

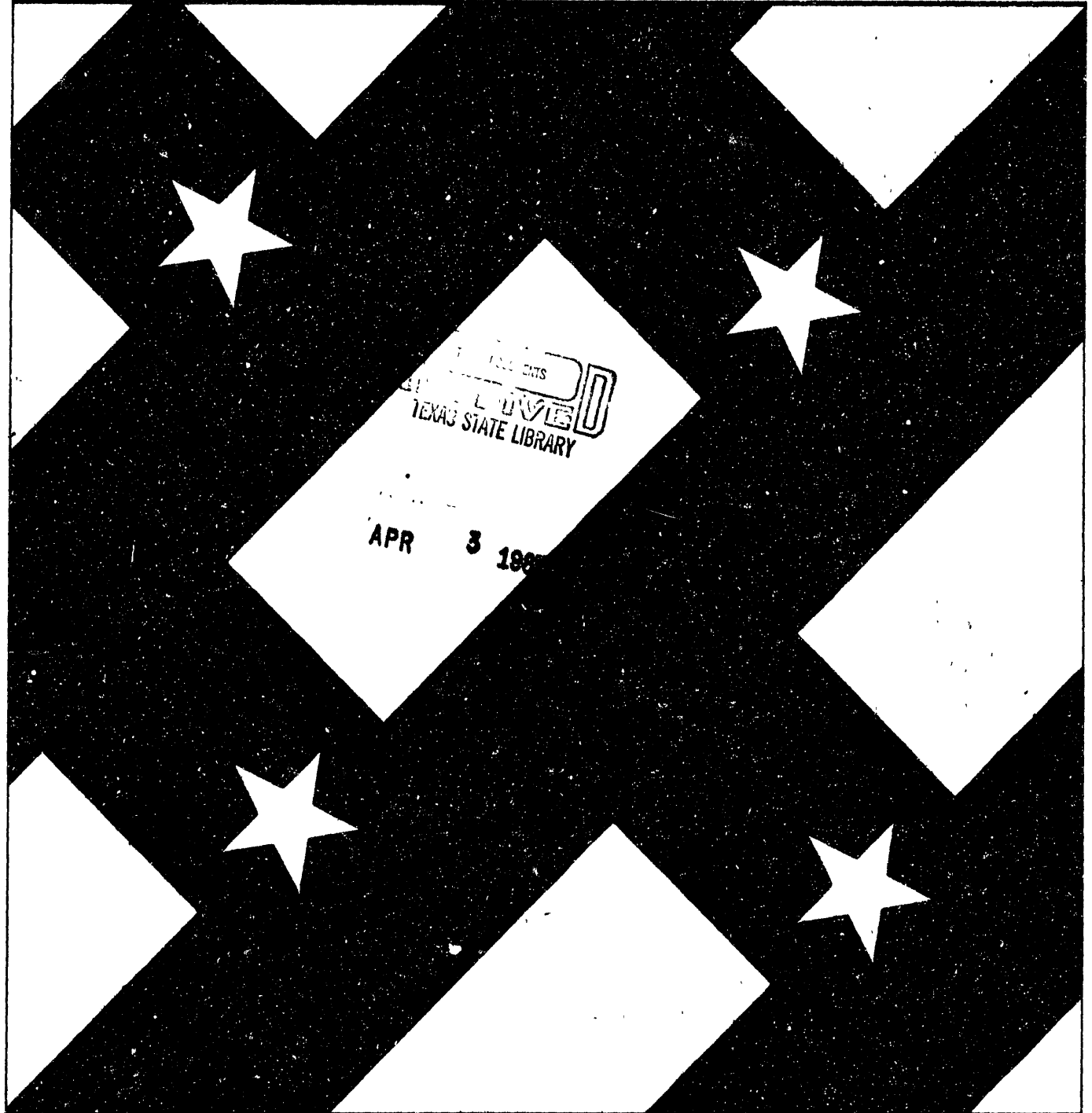
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Texas Register

Volume 10, Number 26, April 2, 1985

Pages 1097 - 1112



Highlights

The **Texas Cosmetology Commission** proposes amendments in a chapter concerning general provisions. Earliest possible date of adoption - May 3
page 1100

The **Texas Department of Human Resources**

proposes a new section concerning ICF-MR administrative policies and procedures. Earliest possible date of adoption - May 3
page 1102

The **Texas Department on Aging** proposes a new section concerning support documents. Earliest possible date of adoption - May 3
page 1102.

**Office of
 the Secretary
 of State**

Texas Register

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- Proposed Rules—rules proposed for adoption
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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: "10 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 10 TexReg 3"

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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 the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



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512-475-7886

Myra A. McDaniel
Secretary of State

Director
Dave Harrell

Documents Section Coordinator
Jane Hooks

Document Editors
Cynthia Cooke, Phyllis Smith

Open Meetings Specialist
Roberta Knight

Production Section Coordinator
Sue Bumpous

Production Editors
Richard Salinas, Lindy Vaughan

Typographer
C. Steven Lowe

Circulation Section Coordinator
Dee Wright

Circulation Assistant
Kristine Hopkins Mohajer

TAC Editors
**William Craig Howell,
Hollis Glaser**

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Description of attorney general submissions. Under provisions set out in the Texas Constitution, Texas Civil Statutes (Article 4399), and numerous statutes, the attorney general is authorized to write advisory opinions for state and local officials. These advisory opinions are requested by agencies or officials when they are confronted with unique or unusually difficult legal questions. The attorney general also determines, under authority of the Texas Open Records Act, whether information requested for release from governmental agencies may be held from public disclosure. Requests for opinions, opinions, and open record decisions are summarized for publication in the Register.

Opinions

JM-299 (RQ-401). Request from Charles D. Travis, executive director, Texas Parks and Wildlife Department, Austin, concerning the constitutionality of Texas Civil Statutes, Article 7467a, which authorize specified municipalities to acquire state streambeds by annexation.

Summary of Opinion. Subject to the interest of the public free school fund in the mineral estate in river beds and channels which are held by the state in trust for the public, Texas Civil Statutes, Article 7467a, constitutionally relinquish title to the portions of river beds and channels which certain qualified cities may acquire through annexation effected pursuant to other authority. Such submerged lands remain impressed with a public trust, and products, including gravel, may not be removed therefrom except for civil improvement projects and cannot be exploited commercially by a city without further express legislative authority.

TRD-852624

★ ★ ★

JM-300 (RQ-415). Request from Clayton T. Garrison, executive director, Employees Retirement System of Texas, Austin, concerning whether the Employees Retirement System of Texas is entitled to depository interest on a particular fund under Texas Civil Statutes, Article 6543d.

Summary of Opinion. The law enforcement and custodial officer supplemental retirement fund must be credited for interest earned on deposits of the fund. Any interest previously deposited in the general revenue fund must receive specified legislative appropriation before return to the retirement fund.

TRD-852625

★ ★ ★

JM-301 (RQ-265). Request from Lyndon L. Olson, Jr., chairman, State Board of Insurance, Austin, concerning whether the Insurance Code prohibits health insurance policy provisions that discriminate with regard to payment for treatment by certain types of health care practitioners based on an express exclusion of such practitioners or "place and manner" restrictions that indirectly exclude such practitioners.

Summary of Opinion. The Insurance Code, Article 21.52, §3, prohibits discrimination by an insurer against an insured with regard to payment of benefits based on the insured's election to obtain the services of a podiatrist, dentist, chiropractor, optometrist, audiologist, or speech-language pathologist rather than a doctor of medicine or some other kind of health care practitioner. The prohibition applies if the services obtained are within the scope of services covered by the policy and within the scope of the practitioner's license or certification. The prohibition extends to those insurance policy provisions which expressly

discriminate against one or more of the specified types of practitioners, as well as to those provisions, including place and manner restrictions, which have the same or a similar discriminatory purpose or effect.

