

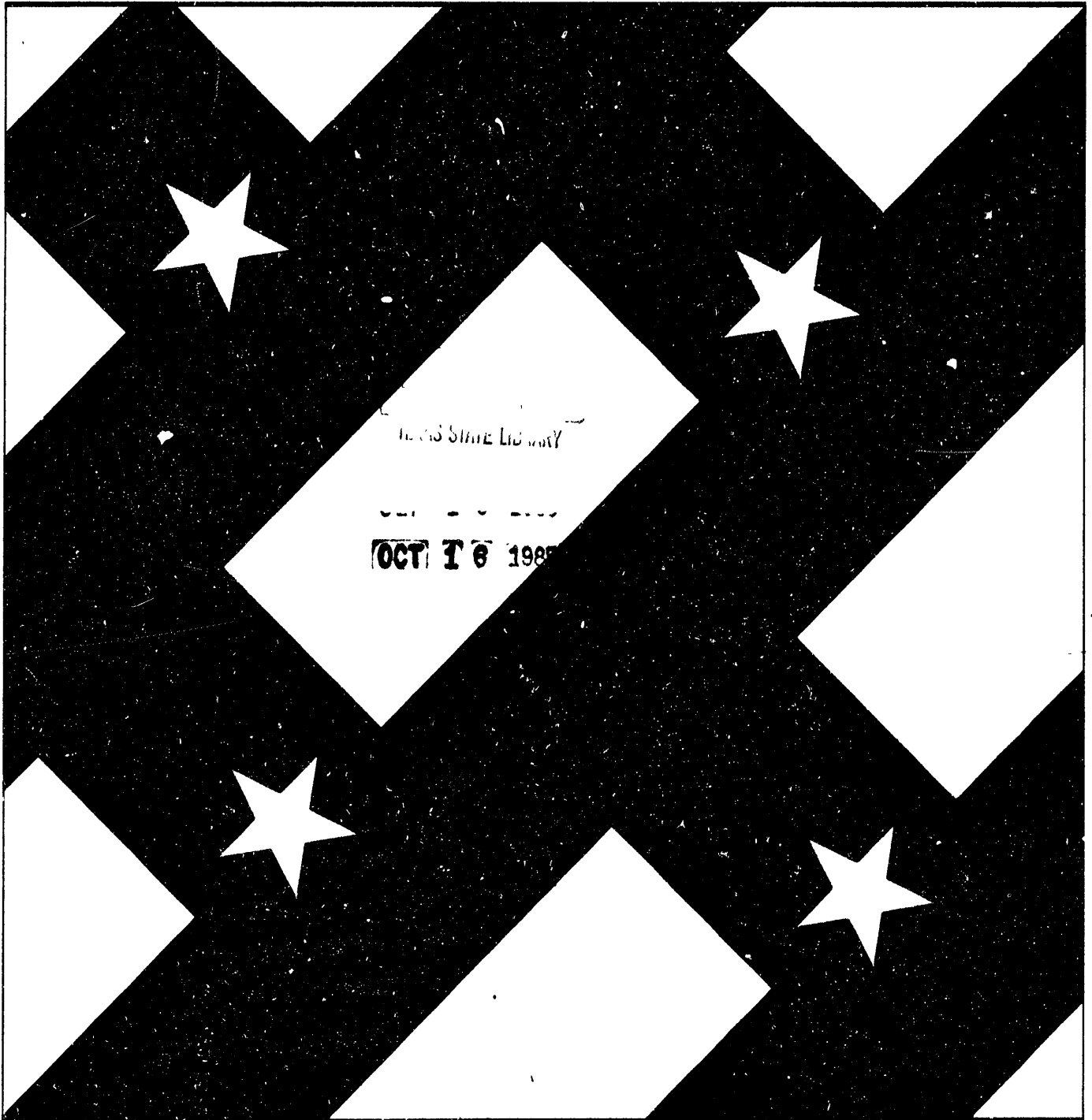
16  
3  
7

FILE COPY ✓

# Texas Register

Volume 10, Number 77, October 15, 1985

Pages 3991 - 4036



## Highlights

The Texas Department of Mental Health and Mental Retardation adopts emergency new sections concerning patient care. Effective date - October 7.....page 3996

The State Finance Commission proposes an

amendment concerning reciprocity to foreign bank agencies. Earliest possible date of adoption - November 15.....page 3999

The Texas Department on Aging proposes new sections concerning adult day care. Earliest possible date of adoption - November 15.....page 4005

Office of  
the Secretary  
of State

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1985 with the exception of June 25, July 9, August 30, December 3, and December 31, 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 *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

**Information Available:** The 11 sections of the *Register* represent various facets of state government. Documents contained within them include:

- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- The Legislature—bills submitted to, signed by, and vetoed by the Governor and bills that are submitted to the Governor and enacted without his signature
- In Addition—miscellaneous information required to be published by statute or provided as a public service

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes monthly, 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: "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."

**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 by using *Register* indexes, the *Texas Administrative Code*, rule 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 rule 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 the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).



## Texas Register Publications

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

**Myra A. McDaniel**  
Secretary of State

---

Director  
**Dave Harrell**

---

Documents Section Coordinator  
**Jane Hooks**

Document Editors  
**Cynthia Cooka,**  
**Cynthia Y. Rodriguez-Perez**  
**Molly Gardner**

Open Meetings Specialist  
**Judy Brewster**

---

Production Section Coordinator  
**Sue Bumpous**

Production Editors  
**Jody Allen, Lisa Bauer**

Typographer  
**Dawn VanCleave**

---

Circulation Section Coordinator  
**Dee Wright**

Circulation Assistant  
**Kristine Hopkins Mohajer**

---

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

---

Subscriptions—one year (96 regular issues and four index issues), \$80; six months (48 regular issues and two index issues), \$60. Single copies of most issues of the *Texas Register* are available at \$3.00 per copy.

---

# Table of Contents

---

## The Governor

### Appointments Made October 4

3995— University of Houston

### Appointment Made October 7

3995— University of Houston

## Emergency Rules

### Texas Department of Mental Health and Mental Retardation

3996— Client (Patient) Care

## Proposed Rules

### State Finance Commission

3999— Banking Section

### Board of Vocational Nurse Examiners

4000— Education

4001— Licensing

### Texas Parks and Wildlife Department

4002— Parks

### Texas Department of Human Services

4004— ICF-MR

### Texas Department on Aging

4005— Health Standards

4007— Multipurpose Senior Center Standards

4009— Transportation Service Standards

4011— Texas Senior Nutrition Maintenance  
and Home-Delivered Meals Program

## Withdrawn Rules

### Railroad Commission of Texas

4013— Transportation Division

## Adopted Rules

### Board of Vocational Nurse Examiners

4014— Administration

4014— Education

4015— Licensing

### Texas Department of Human Services

4016— Commodity Program

4016— Medical Transportation

### State Board of Insurance

4020— Notifications Pursuant to the Insurance  
Code, Chapter 5, Subchapter L

## Open Meetings

4022— Texas Commission for the Blind

4022— Texas Education Agency

4023— Advisory Commission on State Emer-  
gency Communications

4023— Texas Employment Commission

4023— Good Neighbor Commission

4023— Texas Department of Health

4024— Texas Historical Commission

4024— Industrial Accident Board

4024— State Board of Insurance

4024— Texas Department of Mental Health  
and Mental Retardation

4024— Texas Parks and Wildlife Department

4024— Polygraph Examiners Board

4025— Public Utility Commission of Texas

4025— Texas Rehabilitation Commission

4025— Texas Savings and Loan Department

4025— School Land Board

4026— State Securities Board

4026— Texas Soybean Producers Board

4026— Teacher's Professional Practices  
Commission

4026— Commission on Standards for the  
Teaching Profession

4026— Texas A&M University System

4026— Texas State Technical Institute

4026— University of Texas System

4027— Texas Tech University

4027— Veterans Land Board

4027— Texas Water Commission

4027— Regionals

## In Addition

### Texas Air Control Board

4029— Applications for Construction Permits

### State Banking Board

4029— Public Hearing

### Banking Department of Texas

4029— Application to Acquire Control of a  
State Bank

### Central Texas Council of Governments

4030— Consultant Proposal Request

### Texas Department of Community Affairs

4030— Request for Applications

### Comptroller of Public Accounts

4030— Consultant Contract Award

### Texas Economic Development Commission

4031— Private Activity Bond Allocation Report

### Office of the Governor

4031— Consultant Contract Award

4032— Public Information

### Texas Department of Human Services

4032— Extension of Closing Date

4032— Consultant Contract Award

### State Board of Insurance

4033— Company Licensing

### Texas Parks and Wildlife Department

4033— Gulf States Marine Fisheries Com-

mission Meeting  
Public Utility Commission of Texas  
4033—Availability of Proposed State Plan for  
the Institutional Conservation  
Program

Railroad Commission of Texas  
4033—Correction of Error  
Texas Water Commission  
4034—Applications for Waste Disposal Permits  
Texas Youth Commission  
4035—Consultant Contract Award

# TAC Titles Affected

## TAC Titles Affected—October

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

### TITLE 1. ADMINISTRATION

Part V. State Purchasing and General Services Commission	
1 TAC §§111.41-111.43	3935
Part X. Automated Information and Telecommunication Council	
1 TAC §205.1	3825

### TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §11.8	3890
4 TAC §§19.3-19.6, 19.9, 19.12	3790
4 TAC §§21.3, 21.11, 21.31	3832
4 TAC §23.1, §23.5	3834
4 TAC §23.11, §23.13	3834
4 TAC §§23.21, 23.24-23.29	3835
4 TAC §§23.41, 23.45, 23.47	3836
4 TAC §23.61	3837
4 TAC §23.72, §23.73	3837
4 TAC §23.81	3837
4 TAC §§23.91, 23.95-23.102	3838

### TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission	
7 TAC §3.41	3999
7 TAC §3.42	3999
7 TAC §3.43	4000
7 TAC §3.44	4000
Part II. Banking Department of Texas	
7 TAC §12.1	3839
7 TAC §12.2	3839
7 TAC §12.3	3840
7 TAC §12.4	3841
7 TAC §12.5	3841

### TITLE 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs	
10 TAC §9.3	3802
10 TAC §13.1, 13.3, 13.7-13.14	3936
10 TAC §13.40	3847
Part II. Texas Economic Development Commission	
10 TAC §107.2	3871, 3875

### TITLE 13. CULTURAL RESOURCES

Part V. Texas Sesquicentennial Commission	
13 TAC §§51.1-51.7	3925, 3940
13 TAC §§51.1-51.18	3925, 3940
13 TAC §§53.1-53.4	3931, 3940

### TITLE 16. ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §3.1	3792
16 TAC §§3.6, 3.16, 3.41	3793
16 TAC §5.37	3847
16 TAC §5.294	4013
16 TAC §§5.612-5.615	3955
16 TAC §9.31	3892
16 TAC §9.32	3892
16 TAC §11.211	3801
Part II. Public Utility Commission of Texas	
16 TAC §23.32	3794

16 TAC §23.61	3795
16 TAC §23.66	3758

Part IV. Texas Department of Labor and Standards	
16 TAC §65.20	3961
16 TAC §69.125	3873, 3875
16 TAC §§69.202, 69.204, 69.207	3873

Part V. Texas Amusement Machine Commission	
16 TAC §83.1	3848
16 TAC §85.3	3848

### TITLE 19. EDUCATION

Part I. Coordinating Board, Texas College and University System	
19 TAC §25.72	3962
Part II. Texas Education Agency	
19 TAC §61.161	3876
19 TAC §§61.271-61.273	3876
19 TAC §69.126	3878
19 TAC §75.168	3893
19 TAC §77.474	3878
19 TAC §§89.51-89.56	3893
19 TAC §89.57	3893
19 TAC §§89.213, 89.215, 89.221, 89.223, 89.232-89.234	3879
19 TAC §137.41	3894
19 TAC §137.512	3894
19 TAC §137.542	3894
19 TAC §137.560	3895
19 TAC §145.44	3874, 3881
19 TAC §149.71	3881

### TITLE 22. EXAMINING BOARDS

Part XII. Board of Vocational Nurse Examiners	
22 TAC §231.1	4014
22 TAC §§231.15, 231.41, 231.48	4014
22 TAC §233.1	4014
22 TAC §§233.12, 233.20-233.24, 233.28	4015
22 TAC §§233.41-233.43	4015
22 TAC §§233.52, 233.53, 233.65, 233.68, 233.74	4000
22 TAC §233.71	4015
22 TAC §233.81	4015
22 TAC §233.84	4001
22 TAC §235.6, §235.15	4015
22 TAC §235.17	4001
22 TAC §235.45, §235.46	4002

Part XV. Texas State Board of Pharmacy	
22 TAC §283.11	3882
22 TAC §238.13	3895
22 TAC §291.32, §291.34	3895
22 TAC §291.75	3882, 3896
22 TAC §309.5	3896

Part XXI. Texas State Board of Examiners of Psychologists	
22 TAC §463.10	3849
22 TAC §465.15	3849
22 TAC §465.23	3849
22 TAC §467.2	3850

Part XXIV. State Board of Veterinary Medical Examiners	
22 TAC §573.2	3801
22 TAC §573.12	3801
22 TAC §573.26	3801, 3892
22 TAC §573.28	3801

<b>TITLE 25. HEALTH SERVICES</b>	
Part I. Texas Department of Health	
25 TAC §§119.1-119.12	3941
25 TAC §§119.1-119.13	3941
25 TAC §§229.231-229.239	3982
Part II. Texas Department of Mental Health and Mental Retardation	
25 TAC §§405.3, 405.4, 405.7	3850
25 TAC §§405.726-405.728	3996
Part XI. Texas Cancer Council	
25 TAC §§701.1-701.9	3826, 3842
25 TAC §§703.1-703.4	3826, 3842
<b>TITLE 28. INSURANCE</b>	
Part I. State Board of Insurance	
28 TAC §5.5002	3945
<b>TITLE 31. NATURAL RESOURCES AND CONSERVATION</b>	
Part I. General Land Office	
31 TAC §3.61	3829, 3843
31 TAC §3.62, §3.63	3829, 3843
31 TAC §3.71	3829, 3844
31 TAC §3.71, §3.73	3830
Part II. Texas Parks and Wildlife Department	
31 TAC §59.2	4002
31 TAC §59.2, §59.5	3954
31 TAC §59.5	4004
31 TAC §§65.331-65.335	3802
Part III. Texas Air Control Board	
31 TAC §101.1	3896
31 TAC §101.24, §101.25	3897
31 TAC §116.7, §116.11	3900
Part V. Boards for Lease of State-Owned Lands	
31 TAC §§201.1-201.12	3931, 3946
31 TAC §§201.1-201.14	3932, 3947
31 TAC §203.1, §302.2	3933, 3947
31 TAC §§340.1-340.8	3933
<b>TITLE 34. PUBLIC FINANCE</b>	
Part I. Comptroller of Public Accounts	
34 TAC §3.58	3947
34 TAC §3.59	3830, 3948
34 TAC §3.173	3975
34 TAC §3.178	3901
34 TAC §3.181	3902
34 TAC §3.182	3883
34 TAC §3.185	3902
34 TAC §3.190	3883
34 TAC §3.194	3976
34 TAC §3.344	3788, 3797
34 TAC §3.372	3797
34 TAC §3.406	3798
34 TAC §3.442	3799
34 TAC §3.449	3976
34 TAC §3.547	3884
34 TAC §3.549	3976
34 TAC §3.554	3803
34 TAC §3.555	3804
34 TAC §3.556	3804
34 TAC §3.557	3804
34 TAC §3.58	3788

Part IV. Employees Retirement System of Texas	
34 TAC §77.1	3844
34 TAC §77.3	3844
34 TAC §77.5	3845
34 TAC §81.7	3850

<b>TITLE 37. PUBLIC SAFETY AND CORRECTIONS</b>	
Part I. Texas Department of Public Safety	
37 TAC §1.181	3850

<b>TITLE 40. SOCIAL SERVICES AND ASSISTANCE</b>	
Part I. Texas Department of Human Services	
40 TAC §11.6010	4016
40 TAC §15.3203	3804
40 TAC §15.3410	3805
40 TAC §27.203	4004
40 TAC §35.708	3902
40 TAC §39.1, §39.2	4016
40 TAC §39.1	4016
40 TAC §39.101, §39.102	4017
40 TAC §§39.101-39.107	4017
40 TAC §39.201, §30.202	4017, 4018
40 TAC §§39.301-39.303	4018
40 TAC §§39.401-39.404	4018
40 TAC §§39.401-39.408	4018
40 TAC §§39.501-39.503	4019
40 TAC §39.601, §39.602	4019
40 TAC §39.9801, §39.9802	4019
40 TAC §48.2911, §48.2918	3885
40 TAC §57.8201	3851
40 TAC §§57.8301-57.8306	3851
40 TAC §§57.8401-57.8408	3851
40 TAC §69.94	3903
40 TAC §79.501	3903
40 TAC §79.1603	3904
40 TAC §85.1801	3896
40 TAC §§85.6001, 85.6003, 85.6004, 85.6007-85.6011, 85.6013, 85.6015, 85.6018-85.6022, 85.6024-85.6026	3887
40 TAC §85.6027, §85.6028	3890

Part II. Texas Rehabilitation Commission	
40 TAC §101.11	3948
40 TAC §103.21, §103.22	3949
40 TAC §103.42	3949
40 TAC §103.53	3949
40 TAC §105.1, §105.3	3950
40 TAC §107.1, §107.2	3951
40 TAC §109.2-109.4	3951
40 TAC §§111.1-111.4	3952
40 TAC §§113.1-113.5	3952

Part III. Texas Commission on Alcohol and Drug Abuse	
40 TAC §149.26	3977

Part VI. Texas Commission for the Deaf	
40 TAC §181.25	3846

Part IX. Texas Department on Aging	
40 TAC §§269.1, 269.3, 269.5	4006
40 TAC §§271.1, 271.3, 271.5, 271.7	4007
40 TAC §§273.1, 273.3, 273.5	4009
40 TAC §§275.1-275.6	4011

<b>TITLE 43. TRANSPORTATION</b>	
Part I. State Department of Highways and Public Transportation	
43 TAC §21.143	3891

# The Governor

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

## Appointments Made October 4

### University of Houston

To the Board of Regents for terms to expire August 31, 1991:

Xavier C. Lemond  
20731 Kendra Lane  
Katy, Texas 77450

Mr. Lemond is being reappointed.

Ralph Eugene Reamer  
540 Bunker Hill  
Houston, Texas 77024

Mr. Reamer is replacing William A. Kistler, Jr., of Houston, whose term expired.

Issued in Austin, Texas, on October 4, 1985.

TRD-859383

Mark White  
Governor of Texas



Clarence Freeman Kendall II  
445 Blalock  
Houston, Texas 77024

Mr. Kendall is replacing Charlie B. Marino of Houston, whose term expired.

Issued in Austin, Texas, on October 7, 1985.

TRD-859383

Mark White  
Governor of Texas



## Appointment Made October 7

### University of Houston

To the Board of Regents for a term to expire August 31, 1991:



# Emergency

**Rules** An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule 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 rules.** 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 25. HEALTH SERVICES

### Part II. Texas Department of Mental Health and Mental Retardation

#### Chapter 405. Client (Patient) Care

##### Subchapter BB. Admissions, Transfers, Furloughs, and Discharges—State Schools for the Mentally Retarded

###### ★ 25 TAC §§405.726-405.728

The Texas Department of Mental Health and Mental Retardation adopts on an emergency basis new §§405.726-405.728, concerning administrative review procedures for trial community placement furlough and discharge, community education placement, and administrative review procedures for return to state facility. The emergency adoption is necessary to make possible the immediate implementation of procedures affording an appeals process for clients and families who object to placement out of state facilities or who desire that a client return from the community to a state facility.

These new sections will be proposed for final adoption with the proposal of new Chapter 405, Subchapter BB, concerning admissions, transfers, furloughs, and discharges for mental retardation facilities. The new subchapter will be proposed for adoption this fall.

These new sections are adopted on an emergency basis under Texas Civil Statutes, Article 6252-13a, which authorize emergency rules, and under Texas Civil Statutes, Article 5547-202, §2.11, which provide the Texas Board of Mental Health and Mental Retardation with rule-making powers.

###### §405.726. *Administrative Review Procedure for Trial Community Placement Furlough and Discharge.*

(a) Furlough and discharge policy. It is the policy of the Texas Department of Mental Health and Mental Retardation to recognize and to provide for the diverse circumstances that surround the decision to furlough or discharge clients from mental

retardation facilities into alternate residential settings in the community.

(1) Factors influencing placement decisions include:

(A) wishes of the client, when the client has not been adjudicated incompetent and is deemed by consensus of the interdisciplinary (IDT) team, including participating parents, guardians, or other representatives, to be factually competent, i.e., to be able to understand the nature and consequences of the placement decision;

(B) the wishes of the parent, guardian, or other representative;

(C) the recommendations of the staff members of the IDT team.

(2) When furlough or discharge is recommended, the facility will provide the client, parent, guardian, or other representative a list of alternate residential facilities which are being considered so that the clients and parents or guardians may visit the proposed settings and express their preference. Whenever possible and feasible, the client, parent, guardian, or other representative's preference will be given first consideration.

(b) Participation in placement decision. The parents, guardians, or other representatives, such as correspondents, family members, or friends who are part of the IDT team, are encouraged to be directly involved with the facility from the time of admission through the discharge.

(1) The parents, guardians, or other representatives of each client are routinely notified of planned interdisciplinary team meetings and are requested and encouraged to participate in the decision-making process.

(2) If furlough or discharge placement decisions are recommended, they are made during the interdisciplinary team meeting.

(3) When the parents, guardians, or other representatives attend and participate in the interdisciplinary process, they are aware of and have been a part of the placement decisions, such as furlough or discharge. Whenever possible, parents, guardians, or other representatives who are unable to attend a meeting in which furlough or discharge may be recommended should be contacted by telephone and provided an opportunity to discuss the proposed placement.

(4) When clients, parents, guard-

ians, or other representatives object to a recommended furlough or discharge, the administrative review procedures described in subsections (d) and (e) of this section will be followed.

