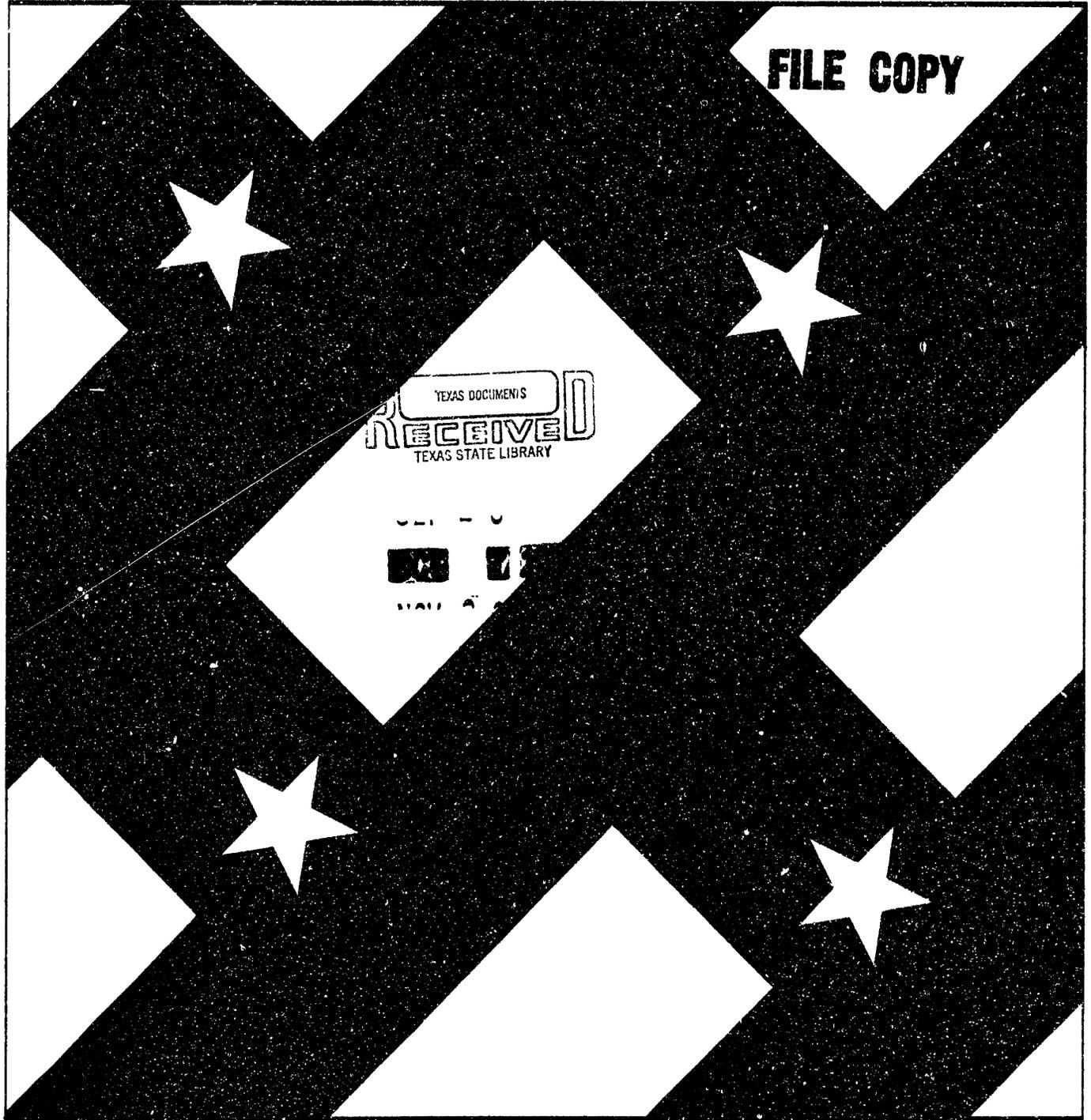


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Texas Register

Volume 11, Number 71, September 23, 1986

Pages 4019-4052



Highlights

The **Texas State Board of Pharmacy** proposes an amendment concerning the practices and procedures for discipline for a pharmacist license. Earliest possible date of adoption - October 24. . . **page 4025**

The **Texas State Board of Public Accountancy** proposes a section concerning licensee advertising guidelines. Earliest possible

date of adoption - October 24 . . . **page 4030**

The **Committee on Purchases of Products and Services of Blind and Severely Disabled Persons** proposes amendments for the purchasing of products and services of blind and severely disabled persons by the state agencies and political subdivisions. Effective date - October 24 **page 4031**

**Office of
the Secretary
of State**

Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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TAC stands for the *Texas Administrative Code*;

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



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Attorney General

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

Opinion

JM-530 (RQ-798). Request from Richard Handorf, criminal district attorney, Anderson County Courthouse, Palestine, concerning whether Anderson County may expend surplus money from road bonds and from its workmen's compensation account to build a jail.