TRD-852626

★ ★ ★

JM-302 (RQ-457). Request from Wilhelmina Delco, chairman, Higher Education Committee, Texas House of Representatives, Austin, concerning whether the legislature may impose a longer residency requirement on out-of-state residents who wish to qualify for resident tuition at a state university.

Summary of Opinion. The distinction between residents and nonresidents for charging tuition at state colleges and universities is reasonable and constitutional. Also, durational residency requirements of one year have been held to be reasonable and constitutional. A durational residency requirement for tuition purposes that is longer than one year would probably raise constitutional questions which have not yet been considered or determined by the courts. A permanent, irrebuttable presumption denying students the opportunity to establish Texas residency during their college careers probably would not be upheld by the courts.

TRD-852627

★ ★ ★

Proposed Rules

Before an agency may permanently adopt a new or amended rule, or repeal an existing rule, a proposal detailing the action must be published in the *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 rule. Also, in the case of substantive rules, 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 rule is indicated by the use of **bold text**. [Brackets] indicate deletion of existing material within a rule.

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission

Chapter 89. General Provisions

★22 TAC §§89.27, 89.30, 89.31, 89.33

The Texas Cosmetology Commission proposes amendments to §§89.27, 89.30, 89.31, and 89.33, concerning acknowledgment of student registrations and requirements for applying for and taking the cosmetology examination. The sections cover procedures for mailing and maintaining student registrations, procedures for submitting examination applications, exceptions to administering the examination in English, and the length of time an applicant has to retake a particular failed portion of the examination to maintain a passing grade on a passed portion of the examination. The agency proposes the amendments in an effort to clarify the statutes.

Herbert E. Cohen, executive director, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rules.

Mr. Cohen also has determined that for each year of the first five years the rules are in effect the public benefit anticipated as a result of enforcing the rules is clarification of the statutes. There is no anticipated economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Herbert E. Cohen, Executive Director, Texas Cosmetology Commission, 1111 Rio Grande Street, Austin, Texas 78701, (512) 475-5460.

The amendments are proposed under Texas Civil Statutes, Article 8451a, §4, which provide the Texas Cosmetology Commission with the authority to promulgate rules.

§89.27. *Acknowledgment of Registration.* When a registration blank is received, a stu-

dent permit will be mailed back to the school within a reasonable amount of time [seven days]. Each school shall maintain a duplicate copy of the registration blank.

§89.30. *Examination Applications.* Applications for examination must be filed 10 days prior to the date set by law for the examination and verify the applicant has completed the total hours required in the particular course of instruction at that time; and certify that the applicant is competent to pass the examination. The transcript form on the permit must be properly executed and the total hour requirement validated for the student to be admitted on the exam floor. **The transcript portion of the student permit may not be withheld for the purposes of tuition collection. Schools failing to render the transcript portion of the student permit to the student prior to the examination date are subject to violation and disciplinary action.** Students holding reservations and/or dates scheduled for exam who do not appear without a seven-day notice to the commission of cancellation will not be rescheduled for at least 60 days.

§89.31. *Examinations.* The examination will be conducted in the English language. Exceptions will be made when English is not the native or first language of the applicant. The applicant will be responsible for any fee or consideration to be paid to an acceptable interpreter and/or translator whose services are necessary for the examination. If the applicant can make arrangements that are acceptable, the examinations will be given at the first time available. The commission staff will make every attempt to minimize delays. **The evaluation of an applicant's performance on any examination by the examining staff of the commission shall be final. No requests for reevaluation will be acted upon by the staff or the commission.**

§89.33. *Instructor Exam.* The instructor exam shall consist of three parts: written, practical, and oral. An applicant who fails to make a passing grade on any part must retake the examination within one year of date of examination in order to receive credit for having successfully completed that portion. **The evaluation of an applicant's performance on the instructor examination by the examining staff shall be final. No requests for reevaluation will be acted upon by the staff or the commission.**

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 March 19, 1985.

TRD-852567

Herbert E. Cohen
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:
May 3, 1985
For further information, please call
(512) 475-3304.



Part XV. Texas State Board of Pharmacy

Chapter 281. General Provisions Practice and Procedure

★22 TAC §281.24

The Texas State Board of Pharmacy proposes an amendment to §281.24, concerning grounds for discipline for a pharmacist license. The proposed amendment defines additional grounds for discipline for a pharmacist license for unprofessional conduct.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Brinkley also has determined that for each year of the first five years the rule

is in effect the public benefit anticipated as a result of enforcing the rule is the establishment of procedures for the proper institution, conduct, and determination of all proceedings and matters within the jurisdiction of the board. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Bob Watson, Director of Operations and Administrative Services, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §16 and §17, which provide the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of the Act, that are not inconsistent with the Act.

§281.24. Grounds for Discipline for a Pharmacist License.

(a) For the purposes of the Act, §26(a), unprofessional conduct shall include, but not be limited to:

(1)-(20) (No change.)

(21) failing to provide or providing false or fraudulent information on any application, notification, or other document required under this Act, the Dangerous Drug Act, or the Controlled Substances Act, or rules adopted pursuant to those Acts; [or]

(22) physically abusing a board employee during the performance of such employee's lawful duties;

(23) failure to establish or maintain effective controls against the diversion or loss of controlled substances, loss of controlled substance records, or failure to ensure that controlled substances are dispensed in compliance with state and federal laws or rules, by a pharmacist who is:

(A) a pharmacist-in-charge of a pharmacy;

(B) an owner of a pharmacy;

(C) a partner in the ownership of a pharmacy; or

(D) a managing officer of a corporation, association, or joint-stock company owning a pharmacy. A pharmacist, as set out in subparagraphs (B)-(D) of this paragraph, is equally responsible with an individual designated as pharmacist-in-charge of such pharmacy to ensure that employee pharmacists and the pharmacy are in compliance with all state and federal laws or rules relating to controlled substances;

(24) failure to respond within the time specified on a warning notice to such warning notice issued as a result of a compliance inspection; or

(25) responding to a warning notice as a result of a compliance inspection in a manner that is false or misleading.

(b)-(c) (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 March 19, 1985.

TRD-852614 Fred S. Brinkley, Jr.
Executive
Director/Secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption:

May 3, 1985
For further information, please call
(512) 478-9827.

★ ★ ★

**Chapter 283. Licensing
Requirements for Pharmacists**

★22 TAC §283.14

The Texas State Board of Pharmacy proposes amendments to §283.14, concerning fee requirements for pharmacists.

The amendment to subsection (a) increases the fee for the administration of the licensure examination to \$124, effective for the September 1985 NABPLEX examination. The amendment to subsection (c) clarifies the requirements for applicants for licensure by examination or reciprocity and makes these requirements consistent with the language found in the Act, Texas Civil Statutes, Article 4542a-1.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule. The fee for the licensure examination has been increased in direct proportion to the cost of the exam to the agency, resulting in no increase or decrease in revenue.

Mr. Brinkley also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is an examination process that is efficient, cost effective, and in the best interest of the public welfare. Enforcement of the proposed amendment to subsection (c) will further ensure the proper qualifications are met for licensing by examination as stated in the Act. The anticipated economic cost to individuals who are required to comply with the rule as proposed is \$124 for the examination each year in 1985-1989.

