct observation commensurate with the individual's needs. The department agrees in part with the commenter and has added new language to the adopted subsection (u)(1) to allow waiving the classroom component of the orientation program by the satisfactory completion of a written examination.

One commenter recommended changing the language in proposed subsection (u)(3) to require the registered nurse to directly supervise the dialysis technician or nurse for a sufficient number of dialysis treatments rather than supervision of three dialysis treatments. The department disagrees with the commenter because a minimum of three supervisory sessions is considered adequate to ensure the technician's or nurse's ability and competency in providing dialysis services. One commenter questioned whether the language in proposed subsection (u)(3) means the employee must be observed in the home setting of a patient by the qualified registered nurse. The department's response is that the intent of the language is to require the supervisory observation of the employee by the qualified registered nurse in the patient's home; therefore, the department has made no change to the proposed language.

One commenter recommended changing the language in proposed subsection (u)(4) to require the supervision of the licensed vocational nurse by the registered nurse as needed rather than monthly. The department disagrees with the commenter as the monthly

supervision of the licensed vocational nurse is consistent with other state rules. One commenter questioned in proposed subsection (u)(4) what constituted the continuing education requirements. The commenter stated the training should be on a regular basis. The department considers the current language to be acceptable as the amount, content and location of the continuing education is based on each agency's policies and needs. The current language for quarterly continuing education is appropriate. The recommended language does not provide sufficient direction to the agency.

One commenter questioned in proposed subsection (v) whether physicians can use as their clinical progress notes the monthly office visits made by the patients. The department's intent is to allow a patient's office visit, a physician's home visit, etc., to be considered as part of clinical progress notes. The frequency of the progress notes is dependent upon the physician's judgment. The department considers the current language to be acceptable.

One commenter questioned if the short term care plan meetings used by his facility met the requirement in proposed subsection (w). The department's response is that, if the outcome of a patient care plan meeting is the development of a long term program using selection criteria, the intent of the rules is met. The department has changed the language in proposed subsection (w) and has moved the subsection to the new adopted subsection (k). This was done to clarify the requirement for assessment of a patient's residence, the admission assessment and the development of the long term program based on selection criteria. Since proposed subsection (w) has been deleted, the remaining subsections have been realphabetized. One commenter suggested that language be added to proposed subsection (x) to specify the contents of the letter from the waste disposal company. The department agrees in part with the commenter and has changed the language in the adopted subsection (w) to require that the agency shall have on file a letter from the waste disposal company, acknowledging the acceptance of bio-hazardous waste, and an agreement that the disposal method will be in compliance with the state solid waste regulations. One commenter recommended adding language to proposed subsection (x) to require that containers be made available to the patients and dialysis staff for the disposal of bio-hazardous materials. The department disagrees as it is the intent of the subsection to require compliance with applicable disposal codes, yet allow the agency flexibility in developing its own mechanisms to meet this requirement. Requiring disposal containers is deemed unnecessary and prescriptive. One commenter stated that paragraphs (1) and (2) in proposed subsection (y) are redundant. The department disagrees with the commenter because the language as written provides appropriate clarification. One commenter suggested changing the language in proposed subsection (z)(3) to include transferring a patient to the closest hospital with a dialysis unit. The department disagrees with the commenter as the transfer of the patient in this subsection would not be for a medical emergency.

The department has changed the language in

adopted subsection (y)(3) by deleting the term, "to exceed", adding the term, "not to meet", and deleting the term, "by written arrangement". The department has changed the language in adopted subsection (z) to delete the term, "transducer protectors". Two commenters stated that proposed subsection (cc) would prohibit agency personnel from occasionally transporting prescription items or dialyzers from the agency or vendor's place of business to the patient's home. The commenters suggested that language be added to allow for the occasional transport of items by staff to the patient's home. The department agrees with the commenters and has reorganized the sequence of the adopted subsection (bb)(1)-(2) and has added language to adopted subsection (bb)(2)(B) to include the transporting of items for re-use. The department also has added language providing that home health agency personnel may transport prescription items from a vendor's place of business to the patient's home for the patient's convenience, so long as the item is properly labeled with the patient's name and direction for use. The department has added language to adopted subsection (cc) (1) to include "911 if available". The department has added a new paragraph (5) to the final subsection (cc) containing criteria covering medical emergencies requiring transport to a hospital for care. Concerning proposed subsection (dd), one commenter stated that patients should have a phone in case of an emergency for the registered nurse or dialysis technician to call for help. The department agrees with the commenter and has changed the language in adopted subsection (cc)(4) to require home dialysis patients to have a telephone for immediate access to communicate emergency situations. One commenter recommended adding language to the section which would address the physician's supervisory role of dietary services. The department disagrees with the commenter as each patient's dietary needs are different and a listing of supervisory requirements would be restrictive.

The department has made minor editorial changes to adopted s §115.18 for purposes of clarification. None of the commenters were opposed to the rules in their entirety: However the commenters raised questions, expressed concerns and made recommendations concerning specific provisions in the rules.

commenters were: National Medical Care, Inc.; Nutrition Consultant Service of Houston, Inc.; Home Dialysis Care, Inc. of Texas; Dallas Nephrology Associates; Bio-Medical Applications of Dallas, Inc.; Law Firm of Wood, Lucksinger and Epstein; Renal Physicians of Texas. One individual submitted written comments to the proposed regulations. Texas Department of Health Home Health Care Agencies.

The amendments and new section are adopted under Texas Civil Statutes, Article 4447u, §4, which provides the Texas Board of Health with the authority to adopt rules covering home health agencies; and Article 4414b, §1.05, which provides the Texas Board of Health with the authority to adopt rules for the performance of every duty imposed by law on the Texas Board of Health, the Texas Department of Health, and the Commissioner of Health. Licensing and Regulations.

§115.2. Definitions. *The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.*

Dialysis treatment record—For home dialysis designation, a dated written notation by the person providing dialysis treatment which contains a description of signs and symptoms, machine parameters and pressure settings, medications administered as part of the treatment, and the patient's response to treatment.

Dietitian—For home dialysis designation, a person who is:

(A) eligible for registration by the American Dietetic Association under its requirements in effect on June 3, 1976, and has at least one year of experience in clinical nutrition or has a baccalaureate or advanced degree with major studies in food and nutrition or dietetics, and has at least one year of experience in clinical nutrition; and

(B) a person who is currently licensed under the laws of this state to use the titles of licensed dietitian, provisional licensed dietitian, or registered dietitian.

End stage renal disease or ESRD—For home dialysis designation, the stage of renal impairment that appears irreversible and permanent, and requires a regular course of dialysis or kidney transplantation to maintain life.

Interdisciplinary team—For home dialysis designation, the physician, the registered nurse, the dietitian, and the qualified social worker responsible for planning the care delivered to the home staff assisted dialysis patient.

Long term program—For home dialysis designation, the written documentation of the selection of a suitable treatment modality and dialysis setting which has been selected by the patient and the interdisciplinary treatment team.

Medical Director—For home dialysis designation, a physician who is licensed in the State of Texas and is eligible or certified in internal medicine or pediatrics by a professional board, and has had at least 12 months of experience or training in the care of patients at an ESRD facility.

Patient care plan -

(A) A written plan prepared by the appropriate health care personnel for each patient of the home health agency.

(B) For home dialysis designation, a written plan developed by the physician, registered nurse, dietitian and qualified social worker to personalize the care for the individual patient and enable long and short term goals to be met.

Qualified dialysis technician—For home dialysis designation, a nonprofessional person who provides dialysis care for a person in the home, under the supervision of a registered nurse or a licensed physician, as applicable.

Qualified registered nurse—For home dialysis designation, a person who is licensed as a registered nurse in Texas and has at least 12 months experience in clinical nursing and an additional six months of experience in nursing care of a patient with permanent kidney failure.

Qualified social worker—For home dialysis designation, a person who is currently certified under the laws of the State of Texas as a social worker and has a master's of science of social work (MSSW) from a graduate school of social work accredited by the Council on Social Work Education; or has served for at least two years as a social worker, one year of which was in a dialysis unit or transplantation program prior to September 1, 1976, and has established a consultative relationship with a certified MSSW.

§115.18. Standards for Home Dialysis Designation.

(a) The department may issue a Class B license to an agency designating it as an agency that provides home dialysis services. A Class B agency shall not provide home dialysis services unless the agency is licensed and designated to provide the services under these sections. In order to receive a home dialysis designation, the agency shall meet the licensing standards for a Class B home health agency in accordance with §115.10 of this title (relating to Standards for a Class B License) and shall also meet the standards prescribed in this section. In the event there is a conflict between the standards specified in this section and those specified in §115.10 of this title (relating to Standards for a Class B License), the standards specified in this section shall control for home staff assisted dialysis agencies.

(b) The agency shall have a governing body. The governing body shall appoint a medical director and the physicians who are on the agency's medical staff. The governing body shall annually approve the medical staff policies and procedures, including the appointment and termination of members of the agency's medical staff. The minutes from the governing body of the agency shall be on file.

(c) Provisions concerning written agreements relating to hospital services are as follows.

(1) There must be an effective procedure for the immediate transfer to a local Medicare certified hospital for patients requiring emergency medical care. The agency must have a written transfer agreement with such a hospital, or all physician members of the agency's medical staff must have admitting privileges at such a hospital.