Summary of Opinion. Anderson County may not spend surplus from an issuance of road bonds on the construction of a new jail. Anderson County may spend on the construction of a new jail money set aside for worker's compensation purposes but no longer needed for such purposes.

TRD-8608540

★ ★ ★

Request for Opinion

RQ-873. Request from Tom Craddick, chairman, House Committee on Natural Resources, House of Representatives, Austin, concerning whether nonprofit water supply corporations are subject to the Open Meeting and Open Records Act.

TRD-8608533

★ ★ ★

Proposed Rules

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

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

TITLE 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 281. General Provisions Practice and Procedure

★ 22 TAC §281.24

The Texas State Board of Pharmacy proposes an amendment to §281.24, concerning grounds for discipline for a pharmacist license. This proposed amendment further outlines what is included under the term "unprofessional conduct," set out in the Texas Pharmacy Act, §26(a).

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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. Brinkley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the establishment of procedures for the proper institution, conduct, and determination of all proceedings and matters within the jurisdiction of the board. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The amendment is proposed under Texas Civil Statutes, Article 4542a-1, §26, which provide the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of this Act, consistent with this Act.

§281.24. *Grounds for Discipline for a Pharmacist License.*

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

(1)-(24) (No change.)

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

(26) being the subject of civil fines by a federal or state court as a result of violating the Controlled Substances Act or Dangerous Drug Act; or

(27) selling, trading, bartering, or exchanging:

(A) prescription drug samples;

(B) prescription drugs sold for export use only;

(C) pharmaceuticals purchased by hospitals, clinics, or other health care facilities, including agencies of state and local governments, for the exclusive use of those institutions and not intended for resale, provided however, this subdivision does not apply to the sale of prescription drugs otherwise permitted by law to affiliated corporations in furtherance of a planned, integrated approach to the delivery of health care within a health care corporate structure, and sales by bona fide group purchasing arrangement to members;

(D) prescription drugs donated or supplied at reduced prices to charitable institutions in the United States or abroad for their own institutional use;

(E) misbranded prescription drugs;

or

(F) prescription drugs beyond the manufacturer's expiration date.

(b)-(c) (No change.)

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

Issued in Austin, Texas, on September 9, 1986.

TRD-8308888

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

Earliest possible date of adoption:

October 24, 1986

For further information, please call
(512) 832-0661.

★ ★ ★

Chapter 291. Pharmacies Clinic Pharmacy (Class D)

★ 22 TAC §§291.91-291.93, 291.95,
291.96

(Editor's note: The text of the following sections proposed for repeal will not be pub-

lished. The sections may be examined in the offices of the Texas State Board of Pharmacy, 8505 Cross Park Drive, Suite 110, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Pharmacy proposes the repeal of §§291.91-291.93, 291.95, and 291.96, concerning clinic (Class D) pharmacies. The repeals are proposed simultaneously with new §§291.91-291.94.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the proposed repeals will be in effect there will be fiscal implications for state government as a result of enforcing or administering the repeals. The effect on state government is an estimated loss in revenue of \$25,000 each year in 1987-1991, based on approximately 250 currently licensed Class D pharmacies. There will be no effect on local government or small businesses.

Mr. Brinkley also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the regulation and control of clinic pharmacies to protect the public health, safety, and welfare. The anticipated economic cost to individuals who are required to comply with the proposed repeals will be a \$100 annual license fee of \$100 each year in 1987-1991 for a Class D clinic pharmacy license.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The repeals are proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of clinic pharmacies and the standards that each clinic pharmacy and its employees or personnel involved in the practice of clinic pharmacy must meet to qualify for licensing or re-licensing as a clinic pharmacy.

§291.91. *Definitions.*

§291.92. *Personnel Supervision in a Class D Pharmacy*

§291.93. *Operational Standards.*

§291.95. *Records.*

§291.96. *Inspection Procedures.*

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 September 12, 1986.

TRD-8008850 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Earliest possible date of adoption:
October 24, 1986

For further information, please call
(512) 832-0861.

★ ★ ★

★ 22 TAC §§291.91-291.94

The Texas State Board of Pharmacy proposes new §§291.91-291.94, concerning Class D (clinic) pharmacies. The new sections are simultaneously proposed with the repeal of existing §§291.91-291.93, 291.95, and 291.96. The proposal is a result of an extensive reassessment of the rules currently governing Class D pharmacies. The reassessment was made over a two-year period, during which the board received input from a Class D advisory committee, two public hearings, and written comments. The proposed sections establish the operational standards each clinic pharmacy and its employees must meet to qualify for licensing and relicensing as a clinic pharmacy. Within the new sections are special provisions addressing indigent health care, which is a matter of concern to the State of Texas, as expressed in Senate Bill 1 (Indigent Health Care and Treatment Act) and other bills of the 68th Legislature, 1983. For purposes of these sections only, indigent patients are defined as persons who meet or fall below 100% of federal poverty guidelines.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state government as a result of enforcing or administering the sections. The effect on state government is an estimated additional cost of \$32,000 each year in 1987-1991, based on approximately 320 exempt Class D pharmacies. There will be an estimated increase in revenue to the state government of \$17,000 each year in 1987-1991, based on approximately 170 nonexempt licensed Class D pharmacies. The effect on local government is indeterminate since the services of a pharmacist depend on the needs of the clinic. There will be no effect on small businesses.

