

# Texas Register

Volume 13, Number 59, July 29, 1988

Pages 3719-3789

## In This Issue...

### **Governor**

Executive Order

3727-WPC 88-9

Appointments Made July 19, 1988

3729-Automated Information and Telecommunications Council

3729-Council on Disabilities

3729-Board of Regents of Midwestern State University

### **Emergency Sections**

Secretary of State

3731-Automobile Club

### **Proposed Sections**

Secretary of State

3733-Voter Registration

State Aircraft Pooling Board

3733-General Provisions

Texas Motor Vehicle Commission

3733-Warranty Performance Obligations

Texas Education Agency

3734-Planning and Accreditation

3734-Assignment of Personnel

Texas State Board of Dental Examiners

3735-Pertaining to Dentistry

State Board of Insurance

3736-General Administration

Texas Water Commission

3736-Consolidated Permits

Texas Department of Human Services

3737-ICF/SNF

3737-Community Care for Aged and Disabled

3737-Family Care Program

### **Adopted Sections**

Texas Department of Commerce

3749-Texas Community Development Program

Texas Department of Labor and Standards

3749-Labor, Licensing, and Enforcement

3749-Manufactured Housing Division

Texas Optometry Board

3750-Interpretations

Texas State Board of Public Accountancy

3750-Continuing Professional Education

Texas Department of Health

3751-Maternal and Child Health Services

Employees Retirement System of Texas

3754-Flexible Benefits

Texas Bond Review Board

3755-Bond Review Board

CONTENTS CONTINUED INSIDE



# Texas Register Publications

a section of the  
Office of the Secretary of State  
P.O. Box 13824  
Austin, Texas 78711-3824  
512-463-5561

**Jack M. Rains**  
**Secretary of State**

Director  
**Dan Procter**

Assistant Director  
**Dee Wright**

Documents Section Supervisor  
**Patty Parris**

Documents Editors  
**Catherine Koelemay**

**Lisa Brull**

Document Filing

**Janiene Hagel**

Production Section Supervisor

**Craig Howell**

Production Editor

**Jody Allen**

Typographers

**Ann Franklin**

**Janet McIntosh**

Circulation/Marketing

**Richard Kallus**

**Roberta Knight**

TAC Editor

**Dana Blanton**

## Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Texas Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas.

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

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

Governor—appointments, executive orders, and proclamations

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

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

Proposed Sections—sections proposed for adoption

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

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

Open Meetings—notices of open meetings

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

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

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

In order that readers may cite material more easily page numbers are now written as citations. Example: on page 2 in the lower left-hand corner of the page, would be written: "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.

Texas Department of Human Services

3755-Intermediate Care Facility for Mentally Retarded

State Board of Insurance

3756-Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

**Open Meetings**

3759-Texas Adult Probation Commission

3759-Texas Department on Aging

3759-Texas Commission on Alcohol and Drug Abuse

3759-State Board of Barber Examiners

3759-Battleship Texas Advisory Board

3759-Texas Department of Commerce

3760-Texas Education Agency

3760-Employees Retirement System of Texas

3760-Texas Employment Commission

3760-Governor's Office

3761-Governor's Office of Budget and Planning

3761-Texas Department of Health

3761-Texas Historical Commission

3761-Texas Housing Agency

3761-Texas Department of Human Services

3761-State Board of Insurance

3762-Texas Motor Vehicle Commission

3762-Special Committee on Organization of State Agencies

3763-Pan American University

3763-Board of Pardons and Paroles

3763-Texas State Board of Pharmacy

3763-State Board of Public Accountancy

3763-Public Utility Commission

3763-Railroad Commission of Texas

3765-Texas Savings and Loan Department

3765-Board of Tax Professional Examiners

3765-The University of Texas at Austin

3765-Texas Board of Veterinary Medical Examiners

3766-Texas Water Commission

3766-Regional Meetings

**In Addition**

State Banking Board

3769-Notice of Hearings

Texas Department of Commerce

3769-Weekly Report on the 1988 Allocation of the State Ceiling on Certain Private Activity Bonds

Texas Department of Community Affairs

3769-Notice of Training Workshop

Texas Education Agency

3770-Consultant Proposal Request Deadline Extension

Governor's Office

3770-Budget Execution Proposal

Governor's Office of Budget and Planning

3772-Consultant Proposal Request

Texas Department of Health

3773-Correction of Notice

3774-Licensing Actions for Radioactive Materials

3780-Notice of Intent to Revoke Certificates of Registration

3781-Notice of Revocation of Certificates of Registration

Texas Department of Human Services

3782-Notice of Public Hearing

Texas Industrial Accident Board

3782-Correction of Error

State Board of Insurance

3782-Notice of Public Hearings

Legislative Budget Board

3783-Joint Budget Hearing Schedule

Texas Rehabilitation Commission

3784-Consultant Proposal Request

3784-Request for Proposal

Office of the Secretary of State

3785-Disbursement of Funds Under Chapter 19, Texas Election Code

Texas Water Commission

3787-Enforcement Orders

**Texas Register**

3789-Publication Schedule

# TAC Titles Affected

## TAC Titles Affected—July

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

### TITLE 1. ADMINISTRATION

#### Part I. Officer 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—3337

1 TAC §3.21—3695

1 TAC §3.44—3695

1 TAC §§3.70, 3.80, 3.81, 3.84—3695

1 TAC §3.91—3696

1 TAC §§5.2.5.5, 5.7, 5.8, 5.21-5.25, 5.31, 5.41-5.45, 5.71, 5.91-5.93, 5.101-5.110, 5.121-5.131—3339

1 TAC §§7.1-7.5—3339

#### Part IV. Office of the Secretary of State

1 TAC §75.41, §75.42—3731

1 TAC §81.11—3733

1 TAC §§81.200-81.202, 81.210—3631, 3633

#### Part IX. State Aircraft Pooling Board

1 TAC §181.1—3733

### TITLE 4. AGRICULTURE

#### Part I. Texas Department of Agriculture

4 TAC §1.14—3399

4 TAC §§6.1-6.4—3400

4 TAC §§8.1-8.12—3683

4 TAC §15.11—3469

### TITLE 7. BANKING AND SECURITIES

#### Part V. Office of Consumer Credit Commissioner

7 TAC §81.20—3321

### TITLE 10. COMMUNITY DEVELOPMENT

#### Part II. Texas Department of Commerce

10 TAC §176.6—3621, 3623

10 TAC §178.1, §178.2—3749

### TITLE 13. CULTURAL RESOURCES

#### Part I. Texas State Library and Archives Commission

13 TAC §§1.71, 1.84, 1.85—3633

13 TAC §1.74—3631

#### Part IV. Texas Antiquities Committee

13 TAC §§43.1, 43.2, 43.3—3497

13 TAC §§43.53, 43.55, 43.59, 43.67, 43.81, 43.87, 43.89, 43.93, 43.111, 43.125, 43.127, 43.159, 43.181, 43.191, 43.203, 43.227—3497

13 TAC §43.183—3499

13 TAC §§43.241, 43.242—3500

#### Part VII. State Preservation Board

13 TAC §111.15—3411

### TITLE 16. ECONOMIC REGULATION

#### Part I. Railroad Commission of Texas

16 TAC §1.7—3337, 3373, 3377

16 TAC §3.102—3696

16 TAC §5.183—3373

16 TAC §5.294—3377

16 TAC §5.501—3378

16 TAC §5.506—3337

16 TAC §5.508—3378

16 TAC §5.620—3379

#### Part II. Public Utility Commission of Texas

16 TAC §23.29—3623

16 TAC §23.30—3625

16 TAC §23.32—3633

16 TAC §23.45—3689

16 TAC §23.52—3401

16 TAC §23.53—3401

#### Part IV. Texas Department of Labor and Standards

16 TAC §§63.21-63.26—3749

16 TAC §69.186—3375, 3379

16 TAC §70.20, §70.21—3621

16 TAC §70.20, §70.21—3634

16 TAC §§73.1-73.9—3749

16 TAC §75.1—3634

16 TAC §75.2—3634

**Part VI. Texas Motor Vehicle Commission**

16 TAC §107.8—3500, 3733

**TITLE 19. EDUCATION**

**Part II. Texas Education Agency**

19 TAC §53.2, §53.3—3690

19 TAC §§53.21, 53.24, 53.25—3690

19 TAC §61.2—3634

19 TAC §75.49—3635

19 TAC §75.70—3635

19 TAC §78.23—3699

19 TAC §§85.171-85.173—3701

19 TAC §§85.181-85.183, 85.185-85.187—3701

19 TAC §85.186—3702

19 TAC §85.202, §85.203—3702

19 TAC §§85.214, 85.216-85.219—3702

19 TAC §85.231—3702

19 TAC §85.232—3702

19 TAC §97.117—3734

19 TAC §§105.131-105.135, 105.137-105.139—3703

19 TAC §143.11—3734

**TITLE 22. EXAMINING BOARDS**

**Part III. Texas Board of Chiropractic Examiners**

22 TAC §71.6—3563

22 TAC §71.10—3501

22 TAC §75.1—3627

22 TAC §75.3—3501

22 TAC §75.4—3509

22 TAC §77.2—3511, 3563

22 TAC §§77.3-77.5—3502

22 TAC §78.1—3577

**Part V. Texas State Board of Dental Examiners**

22 TAC §101.12—3735

**Part VII. Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids**

22 TAC §141.37—3379

22 TAC §143.1—3380

**Part XIV. Texas Optometry Board**

22 TAC §279.8—3750

**Part XVI. Texas State Board of Physical Therapy Examiners**

22 TAC §321.1—3402

22 TAC §337.2—3403

22 TAC §343.1—3502

**Part XVIII. Texas State Board of Podiatry Examiners**

22 TAC §382.1—3621, 3631

**Part XX. Texas Board of Private Investigators and Private Security Agencies**

22 TAC §423.12—3511

22 TAC §433.9—3511

22 TAC §445.4—3511

22 TAC §451.2—3512

22 TAC §451.9—3512

22 TAC §456.1—3512

**Part XXII. Texas State Board of Public Accountancy**

22 TAC §521.1—3321, 3325

22 TAC §521.3—3325

22 TAC §521.4—3323, 3326

22 TAC §523.27—3750

22 TAC §535.162—3339

**Part XXIV. State Board of Veterinary Medical Examiners**

22 TAC §571.4—3445

**Part XXV. Structural Pest Control Board**

22 TAC §5933.1, §593.6—3635

**Part XXX. Texas State Board of Examiners of Professional Counselors**

22 TAC §681.224, §681.228—3563

**TITLE 25. HEALTH AND HUMAN SERVICES**

**Part I. Texas Department of Health**

25 TAC §31.2, §31.3—3622, 3627

25 tAC §§37.82-37.93, 37.97—3751

25 TAC §37.191—3577

25 TAC §73.21—3628

25 TAC §75.22—3629

25 TAC §§157.66, 157.72, 157.77, 157.78—3635

25 TAC §157.76—3637

25 TAC §157.84—3637

Part II. Texas Department of Mental Health and Mental Retardation

25 TAC §§402.201-402.222—3409

25 TAC §§405.231-405.246—3409

25 TAC §§405.691-405.724—3409

Part III. Interagency Council

25 TAC §621.23, §621.35—3564

25 TAC §621.42—3565

**TITLE 28. INSURANCE**

Part I. State Board of Insurance

28 TAC §1.36—3326

28 TAC §1.303—3622, 3736

28 TAC §§1.801-1.813—3327

28 TAC §3.1303—3630

28 TAC §5.6105—3331

28 TAC §7.56—3323

28 TAC §9.1—3578

28 TAC §§33.1-33.10—3395

28 TAC §§33.101-33.108—3396

28 TAC §§33.201-33.206—3397

Part II. Industrial Accident Board

28 TAC §§42.5, 42.10, 42.15, 42.25, 42.30, 42.35, 42.40, 42.45, 42.50, 42.55, 42.60, 42.65, 42.70, 42.75, 4.80—3566

28 TAC §§42.5, 42.10, 42.15, 42.20, 42.25, 42.30, 42.35, 42.40, 42.45, 42.50, 42.55, 42.60, 42.65, 42.70—3575

28 TAC §§42.125, 42.30, 42.135, 42.140, 42.145, 42.150, 42.155, 42.160, 42.165, 42.170, 42.175—3570

28 TAC §§42.305, 42.310, 42.315—3571

28 TAC §53.63

**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

Part III. Texas Air Control Board

31 TAC §§114.1, 114.3-114.5—3332

Part IV. School Land Board

31 TAC §155.10—3334

Part IX. Texas Water Commission

31 TAC §§261.1-261.4, 261.7-261.11—3579

31 TAC §§261.1-261.11—3579

31 TAC §§261.21-261.26—3579

31 TAC §§261.41-261.43—3579

31 TAC §§263.1-263.20—3579

31 TAC §§263.1-263.34—3580

31 TAC §§265.1-265.9—3581

31 TAC §§265.1-275.20—3582

31 TAC §§267.1-267.16 and 267.19-267.26—3584

31 TAC §§267.1, 267.9, 267.13-267.28—3584

31 TAC §§269.1-269.10—3584

31 TAC §§269.1-269.11—3585

31 TAC §§273.1-273.7—3585

31 TAC §§273.1-273.8—3585

31 TAC §§275.71-275.80—3585

31 TAC §293.11, §293.17—3638

31 TAC §293.63—3638

31 TAC §293.88—3639

31 TAC §§304.1-304.3—3639

31 TAC §§304.11-304.16—3642

31 TAC §304.21—3643

31 TAC §§304.31-304.33—3644

31 TAC §§304.41-304.44—3644

31 TAC §304.51—3644

31 TAC §§304.61-304.63—3644

31 TAC §305.62—3513

31 TAC §305.125—3513

31 TAC §305.401—3514

31 TAC §305.521—3736

31 TAC §§309.1-309.4—3514

31 TAC §§319.1-319.11—3514

31 TAC §§319.1-319.12—3515  
31 TAC §§335.1, 335.6, 335.10-335.15, 335.24—3516  
31 TAC §§335.41—3518  
31 TAC §§335.61, 335.71, 335.76, 335.78—3519  
31 TAC §§335.112, §335.114—3520  
31 TAC §§335.152, §335.154—3521  
31 TAC §§335.431—3522

## TITLE 34. PUBLIC FINANCE

### Part I. Comptroller of Public Accounts

34 TAC §3.55—3336  
34 TAC §3.541—3522  
34 TAC §3.542—3522  
34 TAC §3.543—3586  
34 TAC §3.544—3522  
34 TAC §3.546—3522  
34 TAC §3.547—3443  
34 TAC §3.548—3335  
34 TAC §3.550—3523  
34 TAC §3.551—3523  
34 TAC §3.552—3523  
34 TAC §3.554—3523  
34 TAC §3.558—3523  
34 TAC §5.21—3703  
34 TAC §5.22—3703  
34 TAC §5.23—3703  
34 TAC §5.24—3703  
34 TAC §5.25—3703  
34 TAC §5.26—3703  
34 TAC §5.27—3704  
34 TAC §5.29—3704  
34 TAC §5.30—3704  
34 TAC §5.32—3704  
34 TAC §5.33—3704  
34 TAC §5.34—3704  
34 TAC §5.56—3705

### Part III. Teacher Retirement System of Texas

34 TAC §25.30—3339  
34 TAC §27.1—3340  
34 TAC §45.1, §45.2—3340

### Part IV. Employees Retirement System of Texas

34 TAC §§85.1, 85.3, 85.5, 85.7, 85.9, 85.11, 85.13, 85.15, 85.17—3754

### Part IX. Texas Bond Review Board

34 TAC §§181.1-181.10—3755

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part VIII. Commission on Fire Protection Personnel Standards and Education

37 TAC §233.41—3503, 3509  
37 TAC §§233.62-233.64—3504  
37 TAC §§233.108-233.110—3505

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

40 TAC §3.501  
40 TAC §§4.1004, 4.1006, 4.1010, 4.1012—3572  
40 TAC §10.1001, §10.1009—3340  
40 TAC §10.1009—3691  
40 TAC §10.1002—3340  
40 TAC §15.2001—3341  
40 TAC §15.2201—3403  
40 TAC §15.2204—3693  
40 TAC §15.3001—3341  
40 TAC §15.3323—3341  
40 TAC §§15.3403, 15.3408, 15.3412, 15.3416-15.3417—3341  
40 TAC §15.3412—3404  
40 TAC §16.1101—3587  
40 TAC §16.1305—3587  
40 TAC §16.1903, §16.1917—3587  
40 TAC §§16.2904, 16.2905, 16.2906—3587  
40 TAC §16.3012—3587  
40 TAC §16.3103—3588  
40 TAC §16.3201, §16.3212—3588

40 TAC §16.3801, §16.3802—3588  
40 TAC §16.3903—3588  
40 TAC §16.4911—3588  
40 TAC §16.4912, §16.4913—3588  
40 TAC §16.6111, §16.6112—3588  
40 TAC §16.7103—3588  
40 TAC §16.9802—3737  
40 TAC §27.3011—3755  
40 TAC §35.802—3691  
40 TAC §46.1001—3649  
40 TAC §40.2002, §46.2004—3649  
40 TAC §§46.2005, 46.2007, 46.2008—3649  
40 TAC §46.3001, §46.3006—3650  
40 TAC §46.3003—3650  
40 TAC §§46.4001-46.4003—3650  
40 TAC §46.5001—3650  
40 TAC §46.7001—3650  
40 TAC §48.2929—3650  
40 TAC §48.2930—3651  
40 TAC §48.5910, §48.5911—3737  
40 TAC §48.9201—3737  
40 TAC §48.9804—3737  
40 TAC §53.101, §53.102—3738  
40 TAC §§53.201-53.204—3739  
40 TAC §53.301, §53.302—3740  
40 TAC §§53.401-53.404—3741  
40 TAC §§53.501-53.503—3743  
40 TAC §§53.601-53.603—3746  
40 TAC §§72.501-72.507—3588  
40 TAC §16.9801—3524  
40 TAC §27.2301—3469  
40 TAC §27.2409—3469  
40 TAC §29.502—3528  
40 TAC §29.1101—3528  
40 TAC §§29.1801-29.1804—3506  
40 TAC §49.316, §49.317—3529

40 TAC §56.306—3529  
40 TAC §56.501—3529  
40 TAC §69.227—3529  
40 TAC §72.401—3529  
40 TAC §79.2111, §79.2114—3530  
Part III. Texas Commission on Alcohol and Drug Abuse  
40 TAC §§151.11-151.17, 151.21, 151.22—3445  
40 TAC §§151.11-151.19—3446  
40 TAC §§151.31-151.38—3449  
40 TAC §§151.31-151.36—3449  
40 TAC §§151.41-151.48—3450  
40 TAC §§151.42-151.46—3450  
40 TAC §§151.61-151.69, 151.81-151.86, 151.101,  
151.201-151.215—3451  
40 TAC §§151.61-151.73, 151.81-151.86, 151.101-  
151.111—3452  
40 TAC §§151.301-151.308, 151.311, 151.312, 151.314-  
151.325—3466  
40 TAC §151.313—3466  
40 TAC §§151.401, 151.402, 151.405-151.415—3466

Part IV. Texas Commission for the Blind

40 TAC §159.16

Part VI. Texas Commission for the Deaf

40 TAC §181.900—3411

**TITLE 43. TRANSPORTATION**

Part I. State Department of Highways and Public Transportation

43 TAC §9.3—3411

43 TAC §9.6, §9.7—3412

43 TAC §11.71—3705

43 TAC §§21.600-21.606—3405

◆ ◆ ◆



# The Governor

---

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

---

## Executive Order

WPC 88-9

WHEREAS, the Texas Department of Corrections has notified the Texas Attorney General in writing that the inmate population of the Texas Department of Corrections has reached 95% of capacity, as defined by statute and as imposed by the agreed order in *Rulz v. McCotter*; and

WHEREAS, the Attorney General has certified, in writing, that the inmate population has reached 95% of the capacity, as defined above, of the Texas Department of Corrections; and

WHEREAS, by Senate Bill 215, 70th Legislature, Regular Session, amending the Texas Prison Management Act, Article 6184o, Texas Revised Civil Statutes, the legislature has required that under these circumstances that Governor shall certify that an emergency overcrowding situation exists and shall take certain steps to resolve the certified overcrowding condition.

WHEREAS, the Texas Board of Pardons and Paroles has met in a called session and has recommended, in writing, an award of 90 days of administrative good conduct time to alleviate the certified over-crowding condition in the Texas Department of Corrections.

NOW, THEREFORE, I, William P. Clements, Jr., Governor of Texas, do hereby certify that an emergency overcrowding situation exists among the inmate population of the Texas Department of Corrections.

FURTHERMORE, under the authority vested in me, I do hereby order the Director of the Texas Department of Corrections to credit to all eligible inmates, as defined by Senate Bill 215, 90 total days of administrative good conduct time.

This Executive Order shall be effective immediately and shall apply to all inmates in the Texas Department of Corrections population as of the midnight population count on Wednesday, July 20, 1988, and shall be binding as authorized by law. This Executive Order may be modified or amended from time to time, as required to carry out the intent of the legislature, until the emergency overcrowding condition no longer exists.

Issued in Austin, Texas on July 21, 1988.

TRD-8807539

William P. Clements, Jr.  
Governor of Texas





*Gary Weger*



Name: Gary Weger  
Grade: 9  
School: Richardson Jr. High, Richardson

**Appointments Made July 19,  
1988**

To be chairman of the **Automated Information and Telecommunications Council** for a term to serve at the pleasure of the governor: **Dr. Donald A. Maxwell**, Texas A&M University, Civil Engineering Department, College Station, Texas 77843-3136.

To be a member of the **Council on Disabilities** for a term to expire January 31, 1989: **Martha Virginia Wynne**, 6542 Northwood, Dallas, Texas 75225. Ms. Wynne will be replacing **Amy Rosenberg** of Austin whose term expired.

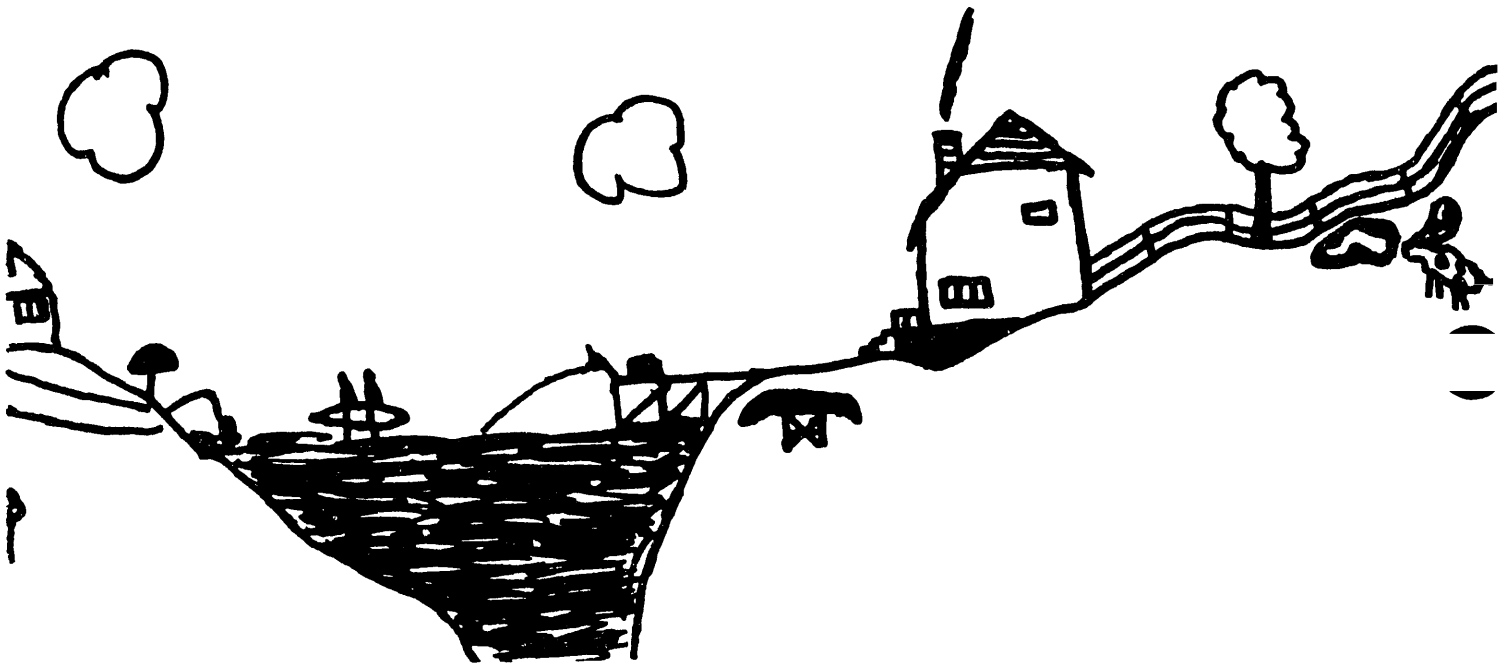
To be a member of the **Board of Regents of Midwestern State University** for a term to expire February 15, 1994: **Dunman Perry, Jr.**, 804 Northwest Seventh Avenue, Mineral Wells, Texas 76067. Mr. Perry will be replacing **Edward W. Moran, Jr.** of Wichita Falls whose term expired.

Issued in Austin, Texas on July 20, 1988.

TRD-8807456

William P. Clements, Jr.  
Governor of Texas





Name: Nate Stricklen  
Grade: 5  
School: Merriman Park Elementary,  
Richardson

# 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 1.

### ADMINISTRATION

#### Part IV. Secretary of State

#### Chapter 75. Automobile Club .

- 1 TAC §75.41, §75.42

The Secretary of State is renewing the effectiveness of the emergency adoption of new §75.41 and §75.42 for a 60-day period effective July 28, 1988. The text of new §75.41 and §75.42 was originally published in the April 5, 1988, issue of the *Texas Register* (13 TexReg 1579).

Issued in Austin, Texas on July 25, 1988.

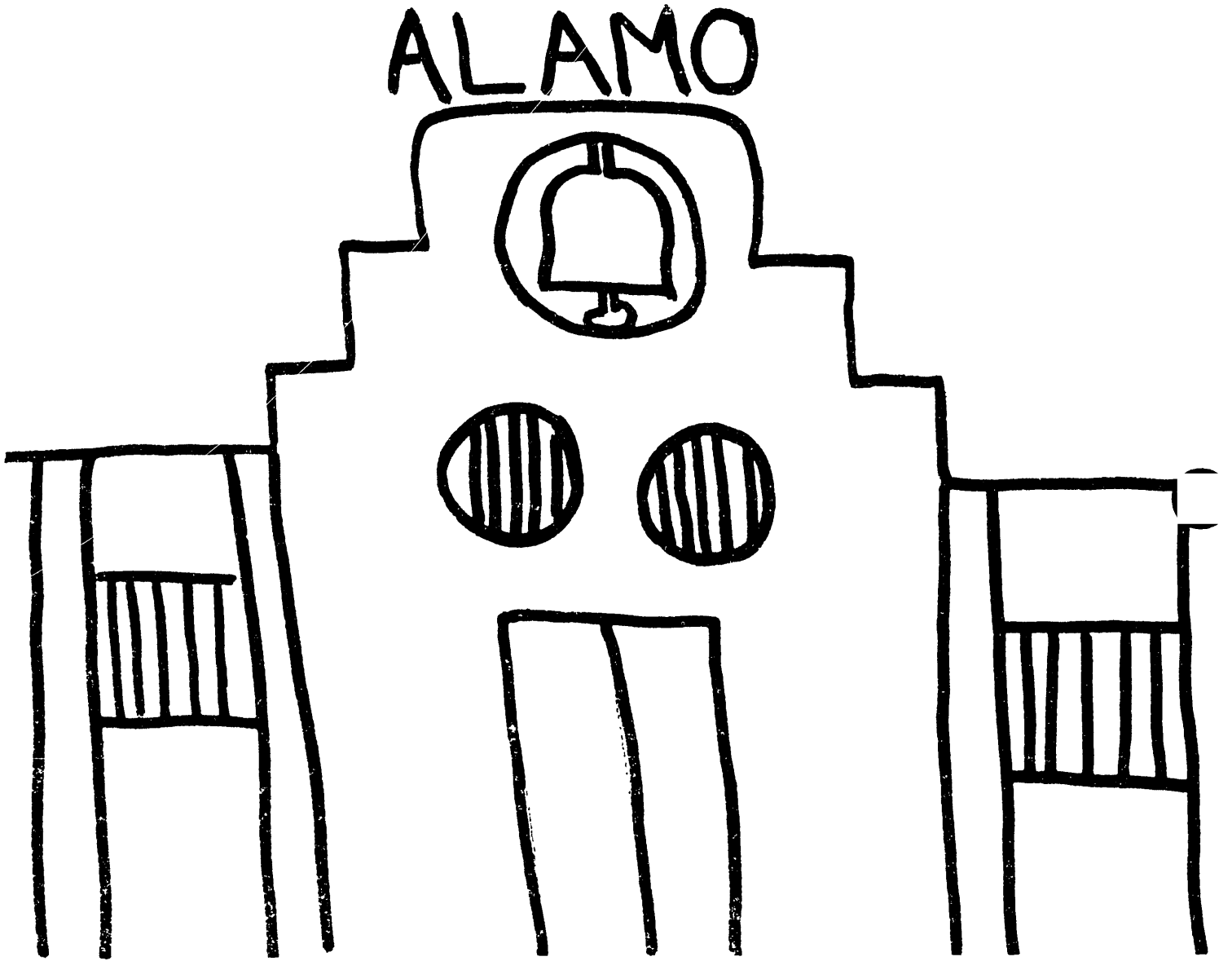
TRD-8807588      Randall H. Erben  
Assistant Secretary of  
State  
Secretary of State

Effective date: July 28, 1988

Expiration date: September 26, 1988

For further information, please call: (512)  
463-5701





Name: Lauren Halford  
Grade: 5  
School: Merriman Park Elementary,  
Richardson

# 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 IV. Secretary of State

##### Chapter 81. Voter Registration

###### • 1 TAC §81.11

The Office of the Secretary of State proposes new §81.11, concerning disbursement of funds under the Texas Election Code, Chapter 19, House Bill 612, (Act of June 1, 1987, Chapter 472, §5, 1988 Texas General Laws 2061, 2062-63) amended Chapter 19 of the Texas Election Code regarding disbursement of state funds to county voter registrars. These funds are restricted for use to pay expenses of the registrar's office in connection with voter registration. The Secretary of State is adopting by reference the directive prescribing the procedures necessary to implement the issuance of warrants to cover certain expenses of the voter registrar's office.

Tom Harrison, special assistant for elections, 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. Harrison 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 funds dedicated to voter registrars and to enhancement of the county voter registration system will be spent for those purposes only. 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 Tom Harrison, Special Assistant, Elections Division, P.O. Box 12060, Austin, Texas 78711.

The new section is proposed under Texas Election Code Annotated, §19.002(b) and §31.003, which provides the Secretary of State with the authority to prepare detailed and comprehensive written directives and instructions in order to obtain and maintain uniformity in the application, operation, and interpretation of the Texas Election Code, and of the election laws outside the Code.

(Editor's note: The text of the document adopted by reference in the following section is published in its entirety in the In Addition section of this issue.)

§81.11. *Disbursement of Funds Under the Texas Election Code, Chapter 19.* The Office of the Secretary of State adopts by reference the "Directive Regarding Chapter 19 Funds," and associated addenda. Copies

of these documents may be obtained from the Office of the Secretary of State, Elections Division, P.O. Box 12060, Austin, Texas 78711.

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

Issued in Austin, Texas, on July 20, 1988.

TRD-8807484      Randall H. Erben  
Assistant Secretary of  
State

Earliest possible date of adoption: August 29, 1988

For further information, please call: (512) 463-5701

## Part IX. State Aircraft Pooling Board

### Chapter 181. General Provisions

#### • 1 TAC §181.1

The State Aircraft Pooling Board proposes an amendment to §181.1, concerning the frequency of regular board meetings. This section is amended to reflect the number of meetings currently needed to conduct business.

Jerry Daniels, fiscal officer, 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. Daniels also has determined that for each year of the first five years the section is in effect there will be no public benefit anticipated as a result of enforcing the section. There 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 Bob DuLaney, Executive Director, State Aircraft Pooling Board, 4900 Old Manor Road, Austin, Texas 78723.

The amendment is proposed under Texas Civil Statutes, Article 4413 (346), §5(b), which provide the board with the authority to adopt rules to govern the calling and holding of meetings and to conduct business.

§181.1. *Board Meetings: Regular.* The board will meet approximately once each quarter [once per month, on the first Tuesday of each month] at a time and place to be determined by the chairman. The chair-

man shall post or cause to be posted with the Office of the Secretary of State the requisite notice so as to comply in all respects with the provisions of the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and the Open Meetings Act[,] (Texas Civil Statutes, Article 6252-17).

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

Issued in Austin, Texas, on July 25, 1988.

TRD-8807561      Jerald A. Daniels  
Fiscal Officer  
State Aircraft Pooling  
Board

Earliest possible date of adoption: August 29, 1988

For further information, please call: (512) 477-8900

## TITLE 16. ECONOMIC REGULATION

### Part VI. Texas Motor Vehicle Commission

#### Chapter 107. Warranty Performance Obligations

##### • 16 TAC §107.8

(Editor's note: The following proposed amendment was originally published in the July 15, 1988, issue (13 TexReg 3500). Due to an error the preamble and text are being republished.)