(c) Nonparticipation in placement decisions. If the parents, guardians, or other representatives have elected not to participate in the interdisciplinary team process, the following notice will be given, provided that such notification is in accordance with federal and state law and with Chapter 403, Subchapter K, of this title (relating to Disclosure of Client-Identifying Information in Records of Clients).

(1) Except when a factually and legally competent adult requests an alternate setting in the community, the head of the state facility will give notice in writing, by registered mail, return receipt requested, to the client's parents, guardians, or other representative of the IDT team's decision to furlough or discharge the client from the state facility to an alternate residential setting in the community. The written notice will state the following:

At a meeting on (date), (client name)'s IDT team recommended the (furlough/discharge) to (alternate residential facility) on (date). This recommended placement will not alter your current legal rights and responsibilities and will not affect the level of involvement you wish to continue with (name). If you have questions about the proposed placement, you may wish to call (staff) at (number). If you do not object to the proposed placement, please notify me as soon as possible so that we may begin (client's name) transition to the new placement. Should you object to this proposed placement, notify me within 20 days of your receipt of the notification of the IDT decision, in writing, setting out the reasons for your objection. The objection should be delivered to my office or mailed so that I receive it within the 20 days. A panel of staff and advocates will review the case and we will notify you of the final determination. If you need assistance in putting your objections in writing, please contact me by phone (phone number) within the 20 days, and I will find someone to assist you, or you may wish to contact the Office of Client Services and Rights Protection, central office, (800) 252-8154, for this assistance.

(2) The following additional information shall be provided to parents of minors and legal guardians:



If you object to the proposed placement and wish to request an administrative hearing in lieu of panel review of the case, you must notify me within 10 days of receipt of this letter.

(3) The head of the facility shall immediately forward a copy of the written objection to the mental retardation authority (MRA). Within 10 days of the receipt of the objection, the MRA will contact the requester and attempt to resolve the issues raised in the objection.

(d) No placement pending internal review. Should a parent, guardian, or other representative object to a placement decision, and the situation is not resolved by the MRA, no alternate residential placement of the client will be made until the process described herein is completed. The head of the state facility will appoint a four-member panel to review all of the facts concerning the proposed placement and to make an objective recommendation for action to the head of the state facility.

(1) The panel will consist of:

(A) the state facility's client rights officer;

(B) a member of the state facility's public responsibility committee, chosen by the committee, with preference given to a parent member;

(C) an employee designated by the head of the state facility; the employee should not be involved in providing direct services to the client, e.g., member of the IDT team, or otherwise have special involvement with the client; and

(D) the chief executive officer of the MRA responsible for the client (MRA of client's county of residence) or his designee.

(2) The panel should discuss the case by phone or in person with the representative raising the objection and with a representative of the IDT team.

(3) The panel may interview any other persons or request any additional information that is relevant to its decision.

(4) The head of the state facility will ensure that all information within his control which is requested by the panel is provided.

(5) The panel will give a written recommendation to the head of the state facility no later than 10 calendar days after the 10-day period the MRA has to resolve issues raised in the objection.

(6) A statement of the panel's recommendation and the head of the state facility's final decision will be sent by registered mail, return receipt requested, to the parent, guardian, or other representative filing the objection no later than five calendar days after the head of the state facility receives the written recommendation from the panel. The letter will clearly set out the procedure for appeal of this decision.

(e) Appealing the panel decision. If, upon receiving notice of the decision, the parent, guardian, or other representative

further objects, he or she may appeal as follows.

(1) If the decision involves a discharge to an alternate residential placement in the community:

(A) the client, if a competent adult, or the parent of a minor client, or the legal guardian of the client, may request the department to hold a hearing as provided in Chapter 405, Subchapter AA, of this title (relating to Practice and Procedure with Respect to Administrative Hearings of the Department Arising under the Mentally Retarded Persons Act of 1977), except that the 30 days that a legally authorized representative has to file a request for an administrative hearing will begin on the date the legally authorized representative received the notice of the decision. This exception only applies to legally authorized representatives that have used this administrative review procedure to object to the proposed placement.

(B) a parent or other representative that is not the legally authorized representative may appeal, in writing, to the deputy commissioner for mental retardation services within 10 calendar days of receipt of notice of a decision. The letter of appeal to the deputy commissioner for mental retardation services must be received by him within the 10-day period. The deputy commissioner will review all necessary information and render a final decision in writing and send it to the parent or other representative by registered mail, return receipt requested, within 14 calendar days of the receipt of the letter of appeal. A copy shall also be sent to the head of the facility.

(2) If the decision involves a furlough to an alternate residential placement in the community, a parent, guardian, or other representative may appeal, in writing, to the deputy commissioner for mental retardation services within 10 calendar days of receipt of the notice of decision. The letter of appeal to the deputy commissioner for mental retardation services must be received by him within the 10-day period. The deputy commissioner will render a final decision in writing and send it to the parent, guardian, or other representative by registered mail, return receipt requested, within 14 calendar days of receipt of the letter of appeal.

(f) Extension of time. The time periods in administrative review procedures described in subsection (d) and (e) of this section may be extended by the head of the state facility or by the deputy commissioner for mental retardation services for good cause.

(g) Documentation. The proposed placement decision and objections, panel review, and recommendations, hearing request, final disposition, and other pertinent information shall be documented in the client's record.

**§405.727. Community Education Placement.** Community educational placements

for clients residing in state schools and centers are intended to comply with the provisions of Public Law 94-142. Such placements are not intended to change the residential placements of such clients from a state school or state center to the community, only to insure the individual free and appropriate education.

**§405.728. Administrative Review Procedure for Return to State Facility.**

(a) Request for return following furlough or discharge. Except when a factually and legally competent adult wishes to remain in an alternate residential setting in the community, a parent, guardian, or other representative may request that a client who has been placed in an alternate residential setting in the community be returned to the state facility from which the client came.

(1) The request will be sent to the head of the state facility who will forward a copy to the mental retardation authority (MRA).

(2) The request will be in writing and will contain the reasons that return is desired. The reasons will be based upon some history that the alternate residential setting in the community has not been appropriate for the client. If the parent, guardian, or other representative needs assistance in putting the request in writing, the parent, guardian, or other representative may contact the head of the state facility or the Office of Client Services and Rights Protection, central office, and help will be provided to put the request in written form.

(3) Within 10 days of receipt of the request, a representative of the MRA will contact the requestor and attempt to resolve the situation.

(b) Return pending internal review. When a request for return is made and not resolved by the MRA, the head of the state facility will appoint a three-member panel to review all of the facts concerning the client's placement in the alternate residential setting in the community and make an objective recommendation for action to the head of the state facility.

(1) The panel will consist of:

(A) an employee designated by the head of the state facility (not the head of the state facility). The head of the state facility will designate an employee who has had no direct involvement with the client;

(B) the chief executive officer of the MRA responsible for the client (MRA of client's county of residence) or his designee; and

(C) a member of the MRA's public responsibility committee, chosen by the committee, with preference given to a parent member.

(2) The panel will discuss the case with the parent, guardian, or other representative raising the objection and with a representative of the client's IDT team in the alternate residential setting in the community.

(3) The panel may interview any

other persons or request any additional information that is relevant to its decision.

(4) The head of the state facility and the chief executive officer of the MRA will ensure that all information within their control which is requested by the panel is provided.

(c) Panel recommendation. The panel will give a written recommendation to the head of the state facility no later than 10 calendar days after the 10-day period the MRA has to resolve the situation.

(d) Notification of decision. A statement of the panel's recommendation and the head of the state facility's final decision will be sent by registered mail, return receipt requested, to the parent, guardian, or other representative filing the objection no later than five calendar days after the head of the state facility receives the written recommendation from the panel. The letter will clearly set out the procedures for appeal of this decision.

(e) Appealing decision. A parent, guardian, or other representative may appeal the decision in writing to the deputy commissioner for mental retardation services within 10 calendar days of receipt of notice of a decision. The letter of appeal to the deputy commissioner for mental retardation services must be received by him within the 10-day period. The deputy commissioner will review all necessary informa-

tion and render a final decision in writing and send it to the parent, guardian, or other representative by registered mail, return receipt requested, within 14 calendar days of the receipt of the letter of appeal.

(f) Extension of time. The time periods in this administrative review procedure may be extended by the head of the state facility or by the deputy commissioner for mental retardation services for good cause.

(g) Emergency return. An emergency return procedure may be used instead of the previously referenced procedure in cases in which the parent, guardian, or other representative believes that the continued placement of the client in the alternate residential setting in the community presents an existing or eminent danger to the life, health, or safety of the client or others, or has resulted in the continued deterioration of the client's ability to function in the residential setting.

(1) The parent, guardian, or other representative may notify the chief executive officer of the MRA of the region in which the alternate residential facility is located, the head of the state facility, and the head of the alternate residential facility where the client is currently residing, if applicable.

(2) Notification will be by telephone immediately after the parent, guardian, or other representative determines that the emergency provision should be used.

(3) The head of the state facility may investigate the situation and make a decision concerning return within 24 hours of receipt of notification by the parent, guardian, or other representative. If the decision is not to return the client on an emergency basis, review will be initiated in accord with the procedures described in subsections (a)-(f) of this section.

(4) The decision of the head of the state facility will be reviewed by the deputy commissioner for mental retardation services or his designee within two days following the decision.

(h) Documentation. The request for return, panel review and recommendation, request for emergency return, final disposition, and other pertinent information shall be documented.

Issued in Austin, Texas, on October 7, 1985.

TRD-858298

R. Coke Mills  
Chairman  
Texas Board of Mental  
Health and Mental  
Retardation

Effective date: October 7, 1985  
Expiration date: February 4, 1986  
For further information, please call  
(512) 465-4670.

★ ★ ★

# 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 7. BANKING AND SECURITIES

### Part I. State Finance

#### Commission

#### Chapter 3. Banking Section

#### Subchapter C. Foreign Bank Agencies

##### ★ 7 TAC §3.41

The State Finance Commission proposes an amendment to §3.41, concerning reciprocity. The proposed section relates to the presumption that the absence of reciprocity is detrimental to the public interest for purposes of granting or denying an application for a foreign bank agency.

Jorge A. Gutierrez, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr Gutierrez 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 is a better understanding in the banking industry of the relationship between reciprocity and the public interest as it relates to the granting or denying of an application for a foreign bank agency. 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 Jorge A. Gutierrez, General Counsel, Banking Department of Texas, 2601 North Lamar Boulevard, Austin, Texas 78705

The new section is proposed under Texas Civil Statutes, Article 342-113, which provide the Banking Section of the State Finance Commission with the authority to promulgate rules not inconsistent with the constitution and statutes of the state.

**§3.41. Reciprocity.** If the banking department finds that a foreign country neither directly nor indirectly permits banks organized under the laws of this state or national banks domiciled in this state to un-

dertake activities similar to those described in Texas Civil Statutes, Article 342-1007, then the granting of an application of a foreign bank corporation organized or chartered in that country will be presumed to be detrimental to the public interest. Findings and presumptions with regard to the foregoing may be rebutted in an administrative hearing held pursuant to the Administrative Procedures Act.

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 October 7, 1985.

TRD-859370

Jorge A. Gutierrez  
General Counsel  
State Finance  
Commission

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 475-4451.

★ ★ ★

##### ★ 7 TAC §3.42

The State Finance Commission proposes new §3.42, concerning loan production offices. This proposed section relates to the treatment of loan production offices maintained by a foreign bank agency.

Jorge A. Gutierrez, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Gutierrez 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 is a better understanding, in the banking industry, of the relationship between foreign bank agencies and loan production offices. 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 Jorge A. Gutierrez, General Counsel, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705.

The new section is proposed under Texas Civil Statutes, Article 342-113, which provide the Banking Section of the State Finance Commission with the authority to promulgate rules not inconsistent with the constitution and statutes of the state.

##### §3.42. Loan Production Offices.

(a) A foreign bank agency may not maintain more than one licensed office in this state. The term "licensed office" means the office approved by the Banking Department of Texas as the principal office of the foreign agency.

(b) A foreign bank agency may maintain loan production offices in addition to its licensed office provided no credit decision is made, no commitment to make a loan is made, and no funding of the loan occurs at these offices. All decisions relating to loan approval or disapproval must be made at the licensed office of the foreign bank agency.

(c) Loan production offices maintained by a foreign bank agency must comply with any and all rules and regulations applicable to loan production offices maintained by state or national banks domiciled in this state.

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

Issued in Austin, Texas, on October 7, 1985.

TRD-859371

Jorge A. Gutierrez  
General Counsel  
State Finance  
Commission

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 475-4451.

★ ★ ★



★7 TAC §3.43

The State Finance Commission proposes new §3.43, concerning records. The proposed section relates to the maintenance of separate accounting and regulatory records generated by a foreign bank agency.

Jorge A. Gutierrez, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section

Mr. Gutierrez 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 is a better understanding in the banking industry of the necessity of maintaining separate accounting and regulatory records for foreign bank agencies. 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 Jorge A. Gutierrez, General Counsel, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705.

The new section is proposed under Texas Civil Statutes, Article 342-113, which provide the Banking Section of the State Finance Commission with the authority to promulgate rules not inconsistent with the constitution and statutes of the state.

§3.43. Records.

(a) A foreign bank agency must maintain separate accounting records relating to its assets, liabilities, income, and expenses resulting from its operation in the state.

(b) A foreign bank must maintain records relating to any filings or permits required by United States federal authorities.

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 October 7, 1985.

TRD-859372 Jorge A. Gutierrez  
General Counsel  
State Finance  
Commission

Earliest possible date of adoption:  
November 15, 1985

For further information, please call  
(512) 475-4451.

★ ★ ★

★7 TAC §3.44

The State Finance Commission proposes new §3.44, concerning credit balances. This proposed section relates to the definition of the terms "credit balance" and "deposits" as those terms relate to foreign bank agencies.

Jorge A. Gutierrez, general counsel, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Mr. Gutierrez 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 is a better understanding in the banking industry of the distinction between permissible credit balance activity and impermissible deposit taking activity of foreign bank agencies. 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 Jorge A. Gutierrez, General Counsel, Banking Department of Texas, 2601 North Lamar, Austin, Texas 78705.

The new section is proposed under Texas Civil Statutes, Article 342-113, which provide the Banking Section of the State Finance Commission with the authority to promulgate rules not inconsistent with the constitution and statutes of the state.

§3.44. Credit Balances.

(a) A foreign bank agency may not receive deposits. The term "deposit" means any money in custody for the account of a third party which is not a credit balance as that term is defined in this regulation.

(b) The term "credit balance" means:

(1) proceeds of loans to customers where such proceeds are not immediately disbursed;

(2) loan payments from customers;

(3) funds delivered by customers to settle letters of credit accounts with the agency prior to settlement date;

(4) proceeds of bills of exchange, drafts, notes, acceptances, and other obligations for the payment of money arising out of the purchase and sale (but not discount) of same;

(5) funds received from customers to cover currency transactions or as the result of currency transaction on behalf of customers;

(6) funds received from transmission to any other place;

(7) funds arising out of repurchase agreements, federal funds transactions, and other types of purchase/sale or borrowing transactions in interbank markets;

(8) proceeds of collections made for customers' accounts; or

(9) accounts due to other offices or entities controlled by or under common control with the foreign bank corporation which owns the foreign bank agency.

(c) A foreign bank agency must maintain a record of all credit balances. The record should include:

(1) the specific credit balances being maintained;

(2) the terms under which the credit balances are maintained; and

(3) the terms under which the credit balances will be terminated.

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 October 7, 1985.

TRD-859373 Jorge A. Gutierrez  
General Counsel  
State Finance  
Commission

Earliest possible date of adoption:  
November 15, 1985

For further information, please call  
(512) 475-4451.

★ ★ ★

TITLE 22. EXAMINING  
BOARDS

Part XII. Board of Vocational Nurse Examiners

Chapter 233. Education  
Vocational Nursing Education  
Standards

★22 TAC §§233.52, 233.53, 233.65,  
233.68, 233.74

The Board of Vocational Nurse Examiners proposes amendments to §§233.52, 233.53, 233.65, 233.68, and 233.74, concerning student time and rotation schedules, student patient assignments, admission criteria, schedule of clinical practice, and evaluation of students.

Joyce A. Hammer, executive director, has determined that for the first five-year period the proposed sections 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 sections.

Ms. Hammer 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 is increased learning experiences and consistency of these experiences. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

The amendments are proposed under Texas Civil Statutes, Article 4528c, §5(g),

which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law

§233.52. *Student Time and Rotation Schedules.* Scheduling of student time and clinical rotations [rotation schedules] shall be made by the school faculty. Selected clinical learning experiences will remain unchanged unless a patient's condition demands reassignment. Reassignment must be approved with prior consent of faculty. [Students shall not be reassigned from designated patients or clinical practice area without consent of faculty.]

§233.53. *Student Patient Assignments.* The student's daily patient assignments shall be made in accordance with clinical objectives and learning needs of the students [student's ability to render total patient care and the severity of the patient's condition as well as learning needs of the student]. The total number of daily assignments shall not exceed five patients.

§233.65. *Admission Criteria.* Admission requirements shall be stated in the student policies. Applicants shall furnish evidence of completion of a minimum of 10th grade education requirements via transcript or general education development equivalency test. Applicants shall present evidence of being in good physical and mental health. All students shall be pretested. Tests shall measure reading comprehension and mathematical ability. [The school shall select tests which measure general intelligence, spelling, reading comprehension and level, and math ability and level.]

§233.68. *Schedule of Clinical Practice.* Schools shall not permit utilization of students for hospital staffing. Students may be assigned to evening [and night] clinical practice with faculty. After seven months, students may be assigned by the school to evening [and night] clinical practice with [faculty or] a designate supervisor. [Assignments for evening and night experience are not required.]

§233.74. *Clinical Practice Evaluations [Evaluation of Students].* Faculty are responsible for student clinical practice evaluations. The minimum number, not less than three, and content of clinical practice evaluations shall be correlated with level and/or course objectives. [Student clinical practice evaluations shall be completed by faculty and/or designate supervisor. A minimum of four clinical practice evaluations are required for each student].

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 October 7, 1985.

TRD-859344

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 835-2071.

★ ★ ★

### Vocational Nurse Education Records

#### ★22 TAC §233.84

The Board of Vocational Nurse Examiners proposes an amendment to §233.84, concerning student records.

Joyce A. Hammer, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Hammer also has determined that for each year of the first five years the section is in effect there is no anticipated public benefit as a result of enforcing the section. 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071

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

§233.84. *Retention [Disposal] of Student Records.* All records must be retained for two years. At minimum, the board shall require that a transcript be retained as a permanent record on all students. [These shall be retained as permanent records on all graduates: student application for admission, nursing transcript, and high school transcript or general education development verification. These shall be retained as permanent records on withdrawals: student application for admission, nursing transcript, high school transcript, or general education development verification, and the statement of withdrawal.]

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 October 7, 1985.

TRD-859343

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 835-2071.

★ ★ ★

### Chapter 235. Licensing Application for Licensure

#### ★22 TAC §235.17

The Board of Vocational Nurse Examiners proposes an amendment to §235.17, concerning temporary permits.

Joyce A. Hammer, executive director, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Hammer 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 is that endorsement applicants will receive temporary permits, thereby allowing them to enter the work force in a more timely manner. Furthermore, this amendment allows for issuance of temporary permits to applicants of professional nursing programs who meet certain criteria. 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 Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

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

§235.17. *Temporary Permits.* [Temporary permits shall.]

(a) Holders of temporary permits. Holders of temporary permits must practice under the direct supervision of a registered professional nurse, licensed vocational nurse, or a licensed physician.

(b) Graduates of approved vocational nurse programs in Texas.

(1) Temporary permits shall be issued for the first schedule examination

only. [be issued to graduates of an approved vocational nursing program after applications have been approved for licensure examination;]

(2) Temporary permits will expire on the applicants' receipt of a license or on the date indicated on the permit for applicants who fail the examination. [be issued for the first scheduled examination; and]

(3) Distribution of permits may be assigned to a mutually agreeable agent to act on behalf of the board. [expire on applicants' receipt of the results of the examination.]

(c) Professional nursing education applicants.

(1) Temporary permits may be issued to professional nursing education applicants for the first scheduled examination if they meet certain criteria.

(2) Temporary permits will expire on the applicants' receipt of a license or on the date indicated on the permit for applicants who fail the examination.

(d) Endorsement applicants.

(1) Temporary permits shall be issued to endorsement applicants who:

(A) meet licensure requirements;

(B) are approved by the Division of Education;

(C) are educated in the United States or its territories;

(D) hold active/current licenses to practice vocational/practical nursing in another state; and

(E) present satisfactory sworn evidence of same.

(2) Temporary permits will expire in 90 days or on receipt of a license, whichever occurs first.

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 October 7, 1985.

TRD-859342

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption.

November 15, 1985

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

★ ★ ★

## Issuance of Licenses

### ★22 TAC §235.45, §235.46

The Board of Vocational Nurse Examiners proposes amendments to §235.45, concerning duplicate licenses, and §235.46, concerning notification of change of name or address.

Joyce A. Hammer, executive director, has determined that for the first five-year pe-

riod the proposed sections 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 sections.

Ms. Hammer 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 is better understanding of the procedures for obtaining a duplicate license and notifying the board of a change of name or address. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to Joyce A. Hammer, Executive Director, Board of Vocational Nurse Examiners, 1300 East Anderson Lane, Building C, Suite 285, Austin, Texas 78752, (512) 835-2071.

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

§235.45. *Duplicate License or Temporary Permit.* A duplicate license or temporary permit to replace any license or temporary permit lost, destroyed, or mutilated may be issued, subject to the rules of the board and the Act, §9. A licensee or applicant requesting a duplicate license or temporary permit under this section will, if possible, surrender to the board any remaining portions of the [his] original license or temporary permit. The individual [and] shall file with the [his] request a sworn affidavit setting out the reasons for the [his] request so that the board records will reflect the reason for the issuance of a duplicate license or temporary permit. Duplicate licenses will reflect the original license number of the licensee. Temporary permits will reflect the original expiration date.