Mr. Brinkley 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 sec-

tions will be the regulation and control of clinic pharmacies to protect the public health, safety, and welfare. The anticipated economic cost to individuals who are required to comply with the proposed sections will be an annual fee of \$100 each year in 1987-1991 for a Class D pharmacy license.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 8505 Cross Park Drive, Suite 110, Austin, Texas 78754.

The new sections are proposed under Texas Civil Statutes, Article 4542a-1, §§5, 17, 29, and 30, which provide the Texas State Board of Pharmacy with the authority to govern the practice of clinic pharmacies and the standards that each clinic pharmacy and its employees or personnel involved in the practice of clinic pharmacy must meet to qualify for licensing or relicensing as a clinic pharmacy.

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

Act—The Texas Pharmacy Act, House Bill 1628, Acts of the 67th Legislature, 1981, Texas Civil Statutes, Article 4542a-1, as amended.

Administer—The direct application of a prescription drug by injection, inhalation, ingestion, or any other means to the body of a patient by:

(A) a practitioner or an authorized agent under his supervision; or

(B) the patient at the direction of a practitioner.

Board—The Texas State Board of Pharmacy.

Clinic—A facility/location other than a physician's office, where limited types of dangerous drugs or devices restricted to those listed in and approved for the clinic's formulary are stored, administered, provided, or dispensed to outpatients.

Consultant pharmacist—A pharmacist retained by a clinic on a routine basis to consult with the clinic in areas that pertain to the practice of pharmacy.

Continuous supervision—Supervision provided by the pharmacist-in-charge, consultant pharmacist, and/or staff pharmacist, and consists of on-site and telephone supervision, routine inspection, and a policy and procedure manual.

Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended, (Texas Civil Statutes, Article 4476-15), or a drug, immediate precursor, or other substance included in Schedule I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

Dangerous drug—Any drug or device that is not included in Penalty Groups 1-4 of the Controlled Substances Act and that

is unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription;" or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

Dispense—Preparing, packaging, compounding, or labeling for delivery of a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

Indigent—Person who meets or falls below 100% of federal poverty income guidelines as established from time to time by the U.S. Department of Health and Human Services.

Limited type of device—An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, that is required under federal or state law to be ordered or prescribed by a practitioner, that is contained in the clinic formulary and is to be administered, dispensed, or provided according to the objectives of the clinic.

Limited type of drug—A dangerous drug contained in the clinic formulary, and to be administered, dispensed, or provided according to the objectives of the clinic.

Outpatient—An ambulatory patient who comes to a clinic to receive services related to the objectives of the clinic and departs the same day.

Pharmacist—A person licensed by the board to practice pharmacy.

Pharmacist-in-charge—The pharmacist designated on a pharmacy license as the pharmacist who is responsible for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

Practitioner—A physician, dentist, podiatrist, veterinarian, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs. Practitioner does not include a person licensed under the Act.

Repackaging—The repackaging of drugs from a bulk container into smaller unit of use containers intended for provision to patients.

Provide—To supply one or more unit doses of a nonprescription drug or dangerous drug to a patient.

Standing delegation order—Written orders from a physician and designed for a patient population with specific diseases, disorders, health problems, or sets of symptoms, which provide authority for and a plan for use with patients presenting themselves prior to being examined or evaluated by a physician to assure that such acts are carried out correctly and are distinct from specific orders written for a particular patient.

Standing medical order—Written orders from a physician or the medical staff of an institution for patients which have been examined or evaluated by a physician and which are used as a guide in preparation for and carrying out medical and/or surgical procedures.

Supportive personnel—Individuals under the supervision of a pharmacist-in-charge, designated by the pharmacist-in-charge, and for whom the pharmacist-in-charge assumes legal responsibility, who function and perform under the instructions of the pharmacist-in-charge.

§291.92. Personnel.

(a) Pharmacist-in-charge.

(1) General.

(A) Each Class D pharmacy shall have one pharmacist-in-charge who is employed or under written agreement, at least on a consulting or part-time basis, but may be employed on a full-time basis if desired, and who may be pharmacist-in-charge of more than one clinic pharmacy.

(B) A written agreement shall exist between the clinic and the pharmacist-in-charge, and a copy of the written agreement shall be made available to the board upon request.