The Texas Motor Vehicle Commission proposes an amendment to §107.8, concerning a reasonable allowance for the owner's use of the vehicle when the commission enters a repurchase order. The amendment is proposed to formally address the requirements of a reasonable allowance included in the Texas Motor Vehicle Commission Code, Texas Civil Statutes, Article 4413(36), §6.07(c), and to develop a formula for calculating the allowance in cases where no evidence or insufficient evidence is presented by the parties on that issue.

Russell Harding, executive director of the commission, 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. Harding also has determined that for each year of the first five years the section is

in effect the public benefit anticipated as a result of enforcing the section will be the clarification of how the reasonable allowance for use will be determined in cases where the commission orders a repurchase under the lemon law; such clarification will decrease the number of exceptions to proposals for decision and requests for oral argument that are filed on that issue by manufacturers or distributors, and will result in the expeditious processing and disposition of lemon law cases. 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 in writing by August 29, 1988, to Russell Harding, Executive Director, Texas Motor Vehicle Commission, P.O. Box 2293, Austin, Texas 78768-2293.

The amendment is proposed under Texas Civil Statutes, Article 4413(36), §6.07(e), which provide that the commission shall adopt rules for the enforcement and implementation of the Texas Motor Vehicle Code, §6.07.

§107.8. *Decisions.* Any decisions by the commission and recommended decision by a hearing officer shall give effect to the presumptions provided in the Texas Motor Vehicle Commission Code, §6.07(d), where applicable.

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

(4) A reasonable allowance for the owner's use of the vehicle as provided [use of the vehicle by the owner shall be taken into consideration in any decision, as specified] in [Texas Motor Vehicle Commission] the Code, §6.07(c) [. The condition of the vehicle] shall [also] be taken into consideration in any decision [determining the reasonable allowance for the use of the vehicle.]

(A) In arriving at a reasonable allowance for the use of the vehicle, consideration will be given to any evidence presented by the parties. If the evidence presented is irrelevant or nonprobative or if no evidence is presented concerning the reasonable allowance for use of the vehicle, the commission will utilize the following formula to calculate the allowance:

(i) \$.20 per mile for mileage accumulated by the complainant prior to the first report to the manufacturer, distributor, or its authorized dealer of the defect or condition which forms the basis or part thereof of the commission's repurchase order; and, then:

(ii) \$.05 per mile for mileage accumulated after the first report of the defect or condition until and through the date of the lemon law hearing.

(B) The preceding formula will be used where applicable, provided, however, that the commission may, in its discretion, utilize other mileage figures

when deemed appropriate, such as in cases involving commercial or recreational vehicles or when other circumstances, such as condition of the vehicle, justify a higher or lower allowance for use.

(5)-(7) (No change.)

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

Issued in Austin, Texas, on July 8, 1988.

TRD-8807047

Russell Harding  
Executive Director  
Texas Motor Vehicle  
Commission

Proposed date of adoption: September 16, 1988

For further information, please call: (512) 476-3587

◆ ◆ ◆  
**TITLE 19. EDUCATION**  
**Part II. Texas Education Agency**  
**Chapter 97. Planning and Accreditation**

**Subchapter D. Principles, Standards, and Procedures for the Accreditation of School Districts**  
**Additional Accreditation Regulations**

• 19 TAC §97.117

*(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 Education Agency or in the Texas Register office, Room 503, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Education Agency proposes the repeal of §97.117, concerning requirements for assignment of school personnel. Many of the section's current rules are not in agreement with standards established in other rules, and the proposed addition of §143, in Subchapter B, concerning the same subject, would eliminate the need for this section.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Beverly Bardsley, director for policy development, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the provision of an essential linkage between the most current rules affecting the preparation and certification of public school personnel and the existing rules affecting services provided and subject area taught in the public schools. Appropriate assignment requirements for school personnel other than

teachers also would be established. 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 Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The repeal is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation of the Foundation School Program.

§97.117. *Requirements for Assignments of Teachers.*

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

Issued in Austin, Texas, on July 9, 1988.

TRD-8807454

W. N. Kirby  
Commissioner of Education

Proposed date of adoption: October 14, 1988

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

◆ ◆ ◆  
**Chapter 143. Assignment of Personnel**  
**Subchapter B. Assignment Requirements**

• 19 TAC §143.11

The Texas Education Agency proposes new §143.11, concerning requirements for assignment of school personnel, and the adoption by reference of the chart entitled "Assignment of School Personnel." New Subchapter B updates assignment requirements for teachers and establish such requirements for administrators. This creates an essential linkage between preparation standards for school personnel and curriculum, instruction, and other school district activities and services. It also consolidates into Chapter 143 material previously included in §97.117, which is being repealed.

One significant adjustment concerns assignment criteria for teachers of reading improvement, reading, and advanced reading. To improve the quality of instruction provided in this area, this change requires, beginning with the 1990-1991 school year, that such teachers possess a teaching field or specialization in either reading, English language arts-composite (including six semester hours of reading), or English (including nine semester hours in advanced reading with at least one course in diagnostic reading techniques). A person holding a professional reading specialist certificate may be assigned to teach any course in reading at all grade levels.

The State Board of Education will be considering the qualification requirements for teachers of the course entitled life management skills in the coming months as part of the



adoption process of this proposed subchapter.

Lynn Moak, deputy commissioner for research and information, 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. Moak and Beverly Bardsley, director for policy development, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the provision of an essential linkage between the most current rules affecting the preparation and certification of public school personnel and the existing rules affecting services provided and subject area taught in the public schools. Appropriate assignment requirements for school personnel other than teachers also would be established. 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 Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas, 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in sections has been published in the *Texas Register*.

The new subchapter is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the implementation of the Foundation School Program.  
**§143.11. Requirements for Assignment of School Personnel.**

(a) The criteria stated in this section shall be the basis for assignment of public school personnel. An individual who does not meet the specified assignment criteria for a particular assignment may be assigned under the provisions of subsection (b) of this section.

(1) An individual who met the assignment requirements in effect for a subject on the date of issuance of the individual's Texas certificate shall remain eligible to teach the subject provided the appropriate examination requirements specified in Chapter 141 of this title (relating to Teacher Certification) have been completed successfully.

(2) The preparation of teachers assigned to grades six through eight which are organized on a self-contained basis shall comply with the standards applicable for elementary teachers. "Self-contained" shall be defined as a class which is taught by one teacher for 50 percent or more of the school day.

(3) An elementary certificate may be appropriate for teaching high school age students on a high school campus, provided that the level of instruction is comparable to that which is given in the

elementary grades. When such an assignment is made, course outlines must be maintained in the school district files for review.

(4) All professional personnel employed in federally funded programs and innovative programs must have the qualifications and meet the assignment requirements specified in subsection (c) of this section.

(5) The assignment requirements identified in this subchapter apply to substitute teachers. If it is necessary for a school district to employ substitute teachers who are not certified, a list of such substitute teachers shall be retained in the school district files.

(b) When emergency conditions require, an individual may be assigned in accordance with provisions specified in Chapter 141, Subchapter N, of this title (relating to Emergency Teaching Permits, Special Assignment Permits, and Temporary Classroom Assignment Permits.)

(c) All public school personnel must possess appropriate credentials for the current assignment as specified in the charts in this section.

(d) The rules for credential requirements for assignment of school personnel are described in the chart "Assignment of School Personnel," which is adopted by this reference as the agency's official rule. A copy is available for examination during regular office hours, 8 a.m.-5 p.m., except holidays, Saturdays, and Sundays, at the Central Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

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

Issued in Austin, Texas, on July 9, 1988

TRD-8807455 W N Kirby  
Commissioner of Education

Proposed date of adoption October 14, 1988

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

## TITLE 22. EXAMINING BOARDS

### Part V. Texas State Board of Dental Examiners

#### Chapter 101. Pertaining to Dentistry

##### Examination—Application

##### • 22 TAC §101.12

The Texas State Board of Dental Examiners proposes an amendment to §101.12, concerning applicant categories. The board is proposing to delete subsection (c) of this section because the two-year undergraduate course for foreign graduates is difficult to en-

force and to determine exactly what course work has been taken. By going to the requirement that each applicant be a graduate of an American Dental Association accredited school, there will be a more definitive criteria for all applicants.

William S. Nail, executive director, 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 Nail also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be standardization of requirements for all dental applicants. Dentists practicing in Texas will have graduated from ADA accredited schools and passed licensure exam. 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 William S Nail, Executive Director, 8317 Cross Park Drive, Suite 400, Austin, Texas 78754

The amendment is proposed under Texas Civil Statutes, Article 4551d, which provide the Texas State Board of Dental Examiners with the authority to adopt and enforce such rules and regulations not inconsistent with the laws of the state as may be necessary for the performance of its duties and/or to ensure compliance with the state laws relating to the practice of dentistry to protect the public health and safety

##### §101.12 Applicant Categories

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

(c) Foreign or nonaccredited graduates. An applicant who is not a graduate of a school of dentistry accredited by the accrediting agency of the American Dental Association and the Texas State Board of Dental Examiners must provide and do the following to be eligible for examination by the Texas State Board of Dental Examiners.

(1) present official transcript(s) and diploma(s) in their original version with certified copies thereof and, if the language is other than English, an official translation of these documents, covering both pre-dental and dental education of the applicant;

(2) an official statement from a competent authority that the institution(s) is a legally authorized school(s) in that county for the educational programs reflected in such transcripts; further, that such applicant has complied with all laws governing the dental profession in such jurisdiction and that such applicant is licensed or is eligible for licensure to so practice in such jurisdiction;

(3) have taken and passed all portions of the examination given by the National Board of Dental Examiners; or, at the option of the board, the applicant may be required to take and pass a written examination over subjects and procedures pertaining to dentistry in addition to or in lieu of the National Board requirement;

(4) present evidence such as a certificate of successfully completing a minimum of two years of undergraduate clinical training in a school of dentistry accredited by the accrediting agency of the American Dental Association and the Texas State Board of Dental Examiners;

(5) take and pass the regularly required clinical dental examination;

(6) foreign or nonaccredited dental graduates will be charged fees for certification and examination. Such fees are to be determined by the board according to the needs of the board.]

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

Issued in Austin, Texas, on July 19, 1988.

TRD-8807482

William S. Nail  
Executive Director  
Texas State Board of  
Dental Examiners

Earliest possible date of adoption: August 29, 1988

For further information, please call: (512) 834-6021

who are required to comply with the section as proposed.

Comments on the proposal may be submitted to Nicholas Murphy, Chief Clerk, State Board of Insurance, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

The amendment is proposed under the Insurance Code, Article 4.07, which provides that the State Board of Insurance shall set and collect a charge for making copies of any record in an amount deemed sufficient to reimburse the state for the actual expense. *§1.303. Charge for the Insurance Code.* The charge for the board published copy [volume] of the Insurance Code and related laws and rules is \$38.89 [\$36.28], plus applicable sales tax.

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

Issued in Austin, Texas, on July 19, 1988.

TRD-887575

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Earliest possible date of adoption: August 29, 1988

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

of the proposed MOU are available upon request from the TWC, Legal Division, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8078. The TWDB, the TACB, and the TDH are also proposing the memorandum of understanding for inclusion in their rules.

William Monroe, chief fiscal officer, 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. Monroe also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of the jurisdiction of the four agencies involved in the memorandum of understanding concerning sludge management. 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 Lisa Nicholson, Staff Attorney, Legal Division, Texas Water Commission, P.O. Box 13087, Austin, Texas 78711-3087. Comments will be received for 30 days following the date of this publication.

The section is proposed under the Texas Water Code, §§5.103, 5.104, and 26.011 which provides the commission with the authority to adopt any rules necessary to carry out its powers, duties and policies and to protect water quality in the state. The section is also proposed under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §3 and §4, which provide the commission with the authority to regulate industrial solid wastes and hazardous municipal wastes and to adopt and promulgate rules consistent with the general intent and purposes of the Act.

*§305.521. Adoption of Memorandum of Understanding by Reference.* A memorandum of understanding between the commission and the Texas Department of Health, the Texas Air Control Board, and the Texas Water Development Board, required to be adopted by rules as set forth in the Texas Water Code, §5.104, is adopted by reference. Copies of this memorandum are available upon request from the Texas Water Commission, Legal Division, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-8078. This memorandum of understanding concerns the regulation and management of sewage sludge.

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

Issued in Austin, Texas, on July 20, 1988.

TRD-8807486

J. D. Head  
General Counsel  
Texas Water Commission

Earliest possible date of adoption: August 29, 1988

For further information, please call: (512) 463-8087

◆ ◆ ◆  
**TITLE 28. INSURANCE**  
Part I. State Board of Insurance

Chapter 1. General Administration

Subchapter B. Fees, Charges, and Costs

• 28 TAC §1.303

The State Board of Insurance proposes an amendment to §1.303, concerning the charge for the board published copy of the Insurance Code and related statutes and rules. Section 1.303 was adopted on an emergency basis and became effective on March 23, 1988. Notice of the emergency adoption appeared in the March 29, 1988, issue of the *Texas Register* (13 TexReg 1484). The amendment is necessary to establish a charge which reflects changes in costs of producing copies. The amendment to §1.303 revises the charge for a board published copy of the Insurance Code and related materials.

Mr. James Gaddis, deputy insurance commissioner for operating services, 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. Gaddis 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 establish a charge equivalent to the expense of production for copies and to inform regulated entities and other interested persons of the amount of this charge so that efficient dissemination of information and material can proceed. There is no anticipated economic cost to individuals

◆ ◆ ◆  
**TITLE 31. NATURAL RESOURCES AND CONSERVATION**

Part IX. Texas Water Commission

Chapter 305. Consolidated Permits

Subchapter N. Memorandum of Understanding

• 31 TAC §305.521

The Texas Water Commission proposes new §305.521, concerning the adoption by reference of a memorandum of understanding (MOU) between the Texas Department of Health (TDH), the Texas Water Commission (TWC), the Texas Air Control Board (TACB), and the Texas Water Development Board (TWDB). This memorandum is being proposed to foster interagency cooperation, to avoid duplication of effort, to avoid placing the burden of dual regulation on owners and operators, to appraise the public of state agencies' activities, to establish an enforceable compliance-monitoring regimen, and to provide for the coordination of activities of agencies relating to the management of sewage sludge.

The proposed section, through the MOU, describes the sludge management jurisdiction of each agency and sets forth interpretations of the division of jurisdiction among the agencies over the management of waste from specific activities including sewage sludge removed from clarifiers, digesters or stabilization process units, dewatering units, and lagoons or stockpiles. Under the Texas Water Code, §5.104, the TWC shall adopt by rule any memorandum of understanding between the TWC and any other state agency. Copies

# TITLE 40. SOCIAL SERVICES AND ASSISTANCE

## Part I. Texas Department of Human Services

### Chapter 16. ICF/SNF

#### Support Documents

##### • 40 TAC §16.9802

The Texas Department of Human Services (TDHS) proposes new §16.9802, concerning payment of the Medicare Part A skilled nursing facility (SNF) deductible and coinsurance, in its Intermediate Care Facility/Skilled Nursing Facility (ICF/SNF) chapter. The new section will clarify the department's payment limits and methodology under the Texas Medicaid State Plan and Health Care Financing Administration Regulations as they apply to the Texas Nursing Home Program. Specifically, the section will make it clear that DHS pays the full amount of the Medicare Part A SNF deductible and coinsurance, subject to the conditions, limitations, and exclusions of the Texas Medical Assistance Program.

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 governments 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 proposed section is in effect the public benefit anticipated as a result of enforcing the section will be that nursing facility providers will have a clear and specific explanation of what DHS will pay toward the Medicare Part A deductible and coinsurance. 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 Development Support Division-387, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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.

**§16.9802. Medicare Part A Skilled Nursing Facility Deductible and Coinsurance Payment.** When the department receives valid Medicare claims as specified in §29.1109 of this title (relating to Coordination of Title XIX with Parts A and B of Title XVIII), the department pays the full amount of the Medicare Part A skilled nursing facility (SNF) deductible and coinsurance, subject to the conditions, limitations, and exclusions of the Texas Medical Assistance Program. When Medicare changes its interim rate, the department adjusts the Medicaid payment on the Part A SNF coinsurance amount if necessary. The adjustment is effective on the first day of the month following the Medicare change.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807551 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: October 24, 1988

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

### Chapter 48. Community Care for Aged and Disabled

*(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of 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 §§48.5910, 48.5911, 48.9201, and 48.9804, concerning family care services, in its Community Care for Aged and Disabled chapter. The purpose of these changes is to consolidate provider requirements into the new Family Care Program chapter that the department is simultaneously proposing to adopt.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Packard 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 the consolidation into one chapter all requirements for providers, thereby giving providers a clearer understanding of the requirements. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-408, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

### Contracting for CCAD Services

##### • 40 TAC §48.5910, §48.5911

The repeals are 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.

**§48.5910. Family Care Claims Payment Reviews and Audits.**

**§48.5911. Family Care Contracting Requirements.**

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807558 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988.

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

### Family Care

##### • 40 TAC §48.9201

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.

**§48.9201. Minimum Standards for Agencies Contracted to Provide Family Care Services for Aged and Disabled Adults.**

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807559 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988.

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

### Support Documents

##### • 40 TAC §48.9804

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.

**§48.9804. Reimbursement Methodology for Family Care Services.**

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807560 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988.

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

### Chapter 53. Family Care Program

The Texas Department of Human Services (DHS) proposes new §§53.101, 53.102, 53.201-53.204, 53.301, 53.302, 53.401-53.404, 53.501-53.503, and 53.601-53.603,

concerning family care services, in its new Family Care Program chapter. The proposal clarifies service delivery expectations and existing program requirements for provider agency staff. It also incorporates policy clarifications and new requirements that are in the provider agency's contract with the department. The department is simultaneously proposing changes to its Community Care for Aged and Disabled chapter.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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. Packard 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 provider agencies will have clearer understanding of the family care service delivery requirements. 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 Cathy Rossberg, Administrator, Policy Development Support Division-408, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

## Program Definitions

### • 40 TAC §53.101, §53.102

The new sections are 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.

**§53.101. Required Services.** The provider agency must provide services that include but are not limited to:

(1) Personal care. Help with activities related to the care of the client's physical health. Personal care activities include:

- (A) bathing;
  - (B) dressing;
  - (C) feeding;
  - (D) exercising;
  - (E) grooming;
  - (F) routine hair and skin care;
  - (G) assisting with self-administered medication;
  - (H) toileting; and
  - (I) transferring/ambulating.
- (2) Housekeeping. Help with ac-

tivities related to cleaning that are essential to the client's health and safety. Housekeeping activities include:

- (A) changing bed linens;
  - (B) housecleaning;
  - (C) laundering;
  - (D) shopping for and storing items;
  - (E) washing dishes;
  - (F) cleaning the stove and refrigerator; and
  - (G) defrosting the freezer.
- (3) Meal preparation. Help with activities related to the preparation of food according to the client's needs and wishes. Meal preparation may include preparing the meal outside the client's home and bringing it to the client, if he has inadequate resources for the activity to be completed in his home. Meal preparation may also include preparing special diet meals. Meal preparation activities include:

- (A) planning menus;
- (B) shopping;
- (C) storing;
- (D) preparing; and
- (E) serving food.

(4) Escort. Accompanying the client on trips to obtain health care services. Escort does not include the direct transportation of a client by the attendant.

**§53.102. Definition of Program Terms.** The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

**Abuse**—The willful infliction of injury; unreasonable confinement; intimidation; or cruel punishment with resulting physical harm, pain, or mental anguish; or the willful deprivation by a caretaker or oneself of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

**Adult**—A person 18 or older, or an emancipated minor.

**Aged or elderly person**—A person 65 or older.

**Assignee**—A legal entity that assumes the responsibilities and duties of a current family care contract through a legal assignment of contract from another legal entity.

**Assignor**—A legal entity that assigns its

family care contract to another legal entity through an assignment of contract.

**Attendant**—A provider agency employee who provides the authorized tasks to the client.

**Authorization**—A caseworker's decision, before services begin and before payment can be made, that family care may be provided to a client.

**Caseworker**—A department employee who is responsible for case management activities. Activities include, but are not limited to:

- (A) eligibility determination;
- (B) client registration;
- (C) assessment and reassessment of client's needs;
- (D) service plan development; and
- (E) intercession on the client's behalf.

**Client**—A person determined by the caseworker to be eligible for family care services.

**Contract manager**—A department employee, designated as the primary contact point between the provider agency and the department, who is responsible for the overall management of the contract.

**Contractor**—The provider agency.

**Days**—Calendar days, not workdays, unless otherwise noted in the text.

**Department**—The Texas Department of Human Services.

**Disabled person**—A person who, because of physical, mental, or developmental impairment, is limited in his capacity to adequately perform one or more essential activities of daily living. Activities of daily living include, but are not limited to:

- (A) personal and health care;
- (B) mobility;
- (C) communication; and
- (D) money management.

**Emancipated minor**—A person under 18 years of age who has the power and capacity of an adult. This includes a minor who has had the disabilities of minority removed by a court of law or a minor who, with or without parental consent, has been married. Marriage includes common-law marriage.

**Exploitation**—The illegal or improper act or process of a caretaker or others using the resources of an adult for monetary or personal benefit, profit, or gain.

**Fraud**—A deliberate misrepresentation or intentional concealment of information to receive or to be reimbursed for service delivery to which the individual is not entitled.

**Income eligible**—An adult who is neither an SSI nor AFDC client but who has an income

that is equal to or less than the eligibility level established by the department.

Institution—A nursing home, state school, or state hospital.

Medicaid eligible—An individual eligible for Medicaid as an SSI or AFDC client or eligible for medical assistance only while living in the community or through a federally approved waiver.

Neglect—The failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or the failure of a caregiver to provide these goods or services.

Provider agency—A legal entity that has a current contract with the department to deliver family care services to eligible clients.

Supervisor—A licensed nurse or individual who meets department employment credentials and who supervises the provider agency's family care attendants. This description applies when the term "supervisor" is used as a stand-alone term. Other types of supervisors are clearly referenced in context.

Special attendant—A provider agency employee who can substitute for another family care attendant.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807552 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988

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

## Contracting for Family Care Services

### • 40 TAC §§53.201-53.204

The new sections are 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.

#### §53.201. General Contracting Requirements.

(a) To contract with the Texas Department of Human Services to provide family care services, a legal entity or one of its divisions must:

- (1) be a public agency or a private profit or nonprofit corporation that is either chartered with the Office of the Secretary of the State of Texas or authorized by that office to transact business within the state;
- (2) be permanently licensed by the Texas Department of Health (TDH) as a Class A Home Health Agency and certified to deliver Title XVIII home health services;
- (3) be qualified to participate as

a Title XIX Home Health Agency in the Texas Medicaid Home Health Program;

(4) be enrolled in the Primary Home Care Program. Enrollment must cover at least one county of the DHS region in which family care services are to be provided and must have been effective on or before January 1 of the procurement year, except for the 1988 procurement year. During the 1988 family care procurement year, enrollment in the Primary Home Care Program must have been effective on or before May 1, 1988; and

(5) have a governing body that authorizes a person or position to bind the organization contractually.

(b) The provider agency must comply with all provisions of the contract, the family care provider manual and revisions, policy clarifications, information letters, federal laws and regulations, applicable statutes, and department rules and any subsequent additions, deletions, and amendments to those rules.

(c) The provider agency must make mandatory payments related to its operation. If the provider agency fails to make mandatory payments, the department may not renew the contract or may terminate it.

(d) The provider agency must:

(1) acknowledge receipt of the family care provider manual, subsequent revisions to the manual, and policy clarification letters from the department within 20 days of the date on associated transmittal letters;

(2) recruit, select, and place family care attendants;

(3) not select a person as an attendant if the caseworker determines him to be detrimental to the client or the service plan;

(4) accept and provide services, to all clients referred by caseworkers;

(5) respond to emergency referrals on a first-priority basis;

(6) report, within 24 hours of awareness, suspected cases of abuse, neglect, and exploitation to the local adult protective services unit, the community care for aged and disabled unit, or the DHS hotline at 1-800-252-5400;

(7) ensure the confidentiality of individual client records and any other information related to specific clients; and

(8) use required department forms.

(e) The provider agency must have sufficient operating funds to allow delivery of services under the terms of its contract while awaiting payment from the department.

(f) When providing services under the contract, neither the provider agency nor

the provider agency's employees, agents, or representatives may solicit or accept gifts, favors, or any other items of value from the client or other persons on the client's behalf.

(g) The provider agency is liable for any willful or gross negligence or malicious actions of an attendant involving the management of a client's money in the delivery of authorized tasks.

(h) The provider agency must acknowledge the department's funding in all the agency's literature describing the services covered under its contract with the department. The provider agency must also place notice in its annual reports.

(i) The provider agency must notify the regional contract manager in writing about:

(1) serious incidents that affect the agency's overall operation or that may hamper its ability to deliver services. The written notification must be sent by the next DHS workday after awareness of the incident; and

(2) changes in the person responsible for the overall management of the agency's contract, its address, hours of operation, or telephone number. The written notification must be sent by the next DHS workday after the change.

(j) The provider agency must notify the department in writing about any change in the agency's ownership or charter number at least 60 days before the change. A change in ownership or charter number is any change that, in the department's opinion, materially or substantially alters the business organization of the entity responsible for delivering services to department client.

#### §53.202. Method of Contracting.

(a) The department purchases family care services through a competitive negotiation process described in §69.203(c) of this title (related to Methods of Purchase). The department awards a unit-rate contract to the provider agency whose response offers the highest quality service at the most competitive rate in the specified area.

(b) When responding to a request for proposal (RFP), the provider agency must neither employ nor retain a person or selling agency to solicit the award of the family care contract. If the provider agency fails to comply with this requirement, the department may take either or both of the following actions:

(1) annul the contract without liability; or

(2) at the department's discretion, deduct from the contract price or consideration, or otherwise recover, the full amount of the commission, percentage, brokerage, or contingent fee paid to the person or selling agency.

#### §53.203. Subcontracting.

(a) The provider agency must obtain the department's written prior approval before subcontracting any services to be performed under the contractor assigning or transferring the contract or monies.

(b) The assistant commissioner for provider systems branch must approve in writing any subcontract(s) related to the direct delivery of family care services.

(c) To obtain the department's written prior approval for a subcontract, the subcontractor must meet the same requirements as the prime contractor. The prime contractor remains legally responsible. §53.204. Contract Assignments.

(a) If the department grants written permission, a contract assignment may be made as part of an ownership change, a change in tax status, or a transfer from one legal entity to another through a legal process.

(b) If planning to assign the contract, the provider agency must notify the regional contract manager in writing at least 60 days before the proposed date of assignment. This notification must include the legal name of the entity that will be assuming the contract. If the provider agency fails to provide this information, the contract assignment will be delayed. The department reserves the right to deny a contract assignment if it is not in the department's or its clients' best interest.

(c) Before a contract assignment may be made, the assignee must take the following actions.

(1) resolve all audits completed or in process;

(2) prepare a contract assignment agreement as follows.

(A) The agreement must include the following statements.

(i) Both assignee and assignor are liable for audit exceptions incurred and for adverse actions taken by the department based on actions occurring during the contract period before the contract assignment. Both agencies must agree that the department reserves the right to receive restitution for audit exceptions from either provider agency. Adverse action pending or in place when the contract is assigned is applied to both assignee and the assignor.

(ii) The assignee is responsible for collecting and reporting a full year's expense data, including the assignor's portion of the department's cost report.

(iii) The assignee will adhere to the service contract, reimbursement method and amount, service requirements, and standards established by the department.

(iv) The assignee meets criteria for being a provider agency of family care services. Documentation of eligibil-

ity must be provided before the department will agree to a contract assignment.

(B) The contract assignment agreement must also:

(i) identify both legal entities;

(ii) identify the current contract number and service to be assigned;

(iii) be effective the first day of a month; and

(iv) be notarized and signed by the person authorized for each legal entity.

(3) Complete the following documents:

(A) corporate board of directors resolution form; and

(B) disclosure of ownership and control interest statement.

(4) Submit proof that the assignee has met requirements in §53.201 of this title (relating to General Contracting Requirements).

(5) Return the contract assignment and necessary attachments to the regional contract manager.

(d) If a contract assignment fails to meet all the requirements or fails to include all the required documents, it is considered unacceptable and returned to the assignor. Staff of the department's office of the general counsel review and approve all contract assignments before they become effective. The effective date is the first day of the month after the application has been fully processed.

(e) If the legal entity does not meet the conditions for contracting before the effective date of the contract assignment, the department holds the current provider agency responsible for service delivery according to the terms of 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 July 22, 1988.

TRD-8807553 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988.

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



## Provider Agency Staff Requirements

### • 40 TAC §53.301, §53.302

The new sections are 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.

#### §53.301. Staff Requirements.

(a) Supervisors must be licensed nurses or have completed two years of full-time study at an accredited college or university. Individuals with a high school diploma or general equivalency diploma (GED) may substitute one year of full-time employment in a supervisory capacity in a health care facility or agency for each required year of college.

(b) Supervisors must supervise the family care attendants.

(c) The provider agency must maintain written documentation that each supervisor meets the minimum qualifications. Each supervisor's personnel folder must include:

(1) a copy of the nurse's current Texas license issued by the Texas Board of Nurse Examiners;

(2) a copy of the supervisor's transcript from an accredited college or university, showing at least 30 hours of credit for one year of full-time study or at least 60 hours of credit for two years of full-time study, or both; or

(3) a copy of the supervisor's resume or job application that shows full-time employment, in a supervisory capacity, in a health care facility or agency. Supervisory experience must include supervision of staff who give hands-on care to persons in need of the health care facility's or agency's services.

(d) Attendants must be 18 or older and must be employees of the provider agency.

(e) The provider agency must not knowingly send to a client's home attendants who have symptoms of communicable disease.

#### §53.302. Training Requirements.

(a) Before assuming responsibilities, supervisors must have at least 14 hours of training in the following areas:

(1) basic principles of supervision;

(2) interpersonal skills for dealing with clients and families;

(3) client characteristics and needs; and

(4) policies and procedures of the Family Care Program.

(b) Supervisors who are not licensed nurses must receive an additional 10 hours of training before assuming responsi-

bilities. This additional training must cover at least the following areas:

- (1) basic nutritional and special dietary needs;
- (2) special skin care needs;
- (3) personal care techniques and procedures; and
- (4) first aid, safety, and emergency procedures.

(c) A supervisor who quits or takes leave without pay and is subsequently rehired by the provider agency need not repeat the initial training before reassuming job responsibilities as long as there exists documentation that he received instruction about recently established and revised policies and procedures of both the Family Care Program and the provider agency.

(d) A supervisor who transfers from the Primary Home Care Program to the Family Care Program or from one family care provider agency to another need not repeat the initial training before assuming job responsibilities, as long as:

- (1) he has a copy of his prior training record; and
- (2) documentation exists showing that he received instruction about recently established and revised policies and procedures of both the Family Care Program and the provider agency.

(e) During each quarter, supervisors must receive at least six hours of ongoing training in at least one of the following areas. During each year of employment or contract year, depending upon the provider agency's selection, all these areas must be covered:

- (1) principles of supervision;
- (2) interpersonal skills for dealing with clients and families;
- (3) client characteristics and needs;
- (4) policies and procedures of the Family Care Program; and
- (5) training skills.

(f) During each quarter, supervisors who are not licensed nurses must receive additional training in at least one of the following areas. During each year of employment or contract year, depending upon the provider agency's selection, all these areas must be covered:

- (1) basic nutritional and special dietary needs;
- (2) special skin care needs;
- (3) personal care techniques and procedures; and
- (4) first aid, safety, and emergency procedures.

(g) The provider agency must:

(1) select one of the following options to define its training quarters:

- (A) supervisor's date of employment; or
- (B) provider agency's contract effective date; and

(2) train its staff consistently according to the selected option.

(h) The provider agency must document that supervisors receive initial and ongoing training by keeping a record of:

- (1) training date(s);
- (2) topics covered;
- (3) time spent on each topic;
- (4) trainer's name(s); and
- (5) either the supervisor's signature on the training record, certifying that the required training was received, or an attendance roster showing that each attendee (supervisor) signed in.

(i) On an ongoing basis, supervisors must assess each attendant's training needs and then develop and provide training to remedy areas of deficiencies.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807554

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988.

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

## Service Delivery Requirements

### • 40 TAC §§53.401 - 53.404

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

#### §53.401. *Service Initiation.*

(a) Except in verbal referral cases, the provider agency must begin services within 14 days from the date on the approval for CCAD services-referral response form. For verbal referrals, the provider agency must begin services on the date verbally negotiated with the caseworker. The provider agency must date-stamp the form when it is received from the department.

(b) The provider agency must perform services as authorized on the approval for CCAD services-referral response form. Documentation that services were provided according to this form must be recorded on

the service delivery record or on a previously approved timesheet.

(c) The attendant must document on the service delivery record or approved timesheet that services are delivered according to the task assignment plan.

(d) If the client is not in the home during the first 14 days from the date on the approval for CCAD services-referral response form, the provider agency begins services as soon as possible after the client returns home.