(2) An agency which supplies home staff assisted dialysis shall have a written affiliation agreement with a Medicare certified hospital based ESRD center for the provision of inpatient care and other hospital services. Similar agreements may be made with other hospitals if desired. This agreement must provide for the following: the responsibility of a patient's care; ready acceptance of patients in emergency situations; timely acceptance and admission, when determined medically appropriate by the attending physician; medical information, including the long-term program and patient care plan, being transferred within one working day; and

security and accountability for a patient's personal effects.

(d) The agency which supplies home staff assisted dialysis shall have an agreement with a Medicare certified ESRD center or facility to provide backup outpatient dialysis services.

(e) A home staff assisted dialysis agency must provide for the exchange of medical and other information necessary or useful in the care and treatment of patients transferred between treating facilities. This provision must also include the transfer of the patient care plan and long term program.

(f) The agency shall ensure that the names of patients awaiting cadaveric donor transplantation are entered in a participating recipient registry program.

(g) There shall be routine testing to ensure detection of hepatitis in employees and patients. All direct patient care employees shall have current CPR certification.

(h) The medical director shall be responsible for:

(1) participating in the selection of a suitable treatment modality for all patients;

(2) assuring adequate training of nurses and technicians in dialysis techniques;

(3) assuring adequate monitoring of the patient and the dialysis process; and

(4) assuring the development and availability of a patient care policy and procedures manual and its implementation.

(i) All physicians, including the medical director, shall have on file the following:

(1) a curriculum vitae which documents undergraduate, medical school, and all pertinent post graduate training;

(2) evidence of current Texas licensure, and certification of eligibility by the U.S Drug Enforcement Administration, the Texas Department of Public Safety, and the appropriate board; and

(3) evidence of 12 months experience or training in the care of the renal patient.

(j) Assessment of the patient's residence shall be made to ensure a safe physical environment for the performance of dialysis. The initial admission assessment shall be performed by a qualified registered nurse.

(k) The agency shall develop a long term program for each patient admitted to home dialysis. Criteria shall be defined in writing which shall guide the agency in the selection of patients suitable for home staff assisted dialysis and in noting changes in a patient's condition which would require dis-

charge from the program.

(l) If home staff assisted dialysis is selected, then the physician shall prepare orders outlining specifics of prescribed treatment. If these orders are received verbally, they must be confirmed in writing within 14 days of the physician's order. Medical orders for home staff assisted dialysis shall be revised as necessary but reviewed and updated at least every six months.

(m) The initial orders for home staff assisted dialysis must be received prior to the first treatment and shall cover all pertinent diagnosis, including mental status, prognosis, functional limitations, activities permitted, nutritional requirements, medications and treatments, and any safety measure to protect against injury. Orders for home staff assisted dialysis shall include frequency and length of treatment, weight to be maintained, type of dialyzer, dialysate heparin dosage, blood flow rate, and shall specify the level of preparation required for the care given (i.e. qualified dialysis technician, licensed vocational nurse, or registered).

(n) The patient care plan shall be developed after consultation with the patient and/or the patient's family by the interdisciplinary team. The plan shall implement the medical orders and shall include potential services to be rendered, such as the identification of problems, methods of intervention, and the assignment of health care personnel. The patient care plan shall be personalized for the individual and reflect the ongoing psychological, social and functional needs of the patient. The initial patient care plan shall be completed by the interdisciplinary team within ten days after the first home dialysis treatment. The plan for non-stabilized patients (i.e. change in modality, lab-values, weight gains, infections, etc.) shall be reviewed at least monthly by the interdisciplinary team. For a stable patient, the care plan shall be reviewed every six months. The long term program shall be revised as needed and reviewed annually.

(o) An agency shall provide to each patient a statement of patient's rights and responsibilities, which shall include the following:

(1) the right to be informed of all rules and regulations governing patient conduct and responsibilities, services available in the facility, and the patient's medical condition unless medically contraindicated;

(2) the opportunity to participate in planning his/her medical treatment and to be transferred only for medical reasons, or for the patient's welfare or that of other patients, or for nonpayment of fees. Patients shall be given advance notice to ensure orderly transfer or discharge;

(3) the right to be treated with

consideration, respect, and full recognition of his/her individuality and personal needs;

(4) the right to confidential treatment of his/her personal and medical records; and

(5) the right to have assistance in understanding and exercising his/her rights. There shall be a written grievance mechanism under which a patient can participate without fear of reprisal. Steps within the agency must be outlined and instructions provided to allow the patient to contact the Texas Department of Health if a dispute is not resolved internally.

(p) Medications will be administered only if such medication is ordered by the patient's physician. Qualified dialysis technicians may administer only those medications routinely necessary for the performance of dialysis. Specifically, lidocaine must be administered subcutaneously, and heparin and normal saline must be administered intravenously. Such administration shall be in accordance with the provisions of the Medical Practice Act, Texas Civil Statutes, Article 4495b. The Act, §3.06(d)(1), specifically refers to delegation of medical acts by a licensed physician in the State of Texas. Upon request by a patient and/or his family for assistance with medications, the RN may assign a dialysis technician to assist with administration of oral medications which are ordinarily self-administered. The request shall be documented in the patient's clinical record. The record of the administration of drugs routinely given as part of dialysis treatment (i.e. lidocaine, heparin, and normal saline) shall be contained in the dialysis treatment record.

(q) An agency which provides home staff assisted dialysis shall, at a minimum, provide nursing service, nutritional counseling, and medical social service. These services shall be provided as necessary and appropriate at the patient's home, or by phone, or by a patient's visit to the ESRD center or unit, etc. A registered nurse shall be available whenever dialysis treatments are in progress in a patient's home. The agency administrator shall designate an alternate to this registered nurse. A qualified social worker (MSSW) and a dietitian shall be employed or under contract with the agency to provide services.

(r) A qualified dialysis technician shall be employed by or under contract with the agency and shall meet the following requirements.

(1) A qualified home dialysis technician shall have:

(A) a minimum of a high school education or GED and three years full time dialysis experience;

(B) or two years full time dialysis experience with one additional year

of direct patient care in a hospital.

(2) If the dialysis technician is performing peritoneal dialysis (i.e. intermittent peritoneal dialysis, continuous ambulatory peritoneal dialysis, or continuous cycles peritoneal dialysis), one of the three years of full time experience shall be with peritoneal dialysis.

(3) A dialysis technician shall not:

(A) initiate hemodialysis via subclavian catheter administration;

(B) administer blood products, antibiotics, albumin, or insulin;

(C) perform non-access site venipuncture;

(D) draw arterial blood gases;

(E) administer deferoxamine mesylate;

(F) utilize the technique of tight heparinization; or

(G) initiate home education on dialysis procedures, diagnosis, safety and medications.

(s) All personnel providing direct patient care shall receive orientation and training and demonstrate knowledge of the following:

(1) anatomy and physiology of the normal kidney;

(2) fluid, electrolyte and acid-base balance;

(3) pathophysiology of renal disease;

(4) acceptable laboratory values for the patient with renal disease;

(5) theoretical aspects of dialysis;

(6) vascular access and maintenance of blood flow;

(7) technical aspects of dialysis;

(8) peritoneal dialysis catheter (tenckhoff) and peritoneal dialysis clearance, if applicable;

(9) the monitoring of clients during treatment (treatment initiation and termination);

(10) the recognition of dialysis complications, emergency conditions, and institution of the appropriate corrective action (emergency equipment is available and staff is trained in its use);

(11) psychological, social, fi-

nancial, and physical complications of the long-term dialysis;

(12) care of the client with chronic renal failure;

(13) dietary modifications and medications for the uremic patient;

(14) alternative forms of treatment for ESRD;

(15) the role of renal health team members (physician, nurse, technician, social worker and dietitian);

(16) performance of laboratory tests (hematocrit, clotting time and blood glucose); and

(17) the theory of blood products and blood administration.

(t) Physician delegation of medical acts to a dialysis technician shall be as follows.

(1) The medical director shall attest that each dialysis technician demonstrates competency in subsection (s)(1)-(17) of this section. This evidence shall be documented in writing and maintained in each individual dialysis technician personnel file and updated at least annually.

(2) If a physician delegates a medical act to a technician not employed by the home health agency, the governing body of the agency shall delineate the dialysis technician's privileges according to approved medical staff policies and procedures.

(3) The dialysis technician shall contact the registered nurse if there is a change in the patient's condition. The registered nurse shall notify the physician of the patient's status to obtain orders if necessary.

(u) The requirements concerning an orientation/training period are as follows.

(1) The agency shall develop an 80-hour written orientation training program including classroom (theory, etc.) and direct observation of the dialysis technician or nurse performing procedures on the patient in the home. The orientation training shall be provided by a qualified registered nurse.

(2) If the nurse or dialysis technician is able to demonstrate mastery of the required theory, (subsection (s)(1)-(17) of this section), of the classroom component the training program may be waived by written examination.

(3) A registered nurse shall complete an orientation competency skills checklist relating to the dialysis technician or nurse in order to reflect the progression of learned skills.

(4) Prior to the delivery of independent patient care, the qualified registered nurse shall directly supervise the dialysis technician or nurse for a minimum of three dialysis treatments. Dependent upon the

trainee's experience and accomplishments on the skills checklist, additional supervised dialysis treatments may be required.

(5) Continuing education for employees shall be quarterly. Performance evaluations shall be annually. The registered nurse shall directly (on-site) supervise the licensed vocational nurse and qualified dialysis technician monthly or more often if necessary.