(2) Responsibilities. The pharmacist-in-charge shall have at a minimum, the responsibility for the following:

(A) continuous supervision of registered nurses, licensed vocational nurses, physician assistants, technicians, and assistants carrying out the pharmacy related aspects of provision;

(B) documented periodic on-site visits as specified in §291.93(h) and §291.94 (a) of this title (relating to Operational Standards and Records), either personally or by the consultant pharmacist or staff pharmacist, to insure that the clinic is following set policies and procedures; documentation shall be as specified in §291.94(a) of this title (relating to Records);

(C) development of a formulary for the clinic, in conjunction with the clinic's pharmacy and therapeutics committee, consisting of drugs and/or devices needed to meet the objectives of the clinic;

(D) procurement and storage of drugs and/or devices, but he/she may receive input from other appropriate staff of the clinic;

(E) determining specifications of all drugs and/or devices procured by the clinic;

(F) maintenance of records of all transactions of the pharmacy as may be required by applicable law and as may be necessary to maintain accurate control over and accountability for all drugs and/or devices;

(G) development and periodic review of a policy and procedure manual for the pharmacy in conjunction with the clinic's pharmacy and therapeutic committee;

(H) meeting inspection and other requirements of the Texas Pharmacy Act and these sections;

(I) dispensing of prescription orders; and

(J) conducting inservice training at least annually for supportive personnel who provide drugs; such training shall be related to actions, contraindications, adverse reactions, and pharmacology of drugs contained in the formulary.

(b) Consultant pharmacist.

(1) The consultant pharmacist may be the pharmacist-in-charge.

(2) The consultant pharmacist may be retained by more than one clinic.

(c) Staff pharmacists.

(1) The pharmacist-in-charge may be assisted by a sufficient number of additional pharmacists as may be required to operate the clinic pharmacy competently, safely, and adequately to meet the needs of the patients of the clinic.

(2) Staff pharmacists and/or the consultant pharmacist shall assist the pharmacist-in-charge in meeting the responsibilities as outlined in subsection (a)(2) of this section and in ordering, supervising, and accounting for drugs and/or devices.

(3) Staff pharmacists and/or the consultant pharmacist shall be responsible for any delegated act performed by supportive personnel under his or her supervision.

(d) Supportive personnel.

(1) Qualifications.

(A) Supportive personnel shall possess education and training necessary to carry out their responsibilities.

(B) Supportive personnel shall be qualified to perform the pharmacy tasks assigned to them.

(2) Duties. Duties include:

(A) provision of drugs and/or devices under the continuous supervision of a pharmacist according to standing delegation orders or standing medical orders and in accordance with written policies and procedures and completion of the label as specified in §291.93(e)(6)(F) of this title (relating to Operational Standards);

(B) prepackaging and labeling unit of use packages, under the direct supervision of a pharmacist with the pharmacist conducting in-process and final checks and affixing his or her signature to the appropriate quality control records;

(C) maintaining inventories of drugs and/or devices;

(D) maintaining pharmacy records.

(3) Absence of the pharmacist. The pharmacist-in-charge shall designate from among the supportive personnel a person to supervise the day-to-day pharmacy-related operations of the clinic.

§291.93. Operational Standards.

(a) Registration.

(1) All clinic pharmacies shall register annually with the board on a form provided by the board.

(2) All clinic pharmacies shall provide a copy of their policy and procedure

manual, which includes the formulary, to the board with the initial license application.

(3) All clinic pharmacy licenses expire on May 31 of each year.

(4) The registration form shall be signed by the pharmacist-in-charge of the clinic pharmacy.

(5) The owner or managing officer of the clinic shall sign the registration form and shall agree to comply with the rules adopted by the board governing clinic pharmacies.

(6) The registration form shall be certified and state whether the clinic pharmacy is a sole ownership and give the name of the owner, or if a partnership, name all the managing partners, or if a corporation, name all the managing officers.

(7) The following fees shall be charged.

(A) A fee of \$100 will be charged for the issuance of a new license and for each renewal.

(B) A pharmacy operated by the state or a local government that qualifies for a Class D license is not required to pay a fee to obtain a license.

(8) When a clinic pharmacy changes ownership, a new and separate license application must be filed with the board and the old license returned to the board's office.

(9) A Class D (clinic) pharmacy shall notify the board in writing of any change in name or location within 10 days.

(10) A separate license is required for each principle place of business and only one pharmacy license may be issued to a specific location.

(11) A clinic pharmacy shall notify the board in writing within 10 days of a change of the pharmacist-in-charge or staff pharmacist or consultant pharmacist.

(12) A clinic pharmacy shall notify the board in writing within 10 days of permanent closing.

(b) Environment.

(1) General requirements.

(A) The clinic pharmacy shall have a designated area(s) for the storage of dangerous drugs and/or devices.

(B) No person may operate a pharmacy which is unclean, unsanitary, or under any condition which endangers the health, safety, or welfare of the public.

(C) The pharmacy shall comply with all federal, state, and local health laws and ordinances.

(D) A sink with hot and cold running water shall be available to all pharmacy personnel and shall be maintained in a sanitary condition at all times.

(2) Security.

(A) Only authorized personnel may have access to storage areas for dangerous drugs and/or devices.

(B) All storage areas for dangerous drugs and/or devices shall be locked by key or combination, so as to prevent access by unauthorized personnel.