Comments on the proposal may be submitted to Bob Watson, Director of Oper-

ations and Administrative Services, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under Texas Civil Statutes, Article 4542a-1, §§16, 21, and 39, which provide the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of the Act, consistent with the Act. Section 21 states in part:

to qualify for a license to practice pharmacy, an applicant for licensing by examination must submit to the board a license fee as determined by the board.

§283.14. Fee Requirements.

(a) The fee for the examination shall be \$124 [\$100], effective for the September 1985 [January 1983] administration of the licensure examination. Payment of the fee shall include one exam administration. In the event the applicant retakes the examination(s) (NABPLEX, Texas Jurisprudence, or both), the applicant shall be required to pay the following exam fees as applicable:

(1) NABPLEX only or NABPLEX and Texas Jurisprudence—\$124 [\$100].

(2) (No change.)

(b) (No change.)

(c) Requirements for applicants [new candidates] for licensure by examination or reciprocity [are as follows]:

(1) An applicant for pharmacist licensure, who receives a notice letter from the board stating such applicant has passed the required licensure examinations, may practice pharmacy for a period of 30 days from the date of the notice letter from the board. The applicant shall apply to the board for licensure within 30 days from the date of the notice letter. [A candidate for pharmacist licensure, whether such licensure is by examination or reciprocity, who receives a notice letter from the board stating he or she has passed the required licensure examinations, may practice pharmacy for a period of 30 days from the date of the notification letter from the board. The applicant shall have 30 days from the date of the notification letter to make application to the board for licensure. If application and payment of the license fee as set out in §295.6 of this title (relating to Licensure Fee) are not received by the board within 30 days from the date of the notification letter, the candidate may not practice pharmacy in Texas until a pharmacist license has been granted.]

(2) If application and payment of the license fee as set out in §295.6 of this title (relating to Licensure Fee) are not received by the board within 30 days from the date of the notice letter, the notice letter shall expire and the applicant may not practice pharmacy in Texas until a pharmacist license has been granted. [If the person does not apply for licensure before the last day of the month following the month of initial licensure, the person may become

licensed by making application and paying the board one license fee and a fee that is equal to the examination fee (\$100).

(3) If the notice letter has been expired for not more than 90 days, the person may become licensed by making application and paying to the board one license fee and a fee that is one-half of the examination fee for the license. [If the candidate fails to become licensed within two years from the date of the notification letter, the person may not make further application for licensure without submitting to reexamination and complying with the requirements and procedures for obtaining a new license.]

(4) If the notice letter has been expired for more than 90 days but less than two years, the person may become licensed by making application and paying to the board all unpaid renewal fees and a fee that is equal to the examination fee for the license.

(5) If the notice letter has been expired for two years or more, the person may not be licensed without submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

(6) The provisions of §295.7 of this title (relating to Pharmacist License Renewal) apply to an application and licensure fee submitted pursuant to paragraphs (2)-(5) of this subsection.

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 March 19, 1986.

TRD-852615 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption:
May 3, 1986
For further information, please call
(512) 478-9827.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Chapter 27. ICF-MR Subchapter DD. Administrative Policies and Procedures

★40 TAC §27.2917

The Texas Department of Human Resources proposes new §27.2917, con-

cerning the responsibilities of an intermediate care facility for the mentally retarded (ICF-MR) that admits school-age residents between the ages of three and 21 years inclusive who are eligible for public school services.

The department is proposing this new section in response to 19 TAC §89.259 of the Texas Education Agency's rules. Section 89.259 concerns the provision of services for students living in an ICF-MR.

New §27.2917 provides a framework for establishing cooperative agreements between school districts and intermediate care facilities for the mentally retarded. These agreements ensure that each eligible school-age resident in an ICF-MR receives the public education to which he is entitled to under state and federal laws.

David Hawes, programs budget and statistics administrator, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Hawes also has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule as proposed is the assurance that eligible school-age residents in an ICF-MR will have the opportunity for a public education through their school district. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed

Comments on the proposal are invited and may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—184, Texas Department of Human Resources 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

The new section is proposed under the Human Resources Code, Title 2, Chapter 22 and Chapter 32, which authorizes the department to administer public assistance programs.

§27.2917. *Agreements with Local Independent School Districts.*

(a) Before receiving or renewing a contract for participation in the Texas Intermediate Care Facility for the Mentally Retarded (ICF-MR) Program, an ICF-MR that accepts school-age residents between the ages of three and 21 years inclusive must provide assurances to the Texas Department of Mental Health and Mental Retardation that it has:

(1) established a written cooperative agreement with the local independent school district that includes:

(A) the general responsibilities of the ICF-MR and the school district in delivering appropriate and mutually supportive services to eligible school-age residents;

(B) a provision allowing the school district staff to access, with appropriate consent of the eligible resident or the guardian, the ICF-MR's resident record and assessment information to avoid an unnecessary duplication of services;

(C) a provision allowing the school district staff an opportunity to participate in or provide information to the ICF-MR's admission, programmatic, and discharge interdisciplinary team meetings when the educational needs of an eligible resident are being considered; and

(D) a provision allowing the ICF-MR staff to participate in or provide information to the school district's admission, review, and dismissal (ARD) committee during its deliberations about each eligible school-age resident.

(2) developed written policies and procedures to ensure the enrollment of all eligible school-age residents between the ages of three and 21 years inclusive who have not successfully graduated from or completed an approved school program in a Texas Education Agency-approved educational program.

(b) If a provider desires to provide and administer the provider's own educational program(s), the provider must secure and maintain certification as a nonpublic school from the Texas Education Agency.

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 March 27, 1985.

TRD-852621 Marlin W. Johnston
Commissioner
Texas Department of
Human Resources

Earliest possible date of adoption:
May 3, 1985
For further information, please call
(512) 450-3766.

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Part IX. Texas Department on Aging Chapter 251. Support Documents Statutes and Regulations

★40 TAC §251.8

The Texas Department on Aging (TDOA) proposes new §251.8, concerning civil rights policy and procedure. The proposed new section enumerates civil rights policy and procedure that will

govern the operation of the TDOA, its grantees, and subgrantees involved in providing services for the elderly.

Craig F. Sandling, legal services developer, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the rule.

Mr. Sandling also has determined that for each year of the first five years the rule is in effect the public benefit anticipated as a result of enforcing the rule is the establishment of public policy regarding civil rights and procedures that will govern the operation of the department, its grantees, and subgrantees. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Craig F. Sandling, Texas Department on Aging, P.O. Box 12786, Austin, Texas 78711.

The new section is proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to adopt rules governing the function of the department.

§251.8. Civil Rights Policy and Procedure.

(a) Background. In order for the Texas Department on Aging (TDOA) and its grantees and subgrantees to receive or continue to receive federal financial assistance under the Older Americans Act of 1965, as amended, from the Department of Health and Human Services, the department and its grantees and subgrantees must comply with the Civil Rights Act of 1964. The implementing regulations of the Act, Code of Federal Regulations, Title 45, Part 80, were adopted by reference by the TDOA in §251.4 of this title (relating to Adoption by Reference.)

(b) Policy.

(1) All area agencies on aging, grantees, service providers, or applicants to provide services to be funded under the provisions of the Older Americans Act of 1965, as amended, must execute a statement of compliance with the Civil Rights Act of 1964 and the Code of Federal Regulations, Title 45, Part 80, prior to receiving grants funds from the TDOA. Failure to execute a statement of compliance may result in delays in funding or denial of funding.

(2) Area agencies on aging and service providers will take necessary actions to insure that all beneficiaries, participants, potential beneficiaries, and other interested persons are made aware that services, aid, and other benefits under the Older Americans Act, as amended, are provided on a nondiscriminatory basis and of their right to file a complaint with the TDOA,

the Department of Health and Human Services, or both, if they believe that discrimination on the basis of race, color, or national origin is being practiced.