(v) Records of home staff assisted dialysis patients shall include the following: a medical history and physical, clinical progress notes by the physician, nurse, dietitian, and qualified social worker; dialysis treatment records, laboratory reports, patient care plan, long term program, and documentation of supervisory visits.

(w) The agency shall ensure that biohazardous waste (needles, syringes, artificial kidneys, arterial and venous lines, and any other blood contaminated material) is disposed according to state and local regulations and ordinances (i.e. incineration, Type I landfill, steam sterilization). If disposal is not attainable at the patient's residence, the agency shall remove the biohazardous waste from the patient's home for appropriate disposal. The agency shall inform the appropriate individual/company of the waste products which will be disposed. The agency shall have on file a letter from the waste disposal company/individual acknowledging acceptance of biohazardous waste and agreement that the disposal method will be in compliance with the state Solid Waste regulations.

(x) Water treatment for home dialysis shall be as follows.

(1) Water used for dialysis purposes shall be analyzed periodically and treated as necessary to maintain a continuous water supply that is biologically and chemically compatible with acceptable dialysis techniques.

(2) Water used to prepare dialysate shall meet the requirements set forth in §§3.2 and 4.2 of the American National Standards for Hemodialysis Systems, as revised, published by the Association for the Advancement of Medical Instrumentation (AAMI), 1909 North Fort Meyer Drive, Suite 602, Arlington, Virginia 22209, and approved by the American National Standards Institute, Inc. (ANSI). Additionally, frequency of monitoring water purity shall be in accordance with the suggestions in Appendix B, §B5 of the same standards. The American National Standards for Hemodialysis Systems are adopted by reference. Copies of the standards are indexed and filed in the Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756 and are available for public inspection during regular working hours.

(3) Records of test results and

equipment maintenance shall be maintained at the home health agency.

(y) Preventive maintenance for home dialysis equipment shall be as follows.

(1) A planned program of preventive maintenance of dialysis equipment shall be established.

(2) Preventive maintenance of home dialysis equipment shall be in accordance with the machine manufacturer's suggestions and on an as needed basis. In the absence of specific manufacturer's recommendations, preventive maintenance shall be in accordance with the guidelines published by the *Emergency Care Research Institute in Health Devices, July 1978, Volume 7, Number 9*, and as subsequently revised. The Emergency Care Research Institute's guidelines are adopted by reference. Copies of the standards are indexed and filed in the Health Facility Licensure and Certification Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, and are available for public inspection during regular working hours.

(3) In the event that the water used for dialysis purposes or home dialysis equipment is found not to meet safe operating parameters, and corrections can not be effected to ensure safe care promptly, the patient shall be transferred to a medicare certified ESRD facility or center until such time as the water or equipment is found to be operating within safe parameters.

(z) Reuse or reprocessing of disposable medical devices, including but not limited, to dialyzers, end caps and blood lines shall be in accordance with the medicare conditions of participation for ESRD.

(aa) Provision of laboratory services shall be as follows.

(1) All laboratory services ordered for the patient by a physician shall be performed by a medicare certified independent or hospital-based laboratory according to a written arrangement or agreement with the home health agency.

(2) Copies of all laboratory reports shall be maintained in the patient's medical record.

(3) Hematocrit, clotting times, and blood glucose tests may be performed at the patient's home by the dialysis technician. Results of these tests shall be recorded in the patient's medical record and signed by the technician. Maintenance, calibration and quality control studies shall be performed according to the equipment manufacturer's suggestions, and the results shall be maintained at the home health agency.

(4) Blood and blood products shall only be administered to dialysis patients in their homes by licensed personnel.

(bb) Supplies for home dialysis

shall meet the following requirements.

(1) All drugs, biologicals, and legend medical devices shall be obtained for each patient pursuant to a licensed physician's prescription in accordance with applicable rules of the Texas Board of Pharmacy.

(2) In conjunction with the patient's attending physician, it shall be the home health agency's responsibility to ensure that there are sufficient supplies maintained in the patient's home to perform the scheduled dialysis treatments and to provide a reasonable number of back-up items for replacements, if needed, due to breakage, contamination, defective products, etc.

(A) All dialysis supplies, including drugs and biologicals shall be delivered directly to the patient's home by a vendor of such products.

(B) Home health agency personnel may transport prescription items from a vendor's place of business to the patient's home for the patient's convenience, so long as the item is properly labeled with the patient's name and direction for use. Agency personnel may transport medical devices for reuse.

(cc) The agency shall have policies and procedures for emergencies addressing fire, natural disaster, and medical emergencies, as follows.

(1) The agency personnel, the patient, and his/her family must be familiar with the agency's procedures. Procedures shall be individualized for each patient to include the appropriate evacuation from the home and emergency telephone numbers. Emergency telephone numbers shall be posted at each patient's home and shall include 911 if available, the number of the physician, the ambulance, the registered nurse on call for home dialysis, and any other phone number deemed as an emergency number.

(2) The patient and/or family must be familiar with the procedure disconnecting the dialysis equipment.

(3) The agency personnel and the patient shall have knowledge of emergency call procedures.

(4) Home dialysis patients shall have a telephone for immediate access to communicate emergency situations.

(5) In the event of a medical emergency requiring transport to a hospital for care, the physician shall assure the following:

(A) the receiving hospital is given advance notice of the patient's arrival;

(B) the receiving hospital is given a description of the patient's health status; and

(C) the selection of personnel, vehicle, and equipment are appropriate to affect a safe transfer.

(dd) Exceptions to the standards in this section are contained in §115.10(f)(1)(A), (B), and (B)(iii), (g), and (i)(1), (5), (6), and (7) of this title (relating to Standards for a Class B License).

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 2, 1988.

TRD-8804429

Robert A. Maclean, M.D.,
Deputy Commissioner for
Professional Services
Texas Department of
Health

Effective date: May 23, 1988

Proposal publication date: January 12, 1988

For further information, please call: (512) 458-7245

TITLE 40. SOCIAL SERVICE AND ASSISTANCE

Part I. Department of Human Services

Chapter 45. Medical Assistance Programs

• 40 TAC §45.504

The Texas Department of Human Resources (DHS) adopts an amendment to §45.504, concerning notice of subrogation, without changes to the proposed text published in the March 25, 1988, issue of the *Texas Register* (13 Tex Reg 1448). The adoption is justified to implement §2.03 of Senate Bill 298 passed in the 70th session of the Texas Legislature. It gives the department the right of subrogation to individual and group insurance benefits, as defined in Article 3.76 of the Insurance Code. It also requires the department to notify the insurance company when a claim is first submitted. The adoption will function to save Medicaid dollars when private insurance pays for clients' medical services.

No comments were received regarding the adoption of the amendment.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 22 and

32, which provides the department with the authority to administer public and medical assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 4, 1988.

TRD-8804485

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: June 1, 1988

Proposal publication date: March 25, 1988

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

Chapter 49. Child Protective Services

Subchapter C. Eligibility for Child Protective Services

• 40 TAC §49.328

The Texas Department of Human Services (DHS) adopts amendments to §48.328, concerning foster care assistance payments, without changes to the proposed text published in the March 22, 1988, issue of the *Texas Register* (13 TexReg 1383). The adoption is justified to comply with legislation passed in the 70th session of the Texas Legislature that requires the department to implement a foster care level of care system after January 1, 1988. The adoption will function to establish a level of care system that equitably relates the dollar amount paid to the needs of the child served. It will further more reduce competition among state agencies with child care providers.

No comments regarding the adoption of the amendment were received.

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

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on May 4, 1988.

TRD-8804501

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: June 15, 1988

Proposal publication date: March 22, 1988

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



Name: Freddy Gomez
Grade: 5
School: Hughey Elementary, El Paso

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 billeting board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agenda than what is published in the *Texas Register*.

Texas Commission for the Blind

Thursday, May 19, 1988, 7 p.m. The Pasadena District Office of the Texas Commission for the Blind will hold a public forum at the University of Houston Hilton Hotel, 4800 Calhoun, Houston. According to the agenda summary, the commission will offer concerned citizens the chance to comment on the state plan for vocational rehabilitation services in Texas during 1988. Such meetings are called for in a requirement contained in the Rehabilitation Act Amendments of 1986, which stipulates state agencies must hold public meetings throughout the state to allow comment on the plan. Those who are unable to attend may send comments to the Public Information Office of the Texas Commission for the Blind, 4800 North Lamar, Suite 320, Austin, Texas 78756.

Contact: Jerry Scholthauer, (713) 944-9924 or Betty Huffman (512) 459-2611.

Filed: May 3, 1988, 1:29 p.m.

TRD-8804467

Texas Department of Commerce

Tuesday, May 10, 1988, 11 a.m. The Board of Directors of the Texas Department of Commerce will meet for an emergency agenda revision in the Can-Cun Baja Room, Embassy Suites Hotel, 4125 Ridgement Drive, Abilene. According to the agenda, the board will introduce board members; approve of prior minutes; appoint Economic Advisory Committee; approve of export financing program and related consultants; select June 14, 1988, meeting site; appoint additional members to the Small Business Advisory Committee; recess for lunch in the Estlandade Atrium, and reconvene for presentation by the Abilene Chamber of Commerce. The emergency status is necessary as information inadvertently left off earlier agenda could not wait until later meeting.

Contact: Mary Lane, Texas Department of

Commerce, (512) 472-5059.

Filed: May 4, 1988, 9:44 a.m.