§235.46. *Notification of Change of Name or Address.* A sworn affidavit, marriage license, divorce decree, or legal court order setting out change of name will be submitted to the board by the licensee, as appropriate. A fee is required for a name change and an additional fee for a duplicate license or temporary permit reflecting the change. If the change occurs at the time of renewal, there will be no additional charge other than the renewal fee. [Duplicate license will be issued in the new name only upon written request as set out in §235.45 of this title (relating to Duplicate License).] Notification of change of address shall be submitted to the board by each licensee within 10 days of change. There will be no additional charge for updating address in-

formation. However, a new license will not be issued for an address change only.

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 October 7, 1985.

TRD-859341

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Earliest possible date of adoption:

November 15, 1985

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

★ ★ ★

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part II. Texas Parks and Wildlife Department

#### Chapter 59. Parks

#### Park Entrance and Park User Fees

##### ★31 TAC §59.2

The Texas Parks and Wildlife Commission proposes an amendment to §59.2, concerning park entrance fees and park use fees. The increased fees provided by the amendment will permit an adequate and reasonable return for the amortization of outstanding State of Texas development bonds. These bonds are used only for acquiring state park sites from the United States or any of its agencies, agencies of the state, or any other person; improving, developing, beautifying, and equipping acquired park sites; and paying expenses incurred in issuing bonds.

Robert C. Hauser, park operations chief, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for local government or small businesses as a result of enforcing or administering the section. The anticipated effect for state government is an estimated increase in revenue of \$550,000 in 1986; \$567,000 in 1987; \$583,000 in 1988; \$600,000 in 1989; and \$618,000 in 1990.

Mr. Hauser 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 is a reduction in the cost of providing recreational facilities with the continuation of high standards for the preservation and protection of park resources and visitor safety. The anticipated economic cost to individuals is an additional cost per visit of \$ .38 for each year in 1986-1990.

Comments on the proposals may be submitted to Billy B. Hill, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4892.

The amendment is proposed under the Parks and Wildlife Code, §21.111, which provides the Texas Parks and Wildlife Commission with the authority to charge and collect an entrance fee to state park sites wherever feasible and so long as any bonds are outstanding. In addition, the commission has authority to charge park user fees for park services under the Parks and Wildlife Code, §13.015.

**§59.2. State Park Entrance and Use Fees.**

(a) (No change.)

(b) An annual ~~\$25~~ ~~[\$15]~~ entrance permit and use fee will apply at all state parks where entrance fees are prescribed in lieu of a daily entrance fee. The annual permit will admit the purchaser and all occupants of his private, noncommercial vehicle to all state parks where entrance fees are charged, whether on a per-car or per-person basis, but will not apply to commercial, quasi-public, or public buses, or other such vehicles. A duplicate permit will be available at a rate of ~~\$4.00~~ ~~[\$2.50]~~ each. A replacement permit will be available at a rate of ~~\$1.00~~ each.

(c) An annual ~~restricted~~ entrance permit and use fee of ~~\$13~~ ~~[\$8.00]~~ will be charged for entrance into any one state park as designed by the purchaser at the time of purchase. The entrance permit is prescribed in lieu of the daily entrance fee which would ordinarily be charged for entrance to the designated park. Once the holder of a permit has designated a certain state park, no transfer to a second park will be allowed under the same permit. The permit will admit the purchaser and all occupants of his private, noncommercial vehicle to the designated state park of his choice where entrance fees are charged, whether on a per-car or per-person basis, but will not apply to commercial, quasi-public, or public buses or other such vehicles. A replacement permit will be available at a rate of ~~\$1.00~~ each.

(d) (No change.)

(e) Youth organizations composed of individuals 18 years of age and under, having a state or national affiliation, or sponsorship by a governmental agency, nonprofit, civic, or community organization, may purchase an annual ~~\$25~~ ~~[\$15]~~ entrance permit and use fee for the exclusive use of the group not to exceed 50 persons. To be eligible for park entry, each group or unit, not to exceed 50 persons, must purchase a permit. Organizations eligible to purchase the annual group entrance permit shall submit an application with a portion thereof. The application must be approved by the director of the Parks Division prior to the issuance of the permit. Each permit will authorize park entry of all vehicles or buses carrying members of the group; provided, the adult sponsor presents the permit or per-

mits at the park entrance and identifies each vehicle and its occupants.

(f) An entrance and use fee of ~~\$2.00~~ ~~[\$1.00]~~ per motorized vehicle per day will apply at parks designated by the department in lieu of an annual, ~~restricted annual or parklands passport~~ [permit].

[(g)] An entrance fee of \$ .50 per motorized vehicle per day will apply at parks designated by the department in lieu of an annual permit.]

(g)[(h)] An entrance fee will apply on a per person basis at parks designated by the department.

(h)[(i)] The executive director may, at his discretion, temporarily waive any entrance fees or conditions thereof established in this section at any park when construction activities at the park adversely affect public enjoyment of the recreational opportunities normally available.

(i)[(j)] No entrance fee will be charged or collected at parks unless the department deems it feasible to collect the fees.

(j)[(k)] Persons entering parks by boat, or on foot are authorized to use a valid annual or restricted annual park entrance permit receipt in lieu of paying an individual entrance fee. An individual presenting a receipt must be the same person to whom the annual permit was issued or a member of the original permit holder's immediate family. Individuals eligible for park entry as specified herein may be accompanied by as many as three other persons.

(k)[(l)] Persons 65 years of age or over and veterans of the armed services of the United States who, as a result of military service, have a service-oriented disability as defined by the Veterans Administration, consisting of the loss of the use of a lower extremity or of a 60% disability rating and who are receiving compensation from the United States government because of the disability, will not be required to pay an entrance fee at state parks. State parklands passports will be issued to eligible persons at state parks and the Austin headquarters. A driver's license, birth certificate, military discharge papers, or any other suitable identification considered sufficient proof for establishing the age and identity of an individual must be presented at the time the passport is issued to persons 65 years of age and over. Disabled veterans must establish eligibility by presenting one of the following:

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

(l)[(m)] All motor vehicles carrying the holder of a state parklands passport may enter the park without payment of an entrance fee. This passport does not exempt the holder from payment of fees for fishing privileges or tour fees required in certain units of the state park system.

(m)[(n)] A duplicate state parklands passport may be issued for use on additionally owned motor vehicles. A replacement

for a state parklands passport may be issued when the original registration or windshield sticker is lost, stolen, damaged, or the motor vehicle is sold, traded, or stolen, or when the motor vehicle windshield is replaced.

(n)[(o)] Entrance fees established in subsections (b), (c), and (f) [and (g)] of this section will apply to all private aircraft and noncommercial motorized vehicles which includes two- or more-wheeled vehicles Commercial, quasi-public, or public buses or other vehicles are excluded.

(o)[(p)] Persons entering parks by bus, where entrance and use fees are charged on a per-car basis, in lieu of a ~~\$25~~ ~~[\$15]~~ annual group permit, will be charged a group rate as follows: adults: 1-11 persons, \$ .50 each, minimum ~~\$2.00~~; 12-47 persons, ~~\$6.00~~; 48 or more persons, ~~\$10~~; children 12 years of age and under, 1-29 persons, \$ .20 each, minimum ~~\$2.00~~; 30 or more persons, ~~\$6.00~~.

(p)[(q)] Organized groups consisting of individuals 12 years of age and under may enter the park in buses or other type vehicle at the rate of \$ .20 per person, provided they are accompanied by adult supervisors and the entrance fee for the entire group is paid at one time.

(q)[(r)] Persons entering parks on foot, bicycle, or by boat where entrance and use fees are charged on a per-car basis will be charged an individual rate of \$ .50 for adults and ~~\$25~~ ~~[\$ .20]~~ for children 12 years of age and under in lieu of the provisions of the ~~\$25~~ ~~[\$15]~~ annual group [entrance] permit.

(r)[(s)] The valid time period for daily entrance fees will be:

(1)-(2) (No change.)

(s)[(t)] At the discretion of the executive director, any person or persons may be exempted from the provisions of this section if the entry of such person or persons to a park or parks is necessary or desirable in order to provide a service for the state. The executive director is authorized to issue such entrance fee waivers under certain circumstances and conditions. A written record shall be maintained of all such exemptions.

(t)[(u)] The executive director is authorized to establish an entrance fee in accordance with these sections at any site hereafter established as a state park when he deems such action is appropriate and in accord with applicable statutes.

(u)[(v)] Any fees established in this section may be waived or reduced at the discretion of the executive director for public use of a park during special events or exhibitions.

(v) The executive director may designate the amount of use fee and entrance fee within the total amount provided for by this section.

This agency hereby certifies that the proposal has been reviewed by legal counsel



and found to be within the agency's authority to adopt.

Issued in Austin, Texas, on October 8, 1985.

TRD-859354

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption:  
November 15, 1985

For further information, please call  
(512) 479-4805 or (800) 792-1112.

★ ★ ★

### ★31 TAC §59.5

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, or in the Texas Register office, Room 503E, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Parks and Wildlife Department proposes the repeal of §59.5, concerning park use fees. The section is unnecessary because of a proposed amendment to §59.2, which will control the designation of park use fees.

Robert C. Hauser, park operations chief, has determined that for the first five-year period the proposed repeal will be in effect there will be no fiscal implications for state or local government or small businesses as a result of the repeal.

Mr. Hauser also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal is a retention of efficient park administration. There is no anticipated economic cost to individuals as a result of the repeal.

Comments on the proposal may be submitted to Billy B. Hill, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4892.

The repeal is proposed under the Parks and Wildlife Code, §13.015, which provides the Texas Parks and Wildlife Commission with the authority to charge park user fees for park services.

#### §59.5. Park Use Fees.

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 October 8, 1985.

TRD-859355

Boyd M. Johnson  
General Counsel  
Texas Parks and Wildlife  
Department

Earliest possible date of adoption:  
November 15, 1985

For further information, please call  
(512) 479-4805 or (800) 792-1112.

★ ★ ★

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 27. ICF-MR

##### Subchapter C. Eligibility for Participation as an Intermediate Care Facility for the Mentally Retarded

#### ★40 TAC §27.203

The Texas Department of Human Services proposes an amendment to §27.203, concerning provider applications. Section 27.203 is being amended to allow facilities serving Levels V and VI residents to locate within one mile apart and in unincorporated areas.

Clifton Martin, associate commissioner for programs, has determined that for the first five-year period the section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The estimated additional costs to the state are \$108,706 in fiscal year 1986, \$222,165 in fiscal year 1987, \$234,097 in fiscal year 1988, \$246,929 in fiscal year 1989, and \$263,983 in fiscal year 1990. There are no fiscal implications for units of local government or small businesses.

Mr. Martin also has determined that for each year of the first five years the section is in effect the public benefit will be the elimination of some of the restrictions which have previously limited opportunities for new facilities to open. There is no anticipated economic cost to individuals required to comply with the section.

Comments may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division—451, Texas Department of Human Services 153-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

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

#### §27.203. Provider Applications.

(a) All applicants (I, V, VI) for participation in the **Intermediate Care Facility for the Mentally Retarded (ICF-MR) [ICF-MR] Program**, must meet the following requirements.

(1) Requested certification is limited to a maximum of six beds per facility, whether the facility is currently certified or whether the request is for certification of [for] a new facility.

(2) The proposed facility is **non-contiguous to an already existing facility and meets applicable special use permit requirements, local zoning, and/or occupancy**

**code requirements** [located within a given community according to the following specifications]. **The proposed facility must also meet the following specifications:**

(A) **access to community resources is documented** (as appropriate to the level of resident); and [The proposed facility must be located in an incorporated city which is subject to special use permit requirements, local zoning, and/or occupancy code requirements, and must be non-contiguous to an already existing facility.]

(B) **if the applicant intends to serve residents qualifying for ICF-MR Level of Care I services, the proposed facility must be located in an incorporated city and such that no other ICF-MR is within a three-mile radius of the proposed facility; or [No other ICF-MR residential facility is located within the same neighborhood within a three-mile radius.]**

(C) **if the applicant intends to serve residents qualifying for ICF-MR Levels of Care V or VI services, the proposed facility must be located either in an incorporated city or in an unincorporated area and such that no other ICF-MR is within a one-mile radius of the proposed facility.** [Access to community resources is documented (as appropriate to level of client).]

(3) A needs assessment has been conducted to include the following:

(A) Identification is made of the **known number of developmentally disabled persons residing in the community and surrounding geographic area (defined in the assessment) that can benefit from the services provided by the facility.**

(B) Other ICF-MR residential facilities, if any, located within the same community and/or geographic area are identified by name. **The number and level of residents [clients] served are [is] also stated.**

(C) If the facility serves **persons with mental retardation** [the mentally retarded], letters or supportive documentation is obtained from at least the superintendent of the state school and the executive director of the local **Mental Health and Mental Retardation (MHMR) [MH/MR] center** (if applicable) in whose catchment area the proposed facility is located. Letters or documentation from the state school and community center must include a statement as to the number of persons who will meet the basic admission criteria to the facility. The applicant also should state the number of potential referrals from other state schools and MHMR programs according to program location.

(D) If the facility serves **residents [clients] other than the mentally retarded**, the applicant must obtain letters, stating the service needs, from the appropriate referral sources.

(4) A written description of the **resident [client] group to be served, including admission criteria, is submitted.**

(5) The applicant must develop a description of the educational, medical, vocational, and any other programmatic sup-



port services (as defined by 42 Code Federal Regulations 442.400 which are required by the residents [clients] served. The applicant must send a copy of either a letter of intent, memorandum of understanding, or contract with the service provider, together with the description of each service identified. The purpose of the letters, memoranda, and contracts is to provide evidence that the required services are available to the facility.

(6) If the applicant plans to serve Level I residents [clients], a written description of alternatives for semi-independent and independent living available to the facility for those residents [clients] who successfully complete the active treatment plan and evidence of their ability to move to a less restrictive placement must be submitted. In the absence of these alternatives, the facility must present evidence of having initiated planning for the development of these alternatives.

(b) (No change.)

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

Issued in Austin, Texas, on October 9, 1985

TRD-859384

Marlin W. Johnson  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption.

November 15, 1985

For further information, please call  
(512) 450-3766.

★ ★ ★



## Part IX. Texas Department on Aging Chapter 269. Health Standards Statutes and Regulations

### ★ 40 TAC §§269.1, 269.3, 269.5

The Texas Department on Aging proposes new §§269.1, 269.3, and 269.5, concerning Title III health service standards, physical fitness, and adult day care. These sections establish a standard for all health service contractors to follow in the provisioning of health services to the elderly of Texas under the Older Americans Act, Title III, as amended.

Russell Gregorczyk, director for fiscal management, has determined that for the first five-year period the proposed sections 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 sections.

Tim Shank, deputy director, Texas Department on Aging 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 is the standardization of health services provided to elderly Texans by service providers funded under the Older Americans Act, Title III, as amended. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

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

The new sections are 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.

#### §269.1. Title III Health Services Standards.

(a) This publication gives the policies, procedures, and standards that govern the provision of health services by service providers authorized under the Older Americans Act. It is a guide for use by the Texas Department on Aging, area agencies on aging, and service providers. It will be a useful tool in establishing new services, reviewing current services, and upgrading these services throughout the state.

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

(1) Health screening—Investigation or analysis by a medical or health professional to determine need for a health service (diagnosis). Includes routine tests such as blood pressure, diabetes, hearing, and vision. Health screening is also the application of fairly simple and routine procedures for detection of unrecognized disease in apparently well persons. These screening procedures are not in themselves diagnostic.

(2) Physical fitness—Activities which sustain and/or improve physical or mental health.

(3) Adult day care—An array of services provided in a congregate, nonresidential setting to dependent older persons who need supervision but do not need institutionalization. These services may include any combination of social/recreational activities, health maintenance, transportation, meals, and other supportive services.

#### §269.3. Health Screening.

(a) Health screening goal. The goal of health screening is to identify people at risk and refer them to appropriate follow-up services.

(b) Target group. The target group for this service is anyone 60 years of age or older.

(c) Coordination. Service providers must refer and/or coordinate with local

public and/or private health centers, which could include, but not be limited to, community health centers, regional and/or local health departments, hospitals, voluntary health associations, and primary physicians.

(d) Availability of service. Providers must publicize availability of health screening and provide or facilitate transportation to health screening locations.

(e) Assessment. Providers must make available an annual health assessment procedure using a standardized health risk profile that shall contain, at a minimum, questions about the following:

(1) use of medications, prescribed and nonprescribed;

(2) diet;

(3) alcohol;

(4) smoking;

(5) depression;

(6) confusion;

(7) sleeping patterns;

(8) last PAP or prostate test;

(9) last tetanus shot; and

(10) medical history related to heart disease and diabetes.

(f) Screening.

(1) The following screening procedures will be available at all times:

(A) blood pressure check; and

(B) information and materials as needed to conduct colorectal cancer test and breast and prostate self-examinations.

(2) The provider must make available when resources permit the following screening tests:

(A) hearing;

(B) vision/glaucoma;

(C) dental;

(D) blood tests;

(E) urinalysis;

(F) podiatry;

(G) nutritional status; and

(H) diabetes.

(g) Staffing. The service provider must utilize persons who are trained or are in training and/or supervised appropriately for the test(s) they administer. The results must, however, be interpreted by an appropriate health professional. Staffing may be paid or volunteer.

(h) Follow-up. The provider must provide follow-up health counseling and referral as a component of all screening activities. To do this effectively, the provider should:

(1) provide information about the resources that are available for clients to obtain recommended follow-up services; and

(2) make a record of health screening and follow-up education available to the client.

(i) Health education. Health education will be provided to participants in the following manner.

(1) Provider must assure that an annual schedule of health education services will address specific health concerns and needs of older individuals.

(2) Provider must ensure that individual participants are made aware of health services available to them in their communities.

(3) Provider must consult persons specifically trained and competent in appropriate health-related fields in the planning and implementation of health education services.

#### §269.5. Physical Fitness.

(a) Goals of physical fitness services. The goal of physical fitness services is for participants to experience the benefits of regular exercise. Benefits may include, but are not limited to:

- (1) increased flexibility;
- (2) increased coordination;
- (3) improved balance;
- (4) improved muscle tone;
- (5) heightened endurance;
- (6) improved breathing;
- (7) improved mental alertness;
- (8) improved emotional attitudes;
- (9) enhanced sexual life; and
- (10) pleasure.

(b) Target group. The target group for this service is individuals over 60 years of age who are participating in other activities in a congregated setting.

(c) Staffing. The following guidelines will be followed in providing staff for this activity.

- (1) Staff may be paid or volunteer.
- (2) Staff training must be obtained through one or more of the following:
  - (A) training from Texas Department on Aging;
  - (B) physical fitness instructor;
  - (C) films and/or books; and
  - (D) seminars from colleges or qualified agency.

(3) Each instructor must have current CPR training.

(d) Fitness education. Each participant must be educated to the purpose and results of proper exercise, including group exercise and exercises that can be done at home.

(e), Space. Large areas that insure ample room to extend arms and provides for the maximum safety of the participants will be used for conducting physical fitness programs.

(f) Release form. Each participant must sign a release form excusing both the instructor and the facility from any personal liability.

#### §169.7. Adult Day Care.

(a) Target group. The program shall be provided for all older persons 60 years or over with priority given to meeting the needs of persons with the greatest economic or social needs; and

(1) who may not need continuing nursing care; who require complete, full/part-time supervision in order to live in their own home or in the home of a relative; and/or

(2) who need help with activities of daily living in order to maintain themselves in their homes; and/or

(3) who need intervention in the form of enrichment and opportunities for social interaction in order to prevent deterioration that would lead to placement in group care.

(b) Service location. Services may be provided at an approved public or private facility with the following characteristics:

(1) facility and grounds must be clean and safe for participants as approved by local health and fire officials and/or licensing state departments;

(2) must comply with all zoning laws;

(3) must be free of architectural barriers;

(4) must have flexible and adaptable spaces available for appropriate activities for participants. Spaces shall provide opportunities for large and small group activities;

(5) provision for a quiet room/rest area indoors separate from other project activity;

(6) provision for a nonsmoking area must be made to ensure the comfort of nonsmoking participants;

(7) adequate and appropriate furniture to comfortably seat each participant must be available;

(8) if located in a multipurpose facility, the day-care program must be self-contained with its own staff and separate area. Depending on the nature of the other activities in the building, it may not be appropriate for participants to share in activities on a planned basis. Such involvement must be a part of the day-care program plan and must be supervised by a day-care staff member. It is not appropriate for persons from other activity groups in the building to move through the day-care area at will or to attend day-care activities on an informal basis.

(c) Referrals. Participants in this program must be referred by the following agencies, activities, or individuals:

- (1) department of social service;
- (2) health or human service agency;
- (3) self;
- (4) family;
- (5) friends; and
- (6) medical profession.

(d) Services. Services will consist of the basic program services. An adult day-care services program must provide or make arrangements for the provision of all the basic services outlined:

(1) personal care services, including assistance, where needed, with activities of daily living (walking, eating, toileting, and grooming), and supervision of personal hygiene;

(2) activities services, consisting of planned social activities suited to the needs of the clients and designed to encourage

physical exercise and reality orientation, to prevent deterioration, and to stimulate social interaction;

(3) nutrition services, including a minimum of one meal per day meeting one-third of the adult recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council, and provision of special diets, if feasible, and supplemental feedings, if indicated. Participants in attendance 10 or more hours shall have an additional meal to meet one-third of the recommended daily allowance.

(4) social work services, for clients and their families, providing supplemental social work service to carry out the purposes for which day care is being used; and

(5) transportation services, which assist clients with transportation arrangements.

(e) Care plan. There must be a written policy governing the development, implementation, and management of patient care plans. The client care plan shall be discussed with the client, guardian, or designated representative in order that they may contribute to the plan's development and implementation. The written plan must be available to all individuals involved in the care of the client and shall document all of the following:

- (1) the client's problems and needs;
- (2) goals and objectives of care;
- (3) methods of approach to care;
- (4) modalities of care; and
- (5) treatment and orders.

(f) Participant file. Files will be kept on all participants in the program. Any participant must have access to his/her records upon request. The following information for each participant will be maintained in a confidential file:

(1) completed assessment, updated semiannually care plan and monthly progress notes;

(2) record of attendance;

(3) reason for discharge and follow-up plan;

(4) description of accidents or illnesses occurring while participant is in the center's care, including date, time, and condition under which it occurred, and the action taken;

(5) agreements specifying family or guardian responsibilities for the client at the adult day-care center;

(6) release of information, when necessary; and

(7) admission information.