(C) The pharmacist-in-charge shall be responsible for the security of all storage

areas for dangerous drugs and/or devices including provisions for adequate safeguards against theft or diversion of dangerous drugs and devices, and records for such drugs and devices.

(D) The pharmacist-in-charge shall consult with clinic personnel with respect to security of the pharmacy, including provisions for adequate safeguards against theft or diversion of dangerous drugs and/or devices, and records for such drugs and/or devices.

(E) Housekeeping and maintenance duties shall be carried out in the pharmacy, while the pharmacist-in-charge, consultant pharmacist, staff pharmacist, or supportive personnel is on the premises.

(c) Equipment. Each clinic pharmacy shall maintain the following equipment and supplies:

(1) if the clinic pharmacy prepackages drugs for provision:

(A) a typewriter or comparable equipment; and

(B) an adequate supply of child-resistant, moisture-proof, and light-proof containers, and prescription, poison, and other applicable identification labels used in dispensing and providing of drugs;

(2) if the clinic pharmacy maintains dangerous drugs requiring refrigeration and/or freezing, a refrigerator and/or freezer;

(3) if the clinic pharmacy compounds prescriptions, a properly maintained Class A prescription balance (with weights) or equivalent analytical balance. It is the responsibility of the pharmacist-in-charge to have such balance inspected at least every three years by the appropriate authority as prescribed by local, state, or federal law or regulations.

(d) Library. A reference library shall be maintained which includes the following:

(1) current copies of the following laws:

(A) Texas Pharmacy Act and Rules; and

(B) Texas Dangerous Drug Law;

(2) current copies of at least two of the following references:

(A) *Facts and Comparisons* with current supplements;

(B) *American Hospital Formulary Service* with current supplements;

(C) *United States Pharmacopeia Dispensing Information* (USP DI);

(D) *Physician's Desk Reference* (PDR);

(E) *American Drug Index*;

(F) Phillip D. Hansten's *Drug Interactions*;

(G) reference texts in any of the following subjects: toxicology, pharmacology, or drug interactions; or

(H) reference texts pertinent to the major function(s) of the clinic.

(e) Drugs and devices.

(1) Formulary.

(A) Each Class D pharmacy shall have a formulary which lists all drugs and

devices that are administered, dispensed, or provided by the Class D pharmacy.

(B) The formulary shall be limited to the following types of drugs and/or devices, exclusive of injectable drugs for administration in the clinic and nonprescription drugs, except as provided in subparagraph (D) of this paragraph:

(i) anti-infective drugs;

(ii) musculoskeletal drugs;

(iii) vitamins;

(iv) obstetrical and gynecological drugs and devices;

(v) topical drugs; and

(vi) serums, toxoids, and vaccines.

(C) The formulary shall not contain the following drugs or types of drugs:

(i) Nalbuphine (Nubain);

(ii) Butorphanol (Stadol);

(iii) Propranolol or other beta adrenergic receptor blocking agents;

(iv) antipsychotics; and

(v) Schedule I-V controlled substances.

(D) Clinics with a patient population which consists of at least 85% indigent patients may petition the board to operate with a formulary which includes types of drugs and/or devices, other than those listed in paragraph (1)(B) of this subsection, based upon documented objectives of the clinic, under the following conditions.

(i) Such petition shall contain an affidavit signed by the medical director, the pharmacist-in-charge, and the owner/chief executive officer of the clinic, and include the following documentation:

(I) the objectives of the clinic;

(II) the total number of patients served by the clinic during the previous fiscal year or calendar year;

(III) the total number of indigent patients served by the clinic during the previous fiscal year or calendar year;

(IV) the percentage of clinic patients who are indigent, based upon the patient population during the previous fiscal year or calendar year; and

(V) the proposed formulary and the need for additional types of drugs based upon objectives of the clinic.

(ii) Such petition shall be re-submitted annually in conjunction with the application for renewal of the pharmacy license.

(I) Such renewal petition shall contain the documentation required in paragraph (1)(D)(i) of this subsection.

(II) If at the time of renewal of the pharmacy license, the patient population for the previous fiscal year or calendar year is below 85% indigent patients, the clinic shall be required to submit an application for a Class A pharmacy license or shall limit the clinic formulary to those types of drugs and/or devices listed in paragraph (1)(B) and (C) of this subsection.

(iii) The following additional requirements shall be satisfied.

(I) Supportive personnel who are providing drugs shall be licensed nurses.

(II) The pharmacist-in-charge, consultant pharmacist, or staff pharmacist shall make on-site visits to the clinic at least monthly.

(2) Storage.

(A) Drugs and/or devices which bear the words "Caution, Federal Law Prohibits Dispensing Without Prescription" shall be stored in secured storage areas.

(B) All drugs shall be stored at the proper temperatures, as defined by the following terms.

(i) Cold—Any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which the temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).

(ii) Cool—Any temperature between 8° and 15°C (46° and 59°F). An article for which storage in a cool place is directed may, alternatively, be stored in a refrigerator, unless otherwise specified in the individual monograph.