TRD-8804496

Thursday-Friday, May 19-20, 1988, 8:30 a.m. The State Job Training Coordination Council for the Texas Department of Commerce will meet at the Stouffer Hotel, 9721 Arboretum Boulevard, Austin. According to the agenda, the council will consider policies for programs under the JTPA on Thursday; and review committee recommendations on fiscal year 1988-1989 Wagner-Peyser Plan, customized training initiative, fiscal year 1988 incentive grant policy, the eligibility policy, fiscal year 1988 title III state plan, fiscal year 1988 older worker program state plan, fiscal year 1988-1989 title IIA plan approval, fiscal year title IIA (6%) management development policy, fiscal year 1989 title IVX plan approval, fiscal year 1988-1989 §123 (20%), and fiscal year 1988-1989 governor's coordination and special services plan.

Contact: Brenda Lovett, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6314.

Filed: May 4, 1988, 9:46 a.m.

TRD-8804497

Friday, May 20, 1988, 9:30 a.m. The Texas Literacy Council of the Texas Department of Commerce will meet in Room 309, House Appropriations Committee Room, State Capitol, Austin. According to the agenda, the council will hear welcome remarks, approve minutes, set the date for the next meeting, hear public comment, testimony, presentations (CIS, IBM), committee decisions, and hear reports on conferences attended by council members.

Contact: Martha Alworth, 8317 Cross Park Drive, Austin, Texas 78754, (512) 834-6291.

Filed: May 4, 1988, 9:47 a.m.

TRD-8804498

Texas State Board of Examiners of Dietitians

Friday, May 13, 1988. The Texas State Board of Examiners of Dietitians will meet in Room T-604, Texas Department of Health, 1100 West 49th Street, Austin. Times and agendas follow.

8 a.m. The Program Approval Committee will review and act on application for individual preplanned professional experience program and set next meeting date.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

Filed: May 4, 1988, 8:56 a.m.

TRD-8804516

11 a.m. The board will approve minutes of the February 5, 1988, meeting; hear the chairman's report and executive secretary's report on ratification of applications approved by the executive secretary; approve of standing committees appointments; hear standing committee reports (rules committee final adoption of 22 TAC §§711.1-15, complaint committee, program approval committee, and consumer information committee); hear special committee reports on application approval committee and ratification of applications approved by the committee; review and act on applications for licensure; consider provisional licensure and examination eligibility; review and act on 1988 clear conference; hear presentation of certificate and announcement and comments (no board action required); and consider meeting date for 1989.

Contact: Becky Berryhill, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

Filed: May 4, 1988, 8:56 a.m.

TRD-8804517

Texas Education Agency

Wednesday, May 11, 1988, 9 a.m. The Advisory Committee on College Testing and the Public Schools of the Texas Education Agency will meet in Room 1-104, Wil-

liam B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will: review development and implementation of the Texas Academic Skills Program (TASP); discuss the reporting requirements to high schools called for in the legislation, including performance of the high schools' student on the TASP test, developmental courses in which the students were required to enroll, and students' grade point average during the first year after graduation from high school; discuss potential implications for high school curriculum requirements, including graduation requirements and the content of courses; and plan for public information dissemination, including both information about the TASP and the test scores.

Contact: Nolan Wood, 1701 North Congress Avenue, Austin, Texas 78701 (512) 463-9525.

Filed: May 3, 1988, 3:47 p.m.

TRD-8804479

Monday, May 16, 1988, 8:30 a.m. and 2 p.m. The Texas Academic Skills Program Regional Forum Panel of the Texas Education Agency will meet in El Dorado One, Dallas Marriott Market Center, 2101 Stemmons Freeway, Dallas. According to the agenda, the panel will hold registration and general orientation. The panel will meet in closed session to review and discuss skills survey results and test specifications in accordance with Attorney General Opinions G-484 (1974) and H-780 (1976).

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 4, 1988, 10 a.m.

TRD-8804524

Monday, May 16, 1988, 8:30 a.m. and 2 p.m. The Texas Academic Skills Program Regional Form Panel of the Texas Education Agency will meet in Salons A and B, Houston Marriott Greenspoint, 255 North Belt, Houston. According to the agenda, the panel will hold registration and general orientation. The panel will meet in closed session to review and discuss skills survey results and test specifications in accordance with Attorney General Opinions G-484 (1974) and H-780 (1976).

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 4, 1988, 10 a.m.

TRD-8804523

Tuesday, May 17, 1988, 1 p.m. The Texas Academic Skills Program Regional Forum Panel of the Texas Education Agency will meet in Brassie Room, Sheraton Fairway Resort Inn, South Street at Wichita Avenue, McAllen. According to the agenda, the panel will hold registration and general orientation. The panel will meet in closed ses-

sion to review and discuss skills survey results and test specifications in accordance with Attorney General Opinions G-484 (1974) and H-780 (1976).

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 4, 1988, 10 a.m.

TRD-8804522

Tuesday, May 17, 1988, 1 p.m. The Texas Academic Skills Program Regional Forum Panel of the Texas Education Agency will meet in Hospitality Suite, Second Floor, Best Western Airport Hotel, 100 Airport Plaza Drive, Midland. According to the agenda, the panel will hold registration and general orientation. The panel will meet in closed session to review and discuss skills survey results and test specifications in accordance with Attorney General Opinions G-484 (1974) and H-780 (1976).

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 4, 1988, 10 a.m.

TRD-8804521

Wednesday, May 18, 1988, 1 p.m. The Texas Academic Skills Program Regional Forum Panel of the Texas Education Agency will meet in University Room, Holiday Inn Civic Center, 801 Avenue Q, Lubbock. According to the agenda, the panel will hold registration and general orientation. The panel will meet in closed session to review and discuss skills survey results and test specifications in accordance with Attorney General Opinions G-484 (1974) and H-780 (1976).

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 4, 1988, 10 a.m.

TRD-8804520

Thursday, May 19, 1988, 8:30 a.m. and 1 p.m. The Texas Academic Skills Program Regional Forum Panel of the Texas Education Agency will meet in Wyndham E, Wyndham Southpark, 4140 Governor's Row, Austin. According to the agenda, the panel will hold registration and general orientation. The panel will meet in closed session to review and discuss skills survey results and test specifications in accordance with Attorney General Opinions G-484 (1974) and H-780 (1976).

Contact: Pam Tackett, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9525.

Filed: May 4, 1988, 10 a.m.

TRD-8804519

The Advisory Commission State Emergency Communications

Wednesday, May 11, 1988, 8:30 a.m. The Administrative Committee will meet in Room 102, John H. Reagan Building, Austin. According to the agenda, the committee will continue to work on the development of an administrative policy and procedures manual; continue to consider any 9-1-1 legislative needs; hear updates on alternative funding issues and consider any new business related to 9-1-1 administration.

Contact: Mary A. Boyd, P.O. Box 13206, Austin, Texas 78711 (512) 463-1812.

Filed: May 3, 1988, 3:58 p.m.

TRD-8804476

Thursday, May 26, 1988, 8:30 a.m. The Administration Committee of the Advisory Commission on State Emergency Communications will meet in Room 104, Austin. According to the agenda, the committee will work on the development of an administrative policy and procedures manual, continue to consider any 9-1-1 legislative needs; develop descriptions and consider any new business related to 9-1-1 administration.

Contact: Mary A. Boyd, P.O. Box 13206, Austin, Texas 78711, (512) 463-1812.

Filed: May 5, 1988, 8:22 a.m.

TRD-8804582

Texas Employment Commission

Wednesday, May 11, 1988, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will discuss prior meeting notes; internal procedures of commission appeals; consideration and action on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 19; and set date of next meeting.

Contact: Courtenay Browning, 101 East 15th Street, Austin, Texas 78778, (512) 463-2226.

Filed: May 3, 1988, 1:37 p.m.

TRD-8804465

Health and Human Services Coordinating Council

Wednesday, May 11, 1988, 8-9:30 a.m. The Service Delivery Task Force of the Health and Human Services Coordinating Council will meet at 311-A East 14th Street, Austin. According to the agenda, the task force will approve minutes of previous

meeting; consider resource contact assignments; discuss and summarize service deliver presentations; and hear preliminary recommendations for restructuring committee.

Contact: Carol Price, 311-A East 14th Street, Austin, Texas, (512) 463-2195

Filed: May 3, 1988, 3:57 p.m.

TRD-8804475

Texas Industrial Accident Board

Monday, May 9, 1988, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board discussed board policy on total temporary disability on restricted duty releases per Texas Employees' Insurance Association request dated February 25, 1988; proposed schedule for reimbursing providers who accompany claimants to medical examinations requested by the carrier; proposed procedure for entry of Article 8307, §5c, orders; discussed and heard public comment on 28 TAC §69.33, providing for medical records to be released to carrier's physician; discussed and considered medical cost containment status report and required board action; reviewed board files (this portion closed pursuant to worker's compensation statute); and reviewed and discussed board activities.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: May 4, 1988, 3:26 p.m.

TRD-8804571

State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto, Austin, unless otherwise noted. Dates, times, rooms, and agendas follow.

Wednesday, May 11, 1988, 10 a.m. The board will meet in Room 414 to consider authorization for publication of a proposal for amendment to a rule under 28 TAC §5.4001(e)(1) concerning the applicability of an existing building code to the area seaward of the Intracoastal Canal on the Texas Coastline under the Plan of Operation for the Texas Catastrophe Property Insurance Association.