(g) Admission information. Each program must develop and follow a written participant procedure. This procedure shall include a personal interview with the participant, and regular caregiver contact to discuss policies and procedures and to secure information or the required signed agreement. Admission information will contain:

(1) signed agreement between participant or guardian and center, including

name, address, and telephone number of person(s) to be called in an emergency, including permission for the center to secure medical help in case of an emergency;

(2) signed agreement for field trips and other activities away from the center

(3) procedure for handling participant complaints; and

(4) information given regarding service costs and other services and plans for contributions.

(h) Staffing. The program must employ personnel sufficient to provide care and services to meet the needs of each client. Minimum requirements are as follows.

(1) The staff of an adult day-care center must consist of a program director and one direct service staff per eight participants at all times.

(2) Paraprofessional and volunteer staff must be supervised by qualified supervisory personnel, and must be provided with periodic in-service training conducted by the professional staff.

(3) Other staff providing services must be qualified by training or experience to competently provide services in the areas assigned.

(i) Menus. Each program must have menus which are certified by a registered dietitian or nutritionist on which to base provision of nutrition services.

(1) Each menu will meet the one-third of the adult recommended daily allowance for clients.

(2) A written diet order must be on record for each individual on a modified diet.

(j) Volunteers. Each program must have a written procedure that is implemented regarding the recruiting, training, and supervising of volunteers, including:

(1) job descriptions;

(2) yearly evaluations;

(3) orientation programs; and

(4) liability insurance for each volunteer;

(k) Accessibility. Each program must have certification that it is an accessible facility. Accessibility to a facility means that a handicapped participant is able to enter the facility, use the rest room, and receive service that is at least equal in quality to that received by a nonhandicapped participant

(l) Discharge policy. Each program shall have a discharge policy that, at the minimum, shall include particulars regarding the following information. This information must be placed in the participant's file within 10 days of admission and be reviewed semiannually by the program director and/or other appropriate staff:

(1) the participant's wishes to discontinue attendance;

(2) change in caregiver status; and

(3) death.

(m) Referrals to other agencies. Each program must implement a system for cross-referrals between other service agencies to identify clients in need of adult day-

care services, to be able to refer clients to other community resources capable of meeting those needs, and to involve clients within the community.

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 October 8, 1985.

TRD-859378

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

Earliest possible date of adoption:

November 15, 1985

For further information, please call  
(512) 444-2727.

★ ★ ★



## Chapter 271. Multipurpose Senior Center Standards Statutes and Regulations

★40 TAC §§271.1, 271.3, 271.5, 271.7

The Texas Department on Aging proposes new §§271.1, 271.3, 271.5, and 271.7, concerning program structure and definition program planning and operation, personnel, and program performance reviews. These sections will govern the requirements for program planning and operation of senior centers, selection and hiring of permanent and volunteer personnel for senior centers, target populations to be served, type of physical facilities and equipment, performance evaluation procedures, and insurance and workman's compensation

Russell Gregorczyk, director for fiscal management, has determined that for the first five-year period the proposed sections 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 sections

Tim Shank, deputy director, 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 is standardization of multipurpose senior centers by service providers to establish comparable services for the elderly throughout the state. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

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

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

### §271.1. Program Structure and Definition.

(a) Purpose. Excellence in providing services for the elderly cannot be achieved unless there is a clear understanding of the quality expected from the service provider by the Administration on Aging, the Texas Department on Aging, and area agencies on aging, who ultimately must review service provider performance. The purpose of this section is to establish standards which will govern the operation of senior centers by service providers throughout the state.

(b) Definition of a senior center. A multipurpose senior center is a community facility where older persons meet together to pursue mutual interests, receive services, and take part in activities that will enhance their quality of life, support their independence, and encourage their continued involvement in and with the community. Such a center acts to promote community awareness of the needs of older people and supports the development of comprehensive service delivery and the development of community resources which serve older people.

(c) Target population. The target population served by multipurpose senior centers is persons 60 years of age or older and their spouses who are in greatest social or economic need, including minorities, frail elderly, and persons with disabling conditions.

(d) Organizational structure. A multipurpose senior center must be a legally constituted public or private nonprofit agency. It may be a single facility, a network of neighborhood sites, a mobile unit, or any combination of these that best meets the requirements of its service area. If feasible, a multipurpose senior center will establish an advisory body to make recommendations on policy formulation and general program operation. The advisory body should be broadly representative of the community where the center is located and include a significant number of participants as members.

(e) Physical facility and equipment. The following guidelines will apply when determining the location and equipment of multipurpose senior centers.

(1) Multipurpose senior centers will be located in areas central to the target population and be easily accessible by public or other means of transportation, including adaptable transportation for older people with mobility limitations.

(2) The physical facility, premises, and equipment will be maintained in a clean and sanitary condition, free of hazards, and in good repair. Annual fire/safety inspections will be made and reports kept on file at the center. Semiannual fire drills will be

held with appropriate adaptations to meet the needs of the disabled elderly.

(3) Furniture and equipment used by participants will be adequate and safe and compensate for visual, auditory, and other physical limitations.

(4) Heating, ventilation, and lighting will be adequate to protect the health of participants and staff.

(5) There should be adequate space to allow participants to engage in group activities without overcrowding, ensure the availability of private areas for counseling and other individual services, provide sufficient office space where staff can work without undue interruption, and provide adequate storage space for programs and operating supplies.

(6) There should be sufficient toilet facilities which are accessible to and equipped for use by the mobility impaired.

(7) Basic first aid supplies must be available and located in a safe place.

### §271.3. Program Planning and Operation.

(a) Program planning. The basic goal of a multipurpose senior center is to provide the means to develop the potential inherent in older people. To achieve this goal, the center must develop a planned program dedicated to meeting the interrelated needs of the total individual and helping older people to help themselves. The following suggestions are made to help centers plan an effective program.

(1) Program goals and objectives will be clearly stated and understood by the governing and/or advisory body, funding sources, staff, participants, and the community at large. Objectives must be specific, verifiable, and achievable. Actual program activities and services are to be consistent with stated goals and objectives.

(2) The governing and/or advisory body, representatives of funding sources, staff, participants, professionals in the community, and community leaders will be included in the process of establishing goals and objectives and in program planning.

(3) The program developed should strive to meet the needs, interests, and abilities of participants. Options and choices will include active and passive participation and group and individual activities.

(4) Program activities are to meet participant's service needs and promote personal growth. Participants should also be provided with opportunities to maintain or increase their independence and contribute to their communities.

(b) Community relations. An important characteristic of a multipurpose senior center is its involvement with the community it serves. A multipurpose senior center must make a strong effort to link with other community planning and service agencies and thereby contribute to the overall planning of services for older people. It is to become an integral part of the community's service delivery system by providing services, providing a site for the delivery of

other agency's services, informing participants about the services of other agencies, and facilitating participants access to other services.

(1) Visibility is important to increase the number of participants and volunteers; thus, the center must maintain public awareness programs.

(2) A multipurpose senior center is to also serve as a community resource for information and training of and for older people. It can bring older people's skills, talents, and experience to the broader community through such techniques as encouraging participants to serve on community planning bodies and take an active role in educating the community about issues and problems which affect older people.

(c) Program services. A multipurpose senior center may provide services within its own facility or may arrange for participants to have access to services provided elsewhere in the community. Services provided at the center may be provided by center staff, center volunteers, staff from other community agencies, or individuals in the community who have expertise in a given area. Each center must prepare a written description of services that will be provided at the center and services the center has access to and can arrange for a participant to receive services. Program services and activities information must be posted in bold print and announced orally on at least a weekly basis. Where appropriate, all communications and publicity will be in various media and include language for the minority and disabled elderly in the community.

(1) The following statement should be included in publicity statements: (Name) multipurpose senior center is sponsored through funds provided by the Texas Department on Aging and the Older Americans Act.

(2) The following services or activities will be available to center participants. Frequency of services of programs will vary according to center size and the community where the center is located. The center may directly provide or arrange for participants to have access to the following services:

- (A) meal;
- (B) nutrition health education;
- (C) health maintenance;
- (D) transportation;
- (E) exercise/physical fitness;
- (F) social/recreational activities;
- (G) information and referral;
- (H) volunteer activities.

(3) Other supportive services which may be provided by the multipurpose senior center include shopping assistance; health screening; house placement; special courses and classes; guest lectures; employment counseling/referral; individual/group counseling; leadership development programs; well adult clinics; home repair applications; outreach; problem solving groups; tele-

phone reassurance; financial counseling; friendly visiting; information and assistance or case management; referral to community resources; helping participants obtain needed services; provision of service coordination; legal assistance; helping participants determine their legal status; preparing legal documents; providing information about legal issues; advocate/information about public benefit programs; food stamps; Medicaid; emergency assistance; Medicare; and SSI.

(d) Program contributions. Persons who receive services funded by the Older Americans Act, Title III, must be given a free and voluntary opportunity to contribute to the cost of services provided. The service provider must protect each person's privacy with respect to his/her contribution, establish procedures to safeguard and account for all contributions made by users of the service, and use all such contributions to expand the service which received the contribution. The service provider may develop a suggested contribution schedule. If a schedule is developed, the provider must consider the income ranges of older persons in the community and the provider's other sources of income. No otherwise eligible person may be denied service because he/she will not or cannot contribute to the cost of the service.

(e) Hours of operation. Multipurpose senior centers will be open five days a week and a minimum of six hours a day to provide the services required by older persons who utilize center services.

(f) Administrative procedures. Basic operational policies and procedures will be in writing and available to the governing/advisory body, funding sources, permanent and volunteer staff, and participants.

(1) In addition, there will be adherence to the confidentiality laws. Information contained in records established on participants will not be released without the expressed and written permission of the participant concerned.

(2) A record containing the following information will be maintained for each participant:

- (A) name, birthdate, home address, and phone number of participant;
- (B) name, address, and phone number of participant's physician;
- (C) name, address, and telephone number of person(s) to contact in case of emergency; and
- (D) known medical conditions or disabilities which could limit participation in certain activities or be important in case of illness or emergency.

(3) A record containing the following information will be maintained for each permanent staff member and each regular volunteer:

- (A) name, home address, and phone number;
- (B) name, address, and phone number of individual's physician;

(C) name, address, and phone number of person(s) to contact in case of emergency.

(D) record of attendance (number of hours worked on behalf of the center);

(E) date staff member was employed or volunteer began serving;

(F) date staff member or volunteer terminated service;

(G) date and content of performance evaluation (staff only).

(4) Attendance will be kept of the number of older persons who regularly participate in center activities. Separate records will be maintained on each activity offered in the center to provide data for program performance reports which must be submitted by the service provider.

#### §271.5. Personnel.

(a) Center manager requirements. The individual selected must be qualified and may be either a volunteer or compensated for this employment. The director/manager or his designee must be on the premises during all operating hours of the center. The director/manager is responsible for developing, implementing, and coordinating all administration functions, center activities, and liaison with area agency and other community agencies and organizations.

(b) Volunteer program requirements. A volunteer program must be formally or informally established as an integral part of the center structure. Volunteer assignments are to reflect a proper assessment of the volunteer's unique personal experiences, abilities, and interests while remaining compatible with the needs of the center. Responsibility for the recruitment, selection, orientation, training, coordination, and supervision of volunteers must be assigned to a designated person.

(c) Staffing. There must be a sufficient number of qualified staff, either paid or volunteer, to effectively conduct the center's programs and services.

(d) Job descriptions. Job descriptions for staff and key volunteers must be written which define the skills, experience, and training necessary for each position and list the duties and responsibilities of each position.

(e) Training. Staff and volunteers must have the opportunity to participate in ongoing training that will improve their skills and foster the development of positive attitudes towards older people. To the degree possible, training is to be tailored to the individual needs of staff and volunteers and will include training related to the needs of center participants whose functioning is impaired. Staff and volunteers will be encouraged to participate in conferences, seminars, and training sessions available in the community or elsewhere. At least one training period per year must be provided on basic first aid skills and cardio-pulmon-

ary resuscitation (CPR) to permanent and volunteer staff members.

(f) Performance evaluations. The performance of each staff member must be annually evaluated and the results of this evaluation documented and kept on file for a minimum of three years.

(g) Insurance and workman's compensation. The center must carry appropriate and sufficient insurance to provide adequate protection to permanent and volunteer staff and participants.

(1) Workman's compensation insurance is a requirement for paid staff. General liability insurance coverage must be maintained for volunteers and participants.

(2) Appropriate and sufficient insurance coverage must be maintained on the contents (equipment and furnishing) and/or the building which houses the center.

#### §271.7. Program Performance Reviews.

(a) The center will conduct an annual program performance review to determine whether the program is complying with standards for a multipurpose senior center, achieving its goals and objectives, and meeting the needs of participants. The results of this evaluation will be documented and kept on file.

(b) The following performance review techniques should be used to obtain indications of whether a multipurpose senior center is delivering effective services which help participants maintain or improve their level of functioning. They may also indicate a particular program's strengths and weaknesses, and provide guidance for program improvement.

(1) Ask a reasonable sample of participants why they come to the senior center, whether or not they feel the program has helped them, which services they think are most helpful, and what they like and dislike about the center.

(2) Ask a reasonable sample of participant's families and/or other persons close to participants if they feel the participant has been helped by the program, what changes they see in the participant since he or she started coming to the center, which services have been most beneficial, and if they have any suggestions for how the program could be improved.

(3) Ask a reasonable sample of staff from major referring agencies whether they think the senior center program is effective, which services are most valuable, what changes they have seen in people they have referred to the center, and if they have any suggestions for how the program could be improved.

(4) Meet with members of the center's governing body and/or advisory body and ask for their impressions of the program. Do they understand the goals of the senior center and are they knowledgeable about the services provided? How many have visited the program in person? Do they have a viable working relationship with the center director? Does the center

make appropriate use of the governing body and/or advisory body?

(5) Notice whether the general atmosphere in the center feels warm and friendly. Is there a healthy interaction between staff and participants and among participants? Do participants seem interested and involved in what they are doing? Are participants treated as individuals able to make their own decisions, or is dependency encouraged? Do staff appear to respect each other's viewpoints and work together as a team?

(6) Observe the program and activities offered to participants. Do participants have the opportunity to choose among various groups and activities, or are they all expected to do the same thing at the same time? Do the kinds of activities and groups that participants engage in appear appropriate in light of their disabilities and interests?

(7) Assess whether volunteer staff are used appropriately, are given the opportunity to attend conferences and/or training sessions, and how they relate to paid staff.

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 October 8, 1985.

TRD-859379

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

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 444-2727.

★ ★ ★

## Chapter 273. Transportation Service Standards Statutes and Regulations

### ★40 TAC §§273.1, 273.3, 273.5

The Texas Department on Aging proposes new §§273.1, 273.3, and 273.5, concerning Title III transportation service standards; qualifications of vehicle operators, and vehicle operational considerations. These sections establish standards for each transportation service provider to follow when providing services to the elderly of Texas under the Older Americans Act, Title III, as amended. It is a guide for use by the Texas Department on Aging, area agencies on aging, and service providers that are required to establish comparable levels of service throughout the state.

Russell Gregorczyk, director for fiscal management, has determined that for the first five-year period the proposed sections 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 sections.

Tim Shank, deputy director, Texas Department on Aging, 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 is standardization of transportation services provided to elderly Texans by service providers funded under the Older Americans Act, Title III, as amended. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

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

The new sections are proposed under the Human Resources Code, Chapter 101, which provides the Texas Department on Aging with the authority to establish standards for the provisioning of transportation services for the elderly, which are funded by the Older Americans Act, Title III, as amended, and adopt rules governing the function of the department.

#### **§273.1. Title III Transportation Service Standards.**

(a) This publication gives a clear understanding of the quality expected from the service provider by the Administration on Aging, the Texas Department on Aging, and the area agencies on aging, who provide transportation services authorized under the Older Americans Act. It is a guide for use by the Texas Department on Aging, area agencies on aging, and service providers. It will be a useful tool in establishing new services, reviewing current services, and upgrading these services throughout the state, which are consistent in quality, efficiency, and cost.

(b) Definition. Transportation service is defined as taking a person 60 years of age or older from one location to another.

(c) Scope of service. Transportation services to be provided by service providers must meet the following requirements.

(1) The service must be designed to transport eligible persons, including those physically impaired, to and from social services, medical and health care services, meal programs, senior centers, shopping and recreational activities, and other community facilities and resources in a way to insure that services are readily accessible to eligible individuals.

(2) Services must be coordinated with other state, local, federal, and private for profit agencies whenever possible to be more cost effective and to better serve the citizens of Texas.

(d) Eligibility criteria. To be eligible for transportation services, individuals must be 60 years of age or older, or the spouse of an eligible person. In instances where eligible persons provide their own Texas escort, the escort need not meet the 60 year-of-age criteria to accompany the eligible individual.

(e) Intake. Eligible individuals must provide name, address, telephone number, and date of birth prior to participating in this service.

(f) Expansion/maintenance of effort. Local financial commitments are vital to the success of any transportation program; therefore, any organization or community interested enough to seek a solution to a transportation problem must be willing to invest some of its own time and money toward a successful transportation program.

(g) Program contributions. The Older Americans Act contains provisions for participants in services to contribute to the provision of those services. The following guidelines should be followed in establishing a procedure to facilitate this provision.

(1) The procedure should be established in such a way that confidentiality is established.

(2) A suggested contribution schedule must be developed by the service provider.

(3) The contribution schedule must be posted in each vehicle in an obvious location.

(4) Eligible persons must not be denied service because they do not contribute to the cost of the service.

(h) Service priorities. Area agencies on aging must establish policies concerning priority service for ridership, destination, trip purpose, geographic area covered, routes, and schedules for providing services.

(i) Transportation outreach. Area agencies must develop a plan that will make eligible persons aware of available services.

#### **§273.3. Qualifications of Vehicle Operators.**

(a) Conditions for employment. The following qualifications and requirements are prerequisites which should be met by prospective drivers of vehicles used to provide transportation services to participants in Title III programs.

(1) Applicant must have a valid Texas drivers license with the appropriate classification based on the type and size of vehicle he/she will be operating (minimum Class A).

(2) Applicant must pass a road test in the type of vehicle he/she will be operating.

(3) A copy of the applicant's drivers license must be on file.

(4) Applicant must be in compliance with standards set by the insurance carrier or the governing body.

(5) Applicant/employee must pass a physical examination before transporting

passengers. Verification of the examination must be in the form of a written statement signed by a physician and placed in the personnel file.

(6) Drivers who have not been a resident of Texas three years prior to employment must obtain a driver record check from the state(s) of previous residence.

(b) Drivers training. A drivers training program must be established. The drivers training program must be written and include at least the following.

(1) New drivers must be fully briefed about the transportation program, report forms, vehicle operation, and the geographic area in which they will operate their vehicle.

(2) Drivers must be trained to use any special equipment installed on their vehicles, such as wheelchair lifts, oxygen equipment, and two-way radios before transporting passengers.

(3) Within the first six months of employment, drivers must complete an approved National Safety Council defensive driving course. Drivers holding a current certification of the driver training course do not need to retake the course.

(4) Within the first 12 months of employment, drivers must successfully complete an approved course in passenger assistance techniques, when available and where applicable.

(5) Drivers must receive at least a semiannual briefing which covers changes in the transportation program, reporting forms, and vehicle operations, including the operation of special equipment.

(6) Permanent records must be maintained for all drivers to verify that training has been received. All preceding certifications must be current and retained in permanent file.

(c) Driver evaluations. Driver evaluations are required to assure that the highest standards of performance are maintained in providing transportation services for older adults. Consequently, a regular and routine evaluation procedure, encompassing the following minimum requirements, must be implemented.

(1) Transportation service providers must utilize a standard Texas Department on Aging driver evaluation form.

(2) Semiannual observation of each driver's on-the-job performance; the supervisor must ride with the driver on a regular route to observe his/her driving technique.

(3) An annual physical examination is required and documentation of this must be maintained in the driver's records.

#### **§273.5. Vehicle Operational Considerations.**

(a) Safety. The transportation provider must assure that all vehicles and associated equipment are maintained to minimize breakdowns and decrease the chance of accidents. Each vehicle must have



available the following workable safety equipment:

- (1) first aid kit;
  - (2) approved fire extinguisher that is annually certified;
  - (3) triangular reflective warning devices or flares;
  - (4) working seat belts for each passenger;
  - (5) operating flashlight;
  - (6) accessory boarding devices including step and grab bar;
  - (7) dual side mirrors with convex mirror attachment.
  - (8) back up lens;
- (b) Parking. Vehicles must be parked in the safest areas available when loading and unloading passengers.

(c) Vehicle maintenance. An aggressive vehicle maintenance program will do much to assure that breakdowns are minimized. Providers must have in place an established preventive maintenance program. This program should encompass the following:

- (1) a daily checklist for operational readiness which is constructed in such a way to document any problems;
- (2) complete maintenance records on file for each vehicle; and
- (3) regular periodic maintenance services checklist based on time and/or mileage usage of the vehicle.

(d) Insurance classification. All vehicles utilizing Title III funds must be classified as a social services agency automobile, since they are used by government, civic, charitable, or social service organizations in Texas to provide transportation to clients incident to the social services sponsored by the organization, including special trips and outings. This classification includes, for example, automobiles used to transport senior citizens or other clients to congregate meal centers, medical facilities, social functions, shopping centers, and handicapped persons to work or to rehabilitative programs.

(1) The following automobiles are eligible for this classification:

(A) automobiles owned, or leased for one year or more, by the social service agency;

(B) automobiles donated to the social service agency, without a driver; and

(C) automobiles hired under contract by the social service agency.

(2) If an automobile has more than one use, use the highest rated classification unless 80% of the use is in a lower rated activity. In that case, use the lower rated classification.

(e) Insurance coverage. Vehicles classified as social services agency automobiles will have the following insurance coverage.

(1) Liability. Minimum liability rates are set at \$250,000 per person, \$500,000 single limit liability.

(2) Collision and comprehensive insurance. Collision and comprehensive

coverage must be maintained unless the operator/subcontractor accepts responsibility in the contract with the area agency on aging for replacement or damage.