(3) Staff members of the TDOA shall make no referrals to agencies, institutions, organizations, facilities, or individual practitioners that engage in racial discrimination even though such referrals may not involve vendor payments.

(c) Compliance.

(1) Area agencies on aging will review periodically, including on-site visits where appropriate, the practices of their grantees and service providers to insure that their practices are in conformity with the Civil Rights Act, Title VI, and the Code of Federal Regulations, Title 45, Part 80. Such reviews and visits will be appropriately documented. These reports shall be retained at the area agency and will be made available to representatives of the TDOA, the Commission on Human Rights, the Department of Health and Human Services, the U.S. Civil Rights Commission, and such other agencies as may be designated by the TDOA.

(2) The TDOA shall, as part of the annual assessments and evaluations mandated by the Older Americans Act, review the practices and procedures of the area agencies on aging and their grantees to insure compliance with the Civil Rights Act, Title VI. Assessments and evaluations will be documented and filed with appropriate area plans. These reports shall be made available for audits and inspections by the Department of Health and Human Services or its designees.

(d) Civil rights complaint policy and procedure. The following procedures and policies are applicable for civil rights complaints pursuant to the provisions of the Civil Rights Act of 1964, Title VI (42 United States Code §200d-1, *et seq.*)

(1) Any person, including clients and applicants for services, who believes that he/she or any specific class or persons is subjected to discrimination on the basis of race, color, national origin, handicap, or age may himself/herself, or by representative, file a complaint. In so far as possible, the complaint should be reduced to writing.

(2) The time period for filing a complaint is no less than 180 days from the date of the alleged discriminatory act(s).

(3) The executive director may extend the time for filing complaint.

(4) No person who has filed a complaint, testified, assisted, or participated in any manner in the investigation of any complaint, shall be intimidated, threatened, coerced, or discriminated against.

(5) Complaints will be brought to the attention of the executive director of the TDOA.

(6) The department shall conduct or cause to be conducted a prompt and thorough investigation of the complaint.

(7) The executive director shall, based on the complaint investigation, determine whether or not discrimination did, in fact, occur.

(8) If discrimination has occurred, the department will take all necessary action to correct the discriminatory practice(s).

(9) The complainant will be advised, in a timely fashion, of the findings of the department regarding his/her complaint and advised of the right to appeal to the Office for Civil Rights if not satisfied with the department's division.

(10) Records will be maintained which show the nature of the complaint, the details of the investigation, and the actions taken by the department.

(11) In those cases where the complaint is initially filed with the Office for Civil Rights, the latter office may request the department to conduct the investigation.

(e) Actions where discrimination is confirmed. In those cases where a complaint of discrimination is confirmed, the TDOA may initiate any of the actions outlined in 45 Code of Federal Regulations §80.8. Hearings may be conducted upon request under the provisions of 45 Code of Federal Regulations §80.9, with appropriate substitutions for the TDOA or, in the case of a service provider under TDOA heading rules, §257.71 of this title (relating to Right to Appeal).

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 March 22, 1985.

TRD-852598

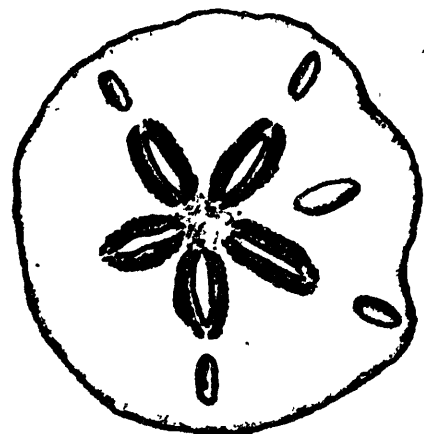
O. P. (Bob) Bobbitt
Executive Director
Texas Department on
Aging

Earliest possible date of adoption:

May 3, 1985

For further information, please call
(512) 475-2717.

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Adopted

Rules An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule 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 rule 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 rule with changes to the proposed text, the proposal will be republished with the changes.

TITLE 22. EXAMINING BOARDS Part XV. Texas State Board of Pharmacy Chapter 283. Licensing Requirements for Pharmacists

★22 TAC §283.10

The Texas State Board of Pharmacy adopts amendments to §283.10, without changes to the proposed text published in the January 29, 1985, issue of the *Texas Register* (10 TexReg 324).

Enforcement of this section ensures that the pharmacist-intern attains the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas.

This section redefines interns to include not only graduates but also nongraduates who have met all requirements for graduation in the extended internship program.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §20 and §21, which provide the Texas State Board of Pharmacy with the authority to establish standards for internship or any other program necessary to qualify for an applicant for the licensing examination.

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 March 19, 1985.

TRD-852616 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Effective date: April 16, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 478-9827.

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★22 TAC §283.13

The Texas State Board of Pharmacy adopts amendments to §283.13, without changes to the proposed text published in the January 29, 1985, issue of the *Texas Register* (10 TexReg 324).

The amendments ensure that the applicants applying for licensure by reciprocity will attain the knowledge, skills, and abilities to safely, efficiently, and effectively practice pharmacy under the laws and regulations of the State of Texas by addressing those applicants of reciprocity who have not passed NABPLEX after January 1, 1978.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §22, which provide the Texas State Board of Pharmacy with the authority to determine the qualifications for a license to practice pharmacy by reciprocity.

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 March 19, 1985.

TRD-852617 Fred S. Brinkley, Jr.
Executive
Director/Secretary
Texas State Board of
Pharmacy

Effective date: April 16, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 478-9827.

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Chapter 291. Pharmacies

★22 TAC §291.14

The Texas State Board of Pharmacy adopts amendments to §291.14, with changes to the proposed text published in the January 29, 1985, issue of the *Texas Register* (10 TexReg 324).

The amendments ensure that the operation of a pharmacy falls within the laws

and rules governing the registration of pharmacies, in the interest of the public health and welfare. The change from the proposal corrects a statutory authority. The section addresses the timely receipt of the completed pharmacy application and renewal fee for a pharmacy license.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statutes, Article 4542a-1, §29 and §31, which provide the Texas State Board of Pharmacy with the authority to specify by rule the procedures to be followed and the fees to be paid for the renewal of a pharmacy license, and the penalties for the late renewal of licenses.

§291.14. *Pharmacy License Renewal.* For the purposes of Texas Civil Statutes, Article 4542a-1, §31:

(1) (No change.)

(2) "Timely receipt of the completed application and renewal fee" means the receipt in the board's office of such application and renewal fee:

(A) (No change.)

(B) no later than seven days from the date of postmark of May 31 of each year.

(3) The provisions of Texas Civil Statutes, Article 4542a-1, §31(d), shall apply if the completed application and a renewal fee is not received according to paragraph (2)(A) or (B) of this section.

(4) (No change.)

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

Issued in Austin, Texas, on March 19, 1985.

TRD-852618 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Effective date: April 16, 1985
Proposal publication date: January 29, 1985
For further information, please call
(512) 478-9827.

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Open Meetings

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

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

Posting of open meeting notices. All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor of the East Wing in the State Capitol, Austin. These notices may contain more detailed agendas than what is published in the *Register*.

Texas Employment Commission

Friday, March 29, 1985, 8:30 a.m. The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. According to the agenda summary, the commission met in executive session to consider pending litigation, including *Linda W. Kinney v. TEC, et al* and the Joiner merit system appeal. The emergency status was necessary because of the pending trial setting for April 1, 1985.