(iii) Room temperature—The temperature prevailing in a working area. Controlled room temperature is a temperature maintained thermostatically between 15° and 30°C (59° and 86°F).

(iv) Warm—Any temperature between 30° and 40°C (86° and 104°F).

(v) Excessive heat—Temperature above 40°C (104°F).

(vi) Protection from freezing—Where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to destructive alteration of the dosage form, the container label bears an appropriate instruction to protect the product from freezing.

(C) Any drug and/or device bearing an expiration date may not be provided, dispensed, or administered beyond the expiration date of the drug and/or device.

(D) Outdated drugs and/or devices shall be removed from stock and shall be quarantined together until such drugs and/or devices are disposed.

(E) Controlled substances may not be stored at the clinic pharmacy.

(3) Drug samples.

(A) Drug samples supplied by manufacturers shall be properly stored, labeled, provided, or dispensed in the same manner as prescribed by these sections for dangerous drugs.

(B) Samples of controlled substances may not be stored, provided, or dispensed.

(4) Prepackaging and labeling for provision.

(A) Drugs may be prepackaged and labeled for provision in a pharmacy licensed by the board by a pharmacist or supportive personnel under the direct supervision of a pharmacist.

(B) Drugs must be prepackaged in suitable containers.

(C) The label of the prepackaged unit shall bear:

- (i) the name and address of the clinic;
- (ii) directions for use;
- (iii) name and strength of the drug—if generic name, the name of the manufacturer or distributor of the drug;
- (iv) quantity;
- (v) lot number and expiration date; and

(vi) appropriate ancillary label(s).

(D) Records of prepackaging shall be maintained according to §291.94(b) of this title (relating to Records).

(5) Labeling for provision of drugs and/or devices in an original manufacturer's container.

(A) Drugs and/or devices in an original manufacturer's container shall be labeled prior to provision with the information set out in paragraph (4)(C) of this subsection.

(B) Drugs and/or devices in an original manufacturer's container may be labeled by:

(i) a pharmacist in a pharmacy licensed by the board; or

(ii) supportive personnel in a Class D pharmacy, provided the drugs and/or devices and control records required by §291.94(c) of this title (relating to Records) are quarantined together until checked and released by a pharmacist.

(C) Records of labeling for provision of drugs and/or devices in an original manufacturer's container shall be maintained according to §291.94(c) of this title (relating to Records).

(6) Provision.

(A) Drugs and/or devices may only be provided to patients of the clinic.

(B) At the time of provision, the patient shall be provided verbal and/or written information on side effects, interactions, and precautions concerning the drug and/or device provided.

(C) Drugs and/or devices may only be provided in accordance with the system of control and accountability for drugs and/or devices provided by the clinic; such system shall be developed and supervised by the pharmacist-in-charge.

(D) Only drugs and/or devices listed in the clinic formulary may be provided.

(E) Drugs and/or devices may only be provided in prepackaged quantities in suitable containers and/or original manufacturer's containers which are appropriately labeled as set out in subsection (e)(4) and (5) of this section.

(F) Such drugs and/or devices shall be labeled by a pharmacist licensed by the board; however, when drugs and/or devices are provided under the supervision of a physician according to standing delegation orders or standing medical orders, suppor-

tive personnel may at the time of provision print on the label the following information:

- (i) patient's name;
- (ii) date of provision; and
- (iii) practitioner's name.

(G) Records of provision shall be maintained according to §291.94(d) of this title (relating to Records).

(H) Controlled substances may not be provided or dispensed.

(7) Dispensing. Dangerous drugs may only be dispensed by a pharmacist pursuant to a prescription order in accordance with §§291.31-291.36 (relating to Community Pharmacy (Class A)).

(f) Pharmacy and therapeutics committee.

(1) The pharmacy and therapeutics committee shall be composed of at least three persons and shall include the pharmacist-in-charge, the medical director of the clinic, and a person who is responsible for provision of drugs and/or devices.

(2) The pharmacy and therapeutics committee shall develop the policy and procedure manual.

(3) The pharmacy and therapeutics committee shall meet at least annually to review and update the policy and procedure manual.

(g) Policies and procedures.

(1) Written policies and procedures shall be developed by the pharmacy and therapeutics committee and implemented by the pharmacist-in-charge.

(2) The policy and procedure manual shall include, but not be limited to, the following:

(A) a current list of the names and addresses of the pharmacist-in-charge, consultant-pharmacist, staff pharmacist(s), supportive personnel designated to provide drugs and/or devices, and the supportive personnel designated to supervise the day-to-day pharmacy-related operations of the clinic in the absence of the pharmacist;

(B) functions of the pharmacist-in-charge, consultant pharmacist, staff pharmacist(s), and supportive personnel;

(C) objectives of the clinic;

(D) formulary;

(E) a copy of written agreement between the pharmacist-in-charge and the clinic;

(F) date of last review/revision of policy and procedure manual; and

(G) policies and procedures for:

- (i) security;
- (ii) equipment;
- (iii) sanitation;
- (iv) licensing;
- (v) reference materials;
- (vi) storage;
- (vii) packaging-repackaging;
- (viii) dispensing;
- (ix) provision;
- (x) supervision;
- (xi) labeling-relabeling;
- (xii) samples;

(xiii) drug destruction and returns;

(xiv) drug and/or device procuring;

(xv) receiving of drugs and/or devices;

(xvi) delivery of drugs and/or devices;

(xvii) record keeping; and

(xviii) inspection.