(e) If services do not begin on the date verbally negotiated, the provider agency telephones the caseworker on or before the day services were scheduled to begin and explains why services were not begun.

(f) The provider agency must notify the caseworker about the status of all referrals within 21 days from the date of referral. §53.402. *Supervision.*

(a) Before services are given to a client, the supervisor must orient each attendant and document that the required orientation was provided before services began.

(b) The supervisor must meet with the attendant and the client at the client's home when or before services begin to give the attendant general orientation and instruction about the client.

(c) Orientation for attendants must include:

(1) information about the client's condition and how it may affect the delivery of tasks, including special health precautions that may be necessary;

(2) tasks to be provided and work schedule;

(3) safety and emergency procedures;

(4) potential symptoms or changes in the client's health status that would necessitate the attendant's notification of the supervisor;

(5) information about how to report suspected cases of abuse, neglect, and exploitation; and

(6) other situations that the attendant must report to his supervisor as soon as possible, including but not limited to:

(A) hospitalization of client;

(B) changes in client's needs;

(C) client's move or absence from home; or

(D) the attendant's inability to work scheduled days or hours.

(d) Until the attendant has shown competence to the satisfaction of his supervisor, the attendant must not give personal-care services.

(e) The supervisor must, at the time of the orientation, give the client both a verbal explanation and a written copy of the provider agency's complaint procedures.

(f) The provider agency may use special attendants to perform one or all of the following functions.

(1) To initiate services. When this occurs, the supervisor documents compliance with requirements in subsections (a)-(e) of this section. If the special attendant is qualified as a supervisor, only requirements in subsections (a), (c), and (d) of this section apply.

(2) To provide ongoing services for a client whose attendant is no longer employed while the provider agency locates a new attendant for the client. When this occurs, the supervisor documents compliance with requirements in subsections (a), (c), and (d) of this section.

(3) To prevent a break in service for a client whose attendant is unable or unavailable to work for a short time but is expected to resume service to the client. When this occurs, the supervisor documents compliance with requirements in subsections (a), (c), and (d) of this section.

(4) To provide ongoing services. When this occurs, the supervisor documents compliance with requirements in subsections (a)-(e) of this section.

(g) The supervisor must conduct home visits for each client at least once every other month to determine whether the attendant is performing tasks according to the task assignment plan and to remedy areas of deficiency. More frequent visits may be required depending on the client's needs and the attendant's competence. The client should be present during supervisory visits.

(h) Supervisory visits are required for all clients unless:

(1) no attendant is employed/assigned during the last week of the service month in which the visit is due;

(2) services are suspended during the last week of the service month in which the visit is due; or

(3) services are terminated before the end of the month in which the supervisory visit is due.

(i) If services are resumed after being suspended, the provider agency must conduct a supervisory home visit within seven days after services resume in each case where the scheduled supervisory visit was missed. A supervisory visit to orient a new attendant may be used to comply with this requirement.

*§53.403. Service Delivery Requirements.*

(a) The provider agency must ensure that, after services are initiated, no client is without services for more than 14 consecutive days except when the interruption is authorized by the caseworker in writing.

(b) The provider agency may make up services if an attendant misses a scheduled visit and if all the following conditions exist.

(1) The caseworker did not identify a specific schedule for the client on the approval for CCAD services-referral response form.

(2) Documentation in the client's case record indicates that the supervisor authorized make-up services for the client.

(3) The supervisor documents the client's agreement for services to be given on another unscheduled day.

(4) Services that a client can do without on the scheduled visit can be made up in the same week.

(5) The supervisor notifies the caseworker about the make-up services, using the case information form, and the notification meets all the conditions in this subsection.

(c) The provider agency must verbally notify the caseworker or caseworker's office whenever a client's condition undergoes a change significant enough that it may require a service plan change or service termination. These changes must be reported by the first DHS workday after awareness. This verbal notification must be confirmed in writing on the case information form within the next seven days.

(d) A significant change is any event in the status or condition of the client that may require a change in his service plan. These events include:

(1) improvement or deterioration of the client's health;

(2) lack of need for services;

(3) hospital discharge;

(4) problems with family relationships;

(5) eviction from home;

(6) relocation;

(7) referral for home health services; or

(8) changes in household composition.

(e) If the caseworker authorizes a service plan change, the provider agency must implement the change within 10 days from the date of receipt of the approval for CCAD services-referral response form. The time frame allowed to implement service plan changes applies only to those cases in which the provider agency has a current

authorization for the client.

*§53.404. Suspension of Services.*

(a) The provider agency must suspend services before the end of the authorization coverage period under any of the following circumstances.

(1) The client leaves the state or moves to another county in which the provider agency does not provide family care.

(2) The client dies.

(3) The client is admitted to a hospital, nursing home, or other institution.

(4) The client requests that services end.

(5) The department denies the client's eligibility.

(6) The client threatens the attendant's health or safety.

(b) The provider agency may suspend services before the end of the authorization coverage period under either of the following circumstances.

(1) The client racially discriminates against the attendant or supervisor.

(2) The client sexually harasses the attendant.

(c) When a client's services are suspended, the provider agency must verbally notify the caseworker or caseworker's office about the reason for suspension by the first DHS workday after service suspension. This verbal notification must be confirmed in writing on the case information form within the next seven days.

(d) The provider agency discontinues service delivery when a client's authorization expires.

(e) The provider agency must respond reasonably and promptly to all complaints. The agency must investigate and respond in writing to all written complaints from DHS staff within 14 days of receipt. The agency must date-stamp all written complaints and maintain accessible and available records of each complaint and its resolution.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807555

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Proposed date of adoption: November 1, 1988.

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





## Claims

### • 40 TAC §§53.501-53.503

The new sections are 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.

#### §53.501. *Billing and Claims Payment.*

(a) The Texas Board of Human Services sets the unit rate ceiling according to data obtained from the cost report that each provider agency submits to the department. The department establishes the methodology for setting the reimbursement unit rate ceiling, the allowable and unallowable costs, and the cost reporting requirements.

(b) The department reimburses the provider agency for each authorized unit of service delivered to each client for whom the provider agency has received an approval for CCAD services-referral response form authorizing the provider agency to provide family care services. The negotiated unit rate is specified in the contract and must be equal to or less than the state ceiling rate.

(c) The department may increase the unit rate for a contract, up to the statewide ceiling, when:

(1) the department changes policies or procedures and the changes significantly increase the cost of providing services throughout the state; or

(2) unforeseen changes occur that significantly increase the cost of providing services throughout the state.

(d) The department considers an upward rate adjustment only when the total of department-authorized hours falls below eighty percent of the capacity of the contract. In this event, the department may negotiate an upward rate adjustment. The adjusted rate cannot exceed the state ceiling rate.

(e) The unit of service for family care is one hour of direct care given to the client.

(f) The provider agency must neither charge nor take other recourse against a client, family members, or persons acting on the client's behalf for any claim the department denied or reduced because of the provider agency's failure to meet any department rule, policy, or procedure.

(g) Circumstances under which the provider agency is not entitled to payment include but are not limited to the following:

(1) services are not authorized on the approval for CCAD services-referral response form;

(2) the number of hours delivered and billed exceeds the number of hours authorized on the approval for CCAD services-referral response form;

(3) the provider agency's claim

exceeds the number of hours delivered;

(4) services are delivered after expiration or termination of the client's service delivery authorization date; or

(5) services are delivered before or after the effective dates of the provider agency's contract with the department.

(h) The department may withhold a provider agency's vendor payments for reasons including, but not limited to, the following:

(1) failure to comply with contract terms;

(2) failure to comply with rules in the provider manual; or

(3) contract termination, whether voluntary or involuntary.

(i) If the contract is terminated, the department may place a vendor hold on one or more of the provider agency's other contracts with the department. The vendor hold is not released until:

(1) a close-out audit is conducted and resolved; or

(2) the provider agency submits an irrevocable letter of credit, in a format approved by the department, to release all or a portion of the vendor payments on hold.

(j) A provider agency that delegates signature authority to office staff or to a billing service for claims preparation is responsible for the accuracy of the claim submitted for payment.

(k) Initial claims for reimbursement for service delivery must be received by state office Fiscal Division no later than 95 days after the end of the service month. Initial claims received more than 95 days after the service month are not paid. Corrected claims received after the 95-day limit must be accompanied by copies of the error message, or these claims are rejected.

(l) The provider agency must submit claims for service delivery according to the department's billing procedures. The department reserves the option to change its billing procedures.

(m) The provider agency is liable for monetary exceptions if monthly claims do not correspond with the provider agency's service authorizations and service delivery records.

#### §53.502. *Reimbursement Methodology for Family Care Services.*

(a) Cost reporting. Provider agencies must submit financial and statistical information at least annually in a cost report prescribed by the department.

(1) Cost report due date. Provider agencies must submit cost reports no later than 90 days after receiving the cost report forms.

(2) Extension of due date. An extension of the due date may be granted

for good cause, that is, when conditions are beyond the provider agency's control. Provider agencies must submit written requests for extensions. Economic Analysis Division staff respond to requests within 10 workdays of receipt.

(3) Reporting period. The provider agency may choose one of the two following reporting periods for the cost report:

(A) the provider agency's fiscal year; or

(B) the contract year.

(4) Failure to file an acceptable cost report. If the provider agency fails to file a cost report that conforms to all applicable rules and instructions, the department may withhold all vendor payments until the provider agency submits an acceptable cost report.

(5) Accounting requirements. The provider agency must ensure that financial and statistical data submitted in cost reports are based upon the accrual method of accounting, unless the provider agency is a governmental institution operated on the cash method of accounting. The treatment given any financial or statistical items must reflect the application of the generally accepted accounting principles (GAAP) approved by the American Institute of Certified Public Accountants.

(6) Allocation methods. Provider agencies must use reasonable methods of allocation when allocation of cost is necessary. The department adjusts allocation costs if it considers the allocation method to be unreasonable. The provider agency must retain workpapers supporting allocations.

(7) Cost report certification. Provider agencies must certify the accuracy of cost reports. Provider agencies may be liable for civil or criminal penalties or both if information is misrepresented or falsified.

(8) Cost report supplements. The department may require additional financial and statistical information other than the data contained in the cost report.

(9) Review of cost reports. The department reviews each cost report to ensure that the financial and statistical information submitted conforms to applicable rules and instructions. The review of the cost report includes a desk audit. Failure to complete cost reports according to instructions or rules results in the return of the cost report to the provider agency for proper completion. To substantiate reported information, the department may require information other than that contained in the cost report.

(10) Onsite audits. The department may perform onsite audits on all provider agencies that participate in the program. The frequency and nature of au-

ditions are determined by the department but are at least that required by federal regulations relating to the administration of the program.

(11) Access to records. Each provider agency or its designated agent(s) must allow access to all records necessary to verify information submitted on cost reports including records pertaining to related-party transactions and other business activities in which the provider agency is engaged. Failure to allow the department to inspect pertinent records, within 30 days following written notification, results in the provider agency's payments being withheld until access to the records is allowed. If the provider agency continues to deny access to records, the department may cancel the provider agency's contract.

(12) Recordkeeping requirements. Provider agencies must maintain records according to the requirements stated in §69.202 (relating to Contractor Records). Provider agencies must ensure that records are accurate and sufficiently detailed to support the financial and statistical information contained in the cost reports.

(13) Failure to maintain adequate records. A provider agency that is not maintaining adequate records to support the financial and statistical information in cost reports has 90 days to bring recordkeeping into compliance. Failure to correct deficiencies within 90 days from the date the provider agency is notified about the deficiency may result in the contract being cancelled.

(b) Reimbursement rate determination. The department determines rate reimbursements in the following manner.

(1) Cost determination by cost area. The department combines reported costs into four cost areas.

(A) Field supervisors' cost area. This includes field supervisors' salaries, wages, training, and travel expenses.

(B) Family care attendants' cost area. This includes family care attendants' salaries, wages, and travel expenses.

(C) Administration cost area. This includes administrative salaries and wages, and other administrative expenses.

(D) Facility cost area. This includes building and equipment expenses, and operation and maintenance expenses.

(2) Exclusion of certain reported expenses. Provider agencies must ensure that all unallowable costs are eliminated from the cost report. The department excludes any unallowable costs that are included in the cost report.

(3) Projected costs. The depart-

ment projects allowable expenses per hour of service from each provider agency's reporting period to the next ensuing rate period. The department determines reasonable and appropriate economic adjusters to calculate the projected expenses.

(4) Projected cost arrays. To calculate the rate ceiling, the department rank-orders all provider agencies' projected costs per hour of service from low to high in each cost area and all projected total costs.

(5) Rate-setting methodology. The department determines the recommended reimbursement rate ceiling by taking the lesser of the following two computations.

(A) For each provider agency, the hours of service that correspond with each projected cost array are summed until the 80th percentile hour of service is reached. The corresponding projected expense is the rate ceiling component. The sum of the components for each cost area is the recommended reimbursement rate ceiling.

(B) For each provider agency, the hours of service that correspond with the projected total cost array are summed until the 80th percentile hour of service is reached. The corresponding projected expense is the recommended reimbursement rate ceiling.

(6) Rate setting authority. The Texas Board of Human Services establishes the reimbursement rate ceiling, which may differ from the rate ceiling that is recommended by department staff.

(7) Contract-specific unit rate. The actual rate for each contract is determined through its procurement process with department staff and the provider agency. In no instance may the actual rate exceed the rate ceiling set by the Texas Board of Human Services.

(8) Reviews of cost report disallowances. A provider agency may request reconsideration of a disallowance of a reported cost from the cost report as a result of a desk or onsite audit by writing to the Economic Analysis Division within 30 days of notification of the disallowance.

(c) Factors affecting allowable costs. To be allowable under this program, the provider agency must ensure that costs are:

(1) necessary and reasonable for the proper and efficient administration of the program to deliver services for which the department has contracted;

(2) authorized or not prohibited under state or local laws or regulations;

(3) consistent with any limitations or exclusions described in this section,

federal or state laws, or other governing limitations on types or amounts of cost items;

(4) consistent with policies, regulations, and procedures that apply uniformly to both the Family Care Services Program and other activities of the organization of which the provider agency is part;

(5) subject to consistent treatment using generally accepted accounting principles appropriate to the circumstances;

(6) not allocable to or included as a cost of any other program in either the current or a prior period; and

(7) the net of all applicable credits.

(d) Definition of reasonableness. A cost is reasonable if, in its nature and amount, it does not exceed the cost that would be incurred by an ordinarily prudent person conducting competitive business. In determining the reasonableness of a given cost, the department considers the following:

(1) whether the cost is of a type generally recognized as ordinary and necessary for the operation of the business or its performance under the contract;

(2) the restraints or requirements imposed by generally accepted sound business practices, arm's length bargaining, federal and state laws and regulations, and contract terms and specifications; and

(3) the action that a prudent person would take in the circumstances, considering his responsibilities to the public, the government, his employees, clients, shareholders, or members, and the fulfillment of the purpose for which the business was organized.

(e) Unallowable costs. Unallowable costs are expenses the provider agencies incurred that are not directly or indirectly related to providing contracted services according to applicable laws, rules, and standards. A provider agency may expend funds on unallowable cost items, but those costs must not be included in the cost report and are not used in calculating a rate recommendation. The following list of expenses is not inclusive but rather a general guide to the various unallowable costs frequently seen in cost reports:

(1) advertising expenses, except advertising for employee recruitment and advertising to meet statutory or regulatory requirements;

(2) allowances for bad debts or other uncommon accounts;

(3) business expenses from business operations not related to providing services for which the department has contracted;

(4) contributions to political activities or to charity;

(5) corporate headquarters expenses that are not directly involved in providing services or supplies used by the home health agency staff in normal operations relating to family care;

(6) depreciation expenses other than those based on straight-line depreciation;

(7) discounts for administrative reasons; courtesy, cash, trade, and quantity discounts; rebates; or other discounts;

(8) dues and membership fees to organizations whose primary emphasis is not related to the services for which the department has contracted;

(9) entertainment expenses, except for entertainment that is reported as an employee benefit;

(10) expenses incurred for services not related to providing services contracted for by the department;

(11) expenses for purchasing goods and services from revenues received from restricted or unrestricted gifts, donations, endowments, and trusts;

(12) expenses that are not the provider agency's legal obligation;

(13) expenses of donated items, including depreciation and amortization of the value of the donations;

(14) fees and travel expenses for corporation or association board of directors; partnership or corporation filing fees;

(15) fines and other penalties for violating statutes or ordinances and penalties for late payment of taxes, utilities, mortgages, loans, and other similar penalties;

(16) franchise fees;

(17) fund-raising and promotion expenses; public relations expenses;

(18) expenses for life insurance premiums where the beneficiary is the provider organization unless life insurance is a requirement of a loan agreement and the loan is related to client care;

(19) interest expense on loans for assets not related to delivering services for which the department has contracted (interest expenses must be reduced or offset by interest income except interest income from funded depreciation accounts or qualified pension funds);

(20) medical equipment and supplies;

(21) personal compensation to persons not providing services contributory to delivering services for which the department has contracted;

(22) personal expenses not related to delivering services for which the department has contracted;

(23) expenses for the purchase

of services, facilities, or supplies from related organizations or parties that exceed the lower of the cost to the related party or organization or the price of comparable services, facilities, or supplies purchased in an arm's length transaction;

(24) rental or lease expense on any item not related to delivering services for which the department has contracted;

(25) tax expense for federal, state, or local income tax; any tax levied on assets not related to delivering services for which the department has contracted; and

(26) transportation expenses for vehicles which are not generally suited to function related to delivering services for which the department has contracted. Mileage expense may be included at a cost per mile not to exceed the current reimbursement rate set by the legislature for state employee travel. Mileage is allowable if the documentation is adequate and if the expense was related to delivering services for which the department has contracted.

§53.503. *Claims Payment Reviews and Audits.*

(a) Service delivery records. The provider agency must use service delivery record to document services delivered, unless the provider agency obtains written approval from the department's assistant commissioner for provider systems to use a different timesheet than the department's form for documentation. The provider agency must neither preprint nor pre-enter the time in, time out, total time, or monthly total of hours in the record or time portion of any timesheet.

(b) Timekeeper(s). The provider agency must designate a timekeeper(s) to verify that the hours recorded on the timesheet were worked and that the tasks assigned were completed. The timekeeper may be the supervisor.

(c) Timesheet entries by the attendant. The attendant must enter the daily total time and/or the time in, time out, and monthly total of hours. An attendant who is unable to complete and sign the timesheet may designate a neighbor, friend, or relative to complete and sign the timesheet. The provider agency must document in writing the reasons the attendant is unable to complete and sign the timesheet and must document in writing the person authorized to make these entries.

(d) Corrections to the record of time. The attendant or the timekeeper or both may correct an entry(ies) to the time in, time out, daily total time, or monthly total of hours without initialing the correction, if the correction does not increase the daily total time or monthly total of hours.

(e) Failure to maintain records. If the provider agency fails to maintain records as specified in §69.202 of this title (related to Contractor's Records), the department may initiate corrective action

plans and/or monetary exceptions.

(f) Documentation errors. Documentation errors may cause claims for services to be disallowed.

(1) Two types of documentation errors may cause monetary exceptions.

(A) Administrative errors. Administrative errors result in exceptions applied to the administrative portion of the unit of service. For family care services, an exception of 13% of the paid unit rate is the administrative portion applied to the unit of service.

(B) Financial errors. Financial errors result in exceptions applied to the total amount paid for the unit of service.

(2) If an error is considered both an administrative and a financial error, the department uses the financial error in determining the exception.

(3) The department may consider an administrative error as a financial error if the provider agency fails to comply with department corrective action plans or fails to correct deficiencies referenced in previous audits.

(g) Error extrapolation. The department develops a statistical projection, based on the number or value of administrative errors found in the audit or review sample, to determine the number or value of administrative errors to be found in the total cases or claims for which the provider has been paid during the audit period. The department uses the same process to determine total financial errors.

(h) List of administrative errors. Administrative errors include, but are not limited to, the following.

(1) The provider agency leaves the month and year of service blank at the top of the timesheet, but the month and year can be verified elsewhere on the timesheet. The department applies the error to the total number of units claimed for the pay period.

(2) The attendant completes the time in and time out columns, but leaves the daily total time column blank, and the timekeeper fails to enter the daily total time based on the attendant's entry. The department applies the error to the total number of units claimed for the days left blank.

(3) The timekeeper fails to enter a date of signature to certify the total number of hours the attendant worked. The department applies the error to the total number of units claimed for the pay period.

(4) The timekeeper corrects the date of signature, but fails to initial the correction. The department applies the error to the number of units claimed after the earliest signature date.

(5) The timekeeper enters an il-

legible date of signature or makes an illegible correction to the date. The department applies the error to the total number of units claimed for the pay period.

(6) The timekeeper enters a date of signature that is before the date of the last day services are delivered. The department applies the error to the total number of units claimed after the signature date.

(7) The timekeeper fails to sign the timesheet. The department applies the error to the total number of units claimed for the pay period.

(8) The timekeeper uses signature stamp, but fails to initial the stamped signature. The department applies the error to the total number of units claimed for the pay period.

(9) The attendant or timekeeper or both uses correction fluid to correct an entry in the record of time, signature, or date portion of the timesheet. The department applies the error to the total number of units claimed for the pay period.

(10) The attendant or timekeeper or both makes an illegible entry in or an illegible correction to any portion of the record of time column. The department applies the error to the total number of units claimed for the days in which entries are illegible.

(11) The attendant fails to initial an increase in the daily total time or the monthly total of hours for the pay period. The department applies the error to the number of units claimed in excess of the original entry.

(12) The attendant fails to sign the timesheet. The department applies the error to the total number of units claimed for the pay period.

(13) The provider agency uses a timesheet that has not been approved by the department. The department applies the error to the total number of units claimed while using an unapproved timesheet.

(14) The provider agency makes a claim for services, but a valid approval for CCAD services-referral response form, is missing for the period claimed by the agency. The department applies the error to the total number of units claimed and not covered by a valid approval for CCAD services-referral response form.

(i) List of financial errors. In the absence of acceptable secondary documentation, financial errors include, but are not limited to, the following.

(1) The provider agency makes a claim for services, but the timesheet is missing for the period for which services are claimed. The department applies the error to the total number of units claimed for the pay period.

(2) The attendant leaves the entire record of time column blank. The de-

partment applies the error to the total number of units claimed for the pay period.

(3) The provider agency bills the department for hours that exceed the authorization given by the department. The department applies the error to the total number of units claimed in excess of the units authorized by the department.

(4) The provider agency bills the department for hours that exceed the total number of hours recorded on the timesheet. The department applies the error to the total number of units claimed in excess of the units recorded on the timesheet. If the difference between the time in and time out does not equal the total time or if the sum of the daily totals of time does not equal the monthly total of hours on the timesheet, then the lesser of the two totals is used to calculate the total number of hours recorded on the timesheet.

(5) The same provider agency bills the department for units of service under both the Primary Home Care Program and the Family Care Program for the same time period. The department applies the error to the total number of units claimed for the same time period, in the program with the highest unit rate.

(6) The provider agency bills the department for units of service for days on which the client did not receive services. The department applies the error to the total number of units claimed for the day on which the client did not receive services.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807556      Marlin W. Johnston  
Commissioner  
Texas Department Human  
Services

Proposed date of adoption: November 1, 1988.

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

## Reviews and Audits of Provider Agency Records

### • 40 TAC §§53.601-53.603

The new sections are 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.

#### §53.601. Recordkeeping Requirements.

(a) For each client, the provider agency must maintain records that include at least the following information:

(1) the approval for CCAD services-referral response form;

(2) the name(s) of the supervisor(s) and attendant(s) responsible for direct

services to the client;

(3) the service delivery form;

(4) the case information form;

(5) a record of supervisory visits that includes the date, training given, safety and emergency procedures, attendant's ability to perform personal care tasks, and significant events concerning the client and/or attendant;

(6) a record that the client was given a verbal explanation and a written copy of the provider agency's complaint procedures; and

(7) if applicable, the authorization to terminate services.

(b) The provider agency must also maintain billing forms to support its claims for reimbursement for services delivered to eligible clients.

(c) The provider agency must give department staff the following information within seven days of receiving a written request:

(1) a list of the department clients and corresponding attendant(s), to include the attendant's detailed task assignment plan, address, and telephone number;

(2) documentation of the attendant's competency to deliver personal care tasks; and

(3) a list of supervisors and a copy of each supervisor's training record.

(d) The provider agency must deliver all records requested by department staff to a specified location, within two weeks of advanced written notification, for purposes other than service control monitoring.

(e) The provider agency must maintain financial records in a manner consistent with generally accepted fiscal and accounting procedures as recognized by the American Institute of Certified Public Accountants.

(f) The provider agency may request from department staff copies of missing service records. The provider agency reimburses the department for the actual cost of reproduction. Reproduction costs include the actual cost of staff time and equipment use and a minimal cost for each page reproduced. This service does not remove the provider agency's contractual obligation to maintain records.

(g) If the provider agency fails to maintain records, the department may take one or more of the following actions:

(1) request corrective action plans;

(2) initiate monetary recoupment; or

(3) terminate the provider agen-

cy's contract.

§53.602. *Monitoring Service Delivery.*

(a) If the provider agency fails to comply with the provisions of the contract, the family care provider manual and revisions, policy clarifications and department rules, the department may take one or more of the following actions:

- (1) place a vendor hold on all payments;
- (2) not renew the contract, or
- (3) terminate the contract

(b) When the department gives the provider agency written notification of any deficiencies in complying with the terms of the contract, the provider agency must develop and implement a detailed corrective action plan to correct them. The provider agency's failure to comply with the corrective action plans may result in the same actions being taken as stated in subsection (a) of this section.

(c) If the provider agency fails to deliver services at the minimum acceptable performance levels, the department may not renew the contract or may terminate it.

(d) To determine the provider agency's level of performance, department staff review cases against the terms of the contract and service delivery standards in the Family Care Service Control Monitoring Guide. The department establishes minimum acceptable performance levels for compliance with the standards and revises the monitoring guide as necessary.

(e) The department determines a full sample by drawing a random sample which includes a stratified number of new and ongoing cases and which has a confidence level of 85% plus or minus 5%. For purposes of sample size determination, a compliance rate of 90% is assumed.

(f) For the total number of instances evaluated in the sample, the provider agency must attain an overall compliance level of 95% for one group of standards and 90% for another group of standards. To determine the provider agency's level of compliance, the department divides the total instances in the sample in which the standards are met by the total instances in the sample in which the standards are either met or not met for each group of standards. The following are the two groups of standards:

(1) overall compliance of at least 95% for:

- (A) service initiation;
- (B) service authorization;
- (C) service breaks.

and  
(2) overall compliance of at least 90% for:

- (A) notification of case status;
- (B) supervisory home visits before service initiation;
- (C) supervisory home visits;
- (D) personal care competence;
- (E) written response to complaints;
- (F) supervisor minimum qualifications;
- (G) supervisor's initial training;
- (H) non-nurse additional initial training;
- (I) ongoing training; and
- (J) non-nurse additional ongoing training.

(g) Service control monitoring visits may be conducted with less than two weeks' notice. The department does not share the names of the cases to be reviewed with the provider agency before the review date.

(h) To facilitate the review of records, the provider agency must:

- (1) keep all client records in a central location. If the provider agency does not maintain its records in an office within the region, it must specify to the department staff's satisfaction, how it intends to trans-

port the records;

(2) provide work space for department monitors; and

(3) assign appropriate staff to provide requested records.

§53.603. *Audits.*

(a) Desk audits and on site audits are performed according to the time frames in §53.502 of this title (relating to Reimbursement Methodology for Family Care Services).

(b) Provider agency staff must promptly provide requested records to expedite the audit and assure the provider agency sufficient opportunity to prove its claim for reimbursement.

(c) After the audit, department staff conduct an exit review with the provider agency to discuss the audit findings.

(d) The provider agency must reimburse the department for any improper payments reflected in the department's audit reports. If the provider agency and the department agree to resolve the audit exception by implementing an installment payment plan, the provider agency must adhere to the payment schedule. If the provider agency fails to submit the correct payment amount in the specified time, the department may withhold the provider agency's vendor payments or deduct the entire outstanding balance from the provider agency's claim(s).

(e) The department reimburses the provider agency for any under payments reflected in the audit report(s). The department may withhold the reimbursement of an underpayment if the provider agency has an outstanding audit exception(s).

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

Issued in Austin, Texas, on July 22, 1988.

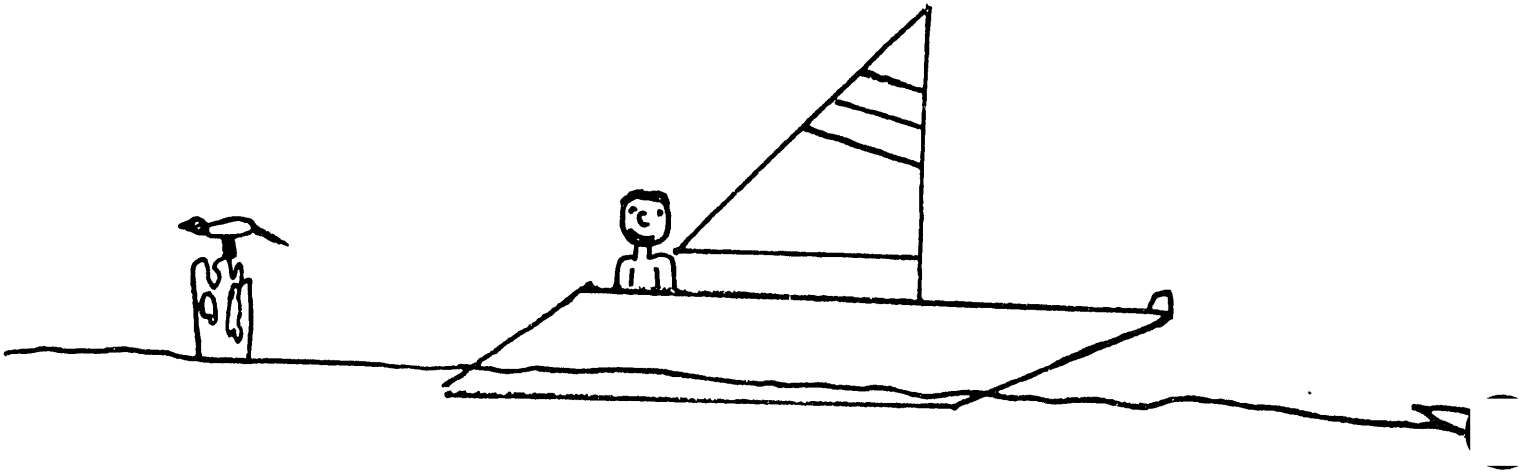
TRD-8807557

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption: November 1, 1988.

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





Name: Keating Patterson  
Grade: 4  
School: Merriman Park Elementary,  
Richardson

# 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 10. COMMUNITY DEVELOPMENT

### Part II. Texas Department of Commerce

#### Chapter 178. Texas Community Development Program

##### Subchapter A. General Provisions

###### • 10 TAC §178.1, §178.2

The Texas Department of Commerce adopts new §178.1 and §178.2. Section 178.2 is adopted with changes to the proposed text as published in the June 21, 1988, issue of the *Texas Register* (13 TexReg 3111). Section 178.1 is adopted without changes and will not be republished.

The new sections implement a formal complaint system to investigate complaints received concerning Texas Community Development Program contractors.

The new sections govern the responsibilities of the Texas Department of Commerce and its Texas Community Development Program contractors under this system and set time limits for responding to complaints.

No comments were received regarding the adoption of the proposed new sections. The Texas Department of Commerce has, however, changed the term "Inspector General" throughout §178.2 to "Program Compliance Division" to reflect an internal name change.

The new section is adopted under Texas Civil Statutes, Article 4413(301), §12.002, which provide the Texas Department of Commerce with the authority to allocate community development block grant (CDBG) nonentitlement funds to eligible counties and municipalities in accordance with rules of the department.

###### §178.2. Complaint System.

(a) A recipient who has a comment or complaint about the quality of services funded under a contract may submit such comment or complaint in writing to the department's Program Compliance Division.

(b) The Program Compliance Division shall either refer the comment or complaint to the contractor which is the subject of the comment or complaint for investigation or conduct its own investigation.

(c) If the comment or complaint is referred to the contractor, it shall complete its investigation and submit its findings, in

writing, to the Program Compliance Division within seven working days after the date the contractor received the comment or complaint, or notify the Program Compliance Division, within such period, of the date the investigation can be completed.

(d) The Program Compliance Division shall notify the complainant of the findings of the investigation before the 15th working day after the date the comment or complaint was received by the Program Compliance Division, or the Program Compliance Division shall notify the complainant, within such period, of the date the investigation can be completed.

(e) The department shall consider the history of complaints regarding a contractor in determining whether to enter into a new Texas Community Development Program contract with the contractor.

This agency hereby certifies that the rule 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 July 22, 1988.

TRD-8807520 J. William Lauderback  
Executive Director  
Texas Department of  
Commerce

Effective date: August 12, 1988

Proposal publication date: June 21, 1988

For further information, please call: (512) 320-9666

## TITLE 16. ECONOMIC REGULATION

### Part IV. Texas Department of Labor and Standards

#### Chapter 63. Labor, Licensing, and Enforcement

###### • 16 TAC §§63.21-63.26

The Texas Department of Labor and Standards adopts the repeal of §§63.21-63.26, without changes to the proposed text as published in the June 14, 1988, issue of the *Texas Register* (13 TexReg 2959).