Contact: C. Ed Davis, TEC Building, Room 660, 15th Street and Congress Avenue, Austin, Texas, (512) 397-4400.

Filed: March 27, 1985, 8:52 a.m.
TRD-852622

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Texas Health Facilities Commission

Thursday, April 4, 1985, 9 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Certificates of Need

Sunrise Convalescent Center, San Antonio

AN84-0605-362

Los Cedros Care Center, San Antonio

AN84-0627-414

Fort Bend Medical Center Foundation Hospital, Rosenberg

AH82-0629-062

Texarkana Community Hospital, Texarkana

AH84-1212-796

Houston Eye Clinic-Surgical Center, Houston

AS84-0920-596

Northwest Dialysis Center, Houston

AO84-0525-314

Grant Buie Hospital, Hillsboro

AH84-1205-773

Midland Memorial Hospital, Midland

AH84-1228-857

Lake Worth Nursing Home, Fort Worth

AN84-0821-538

Menard Hospital, Menard

AH85-0110-016

The University of Texas System Cancer Center, M. D. Anderson Hospital and Tumor Institute, Houston

AH84-1219-811

Amendments of Certificate of Need Orders
Memorial Hospital System Outpatient Surgery Center, Houston

AS83-0906-141A(021985)

Austin State Hospital, Austin

AA82-0713-056A(022185)

Four Seasons Nursing Center of Odessa, Odessa

AN83-0713-038A(022885)

The Woodlands Community Hospital, The Woodlands

AH81-0731-013A(020885)

Petition for Reissuance
Eastland Manor, Eastland

AN84-0410-220R(021985)

Notices of Intent to Acquire Existing Health Care Facilities

Arlington Heights Medical Investors, Ltd., a Georgia limited partnership, Atlanta, Georgia

AN85-0131-073

Convalescent Services, Inc., or a wholly owned subsidiary thereof, Atlanta, Georgia

AN85-0306-151

Villa Medical Investors, Ltd, a Georgia limited partnership, Atlanta, Georgia

AN85-0131-074

Convalescent Services, Inc., or a wholly owned subsidiary thereof, Atlanta, Georgia

AN85-0306-152

Motion for Rehearing/Reconsideration
Oak Creek Hospital, Houston

AH84-0531-317

Contact: John R. Neel, P.O. Box 50049, Austin, Texas 78763.

Filed: March 27, 1985, 9:21 a.m.
TRD-852628

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University of Houston System

Tuesday, April 2, 1985, 8 a.m. The Board of Regents of the University of Houston (UH) System will meet in the boardroom, Ezekiel Cullen Building, UH-University Park, 4800 Calhoun, Houston. According to the agenda summary, the board will discuss and/or approve the acquisition and disposition of real property; evaluation of personnel; a consent docket; the proposed board meeting calendar for fiscal year 1986; the Nominating Committee for the Election of Board Officer for fiscal year 1986; an honorary degree; contracts; leases; reports and recommendations from the Academic Affairs and Campus Relations Committee, the Finance Committee, and the Facilities Planning and Building Committee; the regental policy report and recommendations; and the president's report.

Contact: Michael T. Johnson, 4600 Gulf Freeway, Suite 500, Houston, Texas 77023, (713) 749-7545.

Filed: March 27, 1985, 9:45 a.m.
TRD-852629

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Texas Department of Labor and Standards

Wednesday, April 3, 1985, 9 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in emergency session in Suite 209, 4615 North Freeway, Houston. According to the agenda, the division will conduct informal hearings of various consumer complaints regarding manufactured homes which do not comply with Texas Civil Statutes, Article 5221f. The emergency status is necessary to consider the possible violations of Texas Civil Statutes, Article 5221f.

which jeopardize individual safety and the public's welfare.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 475-6560.

Filed: March 27, 1985, 4:23 p.m.
TRD-852639

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Board of Pardons and Paroles

Wednesday, April 3, 1985, 10:30 a.m. The Board of Pardons and Paroles will meet in emergency session at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will conduct a full board interview and meet with interested parties in connection with the case of Grady Adams, TDC 270, subject to the board's jurisdiction. The emergency status is necessary because board members cannot adjust their schedules to meet at any other time.

Contact: Daniel R. Guerra, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2700.

Filed: March 27, 1985, 10:20 a.m.
TRD-852632

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Texas Parks and Wildlife Department

Tuesday, April 9, 1985, 10 a.m. The Operation Game Thief Committee of the Texas Parks and Wildlife Department will meet at 4200 Smith School Road, Austin. According to the agenda, the committee will approve the October 9, 1984, public hearing minutes; consider a financial report and payment of rewards; and set the date of the next meeting.

Contact: Maurine Ray, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4806.

Filed: March 27, 1985, 2:20 p.m.
TRD-852650

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State Purchasing and General Services Commission

Thursday, March 28, 1985, 9 a.m. The State Purchasing and General Services Commission met in emergency session in Suite 900, 8214 Westchester Street, Dallas. According to the agenda, the commission considered a proposed amendment to 1 TAC §113.10, concerning emergency purchases; discussed a proposed plan for continued demand for

common software; and adopted an interim delegation of authority for the acting executive director. The commission also met in executive session to review resumes and interview applicants for the position of executive director. The emergency status was necessary to adopt an interim delegation of authority for the acting executive director.

Contact: Homer A. Foerster, 111 East 17th Street, Austin, Texas 78701, (512) 475-5966.

Filed: March 27, 1985, 11:19 a.m.
TRD-852633

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Public Utility Commission of Texas

Thursday, May 2, 1985, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 6013—petition of AT&T Communications of the Southwest, Inc., for adoption of rules governing dominant interexchange telecommunications utilities.

Contact: Rhonda Colbert Ryan, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: March 27, 1985, 3 p.m.
TRD-852638

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Board of Vocational Nurse Examiners

Monday-Wednesday, April 29-May 1, 1985, 8 a.m. daily. The Board of Vocational Nurse Examiners will meet at the Executel Motor Inn, 925 East Anderson Lane, Austin. Items on the agenda summary include approval of minutes; report of the executive director; report of the director of education, concerning program matters and rules and regulations changes to 22 TAC §§233.1, 233.25, 233.54, 233.57, 235.5, and 235.11, and seminar attendance; unfinished business; new business concerning a request for an amendment to 22 TAC §233.81(6); approval for professional conferences; approval for outside legal counsel for the 1986-1987 biennium; future board meeting dates for fiscal year 1986; and administrative hearings.

Contact: Joyce A. Hammer, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

Filed: March 28, 1985, 9:02 a.m.
TRD-852642

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Texas Water Commission

The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, and agendas follow.

Tuesday, April 9, 1985, 2 p.m. The commission will consider an application by One O One Corporation for proposed Permit 13002-01, Brazoria County, San Jacinto-Brazos Coastal Basin; Application 4502 of Durwood Greene for a permit to divert 600 acre-feet from the San Marcos River, tributary of the Guadalupe River, Guadalupe River Basin, for irrigation purposes in Guadalupe County; an application by Lesco Trucking Company, Inc., for proposed Permit 02687, Harris County, San Jacinto River Basin; and applications by John Wasilchak for proposed Permit 12902-01 and proposed Permit 12903-01 to authorize disposal of treated domestic sewage effluent from two planned subdivisions, Tarrant County, Trinity River Basin.

Wednesday, April 10, 1985, 2 p.m. The commission will consider an application by the City of San Antonio for an amendment to Permit 10137-08, Bexar County, San Antonio River Basin.