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

Filed: May 3, 1988, 2:08 p.m.

TRD-8804468

Texas State Board of Medical Examiners

Friday, May 6, 1988, 5 p.m. The Disciplinary Process Review Board of the Texas State Board of Medical Examiners submitted an emergency revised agenda for a meeting held at 1101 Camino LaCosta, Austin. According to the agenda, the board additionally discussed reprimand letters and the function of the District Review Committee.

Contact: Jean Davis, Box 13562, Austin, Texas 78711, (512) 452-1078.

Filed: May 3, 1988, 4:49 p.m.

TRD-8804483

Special Committee on Organization of State Agencies

Wednesday, May 11, 1988, 10 a.m. The Subcommittee on Finance Agencies of the Special Committee on Organization of State Agencies will meet in Room 109, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the subcommittee will hear testimony from representatives of five Texas state agencies concerned with regulation of financial institutions regarding the agencies' organization and operations; may discuss and consider potential alternative organization structures. The agencies requested to testify have been notified of the meeting.

Contact: Jay G. Stanford, P.O. Box 13206, Austin, Texas 78711 (512) 463-1812.

Filed: May 3, 1988, 4:52 p.m.

TRD-8804484

Texas Parks and Wildlife Department

The Texas Parks and Wildlife Commission of Texas Parks and Wildlife Department will meet in Room A-100, 4200 Smith School Road, Austin unless otherwise noted. Dates, times, and agendas follow.

Wednesday, May 11, 1988, 7 p.m. The commission will meet at 301 East 6th Street, Austin. According to the agenda summary, the members will plan to have dinner. Although primarily a social event, the commission may discuss items on the public hearing agenda scheduled for May 12, 1988.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744 (512) 389-4802.

Filed: May 3, 1988, 2:10 p.m.

TRD-8804470

Thursday, May 12, 1988, 9 a.m. The commission will meet to discuss status and rec-

ommendations concerning coastal finfish; and nontoxic shot implementation schedule.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744 (512) 389-4802.

Filed: May 3, 1988, 2:11 p.m.

TRD-8804472

Thursday, May 12, 1988, 9 a.m. The committee will approve March 10, 1988 court reporter minutes; presentation of awards; Ducks Unlimited MARS project dedication-Calhoun County; propose hunting and fishing regulations for 1988-1989; harmful tropical fish rules; proposed Ducks Unlimited MARS project-Matagorda County; Battleship Texas Restoration Program; eligibility of golf courses and related improvements for local park funding; pipeline easement-Lower Neches WMA; request for renewal of power line easement-Gene Howe WMA; request for lease pooling authority-Engeling WMA; request for renewal of telephone line easement-Palo Duro Canyon SP; Texas coastal preserves; acquisition of Mitigation Lands Association with Freeport Harbor Project; Texas flag and flagpole donation W-O-B; six-year plan; potential acquisition-Val Verde County; and potential acquisition-Comal County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744 (512) 389-4802.

Filed: May 3, 1988, 2:09 p.m.

TRD-8804469

Thursday, May 12, 1988 noon. The committee will hold a Closed Meeting to discuss approval of March 10, 1988 executive session court reporter minutes; potential natural area acquisition-Val Verde County; land acquisition-Harris County; Battleship Texas litigation status; and potential natural area acquisition-Comal County.

Contact: Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744 (512) 389-4802.

Filed: May 3, 1988, 2:11 p.m.

TRD-8804471

State Pension Review Board

Friday, May 13, 1988, 10 a.m. The State Pension Review Board will meet in Conference Room 403, Employees Retirement System Building, Austin. According to the agenda, the board will discuss old and new business, consider proposed preliminary budget for fiscal year 1990-1991, and actuarial study of statewide volunteer fire fighters retirement system (Senate Bill 411).

Contact: Betty J. Allen, P.O. Box 13498, Austin, Texas 78751, (512) 463-1736.

Filed: May 4, 1988, 12:24 p.m.

TRD-8804557

Structural Pest Control Board

Monday, May 16, 1988, 8:30 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will hear the executive director's report; consider final decision on Antonio E. Suarez doing business as Di-Tone Inspection Service, Don Harris appearing at his request, and Kenneth Young appearing at his request; review draft proposal for continuing education for certified applicators; and consider miscellaneous items. The board will also meet in executive session.

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78758, (512) 835-4066.

Filed: May 3, 1988, 1:30 p.m.

TRD-8804466

Texas State Board of Examiners of Professional Counselors

Saturday, May 14, 1988, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet in Hyde Park Room, Austin Airport Hilton and Towers, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the board will approve minutes of the April 13, 1988 meeting; hear committee reports concerning applications, complaints, revocations, suspensions, fees and budget, testing and continuing education, licensing, renewals, ethics, license certificates, supervisory, rules and specialties, professional relations, and public relations; consider reciprocity, cancellation of licenses due to nonrenewal, and licensure applications and procedures; review disapproved files (applicants with disapproved files may appear for review of their applications); and consider other matters relating to the licensure and regulation of professional counselors not involving board action and set date of next meeting. The board will also meet in executive session to discuss personnel matters.

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: May 4, 1988, 9:01 a.m.

TRD-8804514

Texas State Board of Public Accountancy

Friday, May 13, 1988, 9 a.m. The Executive Committee of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the committee will review personal

matters; review NASBA/AICPA matters: NASBA regional meeting, June 27-28; NASBA/AICPA conference on state regulation of the profession, August 4-5; and 505.10. Board committees will discuss other matters coming before the board.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892.

Filed: May 4, 1988, 2:11 p.m.

TRD-8804562

Friday, May 13, 1988, 11 a.m. The Full Board of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda summary, the board will approve minutes of the April 25-27, 1988 board meeting; hear a report of the enforcement committee; hear a status report for February and March; hear a report of technical standard review committee; hear a report of the executive committee; take final action on substantive rule 511.21, Certification by Examination; discuss funding amounts to be included in the board's fiscal year 1990-1991 appropriation request; review plans for the May 14, 1988 swearing-in ceremony; ratify board orders, consent orders, and proposals for decision; review future meeting/hearing schedules; and have a swearing in ceremony at 10 a.m.

Filed: May 4, 1988, 1:45 p.m.

TRD-8804563

Texas Public Finance Authority

Monday, May 9, 1988, 2 p.m. The Texas Public Finance Authority met in emergency session in Room 907, Sam Houston Building, 201 East 14th Street, Austin. According to the agenda, the finance authority approved minutes of the previous meeting and considered informal discussion of proposed agency rules. The emergency status was necessary because of need for early establishment of agency rules for monitoring of outstanding agency bonds.

Contact: Ann Moriarty, 201 East 14th Street, Austin, Texas 78701, (512) 463-5544.

Filed: May 3, 1988, 3:07 p.m.

TRD-8804474

Public Utility Commission of Texas

Monday, May 16, 1988, 1:30 p.m. The Hearings Division of the Public Utility Commission will meet in Suite 450 N, 7800 Shoal Creek Boulevard, Austin. The meeting is a rescheduled open meeting at the above time and place. According to the agenda, the commissioners will consider final adoption of substantive rule §23.21. Cost of Service.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757 (512) 458-0100.

Filed: May 4, 1988, 1:45 p.m.

TRD-8804566

Tuesday, May 24, 1988, 10 a.m. The Hearings Division of the Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commissioners will hold a prehearing conference on Docket 8084-complaint of Dallas Fort Worth Medical Center, Inc. against Texas Utilities Electric Company.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757 (512) 458-0100.

Filed: May 4, 1988, 1:45 p.m.

TRD-8804565

Wednesday, July 13, 1988, 10 a.m. The Hearings Division of the Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commissioners will hold a hearing on the merits in Docket 8030-application of Southwestern Bell Telephone Company for revision to 976 tariff.

Contact: Phillip A. Holder, 7800 Shoal Creek Boulevard, Austin, Texas 78757 (512) 458-0100.

Filed: May 4, 1988, 1:46 p.m.

TRD-8804564

Texas Rehabilitation Commission

Friday, May 20, 1988, 9:30 a.m. The Planning and Evaluation Committee meeting of the Texas Planning Council for Developmental Disabilities will meet in Room 4.03.08, John Peace Library, University of Texas at San Antonio, San Antonio. According to the agenda, the committee will review public comments on the state plan amendments; and consider fiscal year 1989 funding activity recommendations concerning supported living, advocacy network, and other recommendations.

Contact: Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8867.

Filed: May 4, 1988, 8:57 a.m.

TRD-8804575

Select Committee on Tax Equity

Wednesday, May 18, 1988, 1 p.m. The Select Committee on Tax Equity will meet in the Senate Chamber, Capitol, Austin. According to the agenda, the committee will hold a joint meeting with the Select

Committee on Education and deal with educational finance issues.

Contact: Billy Hamilton, Reagan Building, Roo 304, Austin, Texas 78711, (512) 463-12:38.

Filed: May 3, 1988, 3:42 p.m.

TRD-8804480

Thursday, May 19, 1988, 9 a.m. The Select Committee on Tax Equity will meet in the Auditorium, Joe C. Thompson Conference Center, 26th and Red River, Austin. According to the agenda, the committee will review the local property tax.

Contact: Billy Hamilton, Reagan Building, Roo 304, Austin, Texas 78711, (512) 463-1238.

Filed: May 3, 1988, 3:42 p.m.