Texas Civil Statutes, Article 5221a-6, concerning private employment agency law, was repealed by Acts 1979, 66th Legislature, effective August 27, 1979.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 6252-13a, which provide the

commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for purposes of conforming to the provisions of this Act.

This agency hereby certifies that the rule 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 July 18, 1988.

TRD-8807460 Larry Kosta  
Assistant Commissioner  
Texas Department of Labor  
and Standards

Effective date: August 10, 1988

Proposal publication date: June 14, 1988

For further information, please call: (512) 463-3128

## Chapter 73. Manufactured Housing Division

###### • 16 TAC §§73.1-73.9

The Texas Department of Labor and Standards adopts the repeal of §§73.1-73.9, without changes to the proposed text as published in the June 14, 1988, issue of the *Texas Register* (13 TexReg 2959).

The Residential Conservation Service, Texas Energy and Natural Resources Advisory Council Program, Acts 1983, 68th Legislature, §14, Chapter 235, Page 1024, Texas Natural Resource Code, Chapter 162, was subject to the Texas Sunset Act. The council was not continued in existence by the Texas Sunset Act and the previously stated chapter expired September 1, 1983. There is no provision for Chapter 73.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 6252-13a, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for purposes of conforming to the provisions of this Act.

This agency hereby certifies that the rule 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 July 18, 1988.

TRD-8807459 Larry Kosta  
Assistant Commissioner  
Texas Department of Labor  
and Standards

Effective date. August 10, 1988

Proposal publication date June 14, 1988

For further information, please call (512) 463-3128

## TITLE 22. EXAMINING BOARDS

### Part XIV. Texas Optometry Board

#### Chapter 279. Interpretations

##### • 22 TAC §279.8

The Texas Optometry Board adopts new §279.8, with changes to the proposed text as published in the May 17, 1988, issue of the *Texas Register* (13 TexReg 2305)

The section as adopted with changes, will affirm and clarify that the practice of optometry may include the utilization of examination and diagnostic procedures to ascertain any defect, departure from normal or abnormal condition of the human eye. The use of examination and diagnostic procedures to ascertain any departure from normal in the human eye has been a custom and practice within the optometry profession for many years.

The section will inform licensees of the interpretation of the board in regard to the practice of optometry.

The optometric associations were in favor of passage of the section. Opposing parties had three primary arguments: the proposed section was not within the authority of the board and not a proper subject for rulemaking; ascertain is not synonymous with diagnose; the proposed section would create a new and vague standard of care for optometrists in their professional practice.

Commenting in favor of the proposed section were the Texas Optometric Association; Texas Association of Optometrists; and faculty member of University of Houston

Commenting against the proposed section were the Texas Ophthalmological Association; and Texas Medical Association.

The board believes that it is within its proper role to interpret the meaning of words within the Texas Optometry Act. Regarding the synonymy of ascertain with diagnose, the board has clarified the section to affirm what, hopefully, is not controverted, namely that the practice of optometry may include the ascertainment of departure from the normal within the human eye by utilization of appropriate diagnostic and examination procedures. The section as modified, is not vague and does not alter the applicable standard of care.

The new section is adopted under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Act with the authority to promulgate procedural and substantive rules. §279.8. *Board Interpretation Number Eight.* The Texas Optometry Act, §1.02(2)(c) provides that the practice of optometry is defined to include the employment of any objective or subjective means for the examination of the human eye for purposes of ascertaining any departure from the normal. The board interprets the term

"ascertain" to include "ascertaining by diagnosis". The board finds that the practice of optometry includes the employment of any objective or subjective means, employing applicable diagnostic procedures, for the examination of the human eye for purposes of determining any departure from the normal. Diagnostic procedures requiring the use of drugs may only be performed by an optometrist who has received an appropriate standing delegation order from a physician. Examination and diagnostic procedures as are reasonable and prudent for the purpose of ascertaining any defect, departure from the normal, or abnormal condition of the human eye are included within the definition of optometry and may legally be performed by an optometrist who is duly licensed in the state of Texas.

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 July 18, 1988

TRD-8807471

Lois Ewald  
Executive Director  
Texas Optometry Board

Effective date: August 10, 1988

Proposal publication date May 17, 1988

For further information, please call (512) 835-1938

## Part XXII. Texas State Board of Public Accountancy

### Chapter 523. Continuing Professional Education

#### Continuing Professional Education Standards

##### • 22 TAC §523.27

The Texas State Board of Public Accountancy adopts the repeal of §523.27, without changes to the proposed text as published in the January 29, 1988, issue of the *Texas Register* (13 TexReg 9).

The repeal of the section will allow for the adoption of a new section that will more clearly define the granting of credit to instructors and discussion leaders in continuing education courses.

The repeal of the section will allow for the adoption of a new section that will contain guidelines for the awarding of credits under specified circumstances involving preparation and teaching of continuing education courses.

No comments were received regarding adoption of the repeal.

The repeal of this section is adopted under Texas Civil Statutes, Article 41a-1, §6(a) which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the granting of credit for preparation of teaching of continuing professional education courses.

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 July 20, 1988.

TRD-8807469

Bob E. Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date August 10, 1988

Proposal publication date January 29, 1988

For further information, please call: (512) 450 7066

The Texas State Board of Public Accountancy adopts new §523.27, without changes to the proposed text as published in the January 29, 1988, issue of the *Texas Register* (13 TexReg 9)

The new section will more clearly define the granting of credit to instructors and discussion leaders in continuing education courses

The new section contains guidelines for the awarding of credits under specified circumstances involving preparation and teaching of continuing education courses

No comments were received regarding adoption of the section

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a) which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the granting of credit for preparation of teaching of continuing professional education courses.

§523.27. *Credits for Instructors and Discussion Leaders.* When an instructor or discussion leader serves at a program for which participants receive credit and at a level that contributes to his or her professional competence, credit should be given for preparation and presentation time measured in terms of credit hours. Instructors and discussion leaders should receive credit for both preparation and presentation. For the first time they present a program, they should receive credit hours for actual preparation time up to two times the recommended class credit hours. If a course is recommended as eight credit hours, the instructor could receive up to 24 credit hours (16 hours for preparation and eight hours for presentation). For repetitious presentations, the instructor may receive credit only if he can demonstrate that the subject matter involved was changed sufficiently to require significant additional study or research. The maximum credit for preparation cannot exceed 50% of the minimum annual requirement. For example, if a discussion leader is required to report 40 hours of continuing education yearly, and he actually taught 16 hours and took 32 hours to prepare, the most credit he could claim would be 20 hours for preparation and 16 hours for teaching.

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.



Effective date: August 10, 1988

Proposal publication date: January 29, 1988

For further information, please call: (512) 450-7066

## TITLE 25. HEALTH SERVICES

### Part I. Texas Department of Health

#### Chapter 37. Maternal and Child Health Services

##### Chronically Ill and Disabled Children's Services

###### • 25 TAC §§37.82-37.93, 37.97

The Texas Department of Health (TDH) adopts amendments to §§37.82-37.93, and 37.97. Sections 37.84, 37.90, and 37.97 are adopted with changes to the proposed text as published in the May 6, 1988, issue of the *Texas Register*. Sections 37.82, 37.83, 37.85-37.89, and 37.91-37.93 are adopted without changes and will not be republished in this issue.

The amendments incorporate into the sections the changes enacted by the Legislature of the State of Texas in the Disabled Children's Services Act, Texas Civil Statutes, Article 4419c.

The amendments expand and clarify the sections and provide guidelines and procedures for approval and update of Osteopathic Medicine and Podiatrists as providers and provides guidelines for approval of ambulatory surgical centers. In addition, these amendments delete the requirement for authorization for most services, permits retroactive coverage of services, broadens provider accountability and broadens coverage to selected groups of children.

Concerning §37.90, all comments received except one were from providers of ambulatory care in freestanding centers. Commenters stated in each case that the age limit of 18 months should not be adopted and a specific list of services to be covered in these centers should not be adopted; commenters felt that the age of the child and the procedure provided in the ambulatory surgical center should be at the discretion of the physician. The department disagrees. The general advisory committee and department task forces feel these guidelines are necessary to insure a measure of quality control.

Concerning §37.90, one response received from a children's hospital questioned the availability of quality control in free standing centers, since CIDC has insufficient funding to monitor these programs. The economic question of revenue loss to hospitals for the listed procedures was addressed in that hospitals would be expected to provide back up care for complications occurring in these centers. An alternate proposal was to provide competitive charging for outpatient hospitals providing like services. After review of the

original sections as proposed, the General Advisory Committee to CIDC, including members of the task forces who drafted the original guidelines, recommended that the proposed provisions concerning free-standing ambulatory surgical centers be withdrawn. The department agrees. New guidelines will be proposed at a later date. The recommendation is to adopt other changes as originally proposed

In reference to the podiatry provisions in §37.84, the wording pediatrician or general physician was changed to read program approved physician in order to parallel with other provider service descriptions without changing provisions covered in other sections

Minor editorial changes have also been made in the changed sections for clarification purposes

Names of those making comments for or against the amendments are as follows: Susan W Akins, R.N., M.S.N., Director, Physicians Day Surgery Center, 3930 Crutcher Street, Dallas, Texas 75246; James F. Peterson, M.D., Plastic and Reconstructive Surgery, Cliff Medical Center, 1250 Cliff, Suite IB, El Paso, Texas 79902; L Hampton Briggs, D.D.S., 1800 McRae, Suite B, El Paso, Texas 79925; Jim Bowden, D.D.S., 1800 McRae, Suite B, El Paso, Texas 79925; Carol Harris, Executive Director, San Antonio Eye Surgicenter, 800 McCullough, San Antonio, Texas 78215; William C. Rast, D.D.S., Oral and Maxillofacial Surgery, El Paso, Texas 79912; Beth Brantley, Administrator, The Surgery Center of Texas, Route 9, Box 210-A, 155 East Loop 388, Odessa, Texas 79765; James Spier, M.D., El Paso Medical Center, 1501 Arizona, Suite 16, El Paso, Texas 79902; Thomas E. Reynolds, Managing Director, Surgical Center of El Paso, 1815 North Stanton, El Paso, Texas 79902; Lynne A. Gintzig, R.N., Administrator, Brazosport Eye Institute, 103 Parking Way, Lake Jackson, Texas 77566; Howard A. Britton, M.D., Santa Rosa Children's Hospital, P.O. Box 7330, Station A, 519 West Houston, San Antonio, Texas 78285.

The amendments are adopted under Texas Civil Statutes, Article 4419c, §8, which provide the Texas Board of Health with the authority to adopt rules concerning the Chronically Ill and Disabled Children's Services Program; and Article 4414b, §1.05, which provide 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.

**§37.84. Services Provided to Patients.** The program provides no direct services but reimburses services rendered by approved and other participating providers. The patient should receive services as close to the home community as possible except in those situations where program contracts or policies require treatment at specific facilities or specialty centers and/or where medical indications require emergency care.

###### (1) Types of assistance.

###### (A) Early identification

(i) Outreach services. The program may arrange outreach ser-

vices/clinics to assist in case finding. Services should be provided by pediatricians or other specialists as appropriate, with support staff of nurses, social workers, nutritionists, therapists, or other required disciplines, and may be arranged on a one time or scheduled basis at locations to be determined by the program as need is identified. The financial eligibility requirements may be waived for these outreach service/clinics.

###### (ii) Initial examinations.

(I) This service is available to those patients whose financial, residence, and age eligibility has been established and who are suspected of having a condition coverable by the program. Any licensed physician in the state may provide the examination, but authorization prior to the exam is required if program payment is to be made. Payment for the examination, inclusive of any office tests or procedures, will be according to program fee schedules. The medical section of the application or a medical report must be submitted with the claim form for payment. Only a program approved physician can be reimbursed for further diagnosis, evaluation, and rehabilitation services.

###### (II) (No change.)

(B) Diagnosis and evaluation. Only program approved physicians, dentists, or podiatrists may be reimbursed for specialty diagnosis and evaluation. The medical part of the application must be submitted to the program and must be completed in full. Medical reports or summaries may be submitted to update medical information at any time.

(C) Rehabilitation services. As defined by the Act, rehabilitation services means a process of physical restoration of body functions destroyed or impaired by congenital defect, disease, or injury, and may include: hospitalization; medical and dental care; braces; artificial appliances; durable medical equipment; medical supplies; and occupational, physical and speech therapy. To be eligible for program reimbursement, the treatment phase must be for a condition included in §37.97 of this title (relating to Medical Eligibility Criteria) and may be determined by a care plan which will need periodic updating, depending on the condition. The program may establish criteria to determine the necessity of updating plans.

###### (D) (No change.)

(2) List of services. The following list provides a brief description of the services the program may provide. Authorization may be requested for services. Services may be limited as to frequency,

duration, and cost for budgetary and administrative reasons.

(A)-(C) (No change.)

(D) Dental evaluation and treatment (including oralmaxillofacial surgery). Dental care is limited to corrections of conditions related to cleft palate and other severe craniofacial anomalies, and to treatment which is essential to prevent bacterial endocarditis related to covered cardiac conditions. Dental service requests must be submitted in writing.

(E) Podiatrist services. These services must be provided by program approved podiatrists. Reimbursement will be limited to the medically necessary treatment of foot (below the ankle) conditions included in the treatment plan by the program approved physician. Podiatrists may prescribe medications, supplies, and braces or prosthetic devices for covered foot conditions. Patients must be examined by a program approved physician prior to initiation of the treatment plan by a podiatrist.

(F) Treatment in approved facilities. Hospital care must be provided in facilities approved for program participation, except in emergency situations or for local follow-up care coordinated by program approved physicians. The length of stay is limited according to diagnosis and condition of the patient.

(G) Braces and prosthetic devices. These devices must be related to a condition covered by the program and prescribed by an approved physician, dentist, or podiatrist whose specialty is related to the condition for which the device is requested.

(H) Medications. Medications must be prescribed by a licensed physician or podiatrist for treatment of a condition covered by the program. Payment is made only after delivery of the medications. Pharmacies must be Medicaid providers and must verify to the program that for Medicaid eligible children three prescriptions have been used for the current month by marking the attestation statement on the claim form. The claim form must contain the prescription number, medication name, dosage, strength, amount dispensed, and charge.

(I) Durable medical equipment. Equipment must be related to a condition covered by the program and must be prescribed by an approved provider whose specialty is related to the equipment requested. Some equipment may be supplied on a contract basis and therefore ordered from a specific supplier. The provider must submit proof of receipt by the patient/par-

ent/guardian or conservator and a copy of the physician's or podiatrist's prescription with the claim form.

(J) Medical supplies. Supplies must be necessary in the treatment of a program covered condition and prescribed by a licensed physician, dentist, or podiatrist. The provider must submit a signed attestation on the claim form identifying the physician, dentist, or podiatrist ordering the supplies. Articles of routine daily living (for example, diapers) are not provided.

(K) Speech-language pathology. Services are restricted to treatment of cleft palate and craniofacial anomalies and must be provided by a speech-language pathologist licensed by the state and prescribed by a physician approved for program participation. Initial evaluations, treatment plans, and periodic progress reports covering no more than six months must be submitted to substantiate the need for services.

(L) Occupational and physical therapy. Services must be provided by a therapist licensed by the State and prescribed by a physician or podiatrist approved for program participation. Occupational and physical therapy services must be provided by comprehensive rehabilitation centers, hospitals, physicians' offices, and private therapists (in certain circumstances). Initial evaluations, treatment plans, and periodic progress reports covering no more than six months must be submitted to substantiate the need for services.

(M) Transportation. The program may provide transportation for the patient and, if needed, a responsible adult, to the nearest medically appropriate facility. The lowest cost appropriate conveyance should be used. The program cannot assist if the patient is eligible for transportation through Medicaid.

(N) Meals and lodging. The program may provide meals and lodging. The purpose is to enable a parent to obtain inpatient or outpatient care for a child at a center located away from their home or to reduce the length of stay of hospitalization. No meals or lodging are available if the visit is not overnight or if the patient's home town is within a 50 mile radius of the treatment center. The reason for the inpatient or outpatient visit must be directly related to a condition covered by the program.

(O) Case management. The program may provide this service to those families needing assistance with obtaining or coordinating services related to the patient's medical condition.

(P) Transportation of deceased patient. The following services may be provided:

(i) transportation cost for the remains of a patient who expires in an approved facility while receiving program services if the patient was not in the family's city of resident in Texas, and the transportation cost of a parent or other person accompanying the remains;

(ii) embalming of the deceased, as required for transportation;

(iii) a casket meeting minimum requirements as required for transportation.

(Q) Payment of Insurance Premiums. The program may pay health insurance premiums to maintain or acquire coverage for the patient if the parent/guardian/conservator is financially unable to do so and if paying for such health insurance can reasonably be expected to be cost effective for the program.

(3) Program coverage. To be eligible for program coverage a patient must meet all eligibility requirements of the program and be at or below the percentage of the federal poverty guidelines in effect for the program according to income priority levels. If family income is overscale, the program will consider the annual cost of treatment as determined by the program (by medical condition) as an additional eligibility factor. Coverage may be limited or restricted if necessary to remain within available funding. The program will notify patients and providers of the extent of coverage when eligibility is determined.

(4)-(5) (No change.)  
*§37.90. Approved Providers and Facilities.* All approved providers must agree to abide by program rules and regulations, to accept program fees as payment in full, and not to discriminate against patients on the basis of insurance or Medicaid status. The following groups of providers must be processed through an application process to determine their desire to participate within the program's rules as approved by the board and to determine their qualifications in relation to the criteria for participation as decided by the board.

(1) Physicians, dentists, and podiatrists. To be approved for program participation the person must submit a fully completed application and attach the documents as requested on the form.

(A) Criteria. To be approved for program participation, a person must:

(i) have a Texas medical/dental/podiatric practice license;

(ii) (No change.)

(iii) be certified by the American Board of Medical Specialties, the

American Osteopathic Association Specialty Boards, or by American dental specialty boards, or American Board of Podiatric Surgery in the specialty area in which the physician/dentist/podiatrist will participate in the Chronically Ill and Disabled Children's Services;

(iv) (No change.)

(v) agree to abide by the rules of the Chronically Ill and Disabled Children's Services;

(vi) agree to allow on-site visits and/or audit privileges to program staff; and

(vii) accept responsibility for actions of their staff performed in behalf of the provider.

(B) Procedures.

(i) (No change.)

(ii) Review of the application will result in approval or denial. An incomplete application will be returned to the applicant with explanation of information required. The program may consider a temporary approval status when geographic need for services exists. The one year practice requirement may be waived in extenuating circumstances.

(I) Physicians/dentists/podiatrists who are board eligible but not yet board certified must meet the following criteria in order for a temporary approval to be considered:

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

(II) (No change.)

(iii) (No change.)

(iv) Any physician/dentist/podiatrist who disagrees with the result of the program's review, may appeal the decision through one of the following processes:

(I)-(III) (No change.)

(C) (No change.)

(2) Hospitals.

(A) Criteria. The criteria for hospital approval includes, but is not limited to:

(i) current approval by the Joint Commission on Accreditation of Health Care Organizations;

(ii)-(v) (No change.)

(B) (No change.)

(C) Update activities. In an effort to maintain the accuracy and currency

of provider information, the program will formally update its listing of approved hospitals at least once every year. Those providers that have not received any program payment for services rendered during the previous two year period will be given the option of withdrawing from program approved status, becoming inactive, or updating information to remain active. If updated information is not received within 60 days of the date of notification, the provider will be considered inactive. This action will not remove a provider's approval but reinstatement to active status will be made at the provider's request as soon as current information is given to the program.

(i) Updated information may include, but is not limited to, the following:

(I)-(III) (No change.)

(IV) updated approval by Joint Commission on Accreditation of Health Care Organizations.

(ii) (No change.)

(3) Ambulatory surgical care facilities.

(A) Ambulatory surgery services may be utilized by the program as a cost efficient means as long as quality of care is assured. Any hospital approved for program participation whose Joint Committee on Accreditation of Health Care Organizations accreditation includes hospital sponsored ambulatory care services may be utilized for ambulatory surgery. However, freestanding facilities, even if governed or affiliated with an approved hospital, must apply for program approval. Facilities that apply for approval and that meet the criteria as set forth by the program, may also qualify for participation. The program may contract with a limited number of facilities to assure program cost containment. As a minimum, such criteria must include:

(i)-(xii) (No change.)

(B) (No change.)

(4) Specialty centers. Such facilities must meet specific criteria as set forth by the program. Lists of facilities which are approved for program participation may be obtained from the program.

(A) Inpatient rehabilitation centers.

(i) Criteria. The criteria for inpatient rehabilitation facility approval includes but is not limited to:

(I) current accreditation by either the Joint Commission on Accreditation of Health Care Organizations (JCAH) as a Comprehensive Physical Reha-

bilitation Program or Commission on Accreditation of Rehabilitation Facilities (CARF) as a Comprehensive Inpatient Rehabilitation Program;

(II)-(XI) (No change.)

(ii) (No change.)

(iii) Update activities. In an effort to maintain the accuracy and currency of provider information, the program will formally update its listing of approved facilities at least once every year. Those providers that have not received any program payment for services rendered during the previous two year period will be given the option of withdrawing from program approved status, becoming inactive, or updating information to remain active. If updated information is not received within 60 days of the date of notification, the provider will be considered inactive. This action will not remove a provider's approval but reinstatement to active status will be made at the provider's request as soon as current information is given to the program.

(I) Updated information may include, but is not limited to, the following;

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

(-d-) updated approval by Joint Commission on Accreditation of Health Care Organizations or accreditation from the Commission on Accreditation of Rehabilitation Facilities.

(II) (No change.)

(B) (No change.)

(5)-(6) (No change.)

(7) Denial/modification/suspension/termination of provider or facility approval.

(A) The program may deny, modify, suspend, or terminate the approval of providers or facilities for due cause. Any provider or facility submitting false or fraudulent claims, failing to provide and maintain quality services or medically acceptable standards, or not adhering to the agreement signed at the time of application or renewal for program participation is subject to review, fraud referral, and/or administrative sanctions which include suspension of payment. The program may cancel or suspend a physician's or dentist's or podiatrist's approved provider status based on the program's knowledge of disciplinary action taken against the provider by the Texas State Board of Medical Examiners, the provider's peers, or by professional medical association or society (local, regional, or national in scope).

(i)-(iii) (No change.)

(B) (No change.)

§37.97. *Medical Eligibility Criteria.* The department adopts by reference the medical eligibility criteria published by the department, approved by the board, as amended in June, 1986. A copy of the medical eligibility criteria is indexed and filed in the Bureau of Chronically Ill and Disabled Children's Services, Texas Department of Health, 1101 East Anderson Lane, Austin, and is available for public inspection during regular working hours.

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 July 21, 1988.

TRD-8807508

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

Effective date: August 12, 1988

Proposal publication date: May 6, 1988

For further information, please call: (512) 465-2681

◆           ◆           ◆  
**TITLE 34. PUBLIC  
FINANCE**  
**Part IV. Employees  
Retirement System of  
Texas**

**Chapter 85. Flexible Benefits**

• 34 TAC §§85.1, 85.3, 85.5, 85.7,  
85.9, 85.11, 85.13, 85.15, 85.17

The Employees Retirement System of Texas adopts new §§85.1, 85.3, 85.5, 85.7, 85.9, 85.11, 85.13, 85.15, and 85.17. New §85.3 is adopted with changes to the proposed text as published in the June 10, 1988, issue of the *Texas Register* (13 TexReg 2892). New §§85.1, 85.5, 85.7, 85.9, 85.11, 85.13, 85.15, and 85.17 are adopted without changes and will not be republished.

The purpose of these sections is to govern the Flexible Benefits Program. The sections were changed in order to be consistent with approved amendments to the TexFlex Employee Benefits Plan. The changes more clearly define eligibility to participate in TexFlex and establish specific requirements for participation prior to and after the beginning of a plan year and define the effects on the uniform group insurance coverages for employees participating in premium conversion.

Section 85.3(a)(2)(B) allows the application to increase coverages filed prior to the beginning of a plan year to be included in premium conversion upon approval. Section 85.3(a)(2)(C) and §85.3(b)(2)(B) permit an employee to participate in TexFlex after the beginning of the plan year if the employee has a change in family status. Section 85.3(a)(3) and (4) limit an employee's ability to change insurance coverages if the employee elects to participate in TexFlex.

No comments were received regarding adoption of the new section.

The new sections are adopted under the Texas Insurance Code, Article 3.50-2, as amended which provides the Employees Retirement System of Texas with the authority to promulgate all rules, regulations, plans, procedures, and orders reasonably necessary to implement and to carry out the purposes and provisions of Senate Bill 339 and House Bill 1370 (70th Legislature, 1987).

§85.3. *Eligibility and Participation.*

(a) Premium Conversion.

(1) Eligibility. Any employee participating in the Uniform Group Insurance Program under the Texas Insurance Code, Article 3.50-2 who has insurance premium expenses, may elect to participate in the Premium Conversion Plan.

(2) Participation.

(A) An employee who is eligible under subsection (a)(1) of this section may elect to participate in premium conversion by completing and submitting a TexFlex Election Form in a manner consistent with the Uniform Group Insurance Program rules.

(B) An employee who, prior to the beginning of a plan year, makes an application to increase insurance coverage under the Uniform Group Insurance Program, the premium for which will exceed the State of Texas, and the Employees Retirement System of Texas, total contributions for premium costs, may elect to participate in premium conversion by completing and submitting a TexFlex Election Form in a manner consistent with the Uniform Group Insurance Program rules.

(C) An employee who is otherwise eligible to participate in the Uniform Group Insurance Program but who declined participation in premium conversion prior to the beginning of a plan year, but who has a change in family status as defined in §85.7(c) of this chapter (relating to Enrollment) after the beginning of the plan year, may elect to participate in premium conversion, if the change is consistent with the change in family status, by completing and submitting a TexFlex Election Form in a manner consistent with the Uniform Group Insurance Program rules.

(D) Annual enrollment period.

(i) Eligible active employees will be given an opportunity to enroll or change benefit options during the annual enrollment period. The annual enrollment period will be prior to the beginning of a plan year.

(ii) Employees on approved leave of absence or extended sick leave without pay during the annual enrollment period will be provided an opportunity

to enroll or to change options within the first 30 days after return to active duty.

(3) Duration of participation.

(A) An employee's election to participate or to waive participation in the Premium Conversion Plan shall be irrevocable during the plan year, unless there is a change in family status as defined in §85.7(c) of this chapter (relating to Enrollment).

(B) An employee returning to state employment, returning to active duty from an approved leave of absence without pay, or transferring from one state agency to another, within the same plan year, may not change and shall retain the existing participation elections for the remainder of the plan year.

(4) Effects on ability to change insurance coverage. An employee participating in the Premium Conversion Plan may not change Uniform Group Insurance coverages during the plan year, unless there is a change in family status.

(b) Health care and dependent care reimbursement plans.

(1) Eligibility. Any employee eligible to participate in the Uniform Group Insurance Program, except seasonal and temporary employees, may elect to participate in the Health Care and Dependent Care Reimbursement Plans.

(2) Participation.

(A) An employee who is eligible under subsection (b)(1) of this section may elect to participate by completing and submitting a TexFlex Election Form within the first 30 days of employment. The effective date will be the first day of the following month, unless the employee makes an election on the first day of the month and designates that day to be the effective date.

(B) An employee who was otherwise eligible to participate in the Uniform Group Insurance Program but who declined participation in the reimbursement accounts prior to the beginning of a plan year, but who after the beginning of a plan year has a change in family status, as defined in §85.7(c) of this chapter (relating to Enrollment), may elect to participate in the reimbursement accounts if the change is consistent with the change in family status, by completing and submitting TexFlex Election Form within 30 days from the date of the occurrence of the change in family status. The effective date will be the first day of the following month, unless the employee makes an election on the first day of the month and designates that day to be the effective date.

(C) A change in family status, as defined in §85.7(c) of this chapter

(relating to Enrollment) will permit a change or revocation of participation during the plan year. A TexFlex Election Form must be submitted within 30 days of the date of the change in family status. The effective date will be the first day of the following month, unless the employee makes an election on the first day of the month and designates that to be the effective date.

(D) Annual enrollment period.

(i) Eligible active employees will be given an opportunity to enroll or change benefit options during the annual enrollment period. The annual enrollment period will be prior to the beginning of a plan year.

(ii) Employees on approved leave of absence without pay during the annual enrollment period will be granted an opportunity to enroll or to change options within the first 30 days after return to active duty.

(3) Duration of participation.

(A) An employee's election to participate or to waive participation in the Health Care and Dependent Care Reimbursement Plans shall be irrevocable during the plan year unless there is a change in family status as defined in §85.7(c) of this chapter (relating to Enrollment).

(B) An employee returning to state employment, returning to active duty from an approved leave of absence without pay, or transferring from one state agency to another, within the same plan year, may not change and shall retain the existing participation elections for the remainder of the plan year.

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 July 22, 1988.

TRD-8807572 Clayton T. Garrison  
Executive Director  
Employees Retirement  
System of Texas

Effective date: August 12, 1988

Proposal publication date: June 10, 1988

For further information, please call: (512) 476-6431, ext. 178.



## Part IX. Texas Bond Review Board

### Chapter 181. Bond Review Board

#### • 34 TAC §§181.1-181.10

The Texas Bond Review Board adopts new §§181.1-181.10, without changes to the proposed text as published in the May 24, 1988, issue of the *Texas Register* (13 TexReg 2444).

The Texas Bond Review Board adopts these previously published proposed sections to establish guidelines under which the board will accept and review applications by certain state agencies and universities to issue state bonds or to enter into lease purchase agreements under the jurisdiction of the board.

The sections outline the timing of, and the content required in, notices of intent to issue bonds, applications for approval of state bonds, and other documents to be submitted to the board.

Comments received on the sections as proposed and adopted were in support of the requirement for a statement addressing the participation of women and minorities and inclusion of a Texas-content provision in the application for board approval of state bond issuance.

Additional comments were received during the drafting stage of the sections and many were incorporated into the sections proposed and adopted by the board.

The new sections are adopted under 70th Legislature, 1987, Chapter 1078, §3, Texas Civil Statutes, Article 717k-7, which gives the Texas Bond Review Board the authority to adopt rules governing application for review, the review process, and reporting requirements involved in the issuance of state bonds.

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 July 19, 1988.

TRD-8807472 Tom K. Pollard  
Executive Director  
Texas Bond Review Board

Effective date: August 10, 1988

Proposal publication date: May 24, 1988

For further information, please call: (512) 463-1741



## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

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

##### Subchapter M. Admissions Policy

The Texas Department of Human Services (DHS) adopts the repeal of §27. 1214 and new §27.3011, without changes to the proposed text published in the May 10, 1988, issue of the *Texas Register* (13 TexReg 2211).

The repeal and new section are justified to clarify when facilities must complete resident transaction notices and when they must initiate level of care determinations.

The repeal will permit the new section to match the numerical sequence of topics in the ICF-MR Standards for Participation. The new section specifies 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.

No comments were received regarding adoption of the repeal or new section.

The repeal 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 July 22, 1988.

TRD-8807549 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: August 22, 1988

Proposal publication date: May 10, 1988

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



#### • 40 TAC §27.3011

The new section 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.

Effective date: August 22, 1988

Proposal publication date: May 10, 1988

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

## State Board of Insurance Exempt Filing Notification Pursuant to the Insurance Code, Chapter 5, Subchapter L

*(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.*

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

*The text of the material being adopted will not be published, but may be examined in the offices of the State Board of Insurance, 1110 San Jacinto Street, Austin.)*

The State Board of Insurance has approved various agenda items presented at the June 1, 1988, annual fire hearing affecting the manual rules, rates and policy and endorsement forms for the Texas Standard Policy, the Texas Standard Homeowners Policy, the Texas Standard Farm and Ranch Owners Policy, the Texas Commercial Package Policy, the Texas Businessowners Policy, the Electronic Equipment Protection Policy, and the *Texas General Basis Schedules*, which is the manual governing the writing of said policies. The agenda items approved are as follows:

**Agenda Item 4-88**—approves a new endorsement, Number TBOP-23, medical expense coverage endorsement, for attachment to a Texas Businessowners Policy, to provide medical payments coverage for church risks only for persons injured while taking part in athletics. The majority of churches are involved in team sports and request medical payments coverage for such activities. The absence of this coverage could force eligible church risks to seek coverage outside the Texas Businessowners Policy, which was specifically designed for small commercial risks, including certain church risks.

**Agenda Item 5-88**—provides for optional deductibles in the amounts of \$500 or \$1,000 under the Texas Businessowners Policy. The Texas Businessowners Policy previously only provided a standard \$250 deductible. The availability of optional \$500 or \$1,000 deductibles, with appropriate rate credits, will allow those risks which have more severe exposures to small losses to be written more freely under the Texas Businessowners Policy, with a reduction in cost to the insured.