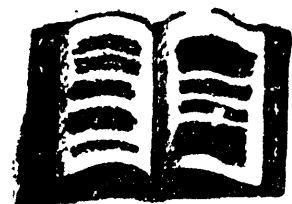
Tuesday, April 16, 1985, 2 p.m. The commission will consider an application by Jack Frey Properties, Inc., for proposed Permit 12953-01, Montgomery County, San Jacinto River Basin; an application by Block House Municipal Utility District for proposed Permit 13031-01, Williamson County, Brazos River Basin; and an application by the City of Dayton for proposed Permit 10564-03, Liberty County, Trinity River Basin.

Wednesday, April 17, 1985, 10 a.m. The commission will consider an application by the City of Canyon for an amendment to Permit 10073-01, Randall County, Red River Basin.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: March 26, 1985, 10:10 a.m.
TRD-852606-852609

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Texas Department of Water Resources

Thursday, April 25, 1985, 1:30 p.m. The Texas Department of Water Resources will meet in the boardroom, Trinity River Authority, 5300 South Collins, Arlington. Ac-

ording to the agenda summary, the department will conduct a public hearing to receive testimony concerning revisions to the waste load evaluation for the East Fork Trinity River (Segment 0819).

Contact: Clyde E. Bohmfalk, P.O. Box 13087, Austin, Texas 78711, (512) 475-3087 or 475-3926.

Filed: March 26, 1985, 10:09 a.m.
TRD-852610

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Regional Agencies Meetings Filed March 26

The Dawson County Central Appraisal District, Board of Directors, will meet at 611 North Dallas Avenue, Lamesa, on April 3, 1985, at 7 a.m. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331.

The Heart of Texas Council of Governments, Executive Committee, met in a rescheduled emergency session in the conference room, 320 Franklin, Waco, on March 28, 1985, at 10 a.m. The meeting originally was scheduled for March 28, 1985, at 12:30 p.m. Information may be obtained from Mary McDow, 320 Franklin Avenue, Waco, Texas 76701, (817) 756-6631.

The Tyler County Tax Appraisal District, Board of Directors, will meet at 103 Pecan, Woodville, on April 2, 1985, at 4 p.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75799, (409) 283-3736.

TRD-852620

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Meetings Filed March 27

The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1, Board of Directors, met at the district

office, Highway 81, Natalia, on April 1, 1985, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Brown County Appraisal District, Board of Directors, met at 403 Fisk Avenue, Brownwood, on April 1, 1985, at 7 p.m. Information may be obtained from Alvis Sewalt, 403 Fisk Avenue, Brownwood, Texas 76801, (915) 643-5676.

The Carson County Appraisal District, Board of Directors, will meet at 102 South Main, Panhandle, on April 10, 1985, at 8:30 a.m. Information may be obtained from Dianne Lavake, P.O. Box 970, Panhandle, Texas 79068, (806) 537-3569.

The Region IV Education Service Center, Board of Directors, met in the boardroom, 7200 West Tidwell, Houston, on April 9, 1985, at 6 p.m. Information may be obtained from Tom Pate, Jr., P.O. Box 863, Houston, Texas 77001, (713) 462-7708.

The Edwards County Appraisal District, Appraisal Review Board, met in the new county office building, Rocksprings, on April 1, 1985, at 1:30 p.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-7490.

The Gonzales County Appraisal District, Appraisal Review Board, met in emergency session at 928 St. Paul Street, Gonzales, on March 28, 1985, at 6 p.m. Information may be obtained from Nancy Seitz, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Gregg County Appraisal District, Appraisal Review Board, will meet at 2010 Gilmer Road, Longview, on April 2, 1985, at 1:30 p.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

The Hamilton County Appraisal District will meet at the central appraisal office, Hamilton County courthouse, Hamilton, on April 4, 1985, at 7 p.m. Information may be obtained from Doyle Roberts, P.O. Box 446, Hamilton, Texas 76531, (817) 386-8945.

The Lavaca County Central Appraisal District, Board of Directors, will meet at 113 North Main Street, Hallettsville, on April 8, 1985, at 4 p.m. Information may be obtained from Joe Pat Davis, P.O. Box 386, Hallettsville, Texas 77964, (512) 798-4396.

The Mental Health Mental Retardation Center of East Texas, Board of Trustees, met in emergency session in the boardroom, 2323 West Front Street, Tyler, on March 28, 1985, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Middle Rio Grande Development Council, Private Industry Council, met in emergency session at the Brown Plaza Building, Del Rio, on March 28, 1985, at 9:30 a.m. Information may be obtained from Juan Pablo Velez, P.O. Box 702, Carrizo Springs, Texas 78834, (512) 876-3533.

The Wheeler County Appraisal District, Board of Directors, met in the district office, County Courthouse Square, Wheeler, on April 1, 1985, at 2 p.m. Information may be obtained from Marilyn Copeland, P.O. Box 349, Wheeler, Texas 79096, (806) 826-5900.

TRD-852630

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Meeting Filed March 28

The Dallas Area Rapid Transit Authority, Service Plan/Work Program Task Force met in emergency session at 2745 North Central Expressway, Dallas, on March 29, 1985, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 748-3278.

TRD-852643

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In Addition

The *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 Rescheduled Public Hearing

The date of the hearing for the charter application of Pacific American Bank, Houston, previously scheduled for March 26, 1985, has been rescheduled to begin at 9 a.m. on April 16, 1985, at the Banking Department of Texas, 2601 North Lamar Boulevard, Austin.

The rescheduling of the hearing in this matter shall not alter the deadline for filing of a petition in intervention by any party under State Banking Board rules. Any such petition shall be considered timely filed if received by March 15, 1985.

Issued in Austin, Texas, on March 25, 1985.

TRD-852684 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 25, 1985
For further information, please call (512) 475-4451.

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Public Hearing

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on Wednesday, May 29, 1985, at 2601 North Lamar Boulevard, Austin, on the charter application for the Bank of Livingston, Livingston.

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

Issued in Austin, Texas, on March 25, 1985.

TRD-852619 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: March 26, 1985
For further information, please call (512) 475-4451.

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Banking Department of Texas Cancellation of Hearings

As no opposition has been noted in the application for the conversion application for Western Bank-North Wil-

crest, Houston, the hearing previously scheduled for Thursday, March 28, 1985, has been canceled.

Issued in Austin, Texas, on March 21, 1985.

TRD-852589 James L. Sexton
Commissioner
Banking Department of Texas

Filed: March 25, 1985
For further information, please call (512) 475-4451.

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As no opposition has been noted in the application for the conversion application for Western Bank-Westwood, Houston, the hearing previously scheduled for Thursday, March 29, 1985, has been canceled.

Issued in Austin, Texas, on March 21, 1985.

TRD-852590 James L. Sexton
Commissioner
Banking Department of Texas

Filed: March 25, 1985
For further information, please call (512) 475-4451.

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Court Reporters Certification Board Announcement of Meetings

The Court Reporters Certification Board will meet at 6:30 p.m. on Friday, April 19, 1985, in the boardroom, Texas Law Center, State Bar Building, 1414 Colorado Street, Austin; and at 8:30 a.m. on Saturday, April 20, 1985, in the Driskill Room, Driskill Hotel, 117 East Seventh Street, Austin. Items on the agenda include a report on staff activities, hearings on complaints, review of exams, and miscellaneous business.

For further information please contact C. Raymond Justice, Administrative Director, Office of Court Administration, Secretariat, 1414 Colorado Street, Suite 602, Austin, Texas 78701.

Issued in Austin, Texas, on March 25, 1985.

TRD-852611 Jim Hutcheson
General Counsel
Court Reporters Certification Board

Filed: March 26, 1985
For further information, please call (512) 475-3404.