(h) Supervision.

(1) The pharmacist-in-charge, consultant pharmacist, or staff pharmacist shall be in contact with the clinic on at least a monthly basis, either through written memos, documented telephonic conferences, or on-site visits.

(2) The pharmacist-in-charge, consultant pharmacist, or staff pharmacist shall personally visit the clinic every three months to ensure that the clinic is following set policies and procedures, provided, however, that clinics who are operated by state or local governments may petition the board for an alternative visitation schedule under the following conditions.

(A) Such petition shall contain an affidavit signed by the medical director, the pharmacist-in-charge, and the owner/chief executive officer of the clinic, which states that the clinic has a current policy and procedure manual on file, has adequate security to prevent diversion of dangerous drugs, and is in compliance with all rules governing Class D pharmacies.

(B) The board may consider the following items in determining an alternative schedule:

(i) the degree of compliance on past compliance inspections;

(ii) the size of the patient population of the clinic;

(iii) the number and types of drugs contained in the formulary; and

(iv) the objectives of the clinic.

(C) Such petition shall be resubmitted annually in conjunction with the application for renewal of the pharmacy license.

§291.94. Records.

(a) On-site visits. A record of on-site visits by the pharmacist-in-charge, consultant pharmacist, or staff pharmacist shall be maintained and include the following information:

(1) date of the visit;

(2) pharmacist's evaluation of findings; and

(3) signature of the visiting pharmacist.

(b) Invoices or records of receipt.

(1) Each Class D pharmacy shall maintain invoices and/or records of procurement in accordance with the requirements of the Texas Dangerous Drug Law and the Texas Pharmacy Act and Rules.

(2) Invoices and records of receipt may be kept at a location other than the pharmacy. Any such records not kept at the pharmacy shall be available for inspection, upon request, within two business days.

(c) Prepackaging. Records of prepackaging shall include the following:

- (1) name and strength of drug;
- (2) name of the manufacturer;
- (3) manufacturer's lot number;
- (4) manufacturer's expiration date;
- (5) quantity per package and number of packages;
- (6) date packaged;
- (7) name(s) of the supportive personnel who prepackage the drug under direct supervision of a pharmacist; and
- (8) signature of the pharmacist who prepackages the drug or supervises the prepackaging and checks and releases the drug.

(d) Labeling. Records of labeling of drugs and/or devices in original manufacturers containers shall include the following:

- (1) name and strength of the drug or device labeled;
- (2) name of the manufacturer;
- (3) manufacturer's lot number;
- (4) manufacturer's expiration date;
- (5) quantity per package and number of packages;
- (6) date labeled;
- (7) name of the supportive personnel affixing the label; and
- (8) the signature of the pharmacist who checks and releases the drug.

(e) Provision. Records of drugs and/or devices provided shall include logs, patient records, or other acceptable methods for documentation. Documentation shall include:

- (1) patient name;
- (2) name of the person who provides the drug or device;
- (3) date provided; and
- (4) the name of the drug or device and quantity provided.

(f) Dispensing. Record-keeping requirements for dangerous drugs dispensed by a pharmacist are the same as for a Class A pharmacy as set out in §291.34 of this title (relating to Records).

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 September 12, 1986.

TRD-860880 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board
of Pharmacy

Earliest possible date of adoption:
October 24, 1986
For further information, please call
(512) 832-0861.

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Part XXII. Texas State Board of Public Accountancy Chapter 501. Professional Conduct Other Responsibilities and Practices ★ 22 TAC §501.43

(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 State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Public Accountancy proposes the repeal of §501.43, concerning advertising efforts of licensees of the Texas State Board of Public Accountancy. The section also contains the guidelines for such advertising.

Bob E. Bradley, executive director, 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 enforcing or administering the repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that the repeal will allow for a new rule which will bring Texas into compliance with the prevailing position on advertising in the professional accounting community. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3882.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct in the area of advertising.

§501.43. Advertising.

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 September 12, 1986.

TRD-8608849 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:
October 24, 1986
For further information, please call
(512) 450-7055.

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The Texas State Board of Public Accountancy proposes new §501.43, concerning advertising efforts of licensees of the Texas State Board of Public Accountancy. The new section also contains the guidelines for such advertising.

Bob E. Bradley, 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.

Mr. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the new section will bring Texas into compliance with the prevailing practice within the professional accounting community. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3882.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct in the area of advertising.

§501.43. Advertising.