**Agenda Item 7-88**—amends the rules of the Texas businessowners section of the *Texas General Basis Schedules* to increase the limit of insurance available for valuable papers coverage

from \$50,000 to \$200,000. Since valuable papers coverage is based on a rate per \$100, the availability of a larger maximum limit of insurance does not do an injustice to the rating methodology of the Texas Businessowners Policy and eliminates the need for those risks requiring more than \$50,000 valuable papers coverage to seek coverage under a separate valuable papers policy.

**Agenda Item 8-88**—amends the existing homeowners coverage forms to provide a definition of the term "motor vehicle" as used in Section I of the policy. The original intent of the homeowners coverage forms was to exclude all motor vehicles except those specifically identified as being excepted from the exclusion. With the absence of a specific definition of "motor vehicle," a recent court decision held that the term "motor vehicle" in a Homeowners Policy was ambiguous and coverage was found under a broad definition of "motor vehicle." To eliminate any ambiguity, a specific definition of "motor vehicle" is provided in the homeowners coverage forms to clarify which types of motor vehicles are excluded from coverage and which types are covered.

**Agenda Item 9-88**—revises the rules in the Homeowners Section of the *Texas General Basis Schedules* to allow the use of Form HO-305, Office, Professional, Private School, or Studio Occupancy-Section II Only, on an optional rather than on a mandatory basis. The attachment of Form HO-305 extended the Section II Liability Coverage under a Homeowners Policy to include office, professional, private school, and studio operations located in a dwelling, and was a mandatory form for any Homeowners Policy issued on a dwelling containing such an exposure. Because the severity of these types of exposures has increased, many companies are refusing to issue homeowners policies for any dwelling risk containing this type of exposure, thus causing insureds to seek coverage for their personal and commercial insurance outside the homeowners policy, using a variety of other policies. The availability of the HO-305 on an optional basis would allow companies to continue to write a homeowners policy for an insured's personal insurance needs, without including any severe commercial exposure. The commercial exposure can be covered through a Commercial Liability Policy. Companies will be able to continue using the HO-305 on a Homeowners Policy where the commercial liability exposure is minor.

**Agenda Item 10-88**—amends the Farm and Ranch Owners coverage forms to clarify that motorcycles and all terrain vehicles are excluded from coverage if used for farm and ranch purposes. In addition, Fire Form 81F, Mobile Agri-

cultural Machinery and Equipment Endorsement, is amended to include coverage for motorcycles used on the premises and not licensed for road use. A definition of "motor vehicle" is also added to Section I of the Farm and Ranch Owners Policy to specifically set forth which types of motor vehicles are covered and which types are not covered.

**Agenda Item 13-88**—amends the eligibility classifications for the Texas Businessowners Policy to include those risks occupied as sandwich shops/no cooking. This classification was inadvertently omitted from the list of eligible classifications originally promulgated for the Texas Business owners Policy.

**Agenda Item 15-88**—amends the 25% seasonal increase provision in the Texas Businessowners Policy coverage forms to provide that the limit of liability for business personal property must be at least 90%, rather than 100%, of the average monthly values before the seasonal increase provision is triggered. Currently an insured is provided a 25% increase in the limit of liability, if at the time of a loss, the limit of liability for business personal property is at least equal to 100% of the average monthly values. This condition requires the insured to be very accurate in choosing a limit of liability (as it relates to the average monthly value) in order to be eligible for the additional 25% seasonal increase. The change from 100% of the average monthly values to 90% allows the insured some margin of error when the seasonal increase provision is used.

**Agenda Item 16-88**—amends the eligibility classifications for the Texas Businessowners Policy to include those risks occupied as tennis equipment stores. The classification was inadvertently omitted from the list of eligible classifications originally promulgated for the Texas Businessowners Policy.

**Agenda Item 20-88**—revises the rules in the Texas Commercial Package Policy section of the *Texas General Basis Schedules* to allow the premium discount for general liability coverage to be applied to a premium rather than a rate. This approach, which makes no change in the overall premium discount, simplifies the method of calculation and eliminates the need for two separate rating calculations in order to determine the proper premium discount.

**Agenda Item 23-88**—amends Form TBOP 65, hired and non-owned auto liability endorsement, to remove the application of the business liability general aggregate. When the hired and non-owned auto liability endorsement is added to the Texas Businessowners Policy, the endorsement form makes no specific reference to a separate

limit of liability applicable to hired and non-owned auto coverage. Rather, it places this coverage under the umbrella of the business liability coverage and the occurrence and general aggregate limits of liability applicable to Business Liability become applicable to hired and non-owned auto. Since a separate premium is charged for hired and non-owned auto liability, it is unfair to restrict an insured's limit of liability applicable to the hired and non-owned auto coverage to a general aggregate limit. The amendment of Form TBOP-65 allows the hired and non-owned auto coverage to remain under the occurrence limit for the business liability, but removes the restriction to the aggregate limit of liability.

**Agenda Item 24-88**—amends the rules of the Texas Commercial Package policy section of the *Texas General Basis Schedules* to clarify that any interim audit provisions of any of the individual coverage parts of the Texas Commercial Package Policy continue to be applicable to those individual coverage parts and that no rule in the Texas Commercial Package Policy section of the *Texas General Basis Schedules* is intended to supersede the application of those interim audit provisions.

**Agenda Item 27-88**—amends the Texas Commercial Package Policy and the rules governing such policy to allow the attachment of all approved professional liability coverages to the Texas Commercial Package Policy as a separate coverage part, with specific rules to exclude the use of any package credits or Individual Risk Premium Modification Plan. The availability of professional liability on a Texas Commercial Package Policy eliminates the need to issue a separate policy to provide an insured with professional liability coverage.

**Agenda Item 29-88**—amends the value reporting clause of Fire Form 160, Reporting Form A, to provide that the policy will cover 90% of the applicable limit of liability in lieu of 75% of the applicable limit of liability when the insured fails to make the first report of values. This amendment makes the value reporting clause on all reporting forms consistent.

**Agenda Item 30-88**—adopts a renewal certificate for the Texas Businessowners Policy. Currently the renewal of a Texas Businessowners Policy requires the issuance of a complete new Texas Businessowners Policy. The adoption of a renewal certificate for the Texas Businessowners Policy simplifies the renewal process for those risks where no material changes have occurred during the policy term.

**Agenda Item 31-88**—approves the assignment of form numbers to the various Texas Businessowners Policy coverage forms. This simplifies dealing with various forms by using a numbering system rather than depending on specific names to identify forms when revisions occur.

**Agenda Item 32-88**—amends the homeowners Forms HO-365 and HO-365T, replacement cost endorsement, coverage B-unscheduled personal property, by adding the words "the least of" to limit the liability of the company under this endorsement. The original intent of the replacement cost endorsement was to provide replacement cost coverage on unscheduled personal property, but the limit of the company's liability was not to exceed the least of one of five specific limitations. In the absence of the words "the least of," the courts have held that it is the insured's option as to which of the five limitations will apply. The addition of the words "the least of" clarifies the intent that the company's liability

will not exceed the least of the five limitations to the limit of liability shown in the endorsement.

**Agenda Item 35-88**—revises the deductible clauses in the Texas standard homeowners policy coverage forms to provide that where two losses may occur from a single occurrence, only one deductible will apply. There are instances where two losses can occur from a single occurrence (i.e., lightning loss and windstorm loss) and the current deductible provisions under the homeowners Policy require two separate deductibles to be applied. It is unfair to an insured to pay two deductibles when, in effect, only one actual event has occurred. To remedy this problem, wording was added to the deductible provisions indicating that a single occurrence causing loss by windstorm and loss by lightning will be considered a single event and only one deductible shall apply.

**Agenda Item 36-88**—provides a new endorsement 17QA, extended period of indemnity endorsement, including rules and rating, for use in conjunction with the Fire Form 17Q, loss of earnings form. The current rules do not make provisions for any type of extension of the period of indemnity for Form Number 17Q, loss of earnings. There is normally a time period after repairs are made to a business where a business must reestablish what would be considered normal business operations. Since coverage for loss of earnings ceases at the time repairs to the building are completed, an insured can continue to have a loss of earnings until his business is in full operation again. This endorsement allows an insured to purchase this much needed additional coverage for the period of time in which full business operations are being reestablished.

**Agenda Item 37-88**—amends all currently approved property policies and endorsements to provide for a standard 60 day time period where a building is vacant before coverage ceases for certain perils. The number of days allowed for vacancy varies from 30 to 60 to 90 days in current policies and endorsements. The change to a 60 day period for all policies and endorsements standardizes the time period for all the policies and forms for simplification.

**Agenda Item 39-88**—amends Fire Form 221, extension of coverage- mandatory, to eliminate the limited coverage for personal effects provided by the endorsement. This limited coverage for personal effects in the extension of coverage endorsement was inadvertently included when the original endorsement was promulgated by the State Board of Insurance. Coverage for personal effects is already provided in the Texas Standard Policy, therefore, the continued inclusion of the limited coverage in the Form 221 would be in conflict with the Texas Standard Policy provisions.

**Agenda Item 41-88**—amends the Large Deductible Insurance Program to substitute a \$2,500 deductible for the currently approved \$3,000 deductible, with an appropriate adjustment to the amount of rate credit allowed for the attachment of the \$2,500 deductible. The \$2,500 deductible is a more desirable deductible amount for insureds and follows the deductible programs used in other states. Where multi-state accounts are written, and a \$2,500 deductible is used, the underlying Texas policy cannot follow the same \$2,500 deductible program. The availability of the \$2,500 deductible provides consistency between policies issued in Texas and those issued in other states for the same insured.

**Agenda Item 43-88**—approves the promulgation

of rules, rates and forms for a Residence Glass Breakage Program for use with the Texas Standard Policy insuring property rated under the Special Dwelling Schedule. Residence Glass Breakage coverage has traditionally been provided under a filed casualty program. That program will be withdrawn as a filed casualty program and will no longer be available to insureds in Texas. Although the Residence Glass Breakage Program is not widely used, the promulgation of the program as a property coverage, including existing rules, rates and forms, will allow the coverage to continue to be available for insureds.

**Agenda Item 45-88**—amends the coverage deductible clause under Form HO-390, Home Computer Form, to include language to eliminate the application of both the homeowners coverage form deductible and the HO-390 deductible to a single loss by certain perils. There are certain instances where a loss occurs that involves both unscheduled personal property and a home computer and the loss is due to a single occurrence or event. Because unscheduled personal property is covered under the homeowners coverage part and home computers are specifically covered under the Home Computer forms, separate deductible provisions apply to each coverage which results in the application of two deductible amounts for what would be considered a single loss. Modifying language has been added to the Form HO-390 deductible clause to clarify that a loss (in any one occurrence) to property covered under the homeowners coverage part and to property covered under the Home Computer form is subject to only one deductible, whichever is greater.

**Agenda Item 47-88**—adopts a fire legal liability endorsement, including rules and rates, for attachment to a Texas Standard Policy. Fire legal liability coverage is currently available to be written in conjunction with a Texas Standard Policy. However, to accomplish the attachment of such coverage, companies are required to file in order to use a standard endorsement subject to standard rating on an individual risk basis for approval. With the increased requests for fire legal liability insurance, the system of individual risk submissions for approval has become cumbersome and inefficient. The promulgation of these rules, rates and forms allows companies to use approved forms and rating without requiring that an individual filing be made for each risk.

**Agenda Item 48-88**—amends the declaration page of the Texas Farm and Ranch Owners Policy by eliminating Deductible Clause 3. Deductible Clause 3 has not been an available deductible clause on the Farm and Ranch Owners Policy for a number of years. The deletion of the wording "Deductible Clause 3" is a housekeeping item which removes unnecessary language from the face of the policy.

**Agenda Item 51-88**—amends the Texas standard homeowners policy to allow occupancy within 60 days after inception of the policy. The current Texas homeowners policy requires that a dwelling either be occupied or that an endorsement be attached to the policy that allows up to 120 days for occupancy of the dwelling. In many instances, the actual date of occupancy of a dwelling may not be known at the time the policy is issued and an endorsement providing up to 120 days for occupancy may not be attached to the policy. To eliminate any question as to occupancy at inception, a provision has been built into the actual policy allowing occupancy within 60 days after inception of the policy.

**Agenda Item 52-88**—amends the rules in the

homeowners section of the *Texas General Basis Schedules* to allow a homeowners Tenant Policy to be written for a tenant occupied dwelling located on a farm or ranch which exceeds 10 acres and is used for farming purposes, with the attachment of Form HO-319, farmers comprehensive personal liability to provide proper liability coverage. Currently, the rules in the Texas General Basis Schedules require that any dwelling located on ten or more acres of land and used for farming purposes must be insured under a Texas Standard Policy or a Farm and Ranch Owners Policy. Since a Farm and Ranch Owners Policy can only be issued for an owner occupied dwelling, tenants are unable to purchase a Farm and Ranch Owners Policy and must seek coverage under a Texas Standard Policy and a separate Comprehensive Farmers Personal Liability Policy. The availability of a homeowners Tenant Policy for a tenant of a farm or ranch permits broader coverage to be provided through a single policy.

**Agenda Item 53-88**—amends the rules of the Texas General Basis Schedules and Fire Form 223, builders risk special extended coverage endorsement to eliminate any requirement for the attachment of a separate vandalism and malicious mischief endorsement or a separate premium

charge for such coverage. Vandalism and malicious mischief is an included coverage under Form 223 and the purpose for the separate attachment of the vandalism and malicious mischief endorsement and separate premium charge was to eliminate the \$500 deductible provision under the Form #223. The elimination of the need for the separate vandalism and malicious mischief endorsement and premium charge brings Form 223 into uniformity with other existing coverage endorsements.

In addition to the above amendments, the deductible provision of Form 223 was amended to clarify that the proper deductible amount for the attachment of Form 223 to cover a dwelling builders risk is \$200, in lieu of the \$500 deductible applicable to all other builders risks. Existing rules permit the use of the \$200 deductible, however, the actual Form 223 required clarification of the method to accomplish use of the \$200 deductible.

**Agenda Item 54-88**—amends the rating of exterior grade floor glass coverage provided under the Texas Businessowners Policy. The current glass rating under the TBOP was based on a single rate times the number of linear feet of glass. This rating method is not consistent with the rating for glass coverage under other policies

and; in many instances produces a premium charge that is greater than the premium charge under other policies. The revision of the rating method for glass under the TBOP is consistent with the standard rating of glass coverage and allows the insured to purchase this coverage at a reasonable and fair rate.

These changes are to be effective November 1, 1988.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

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

Issued in Austin, Texas on July 21, 1988.

TRD-8807573

Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Effective date: November 1, 1988

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





# 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 Adult Probation Commission

**Thursday, August 11, 1988, 1 p.m.** The Advisory Committee on Probation Department Management for the Texas Adult Probation Commission will meet in Suite 600, Building B, 8100 Cameron Road, Austin. According to the agenda, the committee will call order, introduce guests, approve minutes, review initial guidelines, discuss activities for fiscal year 1989, discuss other administrative business, and set date and site for next meeting.

**Contact:** Virginia Grote, 8100 Cameron Road, Suite 600, Building B, Austin, Texas 78753, (512) 834-8188.

**Filed:** July 25, 1988, 3:14 p.m.

TRD-8807609

## Texas Department on Aging

**Thursday, August 11, 1988, 10 a.m.** The State Citizens Advisory Council for the Texas Department on Aging will meet in the Third Floor Conference Room, 1949 South IH 35, Austin. According to the agenda, the council will call order, approve minutes to the joint meeting of the Texas Board on Aging and the Citizens Advisory Council for July 6, 1988, introduce new citizens advisory council members, open meetings law, fundraising activities of councils of government, hear report from 1990-1991 legislative appropriations request working group, RFPs for discretionary grants, legislative budget board hearing; joint conference on aging, program reviews report, development of 1990-1991 state plan, update on HCR 36, activities of the Texas Silver Haired Legislature, options for independent living videotape, senior spelling bee, adult literacy councils, grandparents day, direct delivery of services, and hear general announcements.

**Contact:** Ann Ammons, P.O. Box 12786, Austin, Texas 78711, (512) 444-2727.

**Filed:** July 21, 1988, 12:48 p.m.

TRD-8807485

## Texas Commission on Alcohol and Drug Abuse

**Wednesday, August 3, 1988, 9 a.m.** The Commissioners for the Texas Commission on Alcohol and Drug Abuse will meet in the Conference Room, 1705 Guadalupe, Austin. According to the agenda, the commissioners will call order, approve minutes of the April 19, 1988, meeting, presentation from Governor's Criminal Justice Division, hear public comment, appoint new members to the Statewide Advisory Council, report and action on House Bill 173, update on Criminal Justice Model Program, discuss and act on internal auditing, act on proposed agency records policy, report on proposed licensure standards, act on proposed DWI rules, approve employment of hearing examiner for administrative appeals, report on legislative appropriations request, act on drug-free workplace issue, and hear chairman and executive director reports. The commissioners also will meet in executive session to consider employment matters pertaining to an individual.

**Contact:** Becky Davis, 1705 Guadalupe, Austin, Texas 78701, (512) 463-5510.

**Filed:** July 22, 1988, 11:31 a.m.

TRD-8807521

## State Board of Barber Examiners

**(Editor's Note:** The following meeting was submitted to the agency on July 18 for the July 22, 1988, but was inadvertently omitted.)

**Tuesday, August 2, 1988, 8 a.m.** The Board Members for the State Board of Barber Examiners will meet in Suite C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will hear minutes of the previous meeting; interview out-of-state applicants; letters and reports by executive director; and meet in executive session.

**Contact:** Jo King McCrorey, 1300 East Anderson Lane, Suite C-275, Austin, Texas 78752, (512) 835-2040.

**Filed:** July 18, 1988, 9:28 a.m.

TRD-8807390

## Battleship Texas Advisory Board

**Thursday, July 28, 1988, 3 p.m.** The Battleship Texas Advisory Board met in emergency session on the Second Floor Conference Room, HL&P Energy Information Center, 6700 West Loop South, Houston. According to the agenda, the board approved minutes and other administrative matters (Robert Miller); heard report regarding foundation fundraising and other contributions (Sue Moss and Caroline Gregory); report regarding meeting with George Mitchell (Aileen Rains); report regarding Houston Area Radio Broadcasters fundraising campaign (Bob Waldrop); discussion regarding publicity schedule for restoration project (Jim Eaves); report regarding corporate fundraising campaign (Robert Miller); and general discussion regarding implementation of board objectives (Robert Miller). The emergency status was necessary as a major donation and acquisition was announced at the July 21, 1988, Parks and Wildlife Committee meeting, and it was necessary for the board to discuss further how to best utilize this acquisition and donation to further on-going fundraising activities.

**Contact:** Robert D. Miller, 3400 Texas Commerce Tower, Houston, Texas 77002, (713) 226-1186.

**Filed:** July 21, 1988, 10:21 a.m.

TRD-8807497

## Texas Department of Commerce

**Friday, August 5, 1988, 9:30 a.m.** The Texas Literary Council of the Texas Department of Commerce will meet in the Old Supreme Court Conference Room, State

Capitol, Austin. According to the agenda summary, the council will approve minutes of the previous meeting; set date for next meeting; approve subcommittee report; hear public comment; report on family literacy project; consider adult learner progress evaluation procedure ETS/CALIF, briefing on planning commission on DOL's literacy conference, and news clips from press conference; hear reports and 1-800 calls received; consider coordinating board project, upcoming training sessions, and media; hear report to legislature; consider non-financial inter-agency agreements and Concurrent Committee meetings; and hear committee reports.

Contact: J.W. Lauderback

Filed: July 26, 1988, 9:49 a.m.

TRD-8807627

## Texas Education Agency

The Texas Education Agency will meet in the William B. Travis Building, 1701 North Congress Avenue, Austin. Dates, times, rooms, and agendas follow.

**Tuesday, August 2, 1988, 4 p.m.** The Proprietary School Advisory Commission will meet in Room 1-110, to discuss recent development concerning degree granting authority in proprietary schools.

Contact: Joe L. Price, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9475.

Filed: July 25, 1988, 2:44 p.m.

TRD-8807600

**Thursday and Friday, August 4 and 5, 1988, 10:30 a.m. and 9 a.m., respectively.** The Price Differential Index Advisory Committee will approve minutes of the July 18, 1988, meeting; discuss instructional salaries model concerning results of new factors and simplified table; consider administrator ratios and modeling and utilities cost index development.

Contact: Joe Wisnoski, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9704.

Filed: July 25, 1988, 2:43 p.m.

TRD-8807601

**Friday, August 5, 1988, 10 a.m.** The State Board of Education-Committee for Personnel will meet in Room 1-104, to review needed changes in rules and statutes concerning the Texas teacher appraisal system and the teacher career ladder.

Contact: W.N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: July 25, 1988, 2:43 p.m.

TRD-8807603

**Friday, August 5, 1988, 2:30 p.m.** The State Board of Education Ad Hoc Committee on Salaries for the Texas Education Agency will meet in Room 1-104, to discuss salaries for Texas Education Agency personnel and public school personnel.

Contact: W.N. Kirby, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-8985.

Filed: July 21, 1988, 2:50 p.m.

TRD-8807492

**Tuesday, August 9, 1988, 10 a.m.** The Accountable Costs Advisory Committee will meet in Room 1-110, to approve minutes of the July 12, 1988, meeting; discuss costs of long range plan and report format, facilities report draft, minimum basic cost model results, Coopers and Lybrand summary report, and general report writing discussion.

Contact: Joe Wisnoski, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9704.

Filed: July 25, 1988, 2:43 p.m.

TRD-8807602

## Employees Retirement System of Texas

**Tuesday, August 2, 1988, 9 a.m.** The Group Insurance Advisory Committee for the Employees Retirement System of Texas will meet in Room 332, Texas Air Control Board, 6330 U.S. 290 East, Austin. According to the agenda, the committee will recognize guests and visitors, approve minutes of the May 25, 1988, and June 8, 1988, meetings, update on board of trustees actions, further discussion of insured plan design features for fiscal year 1990, discuss health maintenance organizations, and other related insurance matters.

Contact: James Sarver, 18th and Brazos Streets, Austin, Texas 78711-3207, (512) 476-6431, ext. 217.

Filed: July 21, 1988, 3:46 p.m.

TRD-8807498

## Texas Employment Commission

**Friday, July 29, 1988, 9 a.m.** The Advisory Council for the Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the council will welcome guests and hold introductions, elect a vice chairman for subcommittee, subcommittee issue identification and priority setting, update tax equity study, hear public comment, and consider agenda items and interim tasks for the next meeting.

Contact: C. Ed Davis, 101 East 15th Street, Austin, Texas 78778, (512) 463-2291.

Filed: July 21, 1988, 3:12 p.m.

TRD-8807488

## Governor's Office

**Monday, August 1, 1988, 9 a.m.** The Texas Criminal Justice Task Force for the Governor's Office will meet in Room 309, Capitol, Austin. According to the agenda, the task force will approve minutes, hear report from Greater Dallas Crime Commission, discuss statewide public hearings, testimony from criminal justice agencies, associations, and organizations.

Contact: Sherry Smith, P.O. Box 13561, Austin, Texas 78711, (512) 463-1788.

Filed: July 22, 1988, 2:34 p.m.

TRD-8807546

**Monday, August 1, 1988, 10 a.m.** The Select Committee on Education for the Governor's Office will meet in Room 158, Business Administration Building, 3900 University Boulevard, UT Tyler, Tyler. According to the agenda, the committee will hear invited testimony from 10 a.m. until noon; break for lunch, and hear public testimony from 1 p.m. to 5 p.m. The invited testimony will precede all testimony. Those individuals who have called the Select Committee office at (512) 463-1834 in advance of the hearing will be taken first come first served within this group. Other individuals who wish to testify will then be heard. If all those wishing to testify have been heard prior to the posted time for adjournment, the committee will adjourn early.

Contact: Margaret La Montagne, 707 Sam Houston, Austin, Texas 78711, (512) 463-1834.

Filed: July 22, 1988, 2:40 p.m.

TRD-8807547

**Tuesday, August 2, 1988, 9 a.m.** The Select Committee on Education for the Governor's Office will meet at Hughes-Trigg Student Center, SMU, 3140 Dyer, Dallas. Those individuals who have called the Select Committee office at (512) 463-1834 in advance of the hearing will be taken first come first served within this group. Other individuals who wish to testify will then be heard. If all those wishing to testify have been heard prior to the posted time for adjournment, the committee will adjourn early.

Contact: Margaret La Montagne, 707 Sam Houston, Austin, Texas 78711, (512) 463-1834.

Filed: July 22, 1988, 2:40 p.m.

TRD-8807548

**Monday, August 8, 1988, 9 a.m.** The Career Ladder Teacher Appraisal System for the Governor's Office will meet in Room 103, John H. Reagan Building, Austin. According to the agenda, the appraisal system will consider task force business, update on teacher appraisal system, update on teacher induction and student productivity, and task force discussions.

**Contact:** Betsy Bishop.

**Filed:** July 22, 1988, 9:23 a.m.

TRD-8807507

## Governor's Office of Budget and Planning

**Wednesday, August 3, 1988, 2 p.m.** The Governor's Welfare Reform Task Force for the Governor's Office of Budget and Planning will meet in the Sergeant's Committee Room, State Capitol, Austin. According to the agenda, the task force will approve minutes; round table discussion of marketing efforts by the refocused employment pilot projects, and discuss role for volunteers and mentors in the pilot projects.

**Contact:** Hazel Baylor

**Filed:** July 22, 1988, 8:50 a.m.

TRD-8807506

## Texas Department of Health

**Sunday, August 14, 1988, 9 a.m.** The Texas Radiation Advisory Board of the Texas Department of Health will meet at the Radisson Gunter Hotel, 205 East Houston Street, San Antonio. According to the agenda, the board will approve minutes; hear chairman's report; update on Texas low-level radioactive waste disposal authority activities; hear committee reports from executive, x-ray, medical, and fee; rules and regulatory guide update; program activities (general activity, division of compliance and inspection, division of licensing, registration, and standards; and determine next meeting date and location.

**Contact:** L. Don Thurman, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7541.

**Filed:** July 25, 1988, 10:39 a.m.

TRD-8807595

## Texas Historical Commission

**Thursday, July 28, 1988, 2 p.m.** The Executive Committee of the Texas Historical Commission met for an emergency agenda revision in the Library, 1511 Colorado, Austin. According to the agenda, the committee presented Texas awards for historic preservation, Texas historical foundation, status of agency consolidation for THC and

TAC joint committee, and governor's mansion; public information study report; Houston donation; and Hudspeth County petroglyph sites. The emergency status was necessary as the nomination needed to be discussed before presentation to the Review Board, and the offer of a donation to THC had been received and had to be considered immediately.

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

**Filed:** July 25, 1988, 1:33 p.m.

TRD-8807598

## Texas Housing Agency

**Wednesday, August 2, 1988, 1 p.m.** The Finance and Audit Committee for the Texas Housing Agency will meet in Suite 300, THA Conference Room, 811 Barton Springs Road, Austin. According to the agenda, the committee will meet in executive session to discuss items pertaining to pending and potential litigation including status report on Stimley vs. THA, trustee matters; discuss and possibly act on fiscal year 1989 budget; executive session to discuss the personnel component of the budget; discuss and possibly act on the report on the Ernst and Whinney financial audit for fiscal year 1987; consider and possibly act on RFP for 1988 audit as recommended at the June board meeting; executive session to discuss a status report by the staff attorney on legal considerations of audit RFP for 1988; discuss and possibly act on responses to FRQ for computer contract programming services; discuss and possibly act on contract for underwriters; policy for selection of bond counsel including RFP and minority participation plan, review process for qualifying multi-family co-managers, resource backup support team of single family co-managers, and identify a list of banks qualified to serve as trustee to the THA (trustee resource group); review and possibly act on cooperative recommendations between programs and finance and audit committee concerning the HUD multi-family partnership proposal; and status report on the interchange series.

**Contact:** Karen Cheney, P.O. Box 13941, Austin, Texas 78704, (512) 474-2974.

**Filed:** July 25, 1988, 9:51 a.m.

TRD-8807593

## Texas Department of Human Services

**Friday, July 29, 1988, 9 a.m.** The Medical Care Advisory Commission for the Texas Department of Human Services will meet in the Public Hearing Room, First Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the committee will discuss impact of catastrophic health care

legislation; welfare reform; implementation of Medicaid expansion; overview of DHS integrated eligibility system; utilization of antihyperlipidemics; adjustments to the primary home care rate setting methodology; revisions to ICF/SNF standards concerning nurse charting requirements; adjustments to the moratorium on contracting for nursing home beds; hospice rate for room and board reimbursement; incorporation of new federal ICF-MR regulations into the state ICF-MR standards for participation; revision of recipients' rights rules to meet federal mandate of OBRA requirements; revised transfer of resources policy; revision of SNL 1 criteria; and intermediate care facility for the mentally retarded case mix pilot reimbursement methodology.

**Contact:** Carolyn Howell, P.O. Box 2960, Austin, Texas 78769, (512) 450-3053.

**Filed:** July 21, 1988, 3:54 p.m.

TRD-8807500

**Tuesday, August 2, 1988, 9 a.m.** The Drug Formulary Subcommittee Meeting for the Texas Department of Human Services will be held in Classroom 1, Second Floor, West Tower, 701 West 51st Street, Austin. According to the agenda, the subcommittee will consider drug product application review; evaluation of H2 antagonists; levels of physician prescribing statewide; overview of new HCFA federal upper limits; overview of current information on Medicare catastrophic health care legislation-outpatient drug coverage; overview of changes in family planning drug coverage; and report on usage levels of antihyperlipidemic products for fiscal year 1988.

**Contact:** Robert Harriss, P.O. Box 2960, Austin, Texas 78769, (512) 450-3188.

**Filed:** July 21, 1988, 3:54 p.m.

TRD-8807499

**Tuesday-Wednesday, August 2-3, 1988, 2 p.m.** The Advisory Committee on Child Care Administrators and Facilities for the Texas Department of Human Services will meet on the Fourth Floor, Conference Room 4W, West Tower, 701 West 51st Street, Austin. According to the agenda, advisory committee will hear the assistant commissioner's report; RFH standards initiative; child care administrators' survey; elect officers; and determine meeting dates for fiscal year 1989.

**Contact:** Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 450-3253.

**Filed:** July 21, 1988, 3:54 p.m.

TRD-8807501

## State Board of Insurance

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

**Tuesday, August 2, 1988, 10 a.m.** The board will meet in Room 414, to consider final action on amendment to 28 TAC §1.36 and new 28 TAC §§1. 801-1.813 board orders on several different matters as itemized on the complete agenda. Motion for dismissal in the appeal of Marvin E. Hall from action of the Texas Catastrophe Property Insurance Association; consider personnel matters concerning Fire Marshal, Statistical and Rate Development, Information Services, and Commissioner; and consider litigation matters concerning Fire Marshal and Commissioner.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 2:48 p.m.

TRD-8807604

**Wednesday, August 3, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9979-Whether disciplinary action should be taken against Fred Ballard, Dallas, who holds a Group I, legal reserve life insurance agent's license and a Group V, local recording agent's license issued by the board.

**Contact:** Lisa Lyons, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 3:09 p.m.

TRD-8807611

**Wednesday, August 3, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9980-Application for amendment to the Articles of Incorporation of National Farm Life Insurance Company, Fort Worth, in regard to director liability.

**Contact:** O.A. Cassity, III, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 3:09 p.m.

TRD-8807613

**Wednesday, August 3, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9989-Whether disciplinary action should be taken against Glen Francis Asfeld, San Antonio, who holds a Group II, life, health, and accident insurance agent's license.

**Contact:** Wendy Ingham, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 3:10 p.m.

TRD-8807612

**Wednesday, August 3, 1988, 3 p.m.** The board will consider request by Pre-Paid Legal Casualty, Inc. for approval of rate filing by an insurer issuing prepaid legal services contracts.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 2:50 p.m.

TRD-8807605

**Thursday, August 4, 1988, 2 p.m.** The board will meet in Room 414, to consider decision on authorization for publication of a proposal for amendment of rules concerning the Texas Catastrophe Property Insurance Association in the General Basis Schedules adopted under 28 TAC §5.4501, including definition of beach area and approved exception under rule 3 concerning determination of rate territory.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 2:51 p.m.

TRD-8807606

**Friday, August 5, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9985-Reinsurance agreement whereby Lemons Funeral Home Benefit Association, Plainview, will be reinsured by Funeral Director Life Insurance Company, Brady.

**Contact:** J.C. Thomas, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 3:09 p.m.

TRD-8807614

**Friday, August 5, 1988, 1:30 p.m.** The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9996-Whether disciplinary action should be taken against Jack H. Fester, San Antonio/Natalia, who holds a Group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license.

**Contact:** Earl Corbitt, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 3:09 p.m.

TRD-8807616

**Monday, August 8, 1988, 9 a.m.** The Commissioner's Hearing Section will meet in Room 353, to consider Docket 10001-Whether disciplinary action should be taken against Timothy Eugene Southwell, Ennis, who holds a Group I, legal reserve life insurance agent's license.

**Contact:** Wendy Ingham, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 3:09 p.m.

TRD-8807615

**Thursday, August 11, 1988, 10 a.m.** The board will meet in Room 414, to consider adoption of automobile insurance policy forms, rules, and rates concerning mechanical breakdown coverage.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 2:51 p.m.