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**Texas Economic Development
Commission
Private Activity Bond Allocation
Report**

Private activity bonds (PABs) which were induced on or after June 19, 1984, are subject to a cap, as stipulated in the Federal Deficit Reduction Act of 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

Executive Order MW-27A states that the procedure for allocating this cap will be on a first-come, first-served basis, with the Texas Economic Development Commission (TEDC) being the tracking agency for the program. The information that follows is a summary report of the allocation activity for the week of March 18-22, 1985.

Total allocated principal amount of private activity bonds authorized to be allocated by MW-27B through March 22, 1985:
\$50,398,296

Comprehensive listing of bond issues which have received a reservation date as per MW-27B during the week of March 18-22, 1985:

Issuer	User	Amount
Harris County Industrial Development Corporation	Johnnie T. Melia, Jr.	\$2.2 million
Harris County Industrial Development Corporation	Marsol Properties II and the Chair King, Inc.	\$2.1 million
Coracana Industrial Development Authority	Cresline Plastic Pipe Company, Inc.	\$4 million
Harris County Industrial Development Corporation	Care Shipping, Inc.	\$5.5 million
Harris County Industrial Development Corporation	Pipe Threaders, Inc.	\$3.3 million

Comprehensive listing of bonds issued as per MW-27B during the week of March 18-22, 1985:

Issuer	User	Amount
McKinney Industrial Development Corporation	Shelby Advanced Automotive Technologies	\$2.12 million
McKinney Industrial Development Corporation	McKinney Partnership	\$2.75 million
Bowie County Industrial Development Corporation	Nathan L. Wright, M.D.	\$600,000

Issued in Austin, Texas, on March 27, 1985.

TRD-852613 Harden H. Weidemann
Executive Director
Texas Economic Development
Commission

Filed: March 26, 1985

For further information, please call (512) 472-8059.



**Texas Department of Health
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 following table. The sub-heading 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:

Location	Name	License #	City	Amendment #	Date of Action
The Woodlands	The Woodlands Community Hospital	11-3722	The Woodlands	0	02/22/85
Throughout Texas	ACS Commercial Testing	07-3752	Tyler	0	02/20/85
Yoakum	Yoakum Catholic Hospital	08-3756	Yoakum	0	02/19/85

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Alvin Corporation	Amoco Chemicals	11-1422	Alvin	29	02/24/85
Andrews	Permian General Hospital	12-3158	Andrews	4	02/26/85
Arlington	Bio-Diagnostics, Inc.	03-3406	Arlington	5	02/20/85
Beaumont	Mobil Chemical Company	10-2316	Beaumont	11	02/20/85
Brenham	Saint Jude Hospital	06-3419	Brenham	2	02/08/85
Dallas	Production Profits, Inc.	05-3476	Dallas	1	02/19/85
El Paso	Radiology Services of El Paso, P.A.	03-2510	El Paso	5	02/25/85
Fort Worth	John Peter Smith Hospital	05-2208	Fort Worth	13	02/20/85
Graham	Graham General Hospital	04-3271	Graham	3	02/20/85
Grand Prairie	Poly-America, Inc.	05-3001	Grand Prairie	7	02/15/85
Houston	Southern Petroleum Laboratories, Inc.	11-2520	Houston	3	02/15/85
Humble	Northeast Medical Center Hospital	11-2412	Humble	15	02/15/85
McKinney	Wysong Hospital	05-540	McKinney	19	02/26/85
Midland	Parkview Hospital	12-3386	Midland	4	02/07/85
Perryton	Ochiltree General Hospital	01-3250	Perryton	4	02/26/85
Shamrock	Shamrock General Hospital	01-3251	Shamrock	1	02/15/85
Texarkana	Texarkana Community Hospital	07-2881	Texarkana	6	02/14/85
The Woodlands	BETZ Laboratories	11-3377	The Woodlands	2	02/15/85
Throughout Texas	Radiation Consultants, Inc.	11-2179	Houston	14	02/15/85
Throughout Texas	The Analysts, Inc./Schlumberger	11-3352	Sugarland	2	02/15/85
Throughout Texas	Bell Petroleum Systems	05-2132	Fort Worth	16	02/15/85
Throughout Texas	Kebco Pipe Services, Inc.	12-3163	Odessa	1	02/15/85
Throughout Texas	J & L Perforators	04-3534	Abilene	1	02/15/85
Throughout Texas	Superior Oil Company	11-1528	Houston	8	02/15/85
Throughout Texas	Bonded Inspections, Inc.	05-693	Garland	31	02/15/85
Throughout Texas	Mississippi X-Ray Services of Texas, Inc.	11-3246	Baytown	12	02/15/85
Throughout Texas	Federal Industrial X-Ray Company	11-3170	Friendwood	3	02/15/85
Throughout Texas	Inspection Incorporated	12-3724	Midland	1	02/15/85
Throughout Texas	Midwest Inspection Services, Inc.	01-3120	Perryton	11	02/15/85

Throughout Texas	Lower Colorado River Authority	06-2738	Austin	5	02/07/85
Throughout Texas	Professional Service.	03-2845	Oak Brook, IL	7	02/20/85
Throughout Texas	Industries, Inc. Southwestern Laboratories	11-299	Houston	43	02/20/85
Throughout Texas	Manahan Enterprises, Inc.	11-3573	Houston	3	02/20/85
Throughout Texas	Gearhart Industries, Inc.	05-2113	Fort Worth	37	02/19/85
Throughout Texas	Texas Nuclear Corporation	06-3524	Austin	1	02/07/85
Throughout Texas	Mobil Exploration and Producing Services, Inc.	05-1627	Dallas	25	02/20/85
Throughout Texas	Trinity Engineering Testing Corporation	12-645	Odessa	28	02/24/85
Throughout Texas	Dresser Atlas	11-446	Houston	76	02/24/85
Throughout Texas	Four Way Logging and Perforating, Inc.	04-2940	Colorado City	6	02/24/85

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Dallas	Methodist Hospitals of Dallas	05-639	Dallas	18	02/19/85

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Beaumont	Obanade Machine Works, Inc.	05-1991	Beaumont	10	02/15/85
Dallas	William C. Grater, M.D., Associated	05-1775	Dallas	4	02/19/85
Houston	Getty Oil Company	11-2758	Houston	6	02/15/85
Throughout Texas	Machen Construction Company	07-2997	Little Rock, AR	1	02/15/85
Throughout Texas	Robert C. Harlow	04-2499	Abilene	4	02/20/85
Throughout Texas	Sherman Civil Defense	05-3384	Sherman	1	02/24/85
Throughout Texas	Orange City/County Civil Defense	10-2985	Orange	1	02/24/85

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.-5 p.m. Monday-Friday (except holidays).

issued in Austin, Texas, on March 25, 1985.

TRD-852585 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 25, 1985

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

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Public Hearings

The Texas Department of Health will conduct public hearings concerning proposed actions on the following rules.

(1) New §73.1, concerning laboratory fees for testing water samples, published in the March 29, 1985, issue of the *Texas Register*. The proposed new section defines the categories of tests used by the department to analyze and test water for bacteriological and chemical content and establishes the fees the department will charge for these services.

The public hearing is scheduled for 9 a.m. on Monday, April 15, 1985, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin. For further information, contact Charles E. Sweet, M.P.H., Dr.P.H., Chief, Bureau of Laboratories, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7318.

(2) New §§265.31-265.36, concerning migrant labor housing facilities, published in the March 26, 1985, issue of the *Texas Register* (10 TexReg 1022). The proposed new sections cover the purpose, definitions, site and physical facilities, applications for licenses to operate facilities, and hearings.