TRD-8804481

Texas Tech University

Thursday-Friday, May 12-13, 1988, 1 p.m. and 8:30 a.m., respectively. Various committees of the Board of Regents for Texas Tech University and Texas Tech University Health Sciences Center will meet in Room 2B152, Board Suite, Administrative Building, TU Campus, Lubbock, unless otherwise noted. Agendas follow.

The Academic and Student Affairs Committee will approve minutes of the March 25, 1988, meeting; consider departmental name change, merger of two departments and change in departmental name; revise student affairs handbook and code of student conduct; ratify leaves of absence and change name of center for research and engineering; hear reports; and consider administrative recognition and method of selecting certain administrative officers.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804512

The Campus and Building Committee will approve minutes of the March 25, 1988, meeting; consider amending construction contract for electrical engineering building renovation; award laboratory furniture contract for electrical engineering building renovation; award construction contract for Jones Stadium Athletic Offices, Phase I; appoint project architect, approve design and award construction contract for Pantex rifle range; revise policy 03.02, name university buildings and facilities; ratify acceptance dates; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804510

The Finance and Administration Committee

will approve minutes of the March 24, 1988, meeting; consider award of natural gas contract; approve group medical, basic term life and optional term life insurance program for faculty and staff; award campus bus service contract; award contract to construct and operate pizza restaurant in Chitwood-Weymouth Halls; holiday schedule for 1988-1989; policy on Texas public education grants program; revise class schedule change fee assessment policy; statement of general policy to govern the granting of academic scholarships in fiscal year 1989; statement of general policy to govern granting of emergency enrollment loans in fiscal year 1989; hear reports from staff as requested by regents; briefings on university maintenance; hear reports; and consider continuation of employees beyond age of 70.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804511

Friday, May 13, 1988, 10 a.m. The Board of Regents will meet in the board suite of the Administrative Building on campus to hear reports and take action on minutes, academic and student affairs, finance and administration, campus and building, development, and research.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804513

The Academic, Clinical, and Student Affairs Committee will approve minutes of the March 24, 1988, meeting; consider grant tenure with appointment; establish vice president for research, academic support, and graduate studies position; discuss health sciences center five-year plan; ratify leave of absence and faculty development leave; policy clarification regarding TUHSC professional medical malpractice self-insurance premium charges; increase premiums paid by insured staff, interns, and medical students to professional medical malpractice self-insurance plan; amend professional medical malpractice self-insurance plan; consider administrative reorganization and method of selecting certain administrative officers; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804491

The Campus and Building Committee will approve minutes of the March 25, 1988, meeting; consider revision of policy 03.02, naming of buildings and facilities and master plan for HSC; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804589

The Finance and Administration Committee will approve minutes of the March 24, 1988, meeting; consider award of natural gas contract; approve group medical, basic term life and optional term life insurance program for faculty and staff; March and April budget adjustments; holiday schedule for fiscal year 1988-1989; board policy on Texas public educational grants program; lease building to R.E. Thomason General Hospital for county morgue; hear reports from staff as requested by regents; HEAF contingency plan; accounts receivable; budget guidelines; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804490

The Public Affairs and University Relations Committee will approve minutes of the January 28, 1988, meeting; review university coverage by Cable News Network; review work by the Image Task Force; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804487

The Research Activities Committee will approve minutes of the March 25, 1988, meeting; meet with officers of research foundation; review financial status of foundation; forecasted performance for coming year; recommendations that research foundation board members may make to board of regents research committee; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804488

The Committee of the Whole will meet in executive session for a consultation between board of regents and general counsel regarding suits, claims, and settlement of litigation involving TU/TUHSC and the professional medical self-insurance plan; consultation between board of regents and general counsel concerning contractual negotiations and contractual amendments involving TU, TUHSC, and the professional medical self-insurance plan; and discussion and consultation regarding the appointment, evaluation, and employment of administrative officials of TU/TUHSC.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804486

Friday, May 13, 1988, 11 a.m. The Board of Regents will meet in the board suite of the Administrative Building on campus to

hear reports and act on minutes, academic, clinical, and student affairs, finance and administration, campus and building, development, and research.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: May 4, 1988, 9:05 a.m.

TRD-8804492

Texas Water Commission

The Texas Water Commission will meet at 1700 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

Tuesday, May 17, 1988, 9 a.m. The commission will meet in Room 118, to consider district bond issue, use of surplus funds, release from escrow, water rate matters proposed water quality permits, amendments and renewals, proposed water right applications, amendments to certificates of adjudication, extension of time and application to combine water rights permit, and certificate of adjudication.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 4, 1988, 4:13 p.m.

TRD-8804577

Wednesday, May 18, 1988, 9 a.m. The commission will meet in Room 118, to consider enforcement report and order requiring certain actions of General Portland (Permit 01955)(SWR 31074); substantial noncompliance and proposed order concerning CDC Coatings (Permit 02650); and order finding substantial noncompliance and requiring certain actions of the City of Smiley (Permit 10574-02).

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 4, 1988, 4:14 p.m.

TRD-8804575

Thursday, May 19, 1988, 10 a.m. The commission will meet in Room 123, to consider the executive director's report on agency administration, policy, budget procedures, and personnel matters.

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 4, 1988, 4:13 p.m.

TRD-8804576

Monday, May 23, 1988, 10 a.m. The commission will meet in Room 118, to consider report of substantial noncompliance and order concerning FMC Corporation (Permit 02611) and motion to assess stipulated penalties accrued during the third quarterly reported period as required by provision XL(A) of the commission order of March 5,

1987, concerning the City of Houston, Wastewater Treatment System (Permit 10495-001-121).

Contact: Peggy O. Maxwell, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 4, 1988, 4:14 p.m.

TRD-8804574

Tuesday, May 24, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 512, to allow Gulf Chemical and Metallurgical Corporation, the executive director of the commission and the commission public interest advocate to present evidence to determine whether Gulf Chemical Metallurgical Corporation SWR 30952, has violated the Texas Solid Waste Disposal Act and rules of the commission, whether an administrative penalty should be assessed, and the amount of such penalty, if any.

Contact: Clay Harris, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

Filed: May 4, 1988, 4:12 p.m.

TRD-8804579

Friday, June 3, 1988, 10 a.m. The Office of Hearings Examiner will meet in Room 618 to consider Docket 7468-R—Rate increase of Hood County Utilities.

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

Filed: May 3, 1988, 4:08 p.m.

TRD-8804482

Tuesday, June 7, 1988, 10 a.m. Office of Hearings Examiner will meet in Room 512, to hold a preliminary public hearing on applications numbers 5093 (Lake Bosque Project) and 5094 (Lake Waco Project) of the Brazos River Authority, for permits pursuant to §11.121 of the Texas Water Code.

Contact: John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

Filed: May 4, 1988, 4:13 p.m.

TRD-8804578

Texas Youth Commission

Thursday, May 12, 1988, 10 a.m. The Board of the Texas Youth Commission will meet in Suite 322, 8900 Shoal Creek Boulevard, Austin. According to the agenda, the board will report on activities of the Senate Select Committee on the Juvenile Justice System (information); report on detention of TYC youth pending certification proceedings (information); select geotechnical engineering and construction materials testing firm at Giddings State School (action); approve building demolition for Crockett State School (action); select asbestos abatement consultant (action); report on confidentiality of juvenile records (action); and

approve of appropriation transfer for fiscal year 1988 (action).

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766.

TRD-8804558

Thursday, May 12, 1988, 1:30 p.m. The Board Budget Committee for the Texas Youth Commission will meet in Suite 322, 8900 Shoal Creek Boulevard, Austin. According to the agenda, the committee will review work plan, 1989 operating budget, projected commitments, average daily populations, budget summary of staff recommendations, and biennial request detail.

Contact: Ron Jackson, 8900 Shoal Creek Boulevard, Austin, Texas 78766.

TRD-8804559

Regional Meetings

Meetings Filed May 2, 1988

The Tax Appraisal District of Bell County, Board of Directors, will meet at 411 East Central, Belton, on May 18, 1988, at 7 p.m. Information may be obtained from Mike Watson, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-5841. ext. 29.

The Brazos Valley Development Council, Executive Committee, will meet in Suite 2, 3006 East 29th Street, Bryan, on May 12, 1988, at noon. Information may be obtained from Glenn J. Cook, 3006 29th Street, Bryan, Texas (409) 776-2277.

The Callahan County Appraisal District, Board of Directors, met on the First Floor, Callahan County Courthouse, Baird, on May 9, 1988, at 7:30 p.m. Information may be obtained from Jane Ringhoffer, P.O. Box 806, Baird, Texas 79504, (915) 854-1165.

The Dallas Area Rapid Transit, met at 601 Pacific Avenue, Dallas, on May 9, 1988, at 3 p.m. Information may be obtained from Sylvia Villarreal, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Gray County Appraisal District, Appraisal Review Board, met at 815 North Sumner, Pampa, on May 9, 1988, at 5 p.m. Information may be obtained from W. Pat Bagley, 815 North Sumner, Pampa, Texas 79065..MDS/ .MDNM/(806) 665-0791.

The Middle Rio Grande Development Council, Board of Directors, met in the Conference Room, Holiday Inn, 2005 Avenue F, Del Rio, on May 4, 1988, at 10 a.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas (512) 876-3533.

TRD-8804415

Meetings Filed May 4, 1988

The Concho Valley Council of Govern-

ments, Executive Committee, will meet at 5002 Knickerbocker Road, San Angelo, on May 11, 1988, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Education Service Center, Region X, Board of Directors, will meet in the Boardroom, 400 East Spring Valley, Richardson, on May 11, 1988, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas, (214) 231-6301.