(3) Property damage. If single limit liability coverage is not provided as stated in paragraph (1) of this subsection, then coverage must be at \$100,000.

(f) Accident reporting. The following requirements are established for accident reporting.

(1) If involved in an accident, police reports and a standardized accident report form must be submitted to the Texas Department on Aging within 10 working days following the date of the accident.

(2) Accidents involving personal injury must be reported to the Texas Department on Aging within 24 hours.

(g) Private or personal use. Vehicles may not be used for personal business or pleasure, nor for commuting to or from work.

(h) Vehicle identification. Vehicles will be suitably identified by an appropriate sign or logo painted on each side of the vehicle. This sign will identify the service provider and the Regional Planning Commission Area Agency on Aging. In addition, a decal to be provided by the Texas Department on Aging will be affixed which identifies the character of the funding, its sources, and the funding agencies.

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 October 8, 1985.

TRD-859378

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

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 444-2727.

★ ★ ★



## Chapter 275. Texas Senior Nutrition Maintenance and Home-Delivered Meals Program

### Statutes and Regulations

#### ★ 40 TAC §§275.1-275.6

The Texas Department on Aging proposes new §§275.1-275.6, concerning legislative intent, method of allocation, program eligibility, allowable costs, preparation cost, reporting requirements,

and other program requirements. These sections establish guidelines for implementation of the Texas Senior Nutrition Maintenance and Home-Delivered Meals Program. This program was established by passage of the Omnibus Hunger Act, Senate Bill 526, 69th Legislature, 1985.

Russell Gregorczyk, director for fiscal management, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications result of enforcing or administering the sections. The anticipated effect on state government is an estimated additional cost of \$22,901 in 1986 and \$23,588 in 1987. There is no anticipated additional cost in 1988-1990. The anticipated effect on local government is an estimated additional cost of \$106,250 each year in 1986 and 1987. There is no anticipated additional cost to local government in 1988-1990. There is no anticipated effect on small businesses.

Tim Shank, deputy executive director, 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 is to prevent older Texans from going hungry and to promote the good health and well being of disabled and homebound elderly while minimizing the long-term costs of medical care and institutionalization. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

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

The new sections are proposed under Senate Bill 526, 69th Legislature, 1985, which provides the Texas Department on Aging with the authority to administer the Texas Senior Nutrition Maintenance and Home-Delivered Meals Program.

§275.1. *Legislative Intent.* The Texas Senior Nutrition Maintenance and Home-Delivered Meals Program was enacted by Senate Bill 526, 69th Legislature, 1985. The purpose stated in the Act for providing food assistance for elderly persons was to prevent any older Texan from going hungry, and to promote the good health and well-being of disabled and homebound elderly, while minimizing the long-term costs of medical care and institutionalization.

§275.2. *Method of Allocation.* The Texas Department on Aging (TDoA) shall allocate funds to the 28 designated area agencies on aging (AAA), according to a formula based upon the population age 60 and over living in the AAA's service area and the population age 60 and over who are living on incomes below 125% of the currently established poverty level. Data for the two population factors described will be taken from the most recent U.S. Census Bureau figures. At the end of the first year of this program, August 31, 1986, any funds

remaining unspent by an AAA will be deobligated and added to the second year program funds and distributed through the same formula cited previously. Six months into the second program year (March 1, 1987), expenditures by all AAAs will be evaluated by TDoA for possible redistribution prior to year end (August 31, 1987).

**§275.3. Program Eligibility.** Elderly persons, for the purpose of this program shall, be defined as those persons age 60 and over and their spouses, regardless of age. Home-delivered meals (meeting at least one-third of the current recommended daily dietary allowances as established by the Food and Nutrition Board of the National Academy of Sciences-National Research Council) shall be served to homebound elderly persons meeting the following criteria:

(1) elderly persons who have not regularly participated in any local home-delivered meal program (funded with public or private funds) during the current or most recently ended federal fiscal year (October 1-September 31), particularly low-income elderly persons in need of nutrition maintenance;

(2) elderly persons whose names have been on a written waiting list by an agency to be served when resources are available; and

(3) elderly persons released from hospitals. Elderly persons released from hospitals should be individually assessed to determine the length of meal service needed and meal service should be initiated immediately but no later than three days after hospital discharge.

**§275.4. Allowable Costs.** State funds expended for this program shall be used for meal-associated costs only and shall not be utilized for any administrative costs which may be incurred. Meal-associated costs for the purpose of this program shall be defined as the following.

(1) Raw food—Total cost of raw food used serving meals under this program.

(2) Preparation cost (total direct labor cost)—Labor costs include salary and fringe benefits paid for purchase and storage of food; cooking, serving and clean up; menu planning; store room requisitions, receiving and inventory control; and packaging of home-delivered meals.

(3) Delivery costs—All costs incurred for the transportation of bulk food and home-delivered meals. Labor costs are the salary and fringe benefits of drivers and dispatchers. Vehicle operation costs are the fuel, oil, maintenance, and depreciation costs.

(4) Consumable supplies—All costs incurred for disposable supplies used in meal preparation, delivery, and service, not including administrative or janitorial supplies.

(5) Other (meal related) costs—Other costs related to this home-delivered meal program, including rent and utilities for kitchens; minor equipment (less than \$300 per unit); kitchen supplies and utensils; janitorial and cleaning supplies; and maintenance and service contracts.

**§275.5. Reporting Requirements.** Reporting of program performance and allowable expenses shall be required monthly on forms prescribed by the Texas Department on Aging. Program and fiscal reports prepared by each area agency on aging shall be due by the 15th day of the month immediately following the month which is being reported.

**§275.6. Other Program Requirements.**

(a) According to the Omnibus Hunger Act, Title III, §3, the area agencies on aging shall require local reassessment of the caseload every six months to assure the most appropriate use of funds to meet the need. This is interpreted to mean that each par-

ticipant of the Texas Senior Nutrition Maintenance and Home-Delivered Meals Program shall be reassessed every six months.

(b) Local matching of this program is required to be at least 15% of total program costs statewide. Local match may be either cash or in-kind resources. In an attempt to minimize record-keeping changes, the Texas Department on Aging shall require that all local sources (in-kind and cash, including program income) be reported in the Older Americans Act, Title III, nutrition program report forms currently being used for Title III. Separation of the local support for Title III and Omnibus Hunger Act programs will be computed by the TDoA staff.

(c) Budgeting of state omnibus hunger funds shall be accomplished by completing the approved budget column on the monthly financial status report prescribed for use by TDoA. The initial budget should be submitted on the first monthly financial status report.

(d) Line item amendments to the budget for this program shall be accomplished by submitting a narrative statement of justification with the monthly financial status report which reflects the line item changes in the approved budget column.

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 October 9, 1985

TRD-859377

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

Earliest possible date of adoption:  
November 15, 1985  
For further information, please call  
(512) 444-2727

★ ★ ★



# Withdrawn

**Rules** An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the *Texas Register*. The notice is effective immediately upon filing. If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the *Texas Register* office and a notice of the withdrawal will appear in the *Register*.

---

## TITLE 16. ECONOMIC REGULATION

### Part I. Railroad Commission of Texas

#### Chapter 5. Transportation Division

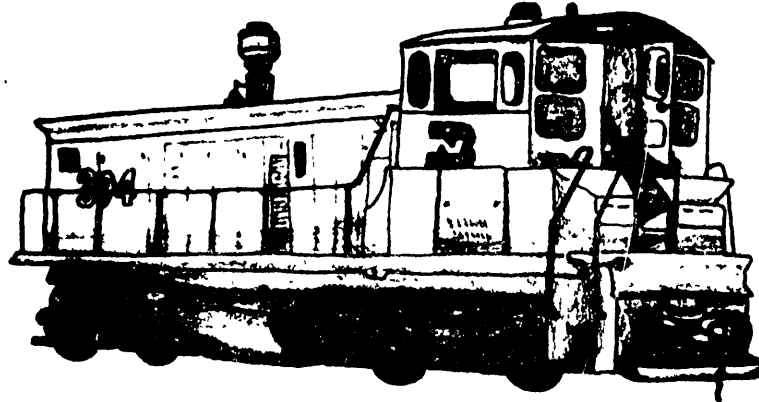
#### Subchapter P. Commercial Zones

#### ★ 16 TAC §5.294

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §5.294, submitted by the Railroad Commission of Texas, has been automatically withdrawn, effective October 8, 1985. The amendment as proposed appeared in the April 5, 1985, issue of the *Texas Register* (10 TexReg 1117).

TRD-859443  
Filed: October 8, 1985

★ ★ ★



# Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Texas 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 XII. Board of Vocational Nurse Examiners

#### Chapter 231. Administration Definitions

##### ★ 22 TAC §231.1

The Board of Vocational Nurse Examiners adopts an amendment to §231.1, without changes to the proposed text published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2528).

The amendment clarifies the meaning of certain words as they appear in the text of the rules and regulations and provides a better understanding of certain processes.

No comments were received regarding the adoption of this amendment.

This amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the board with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purpose of the law

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 October 7, 1985.

TRD-859350

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 6, 1985

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

★ ★ ★

#### General Practice and Procedure

##### ★ 22 TAC §§231.15, 231.41, 231.48

The Board of Vocational Nurse Examiners adopts amendments to §§231.15, 231.41, and 231.48, without changes to

the proposed text published in the August 9, 1985, issue of the *Texas Register* (10 TexReg 2993).

The amendment to §231.15 is adopted to separate the listing of approved schools of vocational nursing from the directory containing the names and addresses of currently licensed vocational nurses. The amendment to §231.41 is adopted to allow the board an increase in the fees for examination and application, and re-examination and endorsement, made necessary by an increase by the National Council of State Boards of Nursing in July 1985, from \$18.50 to \$25. Section 231.48 is amended to clarify the types of vocational programs from which the board can deny or withdraw approval, and to increase the number of investigators employed by the Board of Vocational Nurse Examiners, as specified in the 1986-1987 Appropriations Bill.

The amendments also provide conformity between the rules and regulations, the Vocational Nurse Act, and the current Appropriations Bill.

No comments were received regarding the adoption of these amendments.

These amendments are adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the board with the authority to make such rules and regulations as may be necessary to govern its procedures and to carry in effect the purposes of the law.

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 October 7, 1985

TRD-859349

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 9, 1985

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

★ ★ ★

## Chapter 233. Education Definitions

### ★ 22 TAC §233.1

The Board of Vocational Nurse Examiners adopts an amendment to §233.1, without changes to the proposed text published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2528).

The amendment clarifies the meaning of certain words as they appear in the text of the rules and regulations. The changes also remove redundancy and provide consistency within the text.

Comments were received from The University of Texas Medical Branch at Galveston; Memorial Southwest Hospital, Houston; Navarro Regional Hospital, Corsicana; Providence Memorial Hospital, El Paso; HI Plains Hospital, Hale Center; Knapp Memorial Methodist Hospital, Weslaco; San Jacinto Methodist Hospital, Baytown; The Methodist Hospital, Houston; and Citizens Medical Center, Victoria

These comments expressed concern and opposition to the addition of simulated laboratory and clinical instruction time in the clinical practice hours, and the deletion of the word "calendar" from the statement, "required program to be presented in one year," in reference to traditional curriculum.

The board disagreed with these comments for the following reasons. Section 233.58 states that simulated laboratory experiences can be utilized in classroom or clinical settings. Appropriate utilization of simulated laboratory experiences is a generally accepted teaching strategy. Deletion of the word "calendar" from the one-year program requirements is to remove redundancy from the language. The law which governs rules and regulations already identifies the program length as 12 months.

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

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 October 7, 1985.

TRD-859345

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 6, 1985

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

★ ★ ★



### Operation of a Vocational Nursing Program

★ 22 TAC §§233.12, 233.20-233.24, 233.28

The Board of Vocational Nurse Examiners adopts amendments to §§233.12, 233.20-233.24, and 233.28, without changes to the proposed text published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2529).

The adoption of these amendments specifies implied conditions and responds to the rapid change and increasing complexity in the health care system and its subsequent impact on nursing education. The amendments also provide more clarity and consistency throughout the rules and regulations

No comments were received regarding the adoption of these amendments

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

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 October 7, 1985

TRD-859346

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 6, 1985

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

★ ★ ★

### Approval of Programs

★ 22 TAC §§233.41-233.43

The Board of Vocational Nurse Examiners adopts amendments to §§233.41-233.443, without changes to the proposed text published in the August 9, 1985, issue of the *Texas Register* (10 TexReg)

The amendments identify conditions upon which approval is granted and the conditions under which program approval can be rescinded. Furthermore, the amendments provide clarity and specificity for these sections.

No comments were received regarding the adoption of these amendments.

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

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 October 7, 1985

TRD-859351

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 9, 1985

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

★ ★ ★

### Vocational Nursing Education Standards

★ 22 TAC §233.71

The Board of Vocational Nurse Examiners adopts an amendment to §233.71, without changes to the proposed text published in the August 9, 1985, issue of the *Texas Register* (10 TexReg 2994)

This amendment provides clarity in minimal achievement requirements for licensing applicants and assures that all applicants shall meet the same requirements whether they are endorsement applicants or examination applicants

No comments were received regarding the adoption of the amendment

This amendment is adopted under Texas Civil Statutes, Article 4528c, §5(g), which provide the Board of Vocational Nurse Examiners with the authority to make such rules and regulations as may be

necessary to govern its procedures and to carry in effect the purposes of the law.

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 October 7, 1985.

TRD-859353

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 9, 1985

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

★ ★ ★

### Vocational Nurse Education Records

★ 22 TAC §233.81

The Board of Vocational Nurse Examiners adopts an amendment to §233.81, without changes to the proposed text published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2530).

This amendment is adopted because the University of Texas Instructional Materials Center is no longer providing this service.

No comments were received regarding adoption of the amendment

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

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 October 7, 1985.

TRD-859348

Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985

Proposal publication date: August 6, 1985

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

★ ★ ★

### Chapter 235. Licensing Application for Licensure

★ 22 TAC §235.6, §235.15

The Board of Vocational Nurse Examiners adopts amendments to §235.6 and §235.15, without changes to the proposed

text published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2530).

The amendment to §235.6 assures competency and knowledge of current nursing trends prior to licensure in this state. Section 235.15 is amended to provide uniformity in licensure requirements for all applicants.

The adoption of these amendments results in the assurance that individuals who have not practiced nursing within the past five years must have a current knowledge base and that all persons must meet the same licensure requirements.

No comments were received regarding the adoption of these amendments.

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

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 October 7, 1985.

TRD-859347  
Joyce A. Hammer  
Executive Director  
Board of Vocational  
Nurse Examiners

Effective date: October 29, 1985  
Proposal publication date: August 6, 1985  
For further information, please call  
(512) 835-2071.

★ ★ ★

## TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services

#### Chapter 11. Commodity Program

##### Emergency Food Assistance Program

###### ★40 TAC §11.6010

The Texas Department of Human Services adopts the repeal of §11.6010, without changes to the proposal published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3215).

The justification for repealing the rule is that issuing advance payments jeopardizes the limited funds available for the Emergency Food Assistance Program.

The repeal ensures continued ability of the program to meet its financial obligations and thus serve people in need of emergency food assistance.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22 and Chapter 33, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985.

TRD-859385  
Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: October 30, 1985  
Proposal publication date: August 23, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★



## Chapter 39. Medical Transportation

The Texas Department of Human Services (DHS) adopts the repeal of §§39.1, 39.2, 39.101, 39.102, 39.201, 39.202, 39.401-39.404, 39.9801, and 39.9802, without changes to the proposed text published in the May 14, 1985, issue of the *Texas Register* (10 TexReg 1531). The department simultaneously adopts new §§39.1, 39.101, 39.105, 39.301, 39.401-39.403, 39.406, 39.407, 39.601, and 39.602 with changes to the proposed text published in the same issue of the *Texas Register*. New §§39.102-39.104, 39.106, 39.107, 39.201, 39.202, 39.302, 39.303, 39.404, 39.405, 39.408, and 39.501-39.503 are adopted without changes and will not be republished.

Adoption of the repeals and new sections is justified to ensure that the agency rules are consistent with the Medical Transportation Program policies and procedures. The clarification and reorganization incorporated in the new sections should provide a better understanding of program requirements for providers.

The adopted new sections will function as standards of operation for Medical Transportation Program contracted and individual providers, as well as requirements for DHS staff. Adoption of the re-

peals deletes obsolete policies and policies inconsistent with the new sections.

The department received only one written comment on the proposal. A representative of the attorney general of Texas recommended that the department expand §39.406, confidentiality of records, to include a statement about availability of records. The department agrees with the recommendation and has added the statement in subsection (b) of the section. The department also made minor wording changes to several sections for clarification and consistency. Section 39.301, concerning general standards for transportation service providers, was changed to add a new paragraph (14) relating to compliance with the new Texas safety belt law.

### General Information

#### ★40 TAC §39.1, §39.2

The repeals are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985.

TRD-859386  
Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

## Program Overview

### ★40 TAC §39.1

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

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

**Ambulance service**—Medically necessary transportation in specially designed and equipped vehicles managed by specially trained personnel. Ambulance service is paid for through the DHS health insuring agent only in an emergency or when transportation in any other vehicle could endanger the patient's health.

**Attendant**—A person who accompanies a Medicaid client to provide necessary assistance.

**Commercial transportation**—Regularly scheduled transportation on a common carrier by air, rail, or bus.

**Contract period**—The term of the contract agreement.

**Curb-to-curb service**—Transportation from curb at origin to curb at destination.

**Demand responsive**—Transportation that involves dispatching vehicles in response to requests for one-way trips. The transportation provides shared occupancy, personalized transportation on demand, and combines the best features of line-haul (mass transit) and taxi transportation.

**Destination**—The location to which the provider is required to take the client or the nearest regular passenger disembarkation point to the facility, building, or location.

**Direct delivery system**—Transportation service provided entirely by DHR personnel.

**Door-to-door service**—Transportation from the door of the building specified by the client or attendant at origin to the door of the building specified by the client or attendant at destination. Door-to-door service also includes passenger assistance by the driver or attendant.

**Fiscal year**—The 12-month period used for budget purposes (state fiscal year is September 1-August 31, federal fiscal year is October 1-September 30).

**Fixed route**—A predetermined, scheduled transportation service with no deviation from the prescribed route.

**Individual provider**—A volunteer with a written agreement (individual provider agreement) to transport clients at a prescribed mileage reimbursement rate. The department reimburses individual providers for mileage only.

**Medicaid**—A state-administered program (Title XIX of the Social Security Act) which provides certain health care services to eligible individuals.

**One-way trip**—Transportation of a passenger from point of origin to destination.

**Origin**—The location at which the provider is required to pick up the client or the nearest boarding point from the facility, building, or location.

**Routine**—medical transportation—Necessary transportation of eligible clients to/from Medicaid services commonly used by other Medicaid clients from the same local area.

**Semi-fixed route**—A predetermined, scheduled transportation service with allowable deviations from the established route.

**Service control system**—A process which involves monitoring and corrective action steps to ensure proper observance of service standards. This enables DHS to review the quality of services delivered.

**Special medical transportation**—Transportation to the closest medical facility that can provide the necessary care for

a client. The facility provides specialized services and is located further away from one normally used by other Medicaid clients from the same local area.

**Volunteer**—A person who provides a service without being paid for involvement of time.

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 October 9, 1985.

TRD-859391 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date, November 1, 1985  
Proposal publication date, May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Program Limitations

#### ★ 40 TAC §39.101, §39.102

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985.

TRD-859387 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date, November 1, 1985  
Proposal publication date, May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Eligibility for Program Services

#### ★ 40 TAC §§39.101-39.107

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§39.101. *Program Services.*

(a) Eligible clients are entitled to the following medical transportation services:

(1) transportation to and from Medicaid-allowable medical services;

(2) transportation for an attendant if the client's physician documents the need or the client's age dictates the need. Transportation for an attendant accompanying a client requires prior approval from DHS unless the client is a minor;

(3) transportation to Family Health Services Program appointments for family planning related services.

(b) Transportation to/from the following medical services may be provided on a space available basis if prior approval is given by DHS (DHS reserves the right to add/delete services on this list):

(1) immunizations not in connection with Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services;

(2) EPSDT dental utilization reviews;

(3) Family Health Services Program appointments for services other than those related to family planning.

§39.105. *Verification of Medical Services.* Clients who receive local bus tickets are required to verify that medical services were provided before additional tickets are issued by returning the medical services verification form to the regional medical transportation manager.

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 October 9, 1985.

TRD-859392 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date, November 1, 1985  
Proposal publication date, May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

### Attendant Services

#### ★ 40 TAC §39.201, §39.202

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985.

TRD-859388 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date, November 1, 1985  
Proposal publication date, May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

## Program Service Limitations

### ★ 40 TAC §39.201, §39.202

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985

TRD-859393

Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

## Provider Participation

### ★ 40 TAC §§39.301-39.303

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§39.301. *General Standards for Transportation Service Providers.* All contracted and individual providers must comply with applicable local, state, and federal laws and regulations regarding provision of medical transportation services, as well as DHS rules, policies, procedures, and guidelines. Regardless of the methods used in supplying medical transportation services, all providers must:

(1) arrange for cost-effective and appropriate modes of transportation to meet client needs;

(2) maintain a system which permits convenient access for clients to request services;

(3) document clients' responses to each question listed in §39.102 of this title (relating to Service Limitations);

(4) verify client eligibility before delivering services;

(5) inform clients of eligibility status and trip arrangements no later than 24 hours after requests, except for requests for medical transportation beyond the local area;

(6) obtain medical provider approval for a new client appointment time before changing previously scheduled departure times for transportation to medical services. Based on the total number of one-way trips for the previous month, transportation providers may not reschedule

more than 10% of their departure times per month without prior approval of the regional medical transportation manager;

(7) notify clients at least 12 hours before scheduled or modified departure times;

(8) obtain from each adult client a documented statement of attendant need signed by a physician for each attendant;

(9) ensure that clients are delivered to appointments on time and that return trips are begun within one hour of the client-requested time or the time originally scheduled by the provider. If the transportation is demand responsive, the provider must return for the client before the medical facility closes;

(10) use clean vehicles which meet federal, state, and local government requirements for safe operation;

(11) carry and maintain insurance as specified in the contract;

(12) use drivers who meet federal, state, and local government requirements for safe operation of vehicles for which they are responsible;

(13) use child safety seats manufactured according to federal standards for children under two years old and safety belts for children two years old or older, except on mass transit buses and commercial air and surface common carriers;

(14) ensure that all drivers and passengers observe the Texas safety belt law for automobiles;

(15) ensure that all drivers receive appropriate training, including first aid, cardiopulmonary resuscitation (CPR), and proper techniques for working with the handicapped, elderly persons, and pregnant women;

(16) notify clients of their right to appeal denial of services on a written statement which gives the regional medical transportation manager's address and telephone number.