Two public hearings are scheduled to consider the proposed rules, as follows: 6 p.m. on Tuesday, April 16, 1985, in the auditorium, PSJA High School, South I Road, Pharr; and 9 a.m. on Wednesday, April 24, 1985, in Room 107, Lubbock Memorial Civic Center, 1501 Sixth Street, Lubbock. For further information, contact Jimmie D. Dickens, Director, General Sanitation Division, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7521.

(3) Amendments to §157.63 and §157.64, concerning certification and recertification of emergency medical services personnel, published in the February 19, 1985, issue of the *Texas Register* (10 TexReg 626).

The public hearing is scheduled for 10 a.m. on April 18, 1985, in the auditorium, Texas Department of Health, 1100 West 49th Street, Austin. For further information, contact Charles H. Gregory, M.D., Chief, Bureau of Emergency Management, Texas Department of Health,

1100 West 49th Street, Austin, Texas 78756-3199, (512) 465-2601.

Issued in Austin, Texas, on March 27, 1985.

TRD-852623 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: March 27, 1985

For further information, please call (512) 468-7236.

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Texas Health Facilities Commission

Applications Accepted for Amendment, Declaratory Ruling, Notices of Intent, and Petition for Reissuance of Certificate of Need

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; NIE/HMO indicates notice of intent for exemption of HMO-related project; and EC indicates exemption certificate.

Should any person wish to become a party or interested person to any of the previously stated applications, that person must file a proper request to become a party or interested person to the application within 10 days after the date of this publication of notice. If the 10th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party or interested person should be mailed to the chair of the commission at P.O. Box 50049, Austin, Texas 78763, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request to become a party or interested person.

The contents and form of a request to become a party or interested person to any of these applications must meet the criteria set out in 25 TAC §515.9. Failure of a party or interested person to supply the necessary information in the correct form may result in a defective request to become a party or interested person.

Consolidated Resources Health Care Fund IV,
Atlanta, Georgia
AN85-0219-121

NIEH—Request for a declaratory ruling that a certificate of need is not required for Consolidated Resources Health Care Fund IV to acquire by purchase Kent's Nursing Center, an existing 107-bed ICF nursing facility located in Fort Worth, from Kent Nursing Homes, Inc., a Texas corporation.

Consolidated Resources Health Care Fund IV,
Atlanta, Georgia

AN85-0219-122

NIEH—Request for a declaratory ruling that a certificate of need is not required for Consolidated Resources Health Care Fund IV to acquire by purchase Kent River Oaks Nursing Center, an existing 120-bed skilled nursing facility located in Fort Worth, from Kent Nursing Homes, Inc., a Texas corporation.

Health Care Fund, Lima, Ohio

AN85-0221-131

NIEH—Request for a declaratory ruling that a certificate of need is not required for Health Care Fund to acquire by purchase Heartland of San Antonio, an approved but not yet constructed 120-bed nursing facility with 60 ICF and 60 skilled beds located in San Antonio from Health Care and Retirement Corporation of America.

Convalescent Services, Inc., Atlanta, Georgia

AN85-0221-132

NIEH—Request for a declaratory ruling that a certificate of need is not required for Convalescent Services, Inc., to acquire by lease with option to purchase Heartland of San Antonio, an approved but not yet constructed 120-bed nursing facility with 60 ICF and 60 skilled beds located in San Antonio, from Health Care Fund.

Memorial Hospital System for Memorial Southeast
Hospital, Houston

AH82-1018-127A(030585)

CN/AMD—Request for an amendment of Certificate of Need AH82-1018-127, which authorized the certificate holder to construct a new 270-bed hospital to replace the existing 235-bed Memorial Hospital Southeast. The certificate holder requests authorization to change the design of the facility and to change the siting of the hospital on the 88-acre site. The certificate holder proposes to construct a four-story structure containing 278,000 square feet, instead of a seven-story structure containing 268,508 square feet. The project cost will decrease from \$71,243,000 to \$68,217,000. An extension of the completion deadline from November 4, 1986, to January 31, 1987, is also requested.

M. C. Computer Leasing, a Texas general
partnership, Houston

AO85-0325-186

NIE—Request for a declaratory ruling that a certificate of need is not required for M. C. Computer Leasing, a Texas general partnership, to acquire by lease a 0.5 or 0.6 tesla magnetic resonance imaging scanner in relocatable module. The proposed equipment will be located in the private office of M. C. Computer Leasing located at 1815 Dryden in Houston, and will be utilized on an outpatient basis only.

Issued in Austin, Texas, on March 27, 1985.

TRD-852631 John R. Neel
General Counsel
Texas Health Facilities
Commission

Filed: March 27, 1985

For further information, please call (512) 475-8940.

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Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Correction of Error

An open meeting notice submitted by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids contained an error as published in the March 26, 1985, issue of the *Texas Register* (10 TexReg 1038).

The dates of the meeting should be April 5 and 6, 1985.

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State Board of Insurance Company Licensing

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

(1) Application for a name change by Pioneer Security Life Insurance Company, a domestic life insurance company. The home office is in Houston. The proposed new name is National Life and Accident Insurance Company.

(2) Application for incorporation of HCA Care of Texas, Inc., to be a domestic health maintenance organization. The home office is to be in Dallas.

(3) Application for incorporation of Whittaker Health Services of Austin, Inc., to be a domestic health maintenance organization. The home office is to be in Austin.

(4) Application for a name change by Security Southwest Life Insurance Company, a domestic life insurance company. The home office is in El Paso. The proposed new name is First Security Life Insurance Company.

(5) Application for a name change by United Agents Life Insurance Company of America (pending admission to Texas), a foreign life insurance company. The home office is in Shreveport, Louisiana. The proposed new name is Western Fidelity Insurance Company.

Issued in Austin, Texas, on March 21, 1985.

TRD-852591 James W. Norman
Chief Clerk
State Board of Insurance

Filed: March 25, 1985
For further information, please call (512) 475-2950.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of March 18-22, 1985.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any

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

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 475-2678.

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

Period of March 18-22, 1985

North Star Ventures, Inc., Houston; wastewater treatment plant; 1,000 feet east-northeast of the intersection of FM Road 1485 and FM Road 2090 in Montgomery County; 13078-G1⁹; new permit

Ed A. Tchamanzar, Magnolia; sewage treatment plant; 400 feet northwest of FM Road 2978 at a point 1.5 miles south of the intersection of FM Road 2978 and FM Road 1488 in Montgomery County; 13123-01; new permit

City of Littlefield; sewage treatment plant; approximately 2,500 feet generally east of the intersection of U.S. Highway 84 and FM Road 54 and south of FM Road 54 in Lamb County; 10207-01; amendment

City of College Station; sewage treatment plant; adjacent to the west side of Carters Creek, approximately ¼ mile east of the State Highway 6 bypass, and approximately 4,000 feet north and 1,800 feet east of the intersection of the State Highway 6 east bypass and Texas Avenue in Brazos County; 10024-01; amendment

De Bruyn Produce Company, Hereford; vegetable processing plant; approximately 300 feet southeast of U.S. Highway 60 at 101 South Samson Street in Hereford, Deaf Smith County; 00522; amendment

Texas Utilities Generating Company, Division of Texas Utilities Electric Company, Granbury; steam electric station; approximately 6.8 miles southeast of the intersection of U.S. Highway 377 and State Highway 144 in Granbury, Hood County; 01481; amendment

Issued in Austin, Texas, on March 22, 1985.

TRD-852612 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: March 26, 1985
For further information, please call (512) 475-4514.

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