The Edwards Underground Water District, Board of Directors, will meet at 1615 North St. Mary's Street, San Antonio, on May 10, 1988, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's Street, San Antonio, Texas 78215, (512) 222-2204.

The Golden Crescent Service Delivery Area, Private Industry Council, Inc., will meet in Town Hall Room, 101 South Main, Victoria, on May 11, 1988, at 6:30 p.m. Information may be obtained from Cleve F. Schoener, Box 2149, Victoria, Texas 77902.

The Gonzales County Appraisal District, Board of Directors, will meet at 928 St. Paul Street, Gonzales, on May 12, 1988, at 5 p.m. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Grayson Appraisal District, Board of Directors, will meet at 205 North Travis, Sherman, on May 11, 1988, at noon. Information may be obtained from Deborah Reneau, (214) 893-9673.

The Henderson County Appraisal District, Board of Directors, met at 1751 Enterprise, Athens, on May 9, 1988, at 7:30 p.m. Information may be obtained from Helen Marchbanks, 1751 Enterprise, Athens, Texas, (214) 675-9296.

The Hockley County Appraisal District, Appraisal Review Board, met in emergency session at Lubbock Plaza, South Loop 289, Lubbock, on May 5, 1988, at 8:30 a.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, 894-9654.

The Hunt County Tax Appraisal District, Board of Directors, will meet in the Boardroom, 4801 King Street, Greenville, on May 12, 1988, at 7 p.m. Information may be obtained from Joe Pat Davis or Linda S. Haynes, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on May 12, 1988, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Nueces-Jim Wells-Kleberg Soil and Water Conservation District, Board of Directors, will meet at 2287 North Travis Boulevard, Alice, on May 17, 1988, at 2 p.m. Information may be obtained from Joan D. Rumfield, 710 East Main Street, Robstown, Texas 78380.

The Permian Basin Regional Planning Commission, Board of Directors, will meet on May 11, 1988, at 1:30 p.m. Information may be obtained from Terri Moore, P.O. Box 6391, Midland, Texas 79711.

TRD-884518

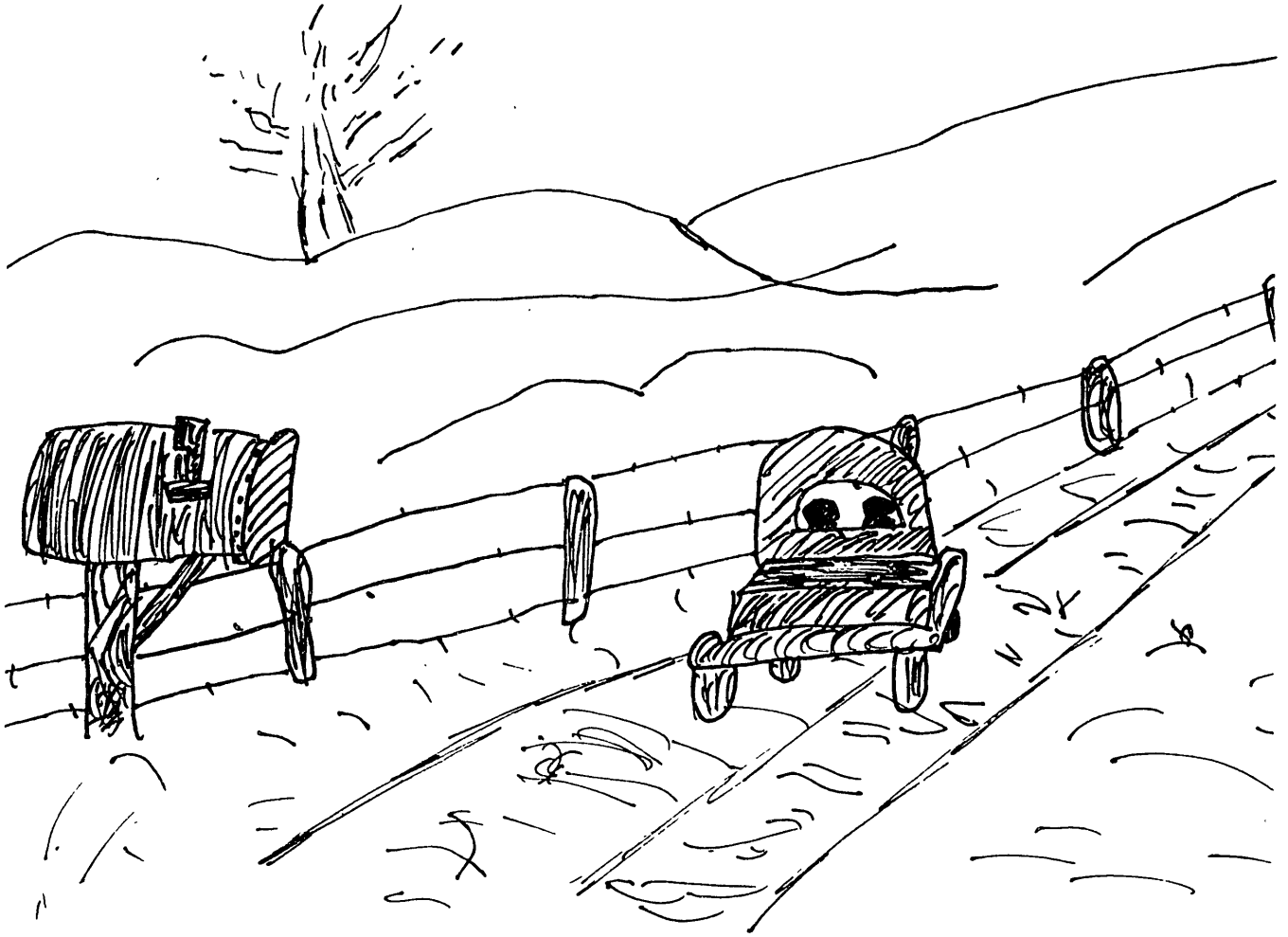
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Meetings Filed May 5, 1988

The Burnet County Appraisal District, Board of Directors, met at 215 South Pierce, Burnet, on May 9, 1988, at 6:30 p.m. Information may be obtained from Amy Shrader, 215 South Pierce, Burnet, Texas 78611, (512) 756-8291.

The Wood County Appraisal District, Appraisal Review Board, met in the Conference Room, 217 North Main, Quitman, on May 6, 1988, at 9 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783.

TRD-884580

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Name: Sarah Peters

Grade: 5

School: Bruce Shulkey Elementary, Fort Worth

In Addition

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

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

Texas Department of Banking Notice of Application

Texas Civil Statutes, Article 342-401a, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On May 3, 1988, the banking commissioner received an application to acquire control of Statewide Bancshares Corporation, Cedar Hill, by Michael C. Stinson, Fort Worth.

Additional information may be obtained from William F. Aldridge, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on May 3, 1988.

TRD-8804509 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 4, 1988

For further information, please call (512) 479-1200

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State Banking Board Notice of Hearing

The date of the hearing for the change of domicile application for Community Bank, Katy, previously scheduled for May 5, 1988, has been rescheduled. The hearing is hereby rescheduled to begin on June 21, 1988, at 9 a.m., at the Texas Department of Banking Hearing Room, 2601 North Lamar Boulevard, Austin.

The rescheduling of the hearing in this matter shall not alter the deadline for the filing of a petition in intervention by any party under state banking board rules. Any such petition shall be considered timely filed if received by April 25, 1988.

Additional information may be obtained from William F. Aldridge, Director of Corporate Activities, Texas Department of Banking, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Issued in Austin, Texas, on May 3, 1988.

TRD-8804507 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: May 4, 1988

For further information, please call (512) 479-1200

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Notice of Hearing Cancellation

As no opposition has been noted in the application for domicile change by Eagle Management and Trust Company, Houston, the hearing previously scheduled for May 9, 1988, has been cancelled.

Issued in Austin, Texas, on May 3, 1988.

TRD-8804508 William F. Aldridge
Director of Corporate Activities
Texas Department of Banking

Filed: May 4, 1988

For further information, please call (512) 479-1200

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

<u>Type of Rate Ceilings</u>	<u>Effective Period (Dates are Inclusive)</u>	<u>Consumer⁽³⁾/Agri- cultural/Commercial⁽⁴⁾ thru \$250,000</u>	<u>Commercial⁽⁴⁾ over \$250,000</u>
Indicated (Weekly) Rate - Art. 1.04(a)(1)	05/09/88-05/15/88	18.00%	18.00%
Monthly Rate ⁽¹⁾ Art. 1.04(c)	05/01/88-05/31/88	18.00%	18.00%
Standard Quarterly Rate - Art. 1.04(a)(2)	04/01/88-06/30/88	18.00%	18.00%
Retail Credit Card Quarterly Rate - Art. 1.11 ⁽³⁾	04/01/88-06/30/88	18.00%	N.A.
Lender Credit Card Quar- terly Rate - Art. 15.02(d) ⁽³⁾	04/01/88-06/30/88	14.00%	N.A.
Standard Annual Rate - Art. 1.04(a)(2) ⁽²⁾	04/01/88-06/30/88	18.00%	18.00%
Retail Credit Card Annual Rate - Art. 1.11 ⁽³⁾	04/01/88-06/30/88	18.00%	N.A.
Annual Rate Applicable to Pre-July 1, 1983 Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from:	04/01/88-06/30/88	18.00%	N.A.
Judgment Rate - Art. 1.05, Section 2	05/01/88-05/31/88	10.00%	10.00%

- (1) For variable rate commercial transactions only.
- (2) Only for open-end credit as defined in Art. 5069-1.01(f) V.T.C.S.
- (3) Credit for personal, family or household use.
- (4) Credit for business, commercial, investment or other similar purpose.