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 October 9, 1985.

TRD-859394

Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

## Billing and Payment Procedures

### ★ 40 TAC §§39.401-39.404

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22,

which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985.

TRD-859389

Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3766.

★ ★ ★

## Payment Procedures and Recordkeeping

### ★ 40 TAC §§39.401-39.408

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

§39.401. *Billing.* To be paid, the transportation provider must complete and submit appropriate forms to the DHS regional medical transportation manager after allowable services have been provided. Each provider must have a vendor identification number issued by the state comptroller before billing DHS for services. Providers must bill DHS at a rate not to exceed the customary charges to the general public for equivalent services.

§39.402. *Additional Charges.* A provider may not accept, charge, solicit, or receive any gift, money, donation, or other consideration from any Medicaid client or attendant for the transportation services rendered under a provider contract. The provider may receive a gift or donation if

(1) it is a free-will contribution, and

(2) the contributor and the provider sign a dated statement which includes a complete description of the gift or donation and the person to whom it is given. The statement must include language that the contributor understands that the transportation services given to the client by the provider are services that are payable by DHS and that the gift or donation was made as a free-will contribution by the contributor. The statement must be retained by the provider for the period of time specified in the records retention portion of the provider contract.

§39.403. *Discrimination.* The department does not make payments to any contracted or individual provider unless all services are provided without regard to race,

religion, age, sex, national origin, or disability of clients. This rule also applies to subcontractors.

**§39.406. Confidentiality of Records.**

(a) Transportation providers may not reveal to the public the identity of any Medicaid client without the consent of the client and the regional medical transportation manager. The client's consent must be in writing, signed, and dated before the release of his name. Providers must maintain effective safeguards to ensure confidentiality.

(b) Upon request, transportation providers must make available records and supporting information, including the identity of all Medicaid clients, regarding any claims submitted to:

- (1) the Texas Department of Human Services personnel and agents,
- (2) the Texas attorney general's Medicaid fraud control unit personnel, and
- (3) Department of Health and Human Services personnel.

**§39.407. Audit Exceptions.** Erroneous payments and overpayments to providers are considered audit exceptions and are subject to restitution to DHS.

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 October 9, 1985.

TRD-859395

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3786

★ ★ ★

## Monitoring and Evaluation

**★ 40 TAC §§39.501-39.503**

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

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

Issued in Austin, Texas, on October 9, 1985

TRD-859396

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3786

★ ★ ★

## Contract Termination and Expiration

**★ 40 TAC §39.601, §39.602**

The new sections are adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

**§39.601. Expiration or Termination.**

(a) The contract expires on the date stated in the contract unless it is extended, renewed, or terminated earlier than the expiration date. When a contract ends, the medical transportation manager and the contracted provider arrange for payments due to DHS or the provider. DHS may terminate a contract before the expiration date if:

- (1) DHS and the provider mutually agree to terminate the contract;
  - (2) either DHS or the provider gives the other party 60 days written notice of an intent to terminate the contract;
  - (3) federal or state laws are changed to reduce or terminate the program;
  - (4) the provider does not comply with the terms of the contract or the corrective action plan specified by DHS;
  - (5) the provider ceases to provide services under his contract without DHS approval.
- (b) The provider's contract may also be terminated for any of the reasons listed in §39.602(a) of this title (relating to Sanctions).
- (c) The provider is entitled to written notice when a contract is terminated.

**§39.602. Sanctions.**

(a) DHS reserves the right to impose sanctions on transportation providers. Providers may be subject to sanctions for reasons which include, but are not limited to, the following:

- (1) failing to provide services of high quality specified by DHS in the provider's contract with DHS;
- (2) failing to make available records of services and payments;
- (3) failing to submit complete and accurate reports in the time frames specified by DHS;
- (4) failing to correct operational deficiencies within a specified time upon request;
- (5) engaging in activities which are improper or abusive to the client or the program;
- (6) failing to comply with the terms of the contract;
- (7) refusing to accept amendments to the contract to incorporate new rules of DHS as published in the *Texas Register* or amendments to the *Medical Transportation Program Handbook*;
- (8) failing to repay or arrange for repayment of identified overpayments or other erroneous payments;

(9) charging clients for services which are to be paid by DHS;

(10) furnishing clients with services not required or requested and billing DHS for them;

(11) violating laws or regulations which govern the conduct of transportation services;

(12) submitting false information;

(13) submitting false or fraudulent claims for payment of services;

(14) being suspended or terminated from participation in another government program;

(15) being convicted of a criminal offense relating to the provider's performance under his contract with DHS;

(16) engaging in negligent practices resulting in death or injury to the Medicaid client transported by the provider or death or injury to other persons caused by the negligence of the provider while transporting Medicaid clients;

(17) failing to comply with applicable civil rights statutes.

(b) Sanctions on transportation providers include, but are not limited to, the following:

- (1) requiring attendance at training sessions;
- (2) withholding vendor payments;
- (3) recouping overpayments;
- (4) suspending payments;
- (5) suspending the provider's services under the contract;
- (6) cancelling the contract; and
- (7) referring the provider for fraud investigation.

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 October 9, 1985.

TRD-859397

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3786

★ ★ ★

## Support Documents

**★ 40 TAC §39.9801, §39.9802**

The repeal is adopted under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

This agency hereby certifies that the rule as adopted has been reviewed by legal

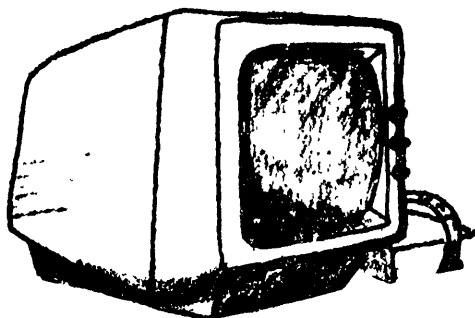
counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on October 9, 1985.

TRD-859390

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: November 1, 1985  
Proposal publication date: May 14, 1985  
For further information, please call  
(512) 450-3766.



★ ★ ★

---

## State Board of Insurance Exempt Filings

---

### State Board of Insurance Notifications 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 the code, Chapter 5, Subchapter 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 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 a filing by American Credit Indemnity Company of New York, for a new policy form, rates, endorsements, and manual pages for a new "P" form credit insurance policy.

The purpose of this filing is to permit the company to offer a policy which does not expire unless cancelled by the insured or the company

Under this form, the insured will not stand a primary loss (deductible) as approved with most other credit forms. Instead, the company will pay the insured 85% of the net covered loss on each debtor with the insured's retention being 15% of the covered loss.

The premium charge will be compiled on a quarterly basis with an emphasis on covered sales volume

The filing includes "P" policy declaration 75081, limited coverage endorsement 75082, custom merchandise endorsement 75083, sales exclusion endorsement 75086, change in estimated annual premium 75087, premium endorsement 75088, and manual pages 56M, 56N, 56O, 56P and 56Q.

This filing is effective 15 days after it is published in the *Texas Register*.

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

Issued in Austin, Texas, on October 4, 1985.

TRD-859302

James W. Norman  
Chief Clerk  
State Board of  
Insurance

Effective date: October 30, 1985  
For further information, please call  
(512) 475-2950.

★ ★ ★

The State Board of Insurance has approved of filing by Municipal Issuers Service Corporation, of a surety bond form which applies to coverage of a debt service reserve.

This program has been developed in recognition of the impact that the debt service funds that are normally required in municipal bond financings, has on a municipality. Usually, an issuer must fund the reserve, which may be 15% of the amount raised by the municipality which serves to increase its outstanding debt, which is often subject to restrictions, its annual interest charges, and the financing costs. The surety bond replaces the need to issue bonds to fund the debt service reserve.

The debt service reserve fund is set up as an additional security for bond holders and is called upon in the event of a shortfall in the funds available for meeting principal and interest due. Any withdrawal from the debt service reserve is restored as soon as funds become available.

The premium cost conform to the rate filing approved January 8, 1985, by board Order 46019. An "a" rate filing will be made for each debt service reserve surety bond.

This filing is effective 15 days after it is published in the *Texas Register*.

This notification is made pursuant to the Insurance Code, Article 5.97, which ex-



empts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on October 4, 1985.

TRD-859303

James W. Norman  
Chief Clerk  
State Board of  
Insurance

Effective date: October 30, 1985  
For further information, please call  
(512) 475-2950.

★ ★ ★

Under board Order 47684 dated October 8, 1985, the State Board of Insurance has approved and adopted amendments to

the Texas experience rating plan manual proposed and filed by the staff of the State Board of Insurance and the Texas classification and rating committee. These amendments increase the eligibility requirements for experience rating of workers' compensation insurance policies to a premium at manual rates of at least \$5,000 if the payroll developed for production of said premium during only the last year of the experience period is considered for eligibility, and an average annual premium of at least \$2,500 if the payroll developed for production of said premium during the last two or more years of the experience period is considered.

These amendments are made effective on and after November 1, 1985.

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.

Issued in Austin, Texas, on October 8, 1985.

TRD-859444

James W. Norman  
Chief Clerk  
State Board of  
Insurance

Effective date: November 1, 1985  
For further information, please call  
(512) 475-2950.

★ ★ ★

# 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 Commission for the Blind

**Wednesday, October 16, 1985, 8 p.m.** The Study Committee of the Texas Commission for the Blind will meet at the Ramada Inn, 5701 South Broadway, Tyler. According to the agenda, the committee will meet with designated consumers to consider formulating formal procedures for conducting meetings of the group and discuss the adequacy of current methods whereby consumers may express their views on the services of the agency.

**Contact:** Jean Wakefield, 312 West 11th Street, Austin, Texas 78711, (512) 475-6810.

**Filed:** October 8, 1985, 11:42 a.m.  
TRD-859333

**Thursday, October 17, 1985, 10 a.m.** The Board of the Commission for the Blind will meet at the Ramada Inn, 5701 South Broadway, Tyler. Items on the agenda include approval of minutes from September 27, 1985, and July 8, 1985; reports from the Access Committee, Policy Committee, Special Investigation Committee, and Employer of the Year Awards Committee; discussion and action recommendations from the Access Committee concerning methodologies to improve consumer access to the agency, the Policy Committee concerning codification of board rules, regulations, and board meeting procedures; the Investigation Committee, and Employer of the Year nominations; discussion of agency year-end report; discussion and action on acceptance of the state contribution to insurance coverage for board members; discussion and action on a resolution honoring Judge Criss Cole; discussion and action on a resolution honoring Employee of the Year; and discussion and action on appointment of an executive director for fiscal year 1986. The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g) and 2(e), to discuss personnel and pending legal matters.

**Contact:** Jean Wakefield, 314 West 11th Street, Austin, Texas 78711, (512) 475-6810.

**Filed:** October 8, 1985, 11:41 a.m.  
TRD-859334

★ ★ ★

## Texas Education Agency

**Thursday, October 10, 1985, 3:30 p.m.** The Committee for Personnel of the State Board of Education of the Texas Education Agency made an emergency revision to the agenda for a meeting held in Herbert L. Stokely Hall, Fort Brown Memorial Civic Center, 600 International Boulevard, Brownsville. The addition concerned a work session on the review of the state teacher appraisal process, instrumentation, and pilot training. The meeting originally was scheduled for 9 a.m. on Friday, October 11, 1985. The emergency status was necessary to incorporate expert recommendations into the appraisal process for the pilot which begins October 14, 1985. The meeting was rescheduled to ensure that the committee had adequate time to consider carefully all items on its agenda.

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

**Filed:** October 8, 1985, 11:01 a.m.  
TRD-859336

Addition to the previous agenda:

Recommended approval of commissioner W. N. Kirby's annual financial statement in accordance with House Bill 20, 69th Legislature Article V, §86. The emergency status was necessary to ensure compliance with the General Appropriations Act requirements concerning financial statements.

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

**Filed:** October 8, 1985, 11 a.m.  
TRD-859338

**Friday, October 11, 1985, 8:30 a.m.** The Committee of the Whole of the State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in the Robert E. Lee Youth Center, Fort Brown Memorial Civic Center, 600 International Boulevard, Brownsville. The addition concerned the status and timelines of the teacher testing program. The emergency status was necessary to adopt teacher testing items at a special meeting in November, and this dis-

cussion in October will explain the process and determine the time and location for this activity.

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

**Filed:** October 8, 1985, 11:02 a.m.  
TRD-859330

**Friday, October 11, 1985, 9 a.m.** The Committee for Finance and Programs of the State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in Herbert L. Stokely Hall, Fort Brown Memorial Civic Center, 600 International Boulevard, Brownsville. The addition concerned mid-term Texas educational assessment of minimum skills for migrant students. The emergency status was necessary to provide sufficient time for the contractor to print additional tests for a mid-year administration of the Texas educational assessment of minimum skills.

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

**Filed:** October 8, 1985, 11 a.m.  
TRD-859337

Addition to the previous agenda:

Revision of the State Plan for revision of the state plan for federal vocational education funding, fiscal years 1986-1988. The emergency status was necessary because Senate Bill 91, 69th Legislature, 1985, transferred responsibility for post-secondary technical/vocational education from the Central Education Agency to the Coordinating Board, Texas College and University System. The revision in the plan reflected this transfer of responsibility and is needed to be in compliance with the provisions of Senate Bill 91.

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

**Filed:** October 9, 1985, 1:12 p.m.  
TRD-859408

**Saturday, October 12, 1985, 8:30 a.m.** The State Board of Education of the Texas Education Agency made an emergency addition to the agenda for a meeting held in the Fortress Room, Fort Brown Hotel, 1900 East Elizabeth Street, Brownsville. The addition concerned recommended approval of commissioner W. N. Kirby's annual financial statement in accordance with House Bill 20, 69th Legislature, Article V, §86. The emergency status was necessary to ensure compliance with the General Appropriations Act requirements concerning financial statements.

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

**Filed:** October 8, 1985, 11:01 a.m.  
TRD-859335

#### Additions to the previous agenda:

Mid-term Texas educational assessment of minimum skills for migrant students. The emergency status was necessary because the board needed to take action on this item at this time to provide sufficient time for the contractor to print additional tests for a mid-year administration of the Texas Educational Assessment of Minimum Skills.

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

**Filed:** October 8, 1985, 11:02 a.m.  
TRD-859329

Revision of the state plan for federal vocational education funding, fiscal years 1986-1988. The emergency status was necessary because Senate Bill 91, 69th Legislature, 1985, transferred responsibility or post-secondary technical/vocational education from the Central Education Agency to the Coordinating Board, Texas College and University System. The revision in the plan reflects this transfer of responsibility and is needed to be in compliance with the provisions of Senate Bill 91.

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

**Filed:** October 9, 1985, 1:12 p.m.  
TRD-859407

**Monday, October 14, 1985, 1 p.m.** The Accountable Cost Advisory Committee of the Texas Education Agency met in emergency session in Room 6-101, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the subcommittee will present its design for studies to be undertaken to the full committee. The emergency status was necessary to

ensure that the committee can complete its work on schedule.

**Contact:** Rob Scott, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9704.

**Filed:** October 9, 1985, 1:12 p.m.  
TRD-859406

★ ★ ★

#### Advisory Commission on State Emergency Communications

**Friday, October 18, 1985, 9 a.m.** The Advisory Commission on State Emergency Communications will meet in the lieutenant governor's committee room, State Capitol, Austin. According to the agenda summary, the commission will hear comments by T. D. Walker, the 9-1-1 manager for Pacific Bell Telephone Company, concerning the California statewide 9-1-1 emergency telephone service; appoint subcommittees and review subcommittee research plans; review existing 9-1-1 systems in Texas and other states' laws on 9-1-1; and hear progress reports on other commission activities.

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

**Filed:** October 8, 1985, 3:28 p.m.  
TRD-859365

★ ★ ★

#### Texas Employment Commission

**Wednesday, October 16, 1985, 8:30 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. Items on the agenda summary include prior meeting notes; public comment period; presentation of bids on Walnut Creek property; the Committee on Disabilities; Galveston office interior remodeling; control of nonpersonal service expenditures; status of a report of the appeals systems review; reports of administrative staff on program operations, funding and legislation; actions, if any, resulting from executive session; and date of and agenda items for next meeting. The commission also will also meet in emergency session to discuss *Ibarra, et al. v. TEC, et al.*, *Ward v. TEC, et al.*, *Motley v. TEC, et al.* and *Tullis v. Grisham, et al.*

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

**Filed:** October 8, 1985, 4:10 p.m.  
TRD-859366

★ ★ ★

#### Good Neighbor Commission

**Friday, October 18, 1985, 9 a.m.** The Good Neighbor Commission (GNC) will meet at the Lancaster Hotel, 507 Texas, Houston. Items on the agenda include approval of minutes of third quarterly meeting; committee reports; commissioner's reports; staff reports; status of GNC projects; review of GNC goals and objectives; selection of date and place of next quarterly meeting; and other business.

**Contact:** Lauro Cruz, P.O. Box 12007, Austin, Texas 78711, (512) 463-1805.

**Filed:** October 9, 1985, 1:31 p.m.  
TRD-859410

★ ★ ★

#### Texas Department of Health

**Wednesday, October 16, 1985, 9 a.m.** The Rules Development Committee of the Respiratory Care Practitioners Advisory Board of the Texas Department of Health will meet in the U.S. Public Health Service Region 6 office, Room 1820-A, 1200 Main Tower, Dallas. According to the agenda summary, the committee will conduct a work session on rule development for implementation of Texas Civil Statutes, Article 4512L, and the next meeting date.

**Contact:** Donna Hardin, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7501.

**Filed:** October 8, 1985, 4:15 p.m.  
TRD-859369

**Friday, October 18, 1985, 2 p.m.** The Texas Birthing Center Licensing Act Ad Hoc Committee of the Texas Department of Health will meet in Conference Room G-209, 1100 West 49th Street, Austin. According to the agenda summary, the committee will introduce the committee members and Texas Department of Health staff, consider the purpose of the ad hoc committee, elect a chairperson, and conduct work session for drafting licensing regulations.

**Contact:** Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

**Filed:** October 8, 1985, 4:15 p.m.  
TRD-859368

**Tuesday, October 22, 1985, 1:30 p.m.** The Texas Ambulatory Surgical Center Licensing Act Ad Hoc committee of the Texas Department of Health will meet in commissioner's conference room G-107, 1100 West 49th Street, Austin. Items on the agenda summary include introduction of committee members and Texas Department of Health staff, purpose of the ad hoc committee, election of a chairperson, and a

work session for drafting licensing regulations.

**Contact:** Juanita Carrell, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7245.

**Filed:** October 8, 1985, 4:16 p.m.  
TRD-859367

★ ★ ★

### Texas Historical Commission

**Monday, October 28, 1985, 8:30 a.m.** The Main Street Committee of the Texas Historical Commission will meet at the Fort Concho Museum, 213 East Avenue D, San Angelo. According to the agenda summary, the committee will consider assistance to cities over 50,000 population, report on the 1985 conference and *Main Street Handbook*, and consider recommendations for 1986 Main Street cities

**Contact:** Anice Read, P.O. Box 12276, Austin, Texas 78711, (512) 475-4407.

**Filed:** October 9, 1985, 3:55 p.m.  
TRD-859441

★ ★ ★

### Industrial Accident Board

**Monday, October 14, 1985, 10 a.m.** The Industrial Accident Board met in Room 107, the Bevington A. Reed Building, 200 East Riverside Drive, first floor, Austin. According to the agenda, the board adopted the proposals published in the *Texas Register*, September 13, 1985, concerning an amendment to 28 TAC §89.30 (Rule 061.20.00.006), concerning filing of application; and an amendment to 28 TAC §89.150 (Rule 061.20.00.030) concerning Texas residents.

**Contact:** William Treacy, 200 East Riverside, First Floor, Austin, Texas 78704, (512) 448-7962.

**Filed:** October 9, 1985, 9:10 a.m.  
TRD-859381

★ ★ ★

### State Board of Insurance

**Wednesday, October 16, 1985, 2 p.m.** The State Board of Insurance will meet in emergency session in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. Items on the agenda summary include a motion for dismissal in the appeal of Alawai Development Corporation from action of the Texas Catastrophe Property Insurance Association; board orders on several different matters as itemized on the

complete agenda; the fire marshal's report concerning personnel matters; the commissioner's report concerning personnel matters; pending and contemplated litigation; proposed rules on group accident and health contracts which provide a dual track benefit, appointment of an advisory board pursuant to the Insurance Code Article 21.07-4, §9. The emergency status is necessary because of decisions which need to be made as soon as possible.

**Contact:** Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, (512) 463-6328.

**Filed:** October 9, 1985, 10:45 a.m.  
TRD-859401

★ ★ ★

### Texas Department of Mental Health and Mental Retardation

**Thursday, October 17, 1985, 8 a.m.** The Business Committee of the Texas Board of Mental Health and Mental Retardation of the Texas Department of Mental Health and Mental Retardation revised the agenda for a meeting to be held at the central office, 909 West 45th Street, Austin. The revision concerns a review of the budget format.

**Contact:** Gary E. Miller, M.D., P.O. Box 12668, Austin, Texas 78711-2668, (512) 465-4588.

**Filed:** October 9, 1985, 4:28 p.m.  
TRD-859442

★ ★ ★

### Texas Parks and Wildlife Department

**Thursday, October 10, 1985, 9 a.m.** The Texas Parks and Wildlife Commission of the Texas Parks and Wildlife Department made an emergency revision to the agenda for a meeting held at the Parks and Wildlife Headquarters Complex, Building B, 4200 Smith School Road, Austin. According to the revised agenda, the commission considered proposed emergency rule changes for King mackerel. The emergency status was necessary because urgent public necessity required consideration of conservation measures for King mackerel populations to adequately protect the resource.