TRD-8807607

**Thursday, August 11, 1988, 2 p.m.** The board will meet in Room 414, to consider a petition by the Texas Automobile Insurance Service Office for various amendments to the rule and endorsements sections of the Texas Automobile Manual and the Texas Standard Provisions for Automobile Policies (1981 edition), including, among other things, consideration of rate credits for passive restraints and rate credits for airbags and consideration of modification of notice requirements for nonrenewal of commercial automobile insurance policies.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas, 78701-1998, (512) 463-6526.

**Filed:** July 25, 1988, 2:52 p.m.

TRD-8807608

◆ ◆ ◆  
**Texas Motor Vehicle  
Commission**

**Friday, July 29, 1988, 9 a.m.** The Texas Motor Vehicle Commission submitted an emergency revised agenda for a meeting held in Suite 302, Brazos Building, 815 Brazos Street, Austin. According to the agenda summary, the commission will meet in executive session to meet with Assistant Attorney General concerning pending litigation-status of Volvo-White Truck Corporation, et al. v. Texas Motor Vehicle Commission and appeals of lemon law cases: 446, 625-Chrysler Motors Corp. v. TMVC and Dennis Johnson; 446,626-Chrysler Motors Corp. v. TMVC and Bill Brooks; and 446,627-Chrysler Motors Corp. v. TMVC and Richard Bynum. Emergency session is required due to necessity to obtain advice from the Attorney General's office concerning temporary injunction hearings scheduled for August 8, 1988.

**Contact:** Russell Harding, 815 Brazos, Suite 300, Austin, Texas 78701, (512) 476-3587.

**Filed:** July 26, 1988, 8:05 a.m.

TRD-8807621

◆ ◆ ◆  
**Special Committee on  
Organization of State  
Agencies**

**Thursday, August 4, 1988, 10 a.m.** The Finance Subcommittee for the Special Committee on Organization of State Agencies will meet in Room 109, John H. Reagan Building, Austin. According to the agenda, the subcommittee will consider management functions of those state agencies assigned to this subcommittee which are the Texas Banking Department, the Savings and Loan Department, the Credit

Union Department, the Consumer Credit Commissioner, and the Securities Board. The committee may hear testimony from selected organizations and the public.

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

**Filed:** July 22, 1988, 3:18 p.m.

TRD-8807570

**Thursday, August 4, 1988, 2 p.m.** The Coordinating Subcommittee for the Special Committee on Organization of State Agencies will meet in Room 109, John H. Reagan Building, Austin. According to the agenda, the subcommittee will discuss the preliminary recommendations presented by the Special Committee on Organization of State Agencies, including selection of recommendations for further study and for cost impact analysis, and may hear testimony from selected individuals and organizations.

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

**Filed:** July 22, 1988, 3:18 p.m.

TRD-8807571

## Pan American University

**Tuesday, July 26, 1988, 9 a.m.** The Merger Committee, Committee of the Whole for Pan American University met in emergency session in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda, the committee held a brief reception with board members and administrators from Texas A&M University System, toured campus for visitors, lunched, and discussed corporate programs and merger possibilities. The emergency status was necessary because Texas A&M administrators and regents have been scheduled to come to this meeting a month ahead of time.

**Contact:** Miquel A. Nevarez, Pan American University, Edinburg, Texas, (512) 381-2100.

**Filed:** July 25, 1988, 9:10 a.m.

TRD-8807592

## Board of Pardons and Paroles

**Monday-Friday, August 1-5, 1988, 1:30 p.m. daily, except 11 a.m. on Friday.** A three member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board members will receive, review, and consider information and reports concerning prisoners/inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

**Contact:** Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2713.

**Filed:** July 22, 1988, 10:43 a.m.

TRD-8807518

**Tuesday, August 2, 1988, 1:30 p.m.** The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions (other than out of country conditional pardons) including full pardons/restoration of civil rights of citizenship, emergency medical reprieves, commutations of sentence, and other reprieves, remissions, and executive clemency actions.

**Contact:** Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

**Filed:** July 22, 1988, 10:43 a.m.

TRD-8807517

## Texas State Board of Pharmacy

**Wednesday-Friday, August 3-5, 1988, 1 p.m.** The Texas State Board of Pharmacy will meet in Bahia Mar Resort, 6300 Padre Boulevard, South Padre Island. According to the agenda, the board will approve minutes of the April 26-27, 1988, and May 23-25, 1988, meetings; approve degree and internship programs; review and approve professional services contract; presentation concerning identification, treatment, and rehabilitation of impaired pharmacists; proposed rules §281.26; rules for adoption: §§291.93, 303.1, 291.31-291.34, 291.71, 291.73-291.76, 309.2-309.3, 309.5-309.6; status of strategic plan; approve fiscal year 1989 goals and objectives; presentation of fiscal year 1989 calendar of events; reports on fiscal, location of 1989 policy meeting, legislative issues, legal counsel presentation, investigative policies; proposed agreed board orders and motion for rehearing; elect officers; and meet in executive session to discuss litigation and personnel.

**Contact:** Fred S. Brinkley, Jr., 8505 Cross Park Drive, Suite 110, Austin, Texas 78754, (512) 832-0661.

**Filed:** July 21, 1988, 4 p.m.

TRD-8807502

## State Board of Public Accountancy

**Tuesday, August 2, 1988, 9 a.m.** Panel hearings for Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. According to the agenda, the panel will conduct hearings for individuals who are practicing without a license.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** July 25, 1988, 10:38 a.m.

TRD-8807597

**Tuesday, August 2, 1988, 1 p.m.** A Continuing Education hearing for the Texas State Board of Public Accountancy will be held in Suite 340, 1033 La Posada, Austin. According to the agenda, the hearing will be for individuals not complying with continuing education requirements on 1988 licenses.

**Contact:** Bob E. Bradley, 1033 La Posada, Suite 340, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** July 25, 1988, 10:38 a.m.

TRD-8807596

## Public Utility Commission

The Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

**Thursday, August 4, 1988, 10 a.m.** The Hearings Division will consider Docket 7870-Application of the Sabine River Authority of Texas for authority to change rates.

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

**Filed:** July 21, 1988, 2:50 p.m.

TRD-8807489

**Friday, August 5, 1988, 10 a.m.** The Hearings Division will consider Docket 8218-Inquiry of the commission into the WATS prorate credit.

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

**Filed:** July 22, 1988, 3:08 p.m.

TRD-8807565

**Thursday, September 1, 1988, 10 a.m.** The Hearings Division will consider Docket 8152-Complaint of Edward Duderstadt against Southwestern Bell Telephone Company.

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

**Filed:** July 21, 1988, 2:50 p.m.

TRD-887490

## Railroad Commission of Texas

**Monday, July 25, 1988, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas submitted an emergency re-

vised agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, William B. Travis Building, Austin. According to the agenda, the division considered whether to use state funds to plug a well: Perry Oil and Gas Company, Johnson -A- Lease; Well 48; unknown field; Hutchinson County. The emergency status was necessary because the well is creating a sink hole underneath a currently unoccupied house in a residential area, causing an imminent threat to the public's health and safety.

Contact: Willis Steed, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6830.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807537

Monday, August 1, 1988, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. Agendas follow.

The Administrative Services Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7527.

Filed: July 22, 1988, 11:43 a.m.

TRD-8805734

The Automatic Data Processing Division will consider and act on the division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7251.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807526

The commission will consider and act on the executive director's report on commission budget and fiscal matters, administrative and procedural matters, personnel and staffing, state and federal legislation, and contracts and grants. Consider reorganization of various commission divisions; consolidation of positions; and appointment, reassignment and/or termination of various positions, including division directors.

Contact: C. Tom Clowe, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7274.

Filed: July 22, 1988, 11:42 a.m.

TRD-8807538

The Flight Division will consider and act on the division director's report on division administration, budget, procedures and personnel matters.

Contact: Ken Fossler, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7087.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807524

The Gas Utilities Division will consider various matters within the regulatory jurisdiction of the Railroad Commission of Texas. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

Contact: Vicki Dimego, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7009.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807528

The Office of Information Services will consider and act on the Division Director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12970, Austin, Texas 78753, (512) 463-7010.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807533

The Investigation Division will consider and act on the division director's report on division administration, investigations, budget, and personnel matters.

Contact: Mary Anne Wiley, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6828.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807539

The Legal Division will consider and act on the Legal Division's report on division administration, budget, procedures, and personnel matters; proposed and pending litigation, including but not limited to discussion and/or action on the following: FERC Orders 500, 500 A-C, and related litigation in the D.C., Fifth, Third, and Seventh Circuits; and Northwest Central Pipeline Corporation v. State Corporation Commission of the State of Kansas, et al., Cause 86-1856, United States Supreme Court.

Contact: G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6921.

Filed: July 22, 1988, 11:44 a.m.

TRD-8807531

LP-Gas Division will consider and act on division director's report on division administration, budget, procedures, and personnel matters.

Contact: Thomas D. Petru, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6931.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807530

The Oil and Gas Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Sonia O'Neal, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7325.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807527

The Oil and Gas Division will consider category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), (C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7055.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807525

The Personnel Division will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark Bogan, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6981.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807523

The Office of Research and Statistical Analysis will consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6976.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807536

The Surface Mining Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time of date.

Contact: Jerry Hill, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-6900.

Filed: July 22, 1988, 11:43 a.m.

TRD-8807529

The Transportation Division will consider various matters within the regulatory jurisdiction of the commission. In addition, the commission will consider items previously

posted for open meeting and at such meeting verbally postponed or continued to this date. With regard to any item, the commission may take various actions, including but not limited to scheduling an item in its entirety or for particular action at a future time or date.

**Contact:** G. Gail Watkins, P.O. Drawer 12970, Austin, Texas 78711, (512) 463-7122.

**Filed:** July 22, 1988, 11:43 a.m.

TRD-8807532

## Texas Savings and Loan Department

The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. Dates, times, and agendas follow.

**Tuesday, August 2, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of Gibraltar Savings Association, Houston, Harris County, for a loan office to be located at 10333 Northwest Freeway, Suite 500, Houston, Harris County, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807516

**Wednesday, August 3, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of Gibraltar Savings Association, Houston, Harris County, to relocate a loan office from 500 West 13th Street, Fort Worth, Tarrant County, to 4100 South Hulen, Suite 135, Fort Worth, Tarrant County, from which record the commission will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807510

**Wednesday, August 3, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of Gibraltar Savings Association, Houston, Harris County, for a branch office to be located at 101 North Shoreline, Suite 210, Corpus Christi, Nueces County, from which record the commission will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807511

**Thursday, August 4, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of Grand Savings and Loan Association, Dallas, Dallas County, to change its name to Preston Savings and Loan Association from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807515

**Tuesday, August 9, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of Karnes County Savings and Loan Association, Karnes City, Karnes County, for a branch office to be located at U.S. Highway 281 North, George West, Live Oak County, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807514

**Tuesday, August 9, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of Karnes County Savings and Loan Association, Karnes City, Karnes County, for a branch office to be located at 603 Thornton, Three Rivers, Live Oak County, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807513

**Thursday, August 11, 1988, 9:30 a.m.** The department will accumulate a record of evidence in regard to the application of United Savings Association of Texas, Houston, Harris County, to relocate a branch office from 10333 Harwin, Houston, Harris County, to 8120 South Gessner, Houston, Harris County, from which record the commissioner will determine whether to grant or deny the application.

**Contact:** Laura M. Hale, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

**Filed:** July 22, 1988, 10:30 a.m.

TRD-8807512

## Board of Tax Professional Examiners

**Wednesday, August 10, 1988, 9 a.m.** The Budget Committee of the Board of Tax Professional Examiners will meet in the

Conference Room, 9501 North I-35, Austin. According to the agenda, the committee will consider fiscal year 1989 operating budget and budget request for the 1990-1991 biennium.

**Contact:** Sam H. Smith, P.O. Box 15920, Austin, Texas, (512) 834-4982.

**Filed:** July 26, 1988, 8:45 a.m.

TRD-8807624

**Wednesday, August 10, 1988, 2 p.m.** The Budget Committee of the Board of Tax Professional Examiners will meet in Room 102, Reagan Building, 1400 Congress Avenue, Austin. According to the agenda, the committee will consider budget request discussion with representatives of LBB and Governor's Office.

**Contact:** Sam H. Smith, P.O. Box 15920, Austin, Texas, (512) 834-4982.

**Filed:** July 26, 1988, 8:45 a.m.

TRD-8807625

## The University of Texas at Austin

**Wednesday, July 27, 1988, 2 p.m.** The Intercollegiate Athletics for Women of the University of Texas at Austin met in Room 606, Belmont Hall, U.T. Campus, 21st and San Jacinto Streets, Austin. According to the agenda, intercollegiate athletics approved minutes of the May 19, 1988, meeting, heard announcements and information reports, discussed old and new business, and met in executive session.

**Contact:** Donna A. Lopiano, Belmont 606, University of Texas, Austin, Texas 78701, (512) 471-7693.

**Filed:** July 22, 1988, 1:22 p.m.

TRD-8807545

## Texas Board of Veterinary Medical Examiners

**Thursday-Saturday, August 4-6, 1988, 9 a.m. on Thursday, and 8 a.m. on Friday and Saturday.** The Texas Board of Veterinary Medical Examiners will meet in the East Tower, Hyatt Regency Hotel, DFW Airport. According to the agenda, the board will conduct disciplinary hearings, consider proposed rules of professional conduct, adopt a rule of practice and procedure and conduct other general business as reflected on the attached agenda. The board also will meet in executive session on Friday to discuss personnel and pending litigation.

**Contact:** Don Wilson, 1946 South IH 35, Austin, Texas 78704, (512) 447-1183.

**Filed:** July 22, 1988, 2:27 p.m.

TRD-8807563

## Texas Water Commission

**Monday, August 1, 1988, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 102, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the office will consider complaining of Canyon Lake Forest Utilities against Randolph Properties, Docket 7672-D.

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

**Filed:** July 22, 1988, 4:37 p.m.

TRD-8807583

**Monday, August 1, 1988, 10 a.m.** The Office of Hearings Examiner will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7470-G-Rate increase of Wilson Water Company, doing business as Windsor Water Company.

**Contact:** John Vay, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 22, 1988, 4:37 p.m.

TRD-8807582

**Tuesday, August 2, 1988, 9 a.m.** The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider request by Asarco, Inc. Amarillo Copper Facility for the issuance of an emergency order pursuant to §4(e)(10) of the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7 and 31 TAC §305.29 of the rules of the commission to reduce the free board in certain existing ponds from 2 to 1 feet.

**Contact:** Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

**Filed:** July 22, 1988, 4:43 p.m.

TRD-8807576

**Tuesday, August 2, 1988, 9 a.m.** The Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the revised agenda, the commission will consider the application of Socorro I.S.D. for 26.027(c) order authorizing construction of a wastewater treatment facility, and consider approving the nonpoint source water pollution assessment and management reports.

**Contact:** Beverly De La Zerda, P.O. Box 13087, Austin, Texas 78711, (512) 463-7909.

**Filed:** July 21, 1988, 4:22 p.m.

TRD-8807503

**Friday, August 5, 1988, 10 a.m.** The Office of Hearings Examiner will meet in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. Ac-

ording to the agenda summary, the office will consider Docket 7655-R-Rate increase of Spicewood Development Corporation.

**Contact:** Leslie Limes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

**Filed:** July 22, 1988, 4:40 p.m.

TRD-8807577

**Thursday, September 8, 1988, 10 a.m.** The Office of Hearings Examiner will meet in the Fifth Floor Conference Room, Port Arthur City Hall, 444 Fourth Street, Port Arthur. According to the agenda summary, the office will consider application of Chemical Waste Management Inc., Port Arthur Facility, P. O. Box 2568, Port Arthur, Texas 77640 to the commission for an amendment to Permit 02417 to add internal outfall 101 to monitor a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 10,000 gallons per day. The proposed amendment would also add limitations on the discharge of metals and revise procedures for handling storm water. The existing permit authorizes an intermittent, variable flow discharge of stormwater runoff, treated domestic sewage and utility water via outfall 001, which will remain the same.

**Contact:** Carl Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** July 22, 1988, 4:39 p.m.

TRD-8807578

**Wednesday, September 14, 1988, 10 a.m.** The Office of Hearings Examiner will meet in the Arts and Crafts Room, 3523 Liberty Drive, Pearland. According to the agenda summary, the office will consider application of Monsanto Company, P.O. Box 711, Alvin, Texas 77512-9888 to the commission for renewal of Permit 00001 which authorizes a discharge of treated process wastewater and stormwater runoff at a volume not to exceed an average flow of 7, 800,000 gallons per day plus intermittent discharges of nonprocess area storm water runoff and utility wastewater from the Chocolate Bayou Plant which produces organic chemicals. The plant is located adjacent to FM Highway 2917, approximately one and one-quarter (1.25) miles northwest of the FM 2917/FM 2004 intersection and south-southeast of the City of Alvin, Brazoria County. The effluent is discharged into Chocolate Bayou in Segment 1107 of the San Jacinto-Brazos Coastal Basin.

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

**Filed:** July 22, 1988, 4:39 p.m.

TRD-8807587

**Tuesday, September 20, 1988, 9 a.m.** The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider V.C. Cattle Company, Inc., P.O. Box 709, Palestine, Texas 75801 seeking a per-

mit to construct a dam creating a 571.5 acre-feet capacity reservoir on Caddo Creek, tributary of Neches River, Neches River Basin, for domestic and livestock purposes approximately 16.5 miles southeast of Athens, Henderson County.

**Contact:** Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

**Filed:** July 22, 1988, 4:38 p.m.

TRD-8807581

**Tuesday, September 27, 1988, 9 a.m.** The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Harris County (precinct one) seeking a permit to authorize construction of a proposed 30 acre-feet capacity reservoir on an unnamed tributary of Clear Creek, tributary of Galveston Bay, San Jacinto-Brazos Coastal basin, and to divert a maximum of 30 acre-feet of water from Clear Creek for initial filling of the reservoir and not to exceed 12-acre-feet of water per annum thereafter to maintain the level of the reservoir and to supplement inflows into the reservoir. The reservoir is to be used for recreational (in-place use) purposes in a public park owned by the applicant and which will be known as Challenger Seven Memorial Park, approximately 23 miles southeast of the Harris County Courthouse, Houston.

**Contact:** Gloria Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7899.

**Filed:** July 22, 1988, 4:39 p.m.

TRD-8807579

**Tuesday, September 27, 1988, 9 a.m.** The commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Don Houseman Trustee, for Henry Constable Beck III, Trust 2 seeking a permit to construct and maintain a dam and reservoir with an impoundment capacity of 1962 acre feet on Walnut Creek, tributary of the Neches River, Neches River Basin, for domestic and livestock purposes, approximately 13 miles north of Palestine, Anderson County.

**Contact:** Gloria A. Vasquez, P.O. Box 13087, Austin, Texas 78711, (512) 463-7906.

**Filed:** July 22, 1988, 4:38 p.m.

TRD-8807580

## Regional Meetings

### Meetings Filed July 21, 1988

The Austin-Travis County Mental Health Mental Retardation Center, Finance and Control Committees, met in Suite 501, 611



South Congress Avenue, Austin, on July 27, 1988, at noon. The Board of Trustees met at 501 East Eighth Street, Austin, on July 28, 1988, at 7 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141.

**The MHMR Authority of Brazos Valley, Board of Trustees**, met at 3232 Briarcrest Drive, Brazos Center, Bryan, on July 28, 1988, at 11 a.m. Information may be obtained from Leon Bawcom, 3232 Briarcrest Drive, Bryan, Texas, (409) 822-6467.

**The Dewitt County Appraisal District, Appraisal Review Board**, met at 103 Bailey Street, Cuero, on July 22, 1988, at 9 a.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Golden Crescent Regional Planning Commission, Board of Directors**, met in the Boardroom, Building 102, Regional Airport, Victoria, on July 27, 1988, at 5 p.m. Information may be obtained from Patrick J. Kennedy, P. O. Box 2028, Victoria, Texas (512) 578-1587.

**The Hays County Appraisal District, Appraisal Review Board**, met in the Municipal Building, 632 A East Hopkins, San Marcos, on July 27, 1988, at 9 a. m. Information may be obtained from Lynnell Sedlar, 632 A East Hopkins, San Marcos, Texas 78666, (512) 754-7400.

**The Middle Rio Grande Development Council, Board of Directors**, met in the Reading Room, Civic Center, 300 East Main, Uvalde, on July 27, 1988, at 1: 30 p.m. Information may be obtained from Mike Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

**The North Central Texas Council of Governments, Executive Board**, met at Centerpoint Two, Second Floor, 616 Six Flags Drive, Arlington, on July 28, 1988, at 12:45 p.m. Information may be obtained from Edwina J. Shires, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300.

**The Texas Water Conservation Association Risk Management Fund, Underwriting Committee of Board of Trustees**, met at 200 San Jacinto Building, Austin, on July 25, 1988, at 9 a.m. Information may be obtained from Leroy Goodson, 206 San Jacinto Building, Austin, Texas 78701, (512) 472-7216.

**The Tyler County Appraisal District, Appraisal Review Board**, met at 806 West Bluff, Woodville, on July 25, 1988, at 9 a.m. and 1 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

## Regional Meetings

### Meetings Filed July 22, 1988

**The Barton Springs-Edwards Aquifer Conservation District, Board of Directors**,

met in Suite F, 909 North Loop 4, Buda, on July 25, 1988, at 7 p.m. Information may be obtained from Ralph Roming, 909 North Loop 4, Suite F, Buda, Texas 78610, (512) 282-8441 or (512) 295-3596.

**The Capital Area Rural Transportation System, Board of Directors**, met in the Conference Room, 511 East First Street, Austin, on July 28, 1988, at 9:30 a.m. Information may be obtained from Edna M. Burroughs, 511 East First Street, Austin, Texas 78702, (512) 389-1011.

**The Dallas Area Rapid Transit, Planning and Development Committee of the Whole and Board**, met at 601 Pacific Avenue, Dallas, on July 26, 1988, at 4 p.m. and 6:30 p.m., respectively. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Education Service Center, Region IX, Regional Advisory Committee**, will meet at 301 Loop 11, Wichita Falls, on August 23, 1988, at 10 a. m. Information may be obtained from Jim O. Rogers, 301 Loop 11, Wichita Falls, Texas 76305, (817) 322-6928.

**The Edwards County Appraisal District, Appraisal Review Board**, met at the New County Annex Building, Rocksprings, on July 26 and 27, 1988, at 8:30 a.m. and 9 a.m., respectively. Information may be obtained from Natalie McNealy, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-3436.

**The Gray County Appraisal District, Board of Directors**, met at 815 North Sumner, Pampa, on July 28, 1988, at 5 p.m. Information may be obtained from W. Pat Bagley, 815 North Sumner, Pampa, Texas, (806) 665-0791.

**Hickory Underground Water Conservation District, Board and Advisors**, met at 2005 Old Nine Road, Brady, on July 28, 1988, at 7 p.m. Information may be obtained from Rick Illgner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

**The Hunt County Tax Appraisal District, Board of Directors**, met at 4801 King Street, Greenville, on July 28, 1988, at 7 p.m. Information may be obtained from Joe Pat Davis/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 August 1, 3, and 5, 1988, at 9 a.m. , daily. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

**The Leon County Appraisal District, Board of Directors**, met in the District Office, Centerville, on July 25, 1988, at 7:30 p.m. Information may be obtained from Robert Winn, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

**The Lower Rio Grande Valley Development Center, Board of Directors**, met in the Harlingen Chamber of Commerce, 311 East Tyler, Harlingen, on July 28, 1988, at 1:30 p.m. Information may be obtained from Robert A. Chandler or Ken Jones, 4900 North 23rd Street, McAllen, Texas 78504, (512) 682-3481.

**The North Plains Water District, Board of Directors**, will meet at 603 East First Street, Dumas, on August 1, 1988, at 10 a.m. Information may be obtained from Richard S. Bowers, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.

**The Panhandle Regional Planning Commission, Board of Directors**, met in the Conference Room, 27636 West 10th Street, Amarillo, on July 28, 1988, at 1:30 p.m. Information may be obtained from Pamela Nielsen, (806) 372-3381.

**The South Texas Private Industry Council**, met at Highway 83 and 10th Street, on July 28, 1988, at 4 p.m. Information may be obtained from Ruben M. Garcia, P.O. Box 1757, Laredo, Texas 78044.

**The Swisher County Appraisal District, Appraisal Review Board**, will meet at 130 North Armstrong, Tulia, on July 29, 1988, at 10:30 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

**The Tarrant Appraisal District, Board of Directors**, met at 2301 Gravel Road, Fort Worth, on July 25, 1988, at 9 a.m. Information may be obtained from Olive Miller, 2301 Gravel Road, Fort Worth, Texas 76118, (817) 595-6005.

**The Tyler County Appraisal District, Appraisal Review Board**, met at 806 West Bluff, Woodville, on July 26 and 27, 1988, at 9 a.m. and 1 p.m. daily. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

**West Central Texas Council of Governments, Executive Committee**, met at 1025 East North 10th Street, Abilene, on July 27, 1988, at 12:45 p.m. Information may be obtained from Brad Helbert, 1025 East North 10th Street, Abilene, Texas 79601, (915) 672-8544.

TRD-8807505

### Meetings Filed July 25, 1988

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors**, will meet at the District Office, Highway 81, Natalia, on August 1, 1988, at 10 a.m. Information may be obtained from C.A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 463-2132.

**The Education Service Center, Region IV, Board of Directors**, will meet in the Boardroom, 7145 West Tidwell, Houston, on August 9, 1988, at 6 p.m. Information

may be obtained from Tom Pate, 7145 West Tidwell, Houston, Texas 77001, (713) 462-7708.

**The Erath County Appraisal District, Appraisal Review Board**, will meet in emergency session at 1390 Harbin Drive, Stephenville, on July 29, 1988, at 9 a.m. Information may be obtained from Trecia Perales, 1390 Harbin Drive, Stephenville, Texas 76401, (817) 965-7301.

**The Gregg Appraisal District, Board of Directors**, will meet at 2010 Gilmer Road, Longview, on August 4, 1988, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Heart of Texas Council of Governments, Executive Committee**, met in the HOTCOG Conference Room, 320 Franklin Avenue, Waco, on July 28, 1988, at 10 a.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701-2297, (817) 756-6631.

**The Lavaca County Central Appraisal District, Board of Trustees**, will meet at the 113 North Main, Hallettsville, on August 8, 1988, at 6 p.m. Information may be ob-

tained from Diane Munson, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

**The Rio Grande Valley Municipal Water Authority, Board**, will meet at 10 North Broadway, McAllen, on August 8, 1988, at 7 p.m. Information may be obtained from Ersel G. Lantz, 3505 Boca Chica, Suite 303, Beeville, Texas 78520.

**The Sabine River Authority of Texas, Board of Directors**, will meet at the Holiday Inn, Beaumont Plaza, Beaumont, on August 5, 1988, at 9 a.m. Information may be obtained from Sam F. Collins, P.O. Box 579, Orange, Texas 77630, (409) 746-3200.

**The San Jacinto River Authority, Board of Directors**, will meet at the Houston Club Building, 811 Rusk, Houston, on August 3, 1988, at 1 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas, (409) 588-1111.

**The Wheeler County Appraisal District, Board of Directors**, will meet in the District Office, County Courthouse Square, Wheeler, on August 1, 1988, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-8807590

## Meetings Filed July 26, 1988

**The Dallas Area Rapid Transit, Board of Directors**, met in the Boardroom, 601 Pacific Avenue, Dallas, on July 26, 1988, at 6:30 p.m. Information may be obtained from Sylvia Villareal, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6240.

**The Lee County Appraisal District, Appraisal Review Board**, will meet at 218 East Richmond Street, Giddings, on August 8, 1988, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

**The Tyler County Appraisal District, Appraisal Review Board**, will meet at 806 West Bluff, Woodville, on August 1, 3, and 4, 1988, at 9 a.m. and 1 p.m., daily. The Board of Directors will also meet on August 2, 1988, at 4 p.m. The information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8807622

◆ ◆ ◆

# 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.

## State Banking Board

### Notice of Hearings

The hearing officer of the State Banking Board will conduct a hearing on Thursday, September 1, 1988, at 9 a.m. at the hearing room of the Texas Department of Banking located at 2601 North Lamar Boulevard, Austin, on the change of domicile application for BT Southwest Trust Company, Dallas.

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

Issued in Austin, Texas on July 21, 1988.

TRD-8807509 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 22, 1988

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



The hearing officer of the State Banking Board will conduct a hearing on Friday, September 2, 1988, at 9 a.m. at the hearing room of the Texas Department of Banking, 2601 North Lamar Boulevard, Austin, on the change of domicile application for Tierra Trust Company, Midland.

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

Issued in Austin, Texas on July 21, 1988.

TRD-8807562 William F. Aldridge  
Director of Corporate Activities  
Texas Department of Banking

Filed: July 22, 1988

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



## Texas Department of Commerce

### Weekly Report on the 1988 Allocation of the State Ceiling on Certain Private Activity Bonds

The Tax Reform Act of 1986 (the Tax Act) imposes a volume ceiling on the aggregate principal amount of private activity bonds that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1988 is \$834,100,000.

State legislation, Senate Bill 1382, Chapter 1092, Acts of the 70th Legislature, (the Act), established the allocation process for the State of Texas. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is

available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

Pursuant to the Act, the aggregate amount for qualified mortgage bond subceiling is \$278,033,300, with \$185,355,500 available to the local housing authorities and \$92,677,800 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$208,525,000 and the amount for all other bonds requiring an allocation is \$347,541,700.

Generally, the state ceiling is allocated on a first-come, first-served basis, with the Texas Department of Commerce (the department) administering the allocation system.

The information that follows is a weekly report of the allocation activity for the period, July 11, 1988-July 15, 1988.

Weekly report on the 1988 allocation of the state ceiling on certain private activity bonds as pursuant to Senate Bill 1382.

Total amount of state ceiling remaining unreserved for the \$278,033,300 subceiling for qualified mortgage bonds under the Act as of July 15, 1988: \$212,953,300.

Total amount of state ceiling remaining unreserved for the \$208,525,000 subceiling for state-voted issues under the Act as of July 15, 1988: \$208,525,000.

Total amount of state ceiling remaining unreserved for the \$347,541,700 subceiling for all other bonds under the Act as of July 15, 1988: \$226,700.

Total amount of the \$834,100,000 state ceiling remaining unreserved as of July 15, 1988: \$421,705,000.

Comprehensive listing of bond issues which have received a reservation date pursuant to the Act from July 11, 1988-July 15, 1988: none.

Comprehensive listing of bonds issued and delivered as pursuant to the Act from July 11, 1988-July 15, 1988: Hidalgo County Irrigation District Number 16, Farmers of Hidalgo County, Construction of Irrigation Facility, \$400,000.

Issued in Austin, Texas, on July 19, 1988.

TRD-8807495 J. William Lauderback  
Executive Director  
Texas Department of Commerce

Filed: July 21, 1988

For further information, please call (512) 472-5059



## Texas Department of Community Affairs

### Notice of Training Workshop

The Fort Worth Regional Office of the United States Department of Housing and Urban Development will offer

a training workshop on August 4, 1988, to discuss the application for permanent housing for the handicapped homeless, as authorized by the Stewart B. McKinney Homeless Assistance Act, Title IV, Subtitle C. The workshop will be held from 9:30 a.m. to 2:30 p.m. in the sixth floor training room of the Renaissance Plaza (formerly the T and P Building) located at 1600 Throckmorton, Fort Worth. To express an interest in attending the workshop or for additional information, call Eddie Fariss, Texas Department of Community Affairs, (512) 834-6022, or Nancy Mattox, United States Department of Housing and Urban Development, Fort Worth, (817) 885-5483.

Issued in Austin, Texas on July 19, 1988.

TRD-8807493 Roger A. Coffield  
General Counsel  
Texas Department of Community Affairs

Filed: July 21, 1988

For further information, please call (512) 834-6010

◆ ◆ ◆  
**Texas Education Agency**  
**Consultant Proposal Request Deadline**  
**Extension**

**Notice of Deadline Extension:** In the June 21, 1988, issue of the *Texas Register*, the Texas Education Agency requested proposals to assist the agency's division of services for the deaf. The system must include the revision or design of data collection instruments which will, when data so collected have been entered on computer, provide ready access to individual and composite pupil profiles. A plan for output products and data analyses appropriate to local, regional, state, and national levels will be required.

**Continuation of service previously performed:** This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet University, Washington, D.C. This agency intends to award a contract to Gallaudet University unless a better offer is submitted.

**Date of contract:** The beginning date of contract is September 1, 1988, and the ending date of the contract is August 31, 1989.

**Contact:** Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Services for the Deaf, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas, 78701-1494, (512) 463-9424.

**Deadline:** The deadline of July 15, 1988, is extended to August 15, 1988.

Issued in Austin, Texas on July 21, 1988.