Issued in Austin, Texas, on May 2, 1988.

TRD-8804508 Al Endsley
Consumer Credit Commissioner

Filed: May 4, 1988

For further information, please call (512) 479-1280.

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State Board of Insurance
Company Licensing

The following applications have been filed with the State Board of Insurance and are under consideration:

1. Application for incorporation of the Affordable Health Care, Inc., a domestic health maintenance organization. The home office is in Houston.
2. Application for a name change by Universal Security Life Insurance Company, a domestic life insurance company. The home office is in Dallas. The proposed new name is Hibiscus Life Insurance Company.
3. Application for admission to do business in Texas by Southern Security Life Insurance Company, a foreign life insurance company. The home office is in Maitland, Florida.
4. Application for a name change by American Family Life Insurance Company, a domestic life insurance company. The home office is in Austin. The proposed new name is American Surety Life Insurance Company.
5. Application for admission to do business in Texas by Commercial Guaranty Insurance Company, a foreign casualty insurance company. The home office is in Dover, Delaware.
6. Application for admission to do business in Texas by Benefit Alternatives, a foreign third party administrator. The home office is in Columbia, South Carolina.

Issued in Austin, Texas on April 29, 1988.

TRD-8804438 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: May 2, 1988

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

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Correction of Error

The State Board of Insurance submitted an emergency renewal of effectiveness which contained an error as submitted in the April 19, 1988, issue of the *Texas Register* (13 TexReg 1901).

For §1.406, the renewal should read: "The State Board of Insurance is renewing the effectiveness of the emergency adoption of new §1.406, for a 60-day period effective April 15, 1988. The text of new §1.406 was originally published in the December 25, 1987, issue of the *Texas Register* (12 TexReg 4876) and amended in the March 15, 1988, issue (13 TexReg 1247)."

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Public Utility Commission of Texas
Correction of Error

The Public Utility Commission of Texas submitted a

proposed amendment which contained an error as published in the April 15, 1988, issue of the *Texas Register* (13 TexReg 1749).

In §23.49, the last two sentences to subparagraph (i)(3)(I) should read: "In any event, any of the parties to the joint filing may withdraw the joint filing without prejudice at any time prior to the rendition of the final order. Any alteration or modification of the joint filing by the commission may only be made upon the agreement of all parties."

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Texas Water Commission
Notice of Application

Notice is hereby given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of April 25-29, 1988.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; and (2) a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed are the name of the applicant and the city in which the facility is located, type of facility, location of the facility, permit number, and type of application--new permit, amendment or renewal.

Bell County Water Control and Improvement District 1, Killeen; wastewater treatment plant; approximately 0.75 mile north of the intersection of FM Road 2410 and United States Highway 190, and adjacent to and west of FM Road 2410 in the City of Killeen in Bell County; 10351; renewal.

Lakeview Water Supply and Sewer Service Corporation, Lakeview; wastewater treatment plant; approximately one mile south of State Highway 256 and FM Road 657, south of the City of Lakeview and west of Oak Creek in Hall County; 10970-01; renewal.

Conroe Independent School District, Conroe; sewage treatment plant approximately 1,000 feet north of FM Road 3083 and 2,200 feet south of FM Road 2090 in Montgomery County; 12607-01; renewal.

West Texas Utilities Company, Vernon; steam electric station; 3.8 miles southwest of the Town of Oklaunion and eight miles southeast of the City of Vernon, Wilbarger County; 02574; renewal.

Airport Utilities, Houston; sewage treatment plant; in the southeast corner of the intersection of North Belt and John F. Kennedy Boulevard, south of the Houston Intercontinental Airport in Harris County; 11159-01; renewal.

United States Department of the Army III Corps and Fort Hood, Fort Hood; wastewater treatment facilities and washrack treatment facilities; at North Fort Hood in Coryell County; 12096-01; renewal.

Todd Shipyards Corporation, Galveston Division, Galveston; shipyard facility; on Pelican Island, adjacent to Galveston Channel on Pelican Island and approximately 1.5 miles east of the Pelican Island Bridge in Galveston County; 00779; amendment.

Harris County Municipal Utility District 202, Houston; wastewater treatment facilities, approximately 1,300 feet west of Bammel-North Houston Road, between Bourgeois Road and Harris County Flood Control Ditch P-152-02-00 in Harris County; 12631-01; renewal.

Addicks Utility District, Houston; wastewater treatment plant; approximately two miles north of the intersection of IH 10 and Barker-Cypress Road in Harris County; 11696; renewal.

Monsanto Company, Alvin; plant which produces organic chemicals; adjacent to FM Highway 2917, approximately 1 1/4 miles northwest of the FM Road 2917/FM Road 2004 intersection and south-southeast of the City of Alvin, Brazoria County; 00001; renewal.

El Paso Water Utilities Public Service Board, El Paso; wastewater treatment plant; on Delta Street, approximately 0.5 mile south of the Franklin Canal, and 0.5 mile north of the Rio Grande in the City of El Paso, El Paso County; 10408-01; amendment.

Natchez Joint Venture, Houston; wastewater treatment plant; approximately two miles west of the intersection of State Highway 6 and FM Road 521 and approximately 5.5 miles southeast of the intersection of State Highway 6 and FM 1092 (Stafford-DeWalt Road) in Fort Bend County; 13397-01; new.

Kirby Forest Industries, Inc., Silsbee Plant, Silsbee; plywood and lumber mill; on the northwest corner of the intersection of State Highway 92 and FM Road 418 in the northern sector of the City of Silsbee, Hardin County; 00547; renewal.

Bi-Stone Municipal Water Supply District, Mexia; surface water treatment facilities; approximately one mile north of the intersection of State Highway 164 and FM Road 39 in Limestone County; 02587-01; amendment.

City of Brownwood; wastewater treatment facilities; north of Willis Creek, at the southeast end of Hoover Avenue in the City of Brownwood, Brown County; 10565-01; amendment.

Ta-Shen Su, Trustee, Houston; wastewater treatment plant; in an enclosed structure between apartments 10 and 11 at 3357 Frick Road, approximately 1 1/2 miles west of the intersection of Frick Road and Stubner Airline Road in Harris County; 13425-01; new.

Dallas County Water Control and Improvement District 6, Balch Springs; wastewater treatment facilities; approximately 0.5 mile east and 0.2 mile south of the intersection of Belt Line Road and Beckett Road in Dallas County; 10061-01; renewal.

Liberty Hill Independent School District, Liberty Hill; activated sludge plant; adjacent to and south of the intersection of State Highway 29 and State Highway Loop 332 in Williamson County; 13278-01; renewal.

Greenwood Utility District, Houston; sewage treatment plant; at 11702 1/2 Tidwell Road, approximately 1 1/2 miles north of Highway 90 on the east bank of Greens Bayou in Harris County; 11061; renewal.

Charles B. Jordan, Sr. and Charles B. Jordan, Jr. doing business as Charles B. Jordan Dairy, Dublin; dairy; approximately 3.2 miles south of Dublin on FM Road 1702 in Erath County; 02994; new.

Trail Dust Steak House, Inc., Arlington; wastewater treatment plant; approximately 1,000 feet northeast of the intersection of United States Highway 380 and FM Road 720 in Denton County; 11613-01; renewal.

Texas Utilities Electric Company, Athens; steam electric station; on the north shore of Forest Grove Reservoir, approximately seven miles northwest of the City of Athens; 02032; renewal.

Thorstenberg Materials Company, Inc., Garwood; sand and gravel washing plant; two miles west of the Community of Altair, near United States Highway 90-A, Colorado County; 02988; new.

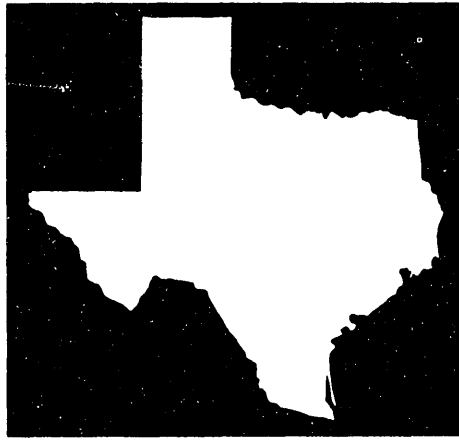
Issued in Austin, Texas on April 29, 1988.

TRD-8804478 Karen A. Phillips
Chief Clerk
Texas Water Commission

Filed: May 3, 1988

For further information, please call (512) 463-7906.





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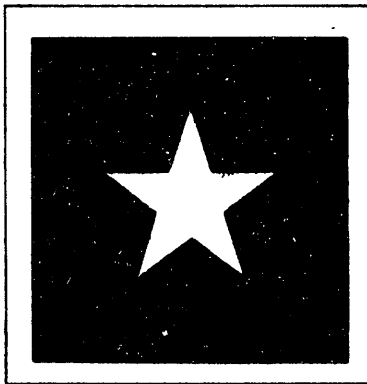
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