**Contact:** Charles D. Travis, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4802.

**Filed:** October 9, 1985, 2:32 p.m.  
TRD-859422

★ ★ ★

**Tuesday, October 22, 1985, 10 a.m.** The Operation Game Thief Committee of the Texas Parks and Wildlife Department rescheduled a meeting to be held at the Parks and Wildlife Department Headquarters, 4200 Smith School Road, Austin. Items on the agenda include approval of April 9, 1985, public hearing minutes, a financial report, consideration of payment of rewards, a four year overview, and date of the next meeting. The meeting originally was scheduled for October 9, 1985 as published at 10 TexReg 3854.

**Contact:** M. Stanley Brooks, 4200 Smith School Road, Austin, Texas 78744, (512) 479-4850.

**Filed:** October 9, 1985, 2:36 p.m.  
TRD-859423

★ ★ ★

### Polygraph Examiners Board

**Thursday and Friday, October 17 and 18, 1985, 9 a.m. daily.** The Polygraph Examiners Board will meet in emergency session in the Americas East Room, Laredo Hilton, One South Main Avenue, Laredo. Items on the agenda summary include approval of minutes from July and September meetings; an administrative update; approval of intern applications and §12 applications; discussion of letters from Richard Avery the Louisiana Certified Stress Analysts Board; the appearance of Danny Canty, president of T.A.P.E.; a performance and funds management report for fiscal year 1985; a letter from the Louisiana Polygraph Examiners Board; letter from the State of California Polygraph Examiners Board; a State of Georgia law change; proposed reciprocity with Arkansas; a change in the intern report form; B.J. McGee's internship; a letter from Linden W. Wagner; appearances of William Joseph Scheve, Jr., Larry Don Arrington, Richard Brawley, and Pete Zapata Rodriguez; a report from Investigator Wolford; and discussion of STIM test in regarding 22 TAC §391.5 and §395.8. The emergency status is necessary because of additional items needing to be placed on the agenda. The meeting cannot be canceled as it has been scheduled to correspond with the Texas Association of Polygraph Examiners meeting.

**Contact:** Dawn M. Heikkila, P.O. Box 4087, Austin, Texas 78773, (512) 465-2058.

**Filed:** October 10, 1985, 9:19 a.m.  
TRD-859448

## Public Utility Commission of Texas

**Monday, October 14, 1985, 10 a.m.** The Hearings Division of the Public Utility Commission met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a prehearing conference in Docket 6350—application of El Paso Electric Company for authority to change rates. The emergency status was necessary because of a statutory deadline.

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

**Filed:** October 9, 1985, 1:50 p.m.  
TRD-859413

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Days, times, and dockets follow.

**Wednesday, October 16, 1985, 9 a.m.** An open meeting at which the commissioners will consider Dockets 6024, 6363, 6443, 6212, 6200, 5926, 6114, 6281, 6240, 6442, 6163, 6326, 6187, 6023, 5742, 6213, 6284, 5665, 5743, 5913, 6009, 6016, 6019, 6082, 6103, 6021, 6161, and 6176. The division also will meet in executive session to consider pending litigation and personnel matters.

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

**Filed:** October 8, 1985, 2:49 p.m.  
TRD-859360

**Wednesday, October 16, 1985, 9 a.m.** An addition to the agenda concerning Docket 6200—petition of Southwestern Bell Telephone Company for authority to change rates; and appeal of ALJ's oral order of September 24, 1985, denying MCI cross-examination of Hager.

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

**Filed:** October 8, 1985, 2:48 p.m.  
TRD-859361

**Thursday, October 24, 1985, 10 a.m.** A prehearing conference and interim rate hearing in Dockets 5475 and 6039—inquiry of the commission into the operations of Gateway Water Corporation, and appeal of Gateway Water Corporation from rate-making decision of the City of San Antonio.

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

**Filed:** October 9, 1985, 1:50 p.m.  
TRD-859415

**Friday, October 25, 1985, 10 a.m.** A rescheduled prehearing conference in Docket 6488—petition of Cogen Power,

Inc. for determination concerning applicability of certificate of convenience and necessity provisions to certain sales of power by a qualifying facility. The conference originally was scheduled for October 9, 1985.

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

**Filed:** October 9, 1985, 1:50 p.m.  
TRD-859412

**Thursday, November 14, 1985, 10 a.m.** A hearing on the merits in Docket 6205—application of Chisholm Trail Water Supply Corporation to amend its certificate of convenience and necessity within Williamson County.

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

**Filed:** October 9, 1985, 1:50 p.m.  
TRD-859414

**Friday, November 22, 1985, 9 a.m.** A hearing on the merits in Docket 6505—application of Windy's Water Works for a rate increase.

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

**Filed:** October 8, 1985, 2:47 p.m.  
TRD-859359

**Monday, December 9, 1985, 1:30 p.m.** A hearing on the merits in Docket 6527—application of Southwest Texas Telephone Company to change rates and to revise its tariff.

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

**Filed:** October 9, 1985, 1:49 p.m.  
TRD-859416

**Friday, December 20, 1985, 10 a.m.** A hearing on the merits in Docket 6480—application of Ingram Water Supply, Inc. for authority to change rates.

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

**Filed:** October 8, 1985, 2:48 p.m.  
TRD-859358

★ ★ ★

## Texas Rehabilitation Commission

**Friday, October 25, 1985, 10 a.m.** The Advocacy and Public Information Committee of the Texas Planning Council for Developmental Disabilities of the Texas Rehabilitation Center will meet in Room 302, 118 East Riverside Drive, Austin. Items

on the agenda include approval of minutes; ICF-MR reports update; Advocacy, Inc., report; review of federal legislation; developmental disabilities state plan for 1987-1989; public information activities report; and unfinished business.

**Contract:** Roger A. Webb, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8004.

**Filed:** October 10, 1985, 9:22 a.m.  
TRD-859447

★ ★ ★

## Texas Savings and Loan Department

**Monday, November 4, 1985 10 a.m.** The Texas Savings and Loan Department will meet in the hearing room, 2601 North Lamar, Austin. According to the agenda summary, the department will call applications and if no protest is registered and existing when called, further hearing will be dispensed with. If protest is registered and existing when called, hearing on the application(s) will be continued to a later date.

**Contact:** Russell R. Oliver, 2601 North Lamar, Austin, Texas 78705, (512) 479-1250.

**Filed:** October 9, 1985, 4:03 p.m.  
TRD-859435

**Thursday, November 7, 1985, 10 a.m.** The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar, Austin. According to the agenda, the department will accumulate a record of evidence in regard to the application of Bright Banc Savings Association, Dallas, and Dallas Federal Savings and Loan Association to merge, from which record the commissioner shall determine whether to grant or deny the application.

**Contact:** Russell R. Oliver, 2601 North Lamar, Austin, Texas 78705, (512) 479-1250.

**Filed:** October 9, 1985, 4:04 p.m.  
TRD-859434

★ ★ ★

## School Land Board

**Tuesday, October 15, 1985, 10 a.m.** The School Land Board made an emergency revision to the agenda for a meeting to be held in Room 831, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerns the schedule and procedures for the April 1, 1986, oil, gas, and other minerals lease sale. The emergency status is necessary to give suffi-

cient notice for the regularly scheduled April lease sale.

**Contact:** Linda K. Fisher, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-0219.

**Filed:** October 8, 1985, 2:55 p.m.  
TRD-859362

★ ★ ★

### State Securities Board

**Friday, October 18, 1985, 9:30 a.m.** The State Securities Board will meet at 1800 San Jacinto Street, Austin. Items on the agenda summary include minutes of September 20, 1985, board meeting; a staff report concerning regulation of investment advisers/financial planners; a staff report concerning enforcement actions based upon sales of commercial paper and notes; an update on agency operations with reports from division directors and the securities commissioner; and items for subsequent board meetings, if any. The board also will meet in executive session to discuss personnel matters pursuant to Texas Civil Statutes, Article 6252-17, §2(g).

**Contact:** Richard D. Latham, 1800 San Jacinto Street, Austin, Texas 78711, (512) 474-2233.

**Filed:** October 9, 1985, 3:40 p.m.  
TRD-859425

★ ★ ★

### Texas Soybean Producers Board

**Thursday, October 17, 1985, 1 p.m.** The Texas Soybean Producers Board of the Texas Department of Agriculture will meet at the Ambassador Park Hotel, 1312 South Ervay, Dallas. According to the agenda, the board will consider minutes of previous meeting; the financial report; a report by the Texas Soybean Producers Board executive secretary; and new business.

**Contact:** Alan Krob, P.O. Box 2182, Dallas, Texas 75221, (800) 558-1305.

**Filed:** October 9, 1985, 1:45 p.m.  
TRD-859411

★ ★ ★

### Teachers' Professional Practices Commission

**Friday, October 18, 1985, 9 a.m.** The Teachers' Professional Practices Commission will meet in Hearing Room 2-110,

William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will hear a complaint filed by an active certified member of the teaching profession against another active certified member of the teaching profession pursuant to the Texas Education Code, §§13.201-3.218.

**Contact:** James A. Salmon, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9332.

**Filed:** October 9, 1985, 1:11 p.m.  
TRD-859409

★ ★ ★



### Commission on Standards for the Teaching Profession

**Friday, October 25, 1985, 12:30 p.m.** The Committee on Membership of the Commission on Standards for the Teaching Profession will meet in the Directors Room, Hyatt Regency Hotel, 123 Losoya Street, San Antonio. According to the agenda, the committee will review nominations for commission membership.

**Contact:** Dr. Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** October 8, 1985, 11:01 a.m.  
TRD-859332

**Friday, October 25, 1985, 6 p.m.** The Commission on Standards for the Teaching Profession will meet in the Rio Grande East Room, Hyatt Regency Hotel, 123 Losoya Street, San Antonio. According to the agenda, the commission will consider the report

on block-grant funding for teacher centers; the report on programs submitted under the 1984 standards; and a preliminary report on attendance at 38th annual Texas conference on teacher education. The Committee on Membership will report on the review of nominations for commission membership.

**Contact:** Dr. Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** October 8, 1985, 11:01 a.m.  
TRD-859331

★ ★ ★

### Texas A&M University System

**Friday, October 11, 1985, 3 p.m.** The Audit Committee of the Board of Regents of the Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. According to the agenda, the committee conducted an exit conference with the state auditor for the Texas A&M University System.

**Contact:** Vickie E. Burt, Texas A&M University System, College Station, Texas 77843, (409) 845-9603.

**Filed:** October 8, 1985, 10:47 a.m.  
TRD-859326

★ ★ ★

### Texas State Technical Institute

**Thursday, October 10, 1985, 10 a.m.** The Ad Hoc Committee of the Board of Regents of the Texas State Technical Institute met in emergency session to discuss business operations of the system and all campuses. The emergency status was necessary to determine progress on a board directive.

**Contact:** Theodore A. Talbot, Texas State Technical Institute, Waco, Texas, (817) 799-3611, ext. 3909.

**Filed:** October 9, 1985, 1:10 p.m.  
TRD-859405

★ ★ ★

### University of Texas System

**Tuesday, October 15, 1985, 11:30 a.m.** The Intercollegiate Athletics for Women-Women's Athletics Council of the University of Texas at Austin will meet in Walter Webb Hall, 25th and Guadalupe Streets, Austin. Items on the agenda summary include approval of the minutes of the previous meeting, announcements, old business,

and new business. The council also will meet in executive session.

**Contact:** Lamar Urbanovsky, Room 505, Sam Houston Building, 201 East 14th Street, Austin 78701, (512) 475-3876.

**Filed:** October 8, 1985, 3:16 p.m.  
TRD-859363

★ ★ ★

### Texas Tech University

**Friday, October 11, 1985, 8:10 a.m.** The Finance and Administration Committee of the Board of Regents of the Health Sciences Center of Texas Tech University made an emergency addition to the agenda for a meeting held in the board suite, Administration Building, Texas Tech University campus, Lubbock. The addition concerned approval of a settlement agreement of the Grace V. Chope estate. The emergency status was necessary because settlement of the Chope estate needed to be accomplished before the November board meeting; consequently, the item needed to be considered by the board at the October meeting.

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

**Filed:** October 8, 1985, 10:48 a.m.  
TRD-859327

**Friday, October 11, 1985, 2:40 p.m.** The Board of Regents of the Health Sciences Center of Texas Tech University made an emergency addition to the agenda for a meeting held in the board suite, Administration Building, Texas Tech University campus, Lubbock. The addition concerned approval of a settlement agreement of the Grace V. Chope estate. The emergency status was necessary because settlement of the Chope estate needed to be accomplished before the November board meeting; consequently, the item needed to be considered by the board at the October meeting.

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

**Filed:** October 8, 1985, 10:49 a.m.  
TRD-859328

★ ★ ★

### Veterans Land Board

**Thursday, October 17, 1985, 10 a.m.** The Veterans Land Board (VLB) will meet in Room 831, Stephen F. Austin Building, Austin. Items on the agenda summary include approval of September 25, 1985, minutes; authorizing the issuance of State of Texas veterans bonds, series 1985, subject to the November 5, 1985, election and the giving of notice of sale and related board action; consideration of awarding

high bid on Tract 32; consideration of proposed revision of VLB rules; review of forfeited land sale bid form; review of Pruco Life Insurance policy; discussion of board's position of inducements offered to participate in the Veterans Land Program; discussion of the time frame on forfeiture action; consideration of forfeiture action on delinquent VLB accounts; status report of La-Moca Ranch Subdivision; and report of executive secretary.

**Contact:** Richard Keahey, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701, (512) 475-6755.

**Filed:** October 8, 1985, 3:28 p.m.  
TRD-859364

★ ★ ★



### Texas Water Commission

**Tuesday, October 15, 1985, 10 a.m.** The Texas Water Commission made an emergency addition to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda the commission considered an application by Octavio Salinas, Roberto Salinas, Rogelio Salinas, and Raymundo O. Salinas for an emergency permit, Webb County, Rio Grande Basin. The emergency status is necessary because applicants have stated that they have depleted their irrigation water allocation under Certificate of Adjudication 23-2762 and to save coastal bermuda grass crops, which if lost will be a loss of planting, pumping and fertilizing investments, requested that commission to consider this application as soon as possible.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 9, 1985, 1:40 p.m.  
TRD-859418

**Tuesday, October 29, 1985, 2 p.m.** The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will conduct a hearing on an application by Fort Bend County Municipal Utility District 1 for renewal of Permit 11358-01, Fort Bend County.

**Contact:** Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

**Filed:** October 9, 1985, 1:41 p.m.  
TRD-859417

★ ★ ★

### Regional Agencies Meetings Filed October 8

**The Bexar County Appraisal District, Appraisal Review Board,** met at 535 South Main, San Antonio, on October 11, 1985, at 9 a.m. The Board of Directors will meet at the same location on October 21, 1985, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

**The Colorado River Municipal Water District, Board of Directors,** will meet at 400 East 24th Street, Big Spring, on October 15, 1985, at 10 a.m. Information may be obtained from O. H. Ivie, 400 East 24th Street, Big Spring, Texas 79720, (915) 267-6341.

**The Dallas Area Rapid Transit, Special Needs Committee,** met in emergency session at 601 Pacific Avenue, Dallas, on October 8, 1985, at 4:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

**The Dewitt County Appraisal District, Board of Directors,** will meet at 103 Bailey Street, Cuero, on October 15, 1985, at 7:30 p.m. Information may be obtained from Wayne K. Woolsey, P.O. Box 4, Cuero, Texas 77954, (512) 275-5753.

**The Panhandle Regional Planning Commission, Regional Health Planning Advisory Committee,** will meet in the conference room, first floor, Briercroft Building, 415 West Eighth Street, Amarillo, on October 15, 1985, at 7 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105, (806) 372-3381.

**The Trinity River Authority, Utility Services Committee,** met at 5300 South Collins, Arlington, on October 14, 1985, at 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76018, (817) 467-4343  
TRD-859325

★ ★ ★

### Meetings Filed October 9

**The Texas Municipal League (Risk and Insurance Management Services), Board of Trustees (Workers' Comp/Joint Self-Insurance Funds),** met at the Wyndham Hotel Southpark, 4140 Governor's Row, Austin, on October 13, 1985, at noon. Information may be obtained from William I. Martin, Jr., 211 East Seventh Street, Suite 1020, Austin, Texas 78701, (512) 478-6601.

**The Nortex Regional Planning Commission, Executive Committee,** will meet in the Bounty Room, Trade Winds Motor Hotel,

1212 Broad Street, Wichita Falls, on October 17, 1985, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

**The Pecan Valley Mental Health and Mental Retardation Region**, Board of Trustees, will meet at 102 Charles Street, Granbury, on October 16, 1985, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

**The Trinity River Authority of Texas**, Legal Committee, will meet at 5300 South Collins, Arlington, on October 15, 1985, at 2 p.m. The Administrative Council will meet at the same location on the same day at 11 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76018, (817) 467-4343.  
TRD-859403

★ ★ ★

### Meetings Filed October 10

**The Colorado River Municipal Water District**, Board of Directors, revised the agenda for a meeting to be held at 400 East 24th Street, Big Spring, on October 15, 1985, at 10 a.m. Information may be obtained from O. H. Ivie, 400 East 24th Street, Big Spring, Texas 79720, (915) 267-6341.

**The Region X Education Service Center**, Board of Directors, will meet in the boardroom, 400 East Spring Valley, Richardson, on October 16, 1985, at 12:30 p.m. Information may be obtained from Joe Farmer, 400 East Spring Valley, Richardson, Texas, (214) 231-6301.

**The Jim Wells-Kleberg Soil and Water Conservation District**, Board of Directors, will meet in Suite 2, 2287 North Texas Boulevard, Alice, on October 15, 1985, at 2 p.m. Information may be obtained from Carol Freeman, P.O. Box 142, Alice, Texas 78333, (512) 668-9390.

**The Kendall County Appraisal District**, Board of Review, will meet at 207 East San Antonio Street, Boerne, on October 15, 1985, at 8:30 a.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

**The Lamar County Appraisal District**, Board of Directors, met at 1523 Lamar Avenue, Paris, on October 14, 1985, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.  
TRD-859446

★ ★ ★





# 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.

## **Texas Air Control Board Applications for Construction Permits**

The Texas Air Control Board gives notice of applications for construction permits received during the period of September 16-27, 1985.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Ridgways Inc./Universal Blueprint Paper Company, Athens; two reproduction coat machines; Athens, Henderson County; 9953; new source

Cabot Corporation, Sanford; natural gas treating plant; Sanford, Hutchinson County; 9954; new source

International Paper Company, Nacogdoches; oriented strand board plant; Stallings Street South, Nacogdoches County; 9958; new source

Dow Chemical Company, La Porte; utility boilers; Battleground Road, Harris County; 1483B; modification

Dow Chemical Company, La Porte; utility boilers; Battleground Road, Harris County; 4221A; modification

Young Brothers, Inc., Contractors, Bryan; asphalt concrete plant; Highway 21 West, Brazos County; 7875A; modification

Imperial Design, Inc. (IDI), Fort Worth; cultured marble manufacturing facility; 2641 Ludelle Street, Tarrant County; 9975; new source

Hematech Limited Partnership, Channelview; barite processing; 1930 Sheldon Road; Harris County; 9282; modification

Issued in Austin, Texas, on October 4, 1985.

TRD-859304 Paul M. Shinkawa  
Director of Hearings  
Texas Air Control Board

Filed: October 7, 1985  
For further information, please call (512) 451-5711, ext. 354.

## **State Banking Board Public Hearing**

The hearing officer of the State Banking Board will conduct a hearing at 9 a.m. on November 21, 1985, at 2601 North Lamar, Austin, on the charter application for Allied Bank Longview, Longview. This application is a conversion application from Allied Bank Longview, N.A., Longview, to a state-chartered bank.

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

Issued in Austin, Texas, on October 7, 1985.

TRD-859340 William F. Aldridge  
Director of Corporate Activities  
State Banking Board

Filed: October 8, 1985  
For further information, please call (512) 475-4451.

★ ★ ★

## **Banking Department of Texas Application to Acquire Control of a State Bank**

Texas Civil Statutes, Article 340-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On October 3, 1985, the banking commissioner received an application to acquire control of the First Security Bank and Trust, Coppell, by Donald J. Carter, Dallas.

On October 7, 1985, notice was given that the application would not be denied.

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

Issued in Austin, Texas, on October 7, 1985.

TRD-859339 William F. Aldridge  
Director of Corporate Activities  
Banking Department of Texas

Filed: October 8, 1985  
For further information, please call (512) 475-4451.

★ ★ ★

## Central Texas Council of Governments Consultant Proposal Request

This request for consultant services is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Central Texas Council of Governments is requesting written proposals for consultant services related to the development of a land use and population projection study of the urbanized area of the Killeen-Temple metropolitan statistical area. The duration of this project should not exceed six months. The maximum amount allocated for this contract is \$20,000.

The proposals will be evaluated upon:

- (1) qualifications, experience and competence to perform required services;
- (2) record of performance in similar activities; and
- (3) proposed methodology, usefulness of proposed products, and extra services provided.

A detailed scope of work and guidelines for the proposal's content can be obtained by contacting Gerald Bunker, Central Texas Council of Governments, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

Issued in Belton, Texas, on October 3, 1985.

TRD-850305      Walton B. Reedy  
Executive Director  
Central Texas Council of Governments

Filed: October 7, 1985  
For further information, please call (817) 939-1801.



## Texas Department of Community Affairs Request for Applications

The Texas Department of Community Affairs (TDCA) is soliciting applications for Job Training Partnership Act (JTPA), Title III, funds to operate worker adjustment projects for dislocated workers. The primary goal of the worker adjustment projects is the re-employment of dislocated workers in stable, productive employment that minimizes their wage loss.

Bidders must elect to apply for funding to operate projects which comply with the design specifications of the following project categories:

- (1) worker adjustment centers;
- (2) customized training programs;
- (3) entrepreneurial training programs; and
- (4) farmers assistance centers.

All federal formula funds received under JTPA Title III must be equally matched with nonfederal resources. Bidders must be one of the following: unit or consortium of state, county, or local government, including regional councils of government; other public or private nonprofit entities; or private-for-profit entities.