TRD-8807491 W. N. Kirby  
Commissioner of Education

Filed: July 21, 1988

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

◆ ◆ ◆  
**Governor's Office**  
**Budget Execution Proposal**

As authorized by Texas Government Code, §317.002(c) and §317.002(b)(2) (House Bill 7, 70th Legislature, 1987, Second Called Session), budget execution authority is hereby proposed: to make available and distribute to the Texas Adult Probation Commission (TAPC) during the fiscal year ending August 31, 1989, certain funds appropri-

ated to TAPC by the Texas Legislature pursuant to Senate Bill 1, 70th Legislature, 1987, Second Called Session, for the fiscal year ending August 31, 1988; and to give to TAPC authority to spend or obligate the expenditure of such funds for different or additional purposes than those for which such funds were appropriated. I find an emergency exists in that counties throughout the state of Texas currently face severe conditions of overcrowding in their jails. This proposal will help alleviate such overcrowding in that distribution of such funds will provide TAPC with the additional monies needed to fund an additional 270 caseload positions in its electronic monitoring programs and an additional 680 caseload positions in its intensive supervision programs.

Accordingly, I propose to make available and distribute to TAPC for the fiscal year ending August 31, 1989, the following appropriations out of the General Revenue Fund Number 001 to TAPC for the fiscal year ending August 31, 1988:

Adult Probation Commission

3. State Aid

a. Per Capita State Aid .....\$2,003,850

These funds shall be distributed in the following line item for TAPC for the fiscal year ending August 31, 1989, and used for the purpose shown:

Adult Probation Commission

3. State Aid

f. Intensive Supervision .....\$2,003,850

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 21, 1988.

TRD-8807544 William P. Clements, Jr.  
Governor

Filed: July 22, 1988

For further information, please call (512) 463-1778

◆ ◆ ◆  
As authorized by Texas Government Code, §317.002(c) and §317.002(b)(2) (House Bill 7, 70th Legislature, 1987, Second Called Session), budget execution authority is hereby proposed: to make available and distribute to the Board of Pardons and Paroles (BPP) during the fiscal year ending August 31, 1989, certain funds appropriated to BPP by the Texas Legislature pursuant to Senate Bill 1, 70th Legislature, 1987, Second Called Session, for the fiscal year ending August 31, 1988; and to give to BPP authority to spend or obligate the expenditure of such funds for different or additional purposes than those for which such funds were appropriated. I find an emergency exists in that counties throughout the state of Texas currently face severe conditions of overcrowding in their jails. This proposal will help alleviate such overcrowding in that distribution of such funds will provide BPP with the additional funds needed to increase the parole approval rate for subsequent special review cases and provide intensive supervision at a 25-to-1 ratio for designated releases in this category and to expand the parole-in-absentia program to expedite the release of inmates serving shorter terms either directly from county jails or shortly after arrival at Texas Department of Corrections facilities.

Accordingly, I propose to make available and distribute to BPP for the fiscal year ending August 31, 1989, all unexpended balances from the following appropriations out of the General Revenue Fund Number 001 to BPP for

the fiscal year ending August 31, 1988, which are estimated to be:

Board of Pardons and Paroles

- 4. Parole Selection .....\$329,000
- 5. Parole Supervision .....\$1,400,000

These funds shall be distributed in the following line items for BPP for the fiscal year ending August 31, 1989:

Board of Pardons and Paroles

- 4. Parole Selection .....\$329,000
- 5. Parole Supervision .....\$1,400,000

In addition to transfers authorized by Rider 7 to the appropriations to BPP in Senate Bill 1, 70th Legislature, 1987, Second Called Session, I propose that BPP may transfer up to 10% of the amount of each line item of its appropriations for the fiscal year ending August 31, 1989, to the appropriation for line item 7, Intensive Supervision, for the fiscal year ending August 31, 1989, and spend or obligate the expenditure of such transferred funds for the purposes explained in this proposal.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 21, 1988.

TRD-8807543 William P. Clements, Jr.  
Governor

Filed: July 22, 1988

For further information, please call (512) 463-1778



As authorized by Texas Government Code, §317.002(c) and §317.002(b)(2) (House Bill 7, 70th Legislature, 1987, Second Called Session), budget execution authority is hereby proposed: to make available and distribute to the Office of the Governor during the fiscal year ending August 31, 1989, certain funds appropriated to the Office of the Governor by the Texas Legislature pursuant to Senate Bill 1, 70th Legislature, 1987, Second Called Session, for the fiscal year ending August 31, 1988; and to give to the Office of the Governor authority to spend or obligate the expenditure of such funds for different or additional purposes than those for which such funds were appropriated. I find an emergency exists in that counties throughout the state of Texas currently face severe conditions of overcrowding in their jails. This proposal will help alleviate such overcrowding in that distribution of such funds will allow the Criminal Justice Division of the Office of the Governor to award a grant to the Texas Commission on Jail Standards enabling it to offer specialized and innovative technical assistance to counties in controlling their jail populations through application of alternative techniques in sentencing, punishment, and incarceration.

Accordingly, I propose to make available and distribute to Office of the Governor for the fiscal year ending August 31, 1989, the following appropriations out of the General Revenue Fund Number 001 to the Governor's Office for the fiscal year ending August 31, 1988:

Office of the Governor

- 8. Deficiency and Emergency Grants .....\$150,000

These funds shall be distributed in the following line item for the Governor's Office for the fiscal year ending August 31, 1989:

Office of the Governor

6. Criminal Justice Planning Division

Administration and Grants to State Agencies and Entities.....\$150,000

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 21, 1988.

TRD-8807542 William P. Clements, Jr.  
Governor

Filed: July 22, 1988

For further information, please call (512) 463-1778



As authorized by Texas Government Code, §317.002(b)(2) (House Bill 7, 70th Legislature, 1987, Second Called Session), budget execution authority is hereby proposed to give to the Texas Department of Corrections (TDC) authority to spend or obligate the expenditure of funds transferred by TDC pursuant to Senate Bill 1, Rider 8, 70th Legislature, Second Called Session, 1987, for different or additional purposes exists in that counties throughout the state of Texas currently face severe conditions of overcrowding in their jails. This proposal will help alleviate such overcrowding in that distribution of such funds will provide TDC with the additional funds needed to construct five trusty camps.

Accordingly, I propose that TDC shall have the authority to spend or obligate the expenditure of funds in an amount not to exceed \$9,170,520 that have been transferred by TDC pursuant to such Rider 8 for the purpose of constructing five trusty camps and that such funds shall be distributed in the following line item out of General Revenue Fund Number 001 for the fiscal year ending August 31, 1989:

Department of Corrections

- 11. Construction of Five Trusty Camps.....\$9,170,520

This action is separate from and in no way affects the authority granted to TDC to transfer appropriations for the fiscal year ending August 31, 1988, to appropriations for the fiscal year ending August 31, 1989, for purposes of operating additional capacity pursuant to such Rider 8.

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 21, 1988.

TRD-8807540 William P. Clements, Jr.  
Governor

Filed: July 22, 1988

For further information, please call (512) 463-1778



As authorized by Texas Government Code, §317.002(c) and §317.002(b)(1) (House Bill 7, 70th Legislature, 1987, Second Called Session), budget execution authority is hereby proposed: to make available and distribute to the Office of the Governor during the fiscal year ending August 31, 1989, certain funds appropriated to the Office of the Governor by the Texas Legislature pursuant to Senate Bill 1, 70th Legislature, 1987, Second Called Session, for the fiscal year ending August 31, 1988; to give to the Office of the Governor authority to spend or obligate the expenditure of such funds for different or additional purposes than those for which such funds were appropriated; and to transfer to the Office of the Governor during the fiscal year ending August 31, 1989, certain funds appropriated to the Board of Pardons and Paroles and the Texas

Adult Probation Commission by the Texas Legislature pursuant to Senate Bill 1, 70th Legislature, 1987, Second Called Session, for the fiscal year ending August 31, 1988, and to give to the Office of the Governor authority to spend or obligate the expenditure of such funds for purposes of allowing the Criminal Justice Division of the Office of the Governor to award a grant of such funds to a non-profit corporation or other appropriate entity to renovate and/or operate an existing jail facility in Bexar County. I find an emergency exists in that counties throughout the state of Texas currently face severe conditions of overcrowding in their jails.

Accordingly, I propose to make available and distribute to and to transfer to the Office of the Governor for the fiscal year ending August 31, 1989, the following appropriations out of the General Revenue Fund Number 001 to the following agencies for the fiscal year ending August 31, 1988:

- Office of the Governor
8. Deficiency and Emergency Grants..... \$2,050,000
- Board of Pardons and Paroles
5. Parole Supervision..... \$3,338,252
- Adult Probation Commission
3. State Aid
- a. Per Capita State Aid..... \$1,561,748

These funds shall be distributed in the following line item for the Governors Office for the fiscal year ending August 31, 1989:

- Office of the Governor
6. Criminal Justice Planning Division Administration and Grants to State Agencies and Local Entities \$6,950,000

I hereby certify that this proposal has been reviewed by legal counsel and found to be within my authority.

Issued in Austin, Texas on July 21, 1988.

TRD-8807541      William P. Clements, Jr.  
   Governor

Filed: July 22, 1988

For further information, please call (512) 463-1778

◆            ◆            ◆

**Governor's Office of Budget and Planning**

**Consultant Proposal Request**

This request for professional services is filed pursuant to the provisions of Texas Civil Statutes, Article 6252-11c.

The Energy Management Center (EMC) at the Governor's Office of Budget and Planning invites proposals from qualified agencies, local governments, institutions of higher education, firms, and individuals to develop and deliver programs of the Texas Energy Extension Service (EES). The purpose of the EES is to provide practical information about energy conservation and renewable energy opportunities to small-scale energy users, primarily residential consumers and small businesses. This request invites proposals to operate field offices of the Texas Energy Extension Service and to develop and deliver specialized services for small businesses. These programs and services are funded with oil overcharge funds designated by the 70th Texas Legislature for the Texas Energy Extension Service.

Each field office will offer basic outreach services, includ-

ing workshops, presentations, distribution of publications, and responses to energy related questions of individual consumers. The purpose of these services is to communicate information on energy efficiency technology in such a way that it convinces the target audience to take cost-effective energy efficient actions in their homes, businesses, and operations. The target audiences are home owners and renters, small businesses, and groups that influence energy use such as builders, educators, public officials, and both print and electronic media. Services should be tailored to meet the specialized needs of the target audiences served.

EMC requests proposals to serve the following regions: South Texas/Rio Grande Valley, Houston/Beaumont, Panhandle/High Plains, and El Paso/Far West Texas. If a proposer wishes to serve more than one region, a separate proposal must be submitted for each region.

In addition to the basic field office outreach services, proposers may offer to develop the specialized services to promote the efficient use of energy by small businesses. These services will include, but will not be limited to, the revision of existing publications, development of additional training materials, conducting workshops, and providing technical assistance to field office information specialists and the general public.

A proposal to develop the small business services may be combined with a proposal to operate a field office or may be submitted independently. All proposals will be considered on the merits and will be judged according to the following criteria: qualifications of proposing organization: the proposing organization's demonstrated experience, capability, and commitment to communicating information about energy conservation and renewable energy resources to the public will be considered. This may be the result of prior work performed through DES or through similar outreach efforts; experience and qualifications of the personnel assigned: the experience, qualifications, and time commitment of the staff assigned to manage the program and provide outreach services will be considered; quality, relevance, and availability of technical resources: if technical staff knowledgeable in energy conservation and renewable resources is not to be directly assigned to EES activities, the proposal should indicate the source of such technical support, such as other departments, outside consultants, etc. and should describe how this support will be accessed and available to the outreach staff in an ongoing and expeditious manner; coordination and cooperation: the degree to which the proposal demonstrates coordination with and support from other organizations will be considered. Businesses, governments, trade associations, education institutions, and other organizations that will benefit from EES services should participate at some level in the project; appropriateness of proposed work plan for the needs of the target audience: the degree to which the proposed work plan meets the energy information needs of the target audience will be considered. This includes the proposed marketing techniques and supplemental programs suggested by the proposer; Reasonableness of budget: the reasonableness of the proposed budget in relation to the level of services to be provided, and the proposer's ability to provide matching funds will be judged. While the amount of match required is flexible and will depend on the exact work plan and staffing arrangements negotiated with each contractor, at least 20% match will be required. Indirect costs and administrative overhead are not allowable reimbursement costs. However, these charges may provide part of the match requirement; quality of the proposal itself: since good communication and writing skills are essential to the work of EES, the proposal itself will be considered a writing sample. This does

not mean that proposals should be expensively bound or contain extraneous materials. Rather, the proposal should be thoughtfully prepared, follow the proposal content outlined in the *Guidebook for Preparation of Proposals*, and demonstrate the proposer's ability to communicate.

If two or more proposals are so closely ranked that a final selection cannot be made, the EMC may request additional written or verbal information from each proposer, or may request that proposers meet with EMC staff in Austin to clarify their proposals. The contract period will extend from the date of execution to August 31, 1989, with renewal subject to satisfactory performance and the continued availability of funding from the United States Department of Energy and allocation of oil overcharge funds for EES.

Contracts will be administered on a cost reimbursement basis only.

For additional information and the *Guidebook for Preparation of Proposals*, contact Douglas Key, Outreach Coordinator, Texas Energy Extension Service, Governor's Energy Management Center, P.O. Box 12428, Austin, Texas 78711, (512) 463-1931. The guidebook contains: a map of the counties in each field office service area and current contractors in existing field offices; a description of the basic outreach service functions that each field office will offer and the specialized services to be developed for small businesses; detailed instructions for preparing work plans and budgets; and information about allowable program expenses, the voucher system, and the cost reimbursement process through which EES funds are disbursed.

Five copies of the proposal should be sent to Douglas Key at the above address by courier or registered mail and must arrive no later than 5 p.m. August 26, 1988. Proposals received after this time will not be considered.

Issued in Austin, Texas on July 21, 1988.

TRD-8807496 Ron Lindsey  
Director  
Governor's Office of Budget and Planning

Filed: July 21, 1988

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

◆ ◆ ◆  
**Texas Department of Health**  
**Correction of Notice**

In the July 15, 1988, issue of the *Texas Register* (13 TexReg 3546), a Proposed Radioactive Material License Amendment was published which omitted three words from the definition of "person affected." In addition, notice of availability of the environmental assessment was omitted. The paragraph which listed purposes of the hearing was ambiguous and has been reworded for clarification. The date for response to the notice has been changed to correspond with the new publication date. The corrected notice is set out below:

Notice is hereby given by the Texas Department of Health that it proposes to amend the following radioactive material license: L03626, issued to Everest Exploration, Inc. (mailing address: Everest Exploration, Inc., P.O. Box 1339, Corpus Christi, Texas 78403) for the addition of subsite number 002, the Gruy-7B facility located in northern Jim Hogg County, three miles northwest of Hebbronville. This amendment would authorize uranium mining at that facility, and disposal of fluids containing byproduct materials via either the deep disposal well located at the McBryde facility located 2.7 miles north of

Hebbronville in Duval County, or irrigation at the Gruy-7B facility.

An environmental assessment (TBRC EA-18) titled, Environmental Assessment and Proposed License Conditions Related to the Everest Exploration, Inc. Gruy-7B Project Jim Hogg County has been prepared and is available through this agency. This notice affords the opportunity for public comments within 30 days of the date of publication of this notice.

The Division of Licensing, Registration, and Standards has determined that: the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with *Texas Regulations for Control of Radiation* (TRCR) in such a manner as to minimize danger to public health and safety and the environment; the applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety and the environment; the applicant has demonstrated financial capability to conduct the proposed activity including all costs associated with decommissioning, decontamination, disposal, reclamation, and long-term care and maintenance; the applicant satisfies any applicable special requirements in TRCR, Part 43; and, therefore, the amendment to the license should not be inimical to public health and safety, or have a long-term detrimental impact on the environment.

This notice affords the opportunity for a public hearing upon the proposed amendment to the license. The public hearing on the amendment of the license will be held if the agency has received written request for hearing no later than 5 p.m. September 8, 1988, from a person affected. A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A hearing may be requested by writing David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is to be represented by an attorney, the name and address of the attorney also must be stated. Should no request for a public hearing be timely filed, the license will be amended.

Should a timely request be made, a hearing shall be conducted pursuant to the provisions of the Radiation Control Act, §§6, 6A, 11, 11A, 12A, and 14, Texas Civil Statutes, Article 4590f; the Administrative Procedures and Texas Register Act, Texas Civil Statutes, Article 6252-13a; The Formal Hearing Procedures of the Texas Department of Health, §1.21 et seq.; the *Texas Regulations for Control of Radiation*, Parts 11-13, 21, 22, 41, and 43; and the conditions of the proposed Radioactive Material License L03626 and convened as follows: Jim Hogg County Courthouse, 102 East Tilly, District Courtroom, Hebbronville, Texas 78361, September 13, 1988, 9:30 a.m.

The purposes of the hearing, if requested, are to establish jurisdiction; to designate parties and to take evidence, if requested, on whether a person qualifies as a person affected; a person must be present in person or by representative at this hearing in order to be designated a party; to delineate issues; to set the discovery schedule, if discov-

ery is requested by an affected person; to hold the contested case hearing; to take evidence from interested persons subject to cross-examination; and, if necessary, to recess to a time and date certain to continue the hearing on the merits.

All persons affected and interested persons shall have the right to appear at the hearing, if held, present evidence and be represented by counsel. The cost of a written hearing transcript may be assessed against one or more of the designated parties. Failure to appear without prior notice in writing to the Hearing Examiner may be construed as a withdrawal of the request for hearing.

Copies of all relevant material are available for public inspection and copying at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189, (512) 835-7000, or by visiting 1212 East Anderson Lane, Austin.

Issued in Austin, Texas on July 25, 1988.

TRD-8807591

Robert A. MacLean  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: July 25, 1988.

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

◆ ◆ ◆  
**Licensing Actions for Radioactive  
Materials**

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.



NEW LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Arlington	Canam Diagnostics Company, Inc.	L04172	Arlington	0	07/06/88
Dallas	Radon, Inc.	L04212	Dallas	0	06/27/88
Houston	Monoclonetics International Inc.	L04213	Houston	0	07/11/88
Morton	Cochran Memorial Hospital	L04215	Morton	0	07/11/88
Throughout Texas	Jones and Neuse, Inc.	L04209	Austin	0	06/23/88
Throughout Texas	Consolidated Precious and Strategic Minerals Corp.	L04205	El Paso	0	06/27/88
Throughout Texas	Perf-Log	L04194	Corpus Christi	0	07/06/88

AMENDMENTS TO EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date Acti</u>
Abilene	Paymaster Oil Mill Company	L02414	Abilene	5	06/28/
Bakersfield	University of Texas Lands	L03978	Midland	2	07/11/
Beaumont	Beaumont Medical Surgical Hospital	L02102	Beaumont	24	07/11/
Bridgeport	Bridgeport Hospital	L03232	Bridgeport	5	07/05/
Childress	Childress General Hospital	L02784	Childress	14	07/11/
Corpus Christi	Everest Exploration, Inc.	L03626	Corpus Christi	2	06/23/
Corpus Christi	Riverside Hospital, Inc.	L02977	Corpus Christi	10	07/11/
Dallas	Optic - Electronic Corporation	L02155	Dallas	17	06/23/
Dallas	James K. Burks, M.D.	L03191	Dallas	2	06/30/
Dallas	North Dallas Diagnostic Center	L03125	Dallas	20	07/05/
Dallas	Central Diagnostic Center	L03868	Dallas	3	07/11/
Duncanville	Duncanville Diagnostic Center	L03717	Duncanville	4	07/11/
Fort Worth	Mineral Logging Systems, Inc.	L02994	Fort Worth	5	07
Fort Worth	All Saints Episcopal Hospital	L02212	Fort Worth	17	07,
Fort Worth	All Saints Hospital Cityview	L04105	Fort Worth	1	07/14/
Garland	Cuplex Inc.	L04056	Garland	1	06/22/
Gatesville	Coryell Memorial Hospital	L02391	Gatesville	15	07/11/
Georgetown	Southwestern University	L00372	Georgetown	11	07/11/
Gilmer	Baylor Medical Center at Gilmer	L03493	Gilmer	6	06/28/
Glen Rose	Brown & Root, Inc.	L03176	Glen Rose	10	07/11/
Greenville	Citizens General Hospital	L01695	Greenville	13	07/11/

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Hebbronville	Caithness Mining Corporation	L02922	Hebbronville	8	06/23/88
Houston	Engineers and Fabricators Company	L00981	Houston	35	06/29/88
Houston	The Methodist Hospital	L00457	Houston	54	07/05/88
Houston	Rice University	L03050	Houston	4	07/11/88
Iowa Park	W. R. Grace and Company	L02770	Iowa Park	10	06/23/88
Irving	Damon Clinical Laboratories	L02164	Dallas	7	07/07/88
La Porte	Dow Chemical Company U.S.A.	L00510	La Porte	42	06/29/88
La Porte	E. I. du Pont de Nemours & Company	L00314	La Porte	50	06/22/88
Lancaster	Texas Utilities Electric Company	L02636	Lancaster	8	07/08/88
Longview	Marathon LeTourneau Company	L02304	Longview	7	06/27/88
Lubbock	Paymaster Oil Mill Company	L02367	Lubbock	5	06/27/88
Lufkin	Lufkin Diagnostic Center, Inc.	L04155	Lufkin	2	07/05/88
Mesquite	Mesquite Community Hospital	L02733	Mesquite	14	07/05/88
Orange	Polysar Gulf Coast Inc.	L00976	Orange	24	06/23/88
Palestine	National Scientific Balloon Facility	L02009	Palestine	12	07/13/88
Pasadena	N D S Products	L00991	Pasadena	23	06/29/88
Pflugerville	International Digital Modeling Corp.	L04113	Pflugerville	1	06/23/88
Port Arthur	St. Mary Hospital of Port Arthur	L01212	Port Arthur	36	06/29/88
San Antonio	Syncor International Corp.	L02033	San Antonio	42	07/05/88
Sherman	Wilson N. Jones Memorial Hospital	L02384	Sherman	11	07/11/88
Texarkana	AMI Medical Arts Hospital (Texarkana)	L02881	Texarkana	9	07/01/88
Three Rivers	Exxon Corporation	L01431	Houston	21	07/14/88
Throughout Texas	Chen and Associates Inc.	L03839	San Antonio	2	06/29/88
Throughout Texas	Titan Perforators	L00812	Refugio	22	06/22/88
Throughout Texas	Well Analysis Company, Inc.	L03682	Tyler	11	06/29/88
Throughout Texas	Ex Cel Perforators, Inc.	L03114	Robstown	7	06/23/88
Throughout Texas	MRA/Materials Engineers, Inc.	L03018	Houston	9	06/22/88
Throughout Texas	Tracer Service, Inc.	L03526	Kilgore	15	06/22/88
Throughout Texas	Cargill Drilling and Reclamation, Inc.	L03782	Longview	6	07/06/88
Throughout Texas	Non-Destructive Testing Company	L01008	Grand Prairie	36	06/30/88
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	11	06/30/88
Throughout Texas	Radiographic Specialists, Inc.	L02742	Houston	10	06/30/88
Throughout Texas	Southwestern Laboratories, Inc.	L00299	Houston	56	06/29/88
Throughout Texas	Big State X-Ray	L02693	Odessa	6	06/27/88
Throughout Texas	Non-Destructive Inspection Corporation	L02712	Lake Jackson	10	06/27/88
Throughout Texas	Applied Standards Inspection, Inc.	L03072	Beaumont	14	06/27/88
Throughout Texas	Panhandle N.D.T. & Inspection, Inc.	L02627	Borger	18	06/27/88
Throughout Texas	Conam Inspection, Inc.	L00478	Houston	57	06/21/88
Throughout Texas	Longview Inspection, Inc.	L03720	Longview	10	06/23/88
Throughout Texas	Kooney X-Ray, Inc.	L01074	Barker	39	06/23/88
Throughout Texas	AnAid, Inc.	L03171	Dickinson	9	06/23/88
Throughout Texas	TU Electric - Generating Division	L03975	Dallas	1	06/22/88
Throughout Texas	City of San Antonio	L00926	San Antonio	19	07/07/88
Throughout Texas	Soil and Foundation Engineers Inc.	L04004	Corpus Christi	1	07/07/88
Throughout Texas	State Dept. of Highways and Public Transportation	L00197	Austin	53	06/29/88
Throughout Texas	Precision Inspection, Inc.	L00203	Houston	27	07/12/88
Throughout Texas	Continental Airlines, Inc.	L02718	Houston	9	07/12/88
Throughout Texas	P & S Perforators	L02396	Victoria	8	07/07/88
Throughout Texas	Bayou Testers, Inc.	L03846	Aransas Pass	4	07/11/88
Throughout Texas	G & G X-Ray, Inc.	L03326	Corpus Christi	14	07/11/88
Throughout Texas	Cameron Iron Works USA, Inc.	L00079	Tyler	33	07/12/88
Victoria	Citizens Medical Center	L00283	Victoria	41	07/14/88

AMENDMENTS TO EXISTING LICENSES ISSUED CONTINUED:

Wadsworth	Ebasco Services Incorporated	L03370	Bay City	12	07/08/
Weimar	Colorado Fayette Medical Center	L03470	Weimar	5	07/11/
Woodville	S & T International, Inc.	L03652	Woodville	10	07/12/

RENEWALS OF EXISTING LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date Actic</u>
Baytown	San Jacinto Methodist Hospital	L02388	Baytown	5	07/11/8
Blum	Dravo Lime Company	L01615	Blum	6	07/07/
Carrollton	Otis Engineering Corporation	L03428	Dallas	3	07/11/
Corsicana	Guardian Industries Corporation	L02874	Corsicana	3	06/23/
Dallas	Mason-Johnston & Associates, Inc.	L00286	Dallas	14	06/15/
Deer Park	Rollins Environmental Services (TX), Inc.	L02870	Deer Park	5	06/23/
Denton	City of Denton	L02873	Denton	2	06/20/
El Paso	Sierra Medical Center	L02365	El Paso	18	07/11/
Fort worth	Williams Instruments, Inc.	L01472	Fort Worth	5	06/22/
Gainesville	Gainesville Memorial Hospital	L02585	Gainesville	8	07/14/
Gainesville	Texas Perforating Company of Gainesville, Inc.	L01000	Gainesville	16	06/17/
Galveston	Saint Mary's Hospital	L00138	Galveston	28	07/
Houston	Lenak, Martin, Keegan, Jensen, Assoc.	L03439	Houston	2	06/
Houston	General Foods Corporation	L01612	Houston	7	07/06/
Houston	Forscan Corporation	L02866	Houston	5	07/08/
Houston	Smith International	L02362	Houston	11	07/08/
Houston	University of Houston	L01886	Houston	30	07/07/
Houston	The Woman's Hospital of Texas	L02806	Houston	3	07/11/
Houston	University of Houston	L01886	Houston	30	07/07/
Mesquite	James E. Nunnally	L01342	Mesquite	10	07/14/
Missouri City	Fort Bend Community Hospital	L03457	Missouri City	6	07/07/
Quanah	Southern Cotton Oil Company	L02354	Quanah	4	07/11/8
San Angelo	St. John's Hospital and Health Center	L02343	San Angelo	14	07/11/8
Sulphur Springs	Hopkins County Memorial Hospital	L02904	Sulphur Springs	3	07/11/
Throughout Texas	McBride-Ratcliff & Associates, Inc.	L02346	Houston	6	06/27/
Throughout Texas	Jack H. Holt & Associates, Inc.	L02752	Austin	4	07/06/
Throughout Texas	Sivalls, Inc.	L02298	Odessa	13	06/27/8
Throughout Texas	City of San Angelo	L02727	San Angelo	7	06/29/
Throughout Texas	McMorries and Glover, Inc.	L02839	Dumas	7	07/08/
Throughout Texas	City of Midland	L01858	Midland	9	07/11/8
Throughout Texas	MQS Inspection Incorporated	L00087	Elk Grove Vill., IL	46	07/08/8
Tyler	Doctors Memorial Hospital	L03505	Tyler	4	07/13/8
Victoria	DeTar Hospital	L01630	Victoria	23	07/11/
Waco	Providence Hospital	L01638	Waco	23	07/11/8
Waco	Texas State Technical Institute	L01926	Waco	23	07/11/8

TERMINATIONS OF LICENSES ISSUED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Houston	CRC-EVANS Automatic Welding	L03416	Houston	5	06/30/88
Irving	Organon Technika Corporation	L01376	Durham, NC	45	06/23/88
Sealy	Brazos Valley Hospital	L03661	Sealy	3	07/11/88

NEW LICENSES DENIED:

<u>Location</u>	<u>Name</u>	<u>License#</u>	<u>City</u>	<u>Amend- ment #</u>	<u>Date of Action</u>
Dallas	Mr. Alfred Adask	0	Dallas	0	06/30/88

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

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

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

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

Issued in Austin, Texas, on July 21, .

TRD-8807564      Robert A. MacLean  
                            Deputy Commissioner  
                            Texas Department of Health

Filed: July 22, 1988

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

◆            ◆            ◆

### Notice of Intent to Revoke Certificates of Registration

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants, pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8. The agency intends to revoke the certificates of registration, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of such complaint, no order will issue. The complaints are as shown following this notice.

This notice affords the opportunity for a hearing to show cause why the certificates of registration should not be

revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the certificates of registration will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Donald A. Colwell, D.C., 2412 Pasadena Boulevard, Suite B, Pasadena, Texas 77502, (the registrant), holder of Certificate of Registration Number 11-11418.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) require payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On May 18, 1987, the registrant was billed \$63.00 for the fee due on Certificate of Registration Number 11-11418 covering the period from June 1987-May 1988. On September 29, 1987, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of the fee has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Diagnostic Imaging Systems, 2314 Lockwood Drive, Rapid City, South Dakota 57702 (the registrant), holder of Certificate of Registration Number 99-14891.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) require payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On February 18, 1987, the registrant was billed \$130.00 for the fee due on Certificate of Registration Number 99-14891 covering the period from March 1987-February 1988. On November 13, 1987, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate

of registration. Payment of the fee has not been received.

On February 16, 1988, the registrant was billed \$130.00 for the fee due on Certificate of Registration Number 99-14891 covering the period from March 1988-February 1989. Payment of the fee has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against Thomas E. Wheeler, D.P.M., 202 Sawdust Road, Suite 115, Spring, Texas 77380 (the registrant), holder of Certificate of Registration Number 11-10618.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRCR. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On August 14, 1987, the registrant was billed \$112.00 for the fee due on Certificate of Registration Number 11-10618 covering the period from September 1987-August 1988. On March 23, 1988, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of the fee has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of this complaint, no order will issue.

Comes now the Division of Compliance and Inspection, Bureau of Radiation Control, Texas Department of Health (the agency), through its division director, and makes the following complaint against White Oak High School, 200 South White Oak Road, White Oak, Texas 75963 (the registrant), holder of Certificate of Registration Number 7-0113L.

*Texas Regulations for Control of Radiation* (TRCR) 12.11(b) requires payment of an annual fee for each certificate of registration for radiation machines, in the amount indicated for the appropriate category in Schedule 12.31 of TRC. The fee shall be received each year on or before the last day of the expiration month of the certificate of registration. On May 3, 1985, the registrant was

billed \$175.00 the fee due on Certificate of Registration Number 7-0113L covering the period from April 1984-January 1986. On March 18, 1986, the agency informed the registrant of the delinquency of payment, giving the registrant opportunity to show compliance with all requirements of the law for retention of the certificate of registration. Payment of the fee has not been received.

On December 18, 1985, the registrant was billed \$100.00 for the fee due on Certificate of Registration Number 7-0113L covering the period from January 1986-December 1986. Payment of the fee has not been received.

On December 16, 1986, the registrant was billed \$56.00 for the fee due on Certificate of Registration Number 7-0113L covering the period from January 1987-December 1987. Payment of the fee has not been received.

On December 16, 1987, the registrant was billed \$56.00 for the fee due on Certificate of Registration Number 7-0113L covering the period from January 1988-December 1988. Payment of the fee has not been received.

Therefore, the agency, as provided in *Texas Regulations for Control of Radiation* 13.8(b), requests that an order be issued revoking the certificate of registration of the registrant and ordering the registrant to cease and desist use of such machine(s), and further that the registrant, in order to be in compliance with the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, §13, either disable the machine(s) or divest himself of it, presenting evidence satisfactory to the Bureau of Radiation Control that he has complied with this order and the provisions Texas Civil Statutes, Article 4590f.

If the fees are paid within 30 days of the date of this complaint no order will issue.

Issued in Austin, Texas on July 19, 1988.

TRD-8807461 Robert A. MacLean  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: July 20, 1988

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

## ◆ ◆ ◆ Notice of Revocation of Certificates of Registration

The Texas Department of Health, having duly filed complaints pursuant to *Texas Regulations for Control of Radiation* Part 13.8, has revoked the following certificates of registration.

Medicenter, R14635, Dallas June 21, 1988; Robert L. Beck, D.M.D., R14951, San Antonio, June 21, 1988; Joe R. Taylor, M.D., R14580, Houston, June 21, 1988; Tinh Van Tran, M.D., R14816, Houston, June 21, 1988; and Robert C. Roland, D.D.S., R14279, Cleveland, June 21, 1988.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, Monday-Friday, 8 a. m.-5 p.m. (except holidays).

Issued in Austin, Texas on July 19, 1988.

TRD-8807462 Robert A. MacLean  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: July 20, 1988

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

## Texas Department of Human Services Notice of Public Hearing

Department of Human Services (TDHS) will conduct a public hearing to receive comments on the department's proposed Home Energy Assistance Program State Plan for fiscal year 1989. The hearing will be held on Friday, August 19, 1988, at 9 a.m. in the DHS Public Hearing Room, 701 West 51st Street, Austin. Copies of the proposed plan will be available at the meeting. Advance copies may be obtained by calling Patricia Rodriguez at (512) 450-3454. Written comments may be submitted to Patricia Rodriguez, Program Specialist, Mail Code 517-W, Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769.

Issued in Austin, Texas on July 22, 1988.

TRD-8807453      Marlin W. Johnston  
                         Commissioner  
                         Texas Department of Human Services

Filed: July 20, 1988

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

## Texas Industrial Accident Board Correction of Error

The Texas Industrial Accident Board submitted an adopted section which contained an error as published in the July 15, 1988, issue of the *Texas Register* (13 TexReg 3512).

The effective date for §53.63 should read: "Effective date: July 28, 1988."

The Texas Industrial Accident Board submitted proposed new sections which contained errors as published in the July 19, 1988, issue of the *Texas Register* (13 TexReg 3566).

For Chapter 42, Subchapter A, the heading of sections should read: "28 TAC §§42.5, 42.10, 42.15, 42.20, 42.25, 42.30, 42.35, 42.40, 42.45, 42.50, 42.55, 42.60, 42.65, 42.70, 42.75, 42.80"

The first sentence of the first paragraph in the preamble should read: "The Industrial Accident Board proposes new §§42.5, 42.10, 42.15, 42.20, 42.25, 42.30, 42.35, 42.40, 42.45, 42.50, 42.55, 42.60, 42.65, 42.70, 42.75, and 42.80 concerning medical benefits provided under the Workers' Compensation Act."

In §42.10, the text of the sections should read: "§42.10. *Acceptance of Rules and Guidelines.* The filing of a report, the submitting of a bill for services or supplies, or the rendering of treatment to an injured worker entitled to benefits under the Act constitutes acceptance of and compliance with these rules."

In §42.15, subparagraph (A) for the definition of "incapacity" should read: "(A) Partial permanent incapacity less than total incapacity, whereby a person suffers a reduction in wage earning capacity, which lasts at least 300 weeks (which is the maximum number of weeks allowed for partial permanent incapacity under the Act)."

Subparagraph (C) for the definition of "incapacity" should read: "(C) Temporary partial incapacity-Any degree of incapacity less than total incapacity, whereby a person suffers a reduction in wage earning capacity, which lasts less than 300 weeks."

The last sentence to the definition of "Independent claimant" should read: "To file as an independent claimant, a

provider must notify the board in writing of the desire to become an independent claimant, requesting notice of all hearings and board decisions specifying all information as to the claimant (e.g. name, social security number, board file number, if known), and attaching thereto itemized statements for services rendered to the claimant."

## State Board of Insurance Notice of Public Hearings

Notice is hereby given that public hearings will be held before the State Board of Insurance beginning at 10 a.m. on Thursday, August 11, 1988. Under Docket 1596, the board will consider possible adoption of automobile insurance policy forms and endorsements concerning mechanical breakdown coverage and possible amendment or deletion of such forms, and will consider possible adoption of rules and amendments to rules applicable to mechanical breakdown coverage. Under Docket 1597, the board will consider possible adoption of rates and revisions of rates applicable to mechanical breakdown coverage and to policies offering such coverage. The hearings will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin, and may also consider such other matters as may properly be brought before the board.

The hearings will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Articles 1.04, 5.01, 5.03, 5.06, 5.10, and 5.96, which authorizes the State Board of Insurance to adopt rules, rates, policy forms, and endorsement forms concerning automobile insurance.

The order and procedure of presentation at the hearings will be governed by the provisions of the Rules of Practice and Procedure before the State Board of Insurance (28 TAC Chapter 1, Subchapter A) and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) as modified by the Texas Insurance Code, Article 5.96.

Reference is hereby made to the above cited statutes and rules, and to Articles 5.01-5.12-1, 5.77-5.79, 8.24, and 21.77, and other articles of the Texas Insurance Code; to Rule 37, Rate Section 2, and other provisions of the manual of the State Board of Insurance entitled *Rules and Rates Governing the Insuring of Automobile and Standard Endorsements II and III*, commonly called the *Texas Automobile Manual*; and to the State Board of Insurance manual entitled *Texas Standard Provisions for Automobile Policies* (June 1, 1981, edition), as particular sections of the statutes and rules which may be involved in the hearings.

Under Docket 1596, the State Board of Insurance will consider the following agenda items: new vehicle mechanical breakdown policy—this policy provides coverages for both new and demo private passenger automobiles. Proposed policy terms are three years/36,000 miles, four years/48,000 miles, five years/60,000 miles or five years/75,000 miles; used vehicle mechanical breakdown policy—this policy provides coverages for private passenger automobiles other than new or demo autos. Proposed policy terms are one year/12,000 miles, two years/24,000 miles or three years/36,000 miles; select component mechanical breakdown coverage—this policy provides coverage for new or demo private passenger autos but with coverages not as broad as in the new vehicle policy. Proposed policy terms are two years/24,000 miles, three years/36,000 miles, four years/48,000 miles, five years/50,000 miles, six years/60,000 miles, or seven



years/70,000 miles; a new declarations page which may be used with any of the three proposed policies; new rules providing definitions and directions on writing any of the three proposed policies; and deletion of endorsement forms TX-10-90B and TX-10-94 from the *Texas Automobile Manual* and the *Texas Standard Provisions for Automobile Policies* (June 1, 1981, edition).

Proponent's petitions for policy forms, rules, and rates, along with justification data, have been filed with Nicholas Murphy, Chief Clerk, State Board of Insurance. Such petitions and data may be reviewed for specificity at the Office of the Chief Clerk in Room 401 of the State Insurance Building or by contacting Kae Patrick, Automobile and Miscellaneous Lines Section, Casualty Division, State Insurance Building, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Under Docket 1597, the board will consider, as Agenda Item seven, rates submitted for the board's consideration on all three policies and for every policy term considered as Agenda Items one, two, and three under Docket 1596.

Issued in Austin, Texas on July 20, 1988.

TRD-8807494      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Filed: July 21, 1988

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



Notice is hereby given that public hearings will be held before the State Board of Insurance beginning at 10 a.m. on Thursday, August 11, 1988. Under Docket 1596, the board will consider possible adoption of automobile insurance policy forms and endorsements concerning mechanical breakdown coverage and possible amendment or deletion of such forms, and will consider possible adoption of rules and amendments to rules applicable to mechanical breakdown coverage. Under Docket 1597, the board will consider possible adoption of rates and revisions of rates applicable to mechanical breakdown coverage and to policies offering such coverage. The hearings will be in Room 414 of the State Insurance Building at 1110 San Jacinto Boulevard in Austin, and may also consider such other matters as may properly be brought before the board.

The hearings will be held in accordance with the legal authority and jurisdiction provided in the Insurance Code, Articles 1.04, 5.01, 5.03, 5.06, 5.10, and 5.96, which authorize the State Board of Insurance to adopt rules, rates, policy forms, and endorsement forms concerning automobile insurance.

The order and procedure of presentation at the hearings will be governed by the provisions of the Rules of Practice and Procedure before the State Board of Insurance (28 TAC Chapter 1, Subchapter A) and the Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) as modified by the Texas Insurance Code, Article 5.96.

Reference is hereby made to the above cited statutes and rules, and to Articles 5.01-5.12-1, 5.77-5.79, 8.24, and 21.77, and other articles of the Texas Insurance Code; to Rule 37, Rate Section 2, and other provisions of the manual of the State Board of Insurance entitled *Rules and Rates Governing the Insuring of Automobile and Standard Endorsements II and III*, commonly called the *Texas Automobile Manual*; and to the State Board of Insurance entitled *Texas Standard Provisions for Automobile Policies* (June 1, 1981, edition), as particular sections of the statutes and rules which may be involved in the hearings.

Under Docket 1596, the State Board of Insurance will consider the following agenda items: new vehicle mechanical breakdown policy—this policy provides coverages for both new and demo private passenger automobiles. Proposed policy terms are three years/36,000 miles, four years/48,000 miles, five years/60,000 miles or five years/75,000 miles; used vehicle mechanical breakdown policy—this policy provides coverages for private passenger automobiles other than new or demo autos. Proposed policy terms are one year/12,000 miles, two years/24,000 miles or three years/36,000 miles; select component mechanical breakdown coverage—this policy provides coverage for new or demo private passenger autos but with coverages not as broad as in the new vehicle policy. Proposed policy terms are two years/24,000 miles, three years/36,000 miles, four years/48,000 miles, five years/50,000 miles, six years/60,000 miles, or seven years/70,000 miles; a new declarations page which may be used with any of the three proposed policies; new rules providing definitions and directions on writing any of the three proposed policies; and deletion of endorsement forms TX-10-90B and TX-10-94 from the *Texas Automobile Manual* and the *Texas Standard Provisions for Automobile Policies* (June 1, 1981, edition).

Proponent's petitions for policy forms, rules, and rates, along with justification data, have been filed with Nicholas Murphy, Chief Clerk, State Board of Insurance. Such petitions and data may be reviewed for specificity at the Office of the Chief Clerk in Room 401 of the State Insurance Building or by contacting Kae Patrick, Automobile and Miscellaneous Lines Section, Casualty Division, State Insurance Building, 1110 San Jacinto Boulevard, Austin, Texas 78701-1998.

Under Docket 1597, the board will consider, as Agenda Item seven, rates submitted for the board's consideration on all three policies and for every policy term considered as Agenda Items one, two, and three under Docket 1596.

Issued in Austin, Texas on July 20, 1988.

TRD-8807574      Nicholas Murphy  
                         Chief Clerk  
                         State Board of Insurance

Filed: July 22, 1988

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



## Legislative Budget Board Joint Budget Hearing Schedule

The Joint Budget Hearing Schedule concerning appropriations requests for the 1990-1991 Biennium for the period of August 1, 1988-August 5, 1988, is as follows: the Fireman's Pension Commissioner, 3 p.m., August 1, Room 107, John H. Reagan Building, Austin; the Board of Nurse Examiners, 9 a.m., August 2, Room 246, John H. Reagan Building, Austin; the Texas Aeronautics Commission, 9 a.m., August 2, Room 214, State Capitol Building, Austin; the Texas Low-Level Radioactive Waste Disposal Authority, 10 a.m., August 2, Room 107, John H. Reagan Building, Austin; the Automated Information and Telecommunications Commission, 10 p.m., August 2, Room 103, John H. Reagan Building, Austin; the Texas Water Development Board, 2 p.m., August 2, Room 107, John H. Reagan Building, Austin; the Water Well Drillers Board, 10 a.m., August 3, Room 102, John H. Reagan Building, Austin; the Board of Physical Therapy Examiners, 10 a.m., August 3, Room 246, John H. Reagan Building, Austin; the Texas Higher Education Coordinating Board, 10:30 a.m., August 3, Bevington Reed Building, Second Floor,

Boardroom 255, 200 East Riverside Drive, Austin; Midwestern State University, 2 p.m., August 3, Bevington Reed Building, Second Floor, Boardroom 255, 200 East Riverside Drive, Austin; the Soil and Water Conservation Board, 10 a.m., August 4, Room 214, State Capitol, Austin; the Board of Licensure for Nursing Home Administrators, 1 p.m., August 4, Room 246, John H. Reagan Building, Austin; the Structural Pest Control Board, 2 p.m., August 4, Room 214, State Capitol Building, Austin; the State Prosecuting Attorney Before the Court of Criminal Appeals, 9:30 a.m., August 5, Room 107, John H. Reagan Building, Austin; the Texas Department of Community Affairs, 10 a.m., August 5, Room 102, John H. Reagan Building, Austin; the State Commission on Judicial Conduct, 10:30 a.m., August 5, Room 107, John H. Reagan Building, Austin; the State Law Library, 11:30 a.m., August 5, Room 107, John H. Reagan Building, Austin.

Please confirm above dates, times, and locations in the event you plan to attend a hearing, since experience has shown that some rescheduling always occurs. Hearings schedule may be checked on PROFS.

Issued in Austin, Texas on July 22, 1988.

TRD-8807519 Larry Kopp  
Assistant Director for Budgets  
Legislative Budget Office

Filed: July 22, 1988

For further information, please call (512) 463-1200

## Texas Rehabilitation Commission Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Rehabilitation Commission is requesting proposals for a consulting service.

**Description of Service.** Consultation services to be provided by the state psychological consultant include interpretation of psychological reports on psychological conditions of applicants and clients, and consultation where the need for additional psychological testing is needed. A formal recommendation will be completed on each psychological report reviewed, along with a description of the additional testing recommended. The state psychological consultant will provide group training for counselors, staff psychologists, and regional psychological consultants. The state psychological consultant will also develop and maintain a working relationship with the psychological community to identify community resources available to improve psychological, diagnostic, and/or counseling services. In addition, the state psychological consultant will orient new psychologists to the types of information and services needed by the Texas Rehabilitation Commission.

**Term of Contract.** The consultant contract will begin September 1, 1988, and will continue in effect until terminated in writing by either party on fifteen days written notice.

**Evaluation and Selection.** Offers will be evaluated based upon demonstrated competence, knowledge, and qualifications, and reasonableness of the proposed fee for service. Selection need not be based on lowest fee.

**Contact Person.** For further information, please contact Ken Honeycutt, Program Specialist, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8289.

The Texas Rehabilitation Commission intends to award the contract to the consultant who previously performed the services unless a substantially better offer is submitted as determined by cost and the stated evaluation and selection criteria.

Issued in Austin, Texas on July 20, 1988.

TRD-8807465 Charles Schiesser  
Assistant Commissioner  
Texas Rehabilitation Commission

Filed: July 20, 1988

For further information, please call (512) 445-8124

## Request for Proposal

The Texas Rehabilitation Commission (TRC) is announcing this request for proposal (RFP) for the purpose of establishing one extended rehabilitation services (ERS) facility to provide sheltered employment for persons with severe physical and/or mental disabilities and one ERS residential facility to provide housing for severely disabled persons who require housing support to be employed in the ERS Program.

The one ERS facility for employment will be located in the city of Houston. The one residential facility will be located in Tarrant County.

The one ERS facility for employment will be funded for \$50,500, serving approximately 25 clients the first year. The one ERS residential facility will be funded for \$22,500, serving approximately eight to 10 clients the first year.

The RFP for the employment component must clearly illustrate the services coordination identified in sections of SCR 129/135, which directs TRC, the Texas Education Agency (TEA), and the Texas Department of Mental Health and Mental Retardation (TDMHMR) to effectively network services for transition of individuals from public schools and state institutions into the most appropriate work environment and, if available, including independent living center. Also, the work place for these individuals must be in the least restrictive environment. The residential component must complement the employment-related activities, i.e., all residents in need of this type of support must be clients in an ERS employment program.

Subsequent funding is dependent upon appropriate evaluation data and available funding from the Texas Rehabilitation Commission.

**Disability Requirements:** Disabilities which may qualify a person for ERS services include mental retardation, mental illness, spinal or brain injury, physical impairments, speech/hearing/visual limitations, autism, cerebral palsy, deaf-blindness, and other disabling conditions requiring long term supervised services.

**Applicant Services:** The services of an ERS Program are intended to support the person in an employment setting to achieve maximum work productivity and independent living. The provision of extended rehabilitation services include: job readiness evaluations—general medical, psychological, and/or specialist examinations to determine the nature and severity of disability; job training—limited training program to produce job readiness for employment; employment—in sheltered industry or in job stations in industry; assistive devices—artificial limbs, braces, wheelchairs, hearing aids, and other devices designed to improve functioning; transportation—to and from employment; housing—small group supervised living arrangements in the community.

**Application Process:** Persons interested in applying for an ERS project must contact the Regional TRC Office located in their geographic areas: Fort Worth/Tarrant County—Fort Worth Regional Office, Lon Young, Regional Director, 3005 Alta Mere, Fort Worth, Texas 76116, (817) 731-7343; and Houston—Houston Regional Office, Les Lovell, Regional Director, 3600 South Gessner, #220, Houston, Texas 77063, (713) 977-2613. Further information will be forwarded to the applicant containing requirements and format of the proposal.

**Deadline:** Proposals must be provided to the appropriate TRC Regional Office by 5 p.m. Wednesday, August 31, 1988. For further information, call Carl Risinger, Program Specialist, (512) 445-8354.

Issued in Austin, Texas on July 19, 1988.

TRD-8807464 Charles Schiesser  
Assistant Commissioner  
Texas Rehabilitation Commission

Filed: July 20, 1988

For further information, please call (512) 445-8124

◆ ◆ ◆

## Office of the Secretary of State

### Disbursement of Funds Under Chapter 19, Texas Election Code

The Elections Division of the Office of the Secretary of State is proposing in this issue to adopt by reference this directive dated June 28, 1988, regarding disbursement of funds under Chapter 19 of the Texas Election Code, and a related addendum. This information affects the activities of voter registrars and elections administrators in Texas.

The proposal for adopting this directive is published in the proposed section of this issue. The following is the text of the material to be adopted by reference.

**To:** Voter Registrars and Elections Administrators

**From:** Jack M. Rains, Secretary of State

**Date:** June 28, 1988

**Re:** Disbursement of Funds Under the Texas Election Code, Chapter 19

House Bill 612, (Act of June 1, 1987, Chapter 472, §5, 1988 Texas General Laws 2061, 2062-63) amended Chapter 19 of the Texas Election Code regarding the disbursement of state funds to the voter registrar. Section 19.004 of the Election Code restricts the use of these funds to "expenses of the registrar's office in connection with voter registration." These funds are to enhance the voter registration functions of the registrar's office and not to fund the day-to-day operations of that office. The Election Code, §19.006, states:

The commissioners court may not consider the availability of state funds under this chapter in adopting the county budget of the office of the voter registrar.

Specifically, the Texas Election Code, §19.002(b), states that the secretary of state shall prescribe the procedures necessary to implement the issuance of warrants pursuant to vouchers submitted by the Registrar and approved by the Secretary of State in amounts that in the aggregate do not exclude the registrar's entitlement.

The following subjects are addressed: (1) submission of reimbursement vouchers to secretary of state for certification of compliance; (2) approval or disapproval of reimbursement vouchers by secretary of state; (3) procedures for submitting state purchase vouchers for enhancing voter

registration; (4) journals maintained at the state and county levels for record keeping; (5) interest on reimbursement funds; (6) issuance of warrants to payees; and (7) preliminary list of allowed purchases.

House Bill 612 became effective on September 1, 1987, in accordance with Texas Law. House Bill 612 was submitted to the United States Department of Justice for preclearance and was precleared on August 31, 1987.

**Submission of Reimbursement Voucher to Secretary of State for Certification of Compliance:** The Texas Election Code, §19.001, states that before May 15 of each year, the registrar shall prepare and submit to the comptroller of public accounts a statement containing the total number of initial registrations for the previous voting year and the total number of registrations canceled under §16.031(a)(1) and §16.033 for the previous voting year. In each even-numbered year, the registrar shall include in the statement the total number of voters on the list of registered voters on the date of the first election held in the county in the voting year. The registrar shall certify that the information in the statement is accurate.

All reimbursement vouchers are to be mailed to the Secretary of State, P.O. Box 12060, Austin, Texas 78711-2060.

All reimbursement vouchers must be signed by the voter registrar who signed on the signature verification form previously mailed to this office. If a county has not submitted its reimbursement voucher for the previous voucher period March 1, 1986-February 28, 1987, because of noncompliance with the Texas Election Code, §18.063, and 1 TAC §81.8, the county may, upon compliance, submit the voucher for verification. These funds will then be credited to the county's account.

Reimbursement vouchers for the voucher period from February 1, 1985-February 28, 1986, and earlier will not be considered.

**Approval or Disapproval of Reimbursement Voucher by Secretary of State.**

**Approval:** Reimbursement vouchers submitted to the Secretary of State are certified within five working days from receipt.

(a) If the voucher is not certified, the voter registrar will be notified by this office within the five working day period.

(b) A certified voucher will be forwarded to the comptroller of public accounts on the day the voucher is processed by this office.

(c) A copy of the county's approved voucher will be mailed to the county voter registrar on the same day it is approved, along with a ledger sheet showing the balance in the county's account.

**Disapproval:** Under the Texas Election Code, §19.002(d), the secretary of state will not certify a reimbursement voucher if a county has not complied with the Texas Election Code, §18.063, or 1 TAC §81.8.

**Procedures for Submitting State Purchase Vouchers for Enhancing Voter Registration:**

(a) The voter registrar shall submit all state purchase vouchers and necessary documents to the secretary of state for approval. The mailing address is P.O. Box 12060, Austin, Texas 78711-2060.

(b) The voter registrar shall determine the amount of expenditure and the payee.

(c) The voter registrar shall accept bids for expenditures, if applicable. All proposals for purchases, whether

for services or goods, must be accompanied by written bid.

(1) Vouchers for expenditures of \$250 to \$1,000 must be accompanied by three written bids received by telephone or by mail showing the vendor's name, complete mailing address, and the amount of each bid.

(2) Vouchers for expenditures of \$1,001 to \$4,999 must be accompanied by three written bids from vendors showing the vendor's name, complete mailing address, and the amount of bid.

(3) Vouchers for expenditures of \$5,000 or more must be accompanied by copies of the advertised bids by the voter registrar and a copy of the awarded bid.

(4) Any circumstance in which the voter registrar accepts a bid higher than the low bid must be justified in writing.

(See preliminary listing of allowed purchases, below.)

(5) Temporary or part-time and seasonal personnel may be hired on a contractual basis. Vouchers must show the rate of pay and the employment period. If a temporary agency is used, the voucher should show the name of the agency and the address to which the warrant is to be mailed. If payment is to reimburse the county, indicate the department to which the warrant is to be mailed. If payment is to reimburse the part-time, or seasonal employee, the voucher must show the name of the employee(s) and address where the warrant is to be mailed. Bids do not have to be taken on hiring temporary personnel.

#### Miscellaneous:

(i) Overtime for permanent county employees paid by funds from the county budget may not be paid from this fund.

(ii) Overtime for personnel hired on a contractual basis is payable from the reimbursement fund.

(iii) Work-related injuries to personnel hired with Chapter 19 funds are a liability of the county as the employer with supervisory authority.

#### Travel:

(1) All state purchase vouchers for travel shall be submitted to the secretary of state for approval. The mailing address is P.O. Box 12060, Austin, Texas 78711-2060.

(2) The travel request authorization form must accompany the state purchase voucher and must be filled out and submitted for each person who travels.

(3) Travel will be reimbursed for actual expenses related to voter registration.

(4) Allowable expenses for purposes of this directive are:

(a) voter registration seminars-inter-state and intra-state,

(b) TAC area meetings,

(c) TAC state meetings,

(d) "Bobcat" meetings, and

(e) Legislative committee meetings, area and state.

(5) Travel in personal automobile will be reimbursed at \$0.21 per mile, from official headquarters to destination and return. Allowance for mileage has been set at the rate allowed by the Internal Revenue Service. Expenses for mileage above \$0.21 per mile must be reported to the Internal Revenue Service as income.

(6) Travel for auto rental will be for actual ex-

penses.

(7) Airfare will be reimbursed for coach fare, whether inter-state or intra-state flights.

(8) Receipts for all portions of travel must be attached to the state purchase voucher.

#### Advance Travel Requests:

(1) Travel expenses will be advanced for the following items:

(a) airfare,

(b) auto rental,

(c) mileage (personal auto), and

(d) registration fees.

(2) Actual per diem (meals and hotel) will be paid after receipts are received by the secretary of state. It is incumbent on the traveler to use discretion and not charge excessive amounts for meals and hotels.

(3) Miscellaneous items, e.g. parking receipts, taxi, etc. will be paid after receipts are received by the secretary of state.

(4) Advance travel requests must be received by the secretary of state at least 21 working days prior to departure in order to ensure that the traveler will receive funds prior to travel.

(5) Persons who request and receive advanced travel must submit all receipts when filing their state purchase voucher before payment will be processed by the secretary of state.

(6) Persons who request and receive advanced travel, and who subsequently don't travel, must return those funds immediately in order that the county's account may be appropriately credited.

Please contact the Elections Division when you need additional blank state purchase vouchers or travel authorization forms.

**Journals Maintained at County and State Level for Record-Keeping.** The secretary of state will provide a ledger sheet to each county receiving reimbursement under Chapter 19. The county ledger sheet should be used to record expenditures from the county's fund. The secretary of state will provide a quarterly statement of the balance in the account to each county. This statement will show the total of each warrant and the warrant number to provide an accurate total of both the secretary of state's balance to be compared with the county's balance.

**Interest on Reimbursement Fund Maintained in State Treasury.** The secretary of state will ask for an attorney general opinion as to whether interest accrued on Chapter 19 funds will be credited to those funds or whether the interest accrued will be credited to the state.

**Issuance of Warrant.** All warrants will be issued to the payee shown on the face of the state purchase voucher.

**Preliminary List of Allowed Purchases.** The list below contains goods and services which can be purchased using Chapter 19 funds. As items are added to the list, each county will receive an addendum to this directive.

#### List of Allowable Expenditures.

##### Purchases:

(1) Office equipment:

(a) file cabinets,

(b) typewriters,

- (c) desks and chairs,
- (d) miscellaneous supplies, e.g. daters, time stamps, staplers, etc., and
- (e) telephone for voter registration only—separate number.

(2) Computer related equipment:

- (a) paper,
- (b) discs or tapes,
- (c) ribbons,
- (d) personal computer (P.C.),
- (e) cables, and
- (f) hardware and dedicated lines used in transmitting voter registration data.

(3) Office supplies, as appropriate, for part-time and seasonal personnel.

**Other Allowable Operating Expenses.**

**Voter Registration Drives:**

- (a) billboards encouraging voter registration,
- (b) pamphlets encouraging voter registration,
- (c) public service announcements encouraging voter registration, and
- (d) pins, buttons, bumper stickers, etc., encouraging voter registration.

If a voucher is received by the secretary of state which is considered not allowable under the Election Code, Chapter 19, and this directive, the secretary of state shall notify the voter registrar in writing within five days of receipt of the voucher. It is recommended that if a voter registrar is uncertain as to whether an expenditure is allowable under the Election Code, Chapter 19, and this directive, the voter registrar should contact the Elections Division of the Secretary of State.

**Memorandum**

**To:** Voter Registrars and Election Administrators  
**From:** Tom Harrison, Special Assistant for Elections  
**Date:** July 8, 1988  
**Re:** Addendum to June 28, 1988, Directive Regarding Disbursement of Funds Under the Texas Election Code, Chapter 19

Please be advised of the following addendum to the directive noted above. This addendum should be attached to the June 28, 1988, directive. This addendum supersedes that portion of the directive dealing with "travel".

**Advance Travel Requests.**

- (1) Travel expenses will be advance for the following items:
  - (a) airfare,
  - (b) auto rental,
  - (c) mileage (personal auto),
  - (d) registration fees, and
  - (e) total hotel costs and meals.
- (2) Meals will be advanced at \$25 per day. It is incumbent on the traveler to use discretion and not charge excessive amounts for meals. Hotel costs will be advanced. The traveler must supply the secretary of state with the hotel confirmation slip, noting the hotel cost per

night and total nights stay with the travel request/authorization form. It is incumbent on the traveler to use discretion and not charge excessive amounts for hotels.

(3) Miscellaneous items, e.g. parking receipts, taxi, etc. will be paid after receipts are received by the secretary of state.

(4) Advance travel requests must be received by the secretary of state at least 21 working days prior to departure in order to ensure that the traveler will receive funds prior to travel.

(5) Persons who request and receive advance travel must submit all receipts when filing their state purchase voucher before payment will be processed by the secretary of state.

(6) Persons who request and receive advance travel, and who subsequently don't travel, must return those funds immediately in order that the county's account may be appropriately credited. Failure to Return Excess Funds, Subjects the Traveler to Prosecution Under the Penal Code, §31.03.

Please contact the Elections Division when you need additional blank state purchase vouchers or travel authorization forms.

In addition, please note that on the "procedures for filing voter registration travel request/authorization form, that item number 10 should read as follows:

- (10) per diem—Includes meals, hotel, and tax.

Meals will be advanced in the amount not to exceed \$25. per day. Hotel confirmation must accompany the advance travel request.

Warrants for advance travel will be issued to the traveler.

If you have any questions, please contact Donnette Smith or Tom Clark at 1-800-252-8683.

Issued in Austin, Texas on July 20, 1988.

TRD-8807483      Randall H. Erben  
 Assistant Secretary of State

Filed: July 21, 1988

For further information, please call (512) 463-5701

◆      ◆      ◆

**Texas Water Commission**  
**Enforcement Orders**

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

An enforcement order was issued to the City of Princeton, Permit Number 10683-01 on July 21, 1988, assessing stipulated penalties.

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

Issued in Austin, Texas, on July 21, 1988.

TRD-8807504      Gloria A. Vasquez  
 Notices Coordinator  
 Texas Water Commission

Filed: July 21, 1988

For further information, please call (512) 463-8069.



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

An enforcement order was issued to the City of Edcouch, Permit Number 10163-01 on July 22, 1988, assessing \$4,000 in administrative penalties.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807584      Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 22, 1988

For further information, please call (512) 463-8069.



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

An enforcement order was issued to John E. Furnace doing business as Aquacool, Permit Number 02709 on

July 22, 1988, assessing \$3,000 in administrative penalties, and \$2,837 in deferred penalties.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807585      Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 22, 1988

For further information, please call (512) 463-8069.



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

An enforcement order was issued to Texas TxTx Marine Transportation, Permit Number 02659 on July 22, 1988, assessing \$1,560 in administrative penalties, and imposing stipulated administrative penalties.

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

Issued in Austin, Texas, on July 22, 1988.

TRD-8807586      Gloria A. Vasquez  
Notices Coordinator  
Texas Water Commission

Filed: July 22, 1988

For further information, please call (512) 463-8069.



## 1988 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the 1988 issues of the *Texas Register* for August, September, and October. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Texas Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A bullet beside a publication date indicates that the deadlines have been moved because of state holidays.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Tuesday, August 2	2ND QUARTERLY INDEX	
Friday, August 5	Monday, August 1	Tuesday, August 2
Tuesday, August 9	Wednesday, August 3	Thursday, August 4
Friday, August 12	Monday, August 8	Tuesday, August 9
Tuesday, August 16	Wednesday, August 10	Thursday, August 11
Friday August 19	Monday, August 15	Tuesday, August 16
Tuesday, August 23	Wednesday, August 17	Thursday, August 18
Friday, August 26	Monday, August 22	Tuesday, August 23
Tuesday, August 30	Wednesday, August 24	Thursday, August 25
Friday, September 2	Monday, August 29	Tuesday, August 30
Tuesday, September 6	Wednesday, August 31	Thursday, September 1
Friday, September 9	NO ISSUE PUBLISHED	
Tuesday, September 13	Wednesday, September 7	Thursday, September 8
Friday, September 16	Monday, September 12	Tuesday, September 13
Tuesday, September 20	Wednesday, September 14	Thursday, September 15
Friday, September 23	NO ISSUE PUBLISHED	
Tuesday, September 27	Wednesday, September 21	Thursday, September 22
Friday, September 30	Monday, September 26	Tuesday, September 27
Tuesday, October 4	Wednesday, September 28	Thursday, September 29
Friday, October 7	Monday, October 3	Tuesday, October 4
Tuesday, October 11	Wednesday, October 5	Thursday, October 6
Friday, October 14	Monday, October 10	Tuesday, October 11
Tuesday, October 18	Wednesday, October 12	Thursday, October 13
Friday, October 21	Monday, October 17	Tuesday, October 18
Tuesday, October 25	Wednesday, October 19	Thursday, October 20
Friday, October 28	Monday, October 24	Tuesday, October 25

# IT'S OFFICIAL!

West Publishing Company  
is the new publisher of the

## OFFICIAL TEXAS ADMINISTRATIVE CODE.

West Publishing Company has signed the contract and is now the new publisher of the Official Texas Administrative Code. Only with West's Official Texas Administrative Code do you get absolute assurance that all code provisions appear as finally reviewed and corrected by the Secretary of State's Office—because only West's Official Texas Administrative Code is published under authority of the Secretary of State.

### All new easy-to-use format.

West gives you the opportunity to own all 15 titles of the TAC, or just individual titles. We have improved the format by publishing the TAC in softbound volumes. And, as any of you who are familiar with looseleaves know, softbound volumes are substantially cheaper.

### New reliable update service.

With our new format comes a new updating service—you pay for updates only after they're in your mailbox. And, we send you updates as often as the volume of administrative changes necessitates. As always, the TAC will be supplemented twice a week through the Texas Register.

### Complete set to be available soon.

At this very moment, West is working on 7 individual titles, to be released as soon as they are ready—Administration, Insurance, Natural Resources, Economic Regulation, Banking, Education and Health Services. We hope to have these available in the fall, with the others to follow soon after. We'll let you know the exact publication dates in future issues of the Texas Register.



Please feel free to contact Myrna Currier at 1-800-328-9352 with any comments or questions that you might have. West Publishing Company—giving Texas the affordable, reliable, official IAC that it deserves.



**WEST PUBLISHING COMPANY**  
50 West Kellogg Boulevard  
P.O. Box 64526  
St. Paul, MN 55164-0526