Applications will be reviewed and evaluated on criteria such as responsiveness of the application to the goals for the worker adjustment projects; proposed approach/plan of action/program design; number of dislocated workers

to be served and placed; cost effectiveness; level and quality of joint operations and coordination between contractor and local service providers; past experience providing employment and training or related services; and knowledge of the area to be served.

All provisions and conditions must conform to relevant federal and state regulations. Technical assistance will not be provided by TDCA in the preparation of proposals.

The TDCA retains the right to accept or reject any of all proposals. The TDCA is under no legal requirement to execute a resulting contract on the basis of its making this application package and intends the material provided herein only as a means of identifying and considering various contractor alternatives and the general cost of services desired.

This application package does not commit TDCA to pay for any cost incurred prior to execution of a contract or prior to fund availability from the U.S. Department of Labor for this procurement. The TDCA specifically reserves the right to vary the provisions set forth herein at any time prior to execution of contract where TDCA deems such variance to be in the best interest of the State of Texas, and to act otherwise as it deems in its sole discretion.

The period of performance for the worker adjustment projects is approximately 12 months, beginning on or about January 1, 1986.

The deadline for submission of complete applications is 4 p.m., on November 28, 1985. Any modifications to the original application must be received prior to the closing date. Applications will not be accepted after the 4 p.m. deadline.

Interested bidders may obtain an application package from the Texas Department of Community Affairs, Training and Employment Development Division at the following addresses: Texas Department of Community Affairs; Training and Employment Development Division; 8317 Cross Park Drive; P.O. Box 13166, Capitol Station; Austin, Texas 78711; Enrique Barera, Room 2-22.

Issued in Austin, Texas, on October 8, 1985.

TRD-850392      Douglas C. Brown  
General Counsel  
Texas Department of Community  
Affairs

Filed: October 9, 1985  
For further information, please call (512) 834-8000.



## Comptroller of Public Accounts Consultant Contract Award

The contract award for consulting services is filed under the provisions of Texas Civil Statutes, Article 6252-11c. The consultant proposal request was published in the August 6, 1985, issue of the *Texas Register* (10 TexReg 2570).

On October 3, 1985, a consultant contract was awarded to Coopers & Lybrand Management Consulting Services, 600 Congress Avenue, 1800 One American Center, Austin, Texas 78701. The contract was awarded for the company to review, evaluate, and submit a final report

on the operations of the Data Services Division and Audit Division's computer assisted audit approaches, as well as future skills and training needs of auditors performing computer assisted audits.

The total value of the contract is \$49,600. Work was begun on October 3, 1985, and will end not later than January 10, 1986. Contractor's final report is due on or before January 10, 1986.

Issued in Austin, Texas, on October 9, 1985.

TRD-859380 Bob Bullock  
Comptroller of Public Accounts

Filed: October 9, 1985

For further information, please call (512) 463-4806.

★ ★ ★

## 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, 1984. This cap is equal to \$150 per capita or approximately \$2.3 billion for the State of Texas for calendar year 1985.

House Bill 690 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 September 30-October 4 1985.

Total unallocated principal amount of private activity bonds authorized to be allocated as per the Federal Deficit Reduction Act, 1984 through October 4, 1985:

\$1,567,938,332.12

Comprehensive listing of bond issues which have received a reservation date as per House Bill 690 during the week of September 30-October 4, 1985:

Issuer	User	Amount
City of Dallas Industrial Development Corporation	Sealed Power Corporation	\$1.1 million
Montgomery County Health Facilities Development Corporation	Conroe Medical Building Associates	\$4.2 million
City of Arlington Industrial Development Corporation	Texstar Plastics Company	\$5.5 million
Central Waco Development Corporation	St. Charles Place	\$750,000

Total principal amount of private activity bonds issued through October 4, 1985;  
\$768,461,310.63

Comprehensive listing of bonds issued as per House Bill 690 during the week of September 30-October 4, 1985:

Issuer	User	Amount
City of El Paso Industrial Development Authority	Accurate Corrugated Box Company, Inc.	\$7.5 million
Central Waco Development Corporation	Waco Motel Associates, Ltd.	\$3 million
The Laredo Industrial Development Corporation	Fernando Cantu, Jr., and Mary Helen Cantu	\$546,000
Nacogdoches Industrial Development Authority, Inc	International Paper Company	\$6.5 million
Cass County Industrial Development Corporation	International Paper Company	\$2.75 million
Lufkin Industrial Development Authority	Lufkin-Conroe Communications Co.	\$1 million
Texas Small Business Industrial Development Corporation	Scott Environmental Technology, Inc.	\$400,000
Montgomery County Health Facilities Development Corporation	Conroe Medical Building Associates	\$4.2 million
City of Arlington Industrial Development Corporation	Texstar Plastics Company	\$5.5 million

Comprehensive listing of projects whose reservations have been cancelled due to failure to follow the provisions set forth in House Bill 690:

Issuer	User	Amount
Austin Industrial Development Corporation	East Sixth Street Mercado Venture	\$4 million

Issued in Austin, Texas, on October 8, 1985.

TRD-859375 David V. Brandon  
Executive Director  
Texas Economic Development Commission

Filed: October 9, 1985

For further information, please call (512) 472-5069.

★ ★ ★

## Office of the Governor Consultant Contract Award

This award of consulting services is being filed pursuant to Texas Civil Statutes, Article 6252-11c. The consultant proposal request appeared in the April 9, 1985, issue of the *Texas Register* (10 TexReg 1275).

The consultant will assist local communities in preventing crime through the establishment of major strategies designed to coordinate local resources in the fight against crime. Local citizen advisory groups (community crime commissions) will be established to foster communications and action in the comprehensive campaign. Frank Dyson was awarded the contract. His business address is 507 North Robinson Drive, Waco, Texas 76706.

Expenditure under this contract shall not exceed \$30,000. The contract begins on September 1, 1985, and ends on August 1, 1986.

There will be no documents on behalf of this consultant.

Issued in Austin, Texas, on September 30, 1985

TRD-859319 Ronald D. Champion  
Executive Director  
Criminal Justice Policy Council  
Office of the Governor

Filed: October 7, 1985  
For further information, please call (512) 463-1810.



## Public Information

The 69th Legislature, 1985, under provisions of House Bill 309, has allocated \$450,000 for each year of the 1986-1987 biennium for use by local crime stoppers programs. The Criminal Justice Division (CJD) of the Office of the Governor has been designated as the agency responsible for the administration of these funds.

Eligible applicants for these funds are restricted to existing local crime stoppers programs. Local Crime Stoppers Program is defined as a private nonprofit organization that is operated on less than a statewide level, that accepts and expends donations for reward to persons who report to the organization information concerning criminal activity, and that forwards the information to the appropriate law enforcement agency. At the time of application, applicants will be required to submit articles of incorporation, bylaws, and a state vendor identification number as verification of eligibility.

Activities to be funded include crime stoppers training, publicity and promotional materials, equipment, and innovative programs.

Application forms and guidelines will be provided to all active local crime stoppers programs in Texas. All applications must comply with the program criteria and applicable rules of the CJD.

The deadline for submission of applications is 5 p.m. on Monday, November 18, 1985. The CJD reserves the right to accept or reject any or all applications submitted and to negotiate modifications to improve the quality and cost effectiveness of any proposed program.

Additional information may be obtained from Greg MacAleese, Program Coordinator, Texas Crime Stoppers Advisory Council, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Issued in Austin, Texas, on October 8, 1985.

TRD-859352 Gilbert J. Pena  
Executive Director  
Criminal Justice Division  
Office of the Governor

Filed: October 8, 1985  
For further information, please call (512) 463-1919.



## Texas Department of Human Services Extension of Closing Date

The Texas Department of Human Services (DHS) is extending the closing date for receipt of offers for the procurement of food stamp issuance services. The request for proposals (RFP) was originally published in the September 10, 1985, issue of the *Texas Register* (10 Tex-Reg 3447). The new closing date for receipt of offers is 12 noon on November 1, 1985. All other information in the original RFP remains the same.

Issued in Austin, Texas, on October 9, 1985.

TRD-859399 Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: October 9, 1985  
For further information, please call (512) 450-3788.



## Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Department of Human Services (DHS) furnishes this notice of consultant contract award. The notice for request for proposals was published in the July 30, 1985, issue of the *Texas Register* (10 TexReg 2487).

**Description of Services.** The contractor will provide training and technical assistance related to family violence shelter centers and service program needs and development; technical assistance in response to telephone requests; development and revision of a quarterly directory of family violence service providers; production of a quarterly newsletter; and development and maintenance of information related to family violence.

**Name of Contractor and Value of Contract.** The contractor is Texas Council on Family Violence, 509-A West Lynn, Austin, Texas, 78703. Payments shall not exceed \$91,666 for the contract period from October 1, 1985-August 31, 1986, and shall not exceed \$100,000 for the period from September 1, 1986-August 31, 1987.

**Due Date of Reports.** All reports are due to the program specialist for family violence, Protective Services for Families and Children Branch, Texas Department of Human Services, under timeframes specified in the contract.

Issued in Austin, Texas, on October 9, 1985.

TRD-859398 Marlin W. Johnston  
Commissioner  
Texas Department of Human Services

Filed: October 9, 1985  
For further information, please call (512) 450-3788.



## 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 an incorporation of New World Health Systems, Inc., to be a domestic health maintenance. The home office is to be in Houston;

(2) Application for incorporation of Westworld Community Healthplans of Texas, Inc., to be a domestic health maintenance organization. The home office is to be in Hubbard;

(3) Application for admission to do business in Texas of Rio Grande Choice Health Plan, Inc., a foreign health maintenance organization. The home office is in Albuquerque, New Mexico;

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

(5) Application for admission to do business in Texas of Kentucky Commonwealth Life Insurance Company (assumed name in Texas for Commonwealth Life Insurance Company), a foreign life insurance company. The home office is in Louisville, Kentucky;

(6) Application for admission to do business in Texas of Aetna Casualty and Surety Company of America, a foreign fire and casualty insurance company. The home office is in Hartford, Connecticut;

(7) Application for admission to do business in Texas of Sunset Life Insurance Company of America, a foreign life insurance company. The home office is in Olympia, Washington;

(8) Application for incorporation of American Funeral Service and Life Insurance Company, to be a domestic life insurance company. The home office is to be in Atlanta;

(9) Application for incorporation of Sheppard Dental Care Plus, Inc., to be a domestic health maintenance organization. The home office is to be in Irving;

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

(11) Application for admission to do business in Texas of Financial Market Insurance Company, a foreign casualty insurance company. The home office is in Los Angeles, California; and

(12) Application for admission to do business in Texas of Securities Market Insurance Corporation, a foreign casualty insurance company. The home office's in is Los Angeles, California.

Issued in Austin, Texas, on October 4, 1985

TRD-859301 James W. Norman  
Chief Clerk  
State Board of Insurance

Filed: October 7, 1985  
For further information, please call (512) 475-2950.

★ ★ ★

## Texas Parks and Wildlife Department Gulf States Marine Fisheries Commission Meeting

The Gulf States Marine Fisheries Commission will hold its 36th annual fall meeting October 15-18, 1985. Florida

is the host state and arrangements have been made at the Hilton Inn Gateway, 7470 Highway 192 West, Kissimmee, Florida. Dr. Richard L. Leard, director of the Bureau of Marine Resources, Mississippi Department of Wildlife Conservation, will be the presiding chairman.

All persons interested in the Gulf States Marine Fisheries Commission are invited to attend. For additional information, please call Ginny Herring, (601) 875-5912.

Issued in Austin, Texas, on October 7, 1985

TRD-859306 Charles D Travis  
Executive Director  
Texas Parks and Wildlife Department

Filed: October 7, 1985  
For further information, please call (512) [redacted]

★ ★ ★

## Public Utility Commission of Texas Availability of Proposed State Plan for the Institutional Conservation Program

The plan of the State of Texas for the Institutional Conservation Program (ICP) has been revised in response to new regulations issued by the Department of Energy in the *Federal Register*, April 30, 1985. The Energy Efficiency Division of the Public Utility Commission of Texas administers the program in Texas. The proposed revised plan is available for review and comment by interested persons within the state.

Growing out of the National Energy Conservation Policy Act, 1978, ICP provides matching funds for energy conservation studies and capital retrofit projects in schools and hospitals. In seven cycles of the program, over \$26 million in grants have been awarded in Texas.

Copies of the proposed revised state plan are available on request by writing or calling Mel Roberts, Public Utility Commission of Texas, 7800 Shoal Creek Boulevard, Suite 400N, Austin, Texas 78757, (512) 458-0313. Public comments will be received in writing at the same address until November 18, 1985.

Issued in Austin, Texas, on October 4, 1985

TRD-859307 Rhonda Colbert Ryan  
Secretary of the Commission  
Public Utility Commission of Texas

Filed: October 7, 1985  
For further information, please call (512) 458-0231.

★ ★ ★

## Railroad Commission of Texas Correction of Error

Adopted rules submitted by the Railroad Commission of Texas contained errors as published in the September 24, 1985, issue of the *Texas Register* (10 TexReg 3685).

The second paragraph in the preamble should read: "These sections are necessary for the adoption and enforcement of the provisions contained in 49 Code of Federal Regulations Part 195."

In the fourth paragraph, the end of the last sentence should read: "and reduce required records to conform with 49 Code of Federal Regulations Part 195."

In §7.64, the sentence should read: "Nothing in §§7.61-7.68 of this title (relating to Substantive Rules) shall be applied retroactively to existing intrastate pipeline facilities concerning design, fabrication, or installation, but all intrastate pipeline facilities shall be subject to the other safety requirements of these rules."

In §7.65(e), the first sentence should read: "Each operator shall maintain and have available for inspection the same documents and records required of interstate operators by 49 Code of Federal Regulations Part 195, and such additional records as the commission from time to time may require."

In §7.68(1), the last part of the sentence should read: "and/or 49 Code of Federal Regulations Part 195, in addition to other documents which reasonably may be required to determine compliance with the provisions of these hazardous liquids pipeline safety rules or aid in the investigation of any accident or incident involving hazardous liquids."

In §7.68(3), the last portion of the sentence should read: "and enforcement of the provisions of these hazardous liquids pipeline safety rules or in the investigation of any accident, violation, or alleged violation of these hazardous liquids pipeline safety rules."

★ ★ ★

## 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 September 30-October 4, 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) 463-7905.

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 September 30-October 4, 1985

Wilson McCloy, Nan McCloy, Allen McCloy, Bill McCloy, doing business as McCloy Feedlot, Stinnet; confined cattle feeding operation; immediately south of FM Road 281 at point approximately three miles west of the intersection of FM Road 281 with State Highway 136 and approximately 15 miles north-northwest of the City of Stinnett in Hutchinson County; 01559; amendment

Doug Filke, Austin; condominium/townhouse subdivision; approximately 450 feet north-northeast of the intersection of Brooks Hollow Road and Hurst Creek Road in Travis County; 13810-01; new permit

Edgar E. Lackner, Houston; mixed use development; on the east bank of White Oak Bayou, approximately 800 feet east of West T. C. Jester Boulevard and 1000 feet south of west 18th Street in the City of Houston, Harris County; 13156-01; new permit

Texas Industries, Inc., Dallas; nonoperating distributional terminal; at the intersection of FM Road 1093 and Harlem Road in Fort Bend County; 12005-01; renewal

Jesse Berwick, Conroe; proposed residential subdivision; approximately 2,500 feet east of U.S. Highway 75 and 1½ miles north of the intersection of U.S. Highway 75 and FM Road 336 in Montgomery County; 13193-01; new permit

George E. Stourton doing business as Pleasanton Utilities, Alvin; proposed residential subdivision; approximately 8,000 feet west of the FM Road 1462 crossing of the Briscoe Canal, approximately 3.4 miles southwest of the City of Alvin in Brazoria County; 13150-01; new permit

The City of San Antonio, San Antonio; wastewater treatment plant; approximately one mile west of the intersection of Mauerman Road and Pleasanton Road in Bexar County; 10137-03; amendment

Gulf Marine Fabricators, Inc., Aransas Pass; wastewater treatment facilities; on the east side of FM Road 2725, approximately one mile south of Aransas Pass in San Patricio County; 12064-01; renewal

Glen C. Anderson, Austin; residential housing development; on the south side of Colton-Bluff Springs Road approximately one mile west of the intersection of Colton-Bluff Springs Road and U.S. Highway 183 in Travis County; 13183-01; new permit

Lake Cities Municipal Utility Authority, Lake Dallas; wastewater treatment facility; adjacent to Lewisville Lake approximately 1½ miles east of Interstate Highway 35 and 60 feet north of Lake Dallas city limit in Denton County; 10698-01; renewal

Texas Department of Corrections, Huntsville; wastewater treatment plant; at the southwest terminus of FM Road 2054 at a point approximately 4.5 miles southwest of Tennessee Colony in Anderson County; 10823-01; renewal

Houshang Solhjoui, doing business as Mobile Home Park, Houston; mobile home-park; at 415 Carby approximately 2,400 feet east-northeast of the intersection of Airline Drive and Carby, north of the City of Houston in Harris County; 12261-01; amendment

Southwest Utilities, Inc., El Campo; wastewater treatment plant; on the east side of Sellers Road, approximately 700 feet north of the intersection of Hollyvale and Sellers Road in Harris County; 10694-01; renewal

The City of Nassau Bay, Bay Nassua; wastewater treatment plant; on Clear Creek adjacent to Pearsons Lake (Lake Nassau), approximately one mile south of NASA Road 1 and one mile east of Webster in the City of Nassau Bay in Harris County; 10526-01; amendment

City of Slaton, Slaton; wastewater treatment plant; approximately 4,000 feet east and 7,000 feet north of the intersection of Golf Course Road and FM Road 41 in Lubbock County; 10284-01; amendment

City of Wolfforth, Wolfforth; wastewater treatment plant; approximately 2,600 feet southwest of the intersection of FM Road 179 and FM 1585, approximately three miles east of the intersection of U.S. Highway 82 and FM Road 1585 in Lubbock County; 10321-02; new permit

Harris County Municipal Utility District No. 86, Houston; wastewater treatment plant; approximately 0.4 miles south of the intersection of FM Road 1960 and Medberry Road in Harris County; 12065-01; renewal

U.S. Steel Corporation—Texas Uranium Operations, George West; waste disposal wells; west and southwest of George West, Live Oak County; WDW-123, WDW-124, WDW-130, WDW-140, WDW-174, and WDW-183; amendment

Merichem Company, Houston; waste disposal well; four miles north of the City of Pasadena, at a point 4,000 feet from the north line, and 16,900 feet from the east line of the Richard and Robert Vince Survey, A-76, Harris County; WDW-147; amendment

United States Steel Corp., and N. M. Uranium, Inc., Texas Uranium, George West; *in situ* uranium mine; approximately 10 miles southwest of the City of George West, adjacent to U.S. Highway 59 in Live Oak County; URO1890; amendment

Issued in Austin, Texas, on October 7, 1985.

TRD-859357      Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: October 7, 1985  
For further information, please call (512) 463-7896.

★      ★      ★

## Texas Youth Commission Consultant Contract Award

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Youth Commission publishes this notice of award of consulting services. The notice of invitation for offers was published in the August 23, 1985, issue of the *Texas Register* (10 TexReg 3234).

**Description of Service.** Services provided by the consultant involve advising the agency on the requirements of the sunset review process; assisting the agency in compiling and preparing required reports; assisting the agency in evaluating the findings of the Sunset Advisory Commission's staff; and analyzing and drafting proposed changes to the commission's enabling acts. Other services to be provided by the consultant will relate to the efficient exchange of information between the Sunset Advisory Commission and its staff and the Texas Youth Commission and its staff.

**Contractor Selected.** The contractor selected is Darryll W. Grubbs, 2704 San Pedro #16, Austin, Texas. During the preceding two years, Mr. Grubbs was a part-time employee of the Office of the Governor serving as an administrative assistant at a part-time salary of \$18,174.

**Value of Contract and Effective Date.** The total value of this contract is \$14,234. The contract began October 1, 1985 and end August 31, 1986.

**Due Dates for Reports.** Reports will be delivered as specified under the terms of the contract and as required by the sunset review schedule.

Issued in Austin, Texas, on October 7, 1985.

TRD-859356      Ron Jackson  
Executive Director  
Texas Youth Commission

Filed: October 8, 1985  
For further information, please call (512) 462-8111.

★      ★      ★



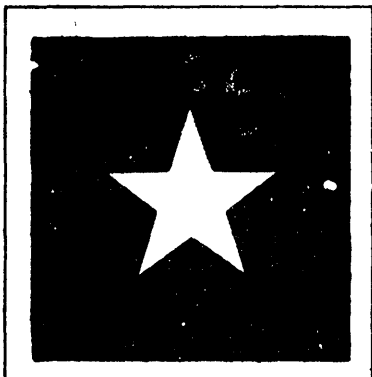
75365212 INTER-AGENCY  
TEXAS STATE LIBRARY  
PUBLICATIONS CLEARINGHOUSE  
LIBRARY AND ARCHIVES BLDG  
AUSTIN TX 78711  
303

Second Class Postage

**PAID**

Austin, Texas

and additional entry offices



Please enter my subscrip-  
tion to the *Texas Register*  
as indicated below. (I will  
look for my first issue in  
about two weeks.)

- ★ 1 year (100 issues) \$80
- ★ 6 months (50 issues) \$60
- ★ Payment enclosed
- ★ Bill me

For information concerning the  
*Texas Register*, please call (512)  
463-5561, or write to P.O. Box  
13624, Austin, Texas 78711-3624.

Please make checks payable to  
the Secretary of State. Subscrip-  
tion fees are not refundable.

To order a new subscription, or to indicate a change  
of address, please use this form. When notifying us  
of an address change, please attach the mailing  
label from the back of a current issue. Questions  
concerning existing subscriptions should also in-  
clude the subscription number from the mailing  
label.

You may also use this form to request back issues  
of the *Texas Register*. Please specify the exact dates  
and quantities of the issues requested. Each copy of  
a back issue is \$3.00.

★ Change of Address  
(Please attach mailing label)

★ Back issues requested  
(Please specify dates)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Organization

\_\_\_\_\_  
Occupation

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
For office use only