(a) A licensee shall not use or participate in the use of:

(1) any communication (written, oral, or electronic) having reference to the licensee's professional services, which contains a false, fraudulent, misleading, deceptive, or unfair statement or claim; nor

(2) any form of communication having reference to the licensee's professional services, which is accomplished or accompanied by coercion, duress, compulsion, intimidation, threats, overreaching, or vexatious or harassing conduct.

(b) A false, fraudulent, misleading, deceptive, or unfair statement or claim includes, but is not limited to, a statement or claim which:

(1) contains a misrepresentation of fact;

(2) is likely to mislead or deceive because it fails to make full disclosure of relevant facts;

(3) is intended or likely to create false or unjustified expectations of favorable results;

(4) implies educational or professional attainments or licensing recognition not supported in fact;

(5) represents that professional services can or will be completely performed or a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables that may reasonably be expected to offset the fees that will in fact be charged; or

(6) contains other representations or implications that in reasonable probability will cause a person of ordinary prudence to misunderstand or be deceived.

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 September 12, 1986.

TRD-8608850 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:

October 24, 1986

For further information, please call
(512) 450-7055.

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★ 22 TAC §501.44

(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 State Board of Public Accountancy, 1033 La Posada, Suite 340, Austin, or in the Texas Register office, Room 303F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas State Board of Public Accountancy proposes the repeal of §501.44, concerning soliciting efforts of licensees of the Texas State Board of Public Accountancy. The section also contains the guidelines for such soliciting.

Bob E. Bradley, executive director, 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 enforcing or administering the repeal.

Mr. Bradley also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be that the repeal will allow for a new rule which will bring Texas into compliance with the prevailing position on soliciting in the professional accounting community. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The repeal is proposed under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct in the area of soliciting.

§501.44. Soliciting.

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 September 12, 1986.

TRD-8608848 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:

October 24, 1986

For further information, please call
(512) 450-7055.

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The Texas State Board of Public Accountancy proposes new §501.44, concerning soliciting efforts of licensees of the Texas State Board of Public Accountancy. The new section also contains the guidelines for such soliciting.

Bob E. Bradley, 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.

Mr. Bradley also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the new section will bring Texas into compliance with the prevailing position on soliciting in the professional accounting community. 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 William A. Sansing, 1033 La Posada, Suite 340, Austin, Texas 78752-3892.

The new section is proposed under Texas Civil Statutes, Article 41a-1, §8(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct in the area of soliciting.

§501.44. Soliciting.

(a) A licensee may make a solicitation if and only if:

(1) the solicitation is made to a person who is at that time a client of the licensee;

(2) the solicitation is invited by the person to whom it was made; or

(3) the solicitation is made to a person seeking to secure the performance of professional services currently not being provided by another licensee.

(b) A licensee making a solicitation shall have the burden of ascertaining and proving that such solicitation meets the criteria of one or more parts of subsection (a) of 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 September 12, 1986.

TRD-8608847 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Earliest possible date of adoption:

October 24, 1986

For further information, please call
(512) 450-7055.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part VII. Committee on Purchases of Products and Services of Blind and Severely Disabled Persons Chapter 189. Purchases of Products and Services of Blind and Severely Disabled Persons

★ 40 TAC §§189.2, 189.8, 189.12, 189.14

The Committee on Purchases of Products and Services of Blind and Severely Disabled Persons proposes amendments to §§189.2, 189.8, 189.12, and 189.14, concerning the purchase of products and services of blind and severely disabled persons by state agencies and political subdivisions. The sections are amended in areas relating to the definition of "workshop," central non-profit agency, issuance of purchase orders, and catalog of suitable products.

Ray Vaughn, facilities specialist, 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.

Mr. Vaughn also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be assurance that available workshops receive set-aside contracts and clarification of the role and function of the Central Nonprofit Agency. 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 Ray Vaughn, Facilities Specialist, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8296.

The amendments are proposed under the Human Resources Code, §122.010, which provides the Committee on Purchases of

Products and Services of Blind and Severely Disabled Persons with the authority to adopt rules for the implementation, extension, administration, or improvement of the program authorized by this chapter.

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

Workshop—A public or private nonprofit sheltered workshop organized under the laws of the State of Texas and recognized by the relevant vocational rehabilitation agency of the state as capable of contributing to the purposes of the Texas Human Resources Code, Chapter 122, and these sections. Recognition will consist of certification by the Texas Rehabilitation Commission of the Texas Commission for the Blind. If this is deemed not appropriate by those agencies, the workshop must meet standards for facilities participating in contracts under the jurisdiction of the Committee on Purchase of Products and Services of Blind and Severely Disabled Persons. A list of workshops qualifying as such under the Act, and in fact, offering suitable products and services for sale shall be maintained by the committee (see §189.13 of this title (relating to Value Added) for additional eligibility criteria).

§189.8. Central Nonprofit Agency.

(a) The committee shall designate a central nonprofit agency to assist workshops in submitting applications for the selection of suitable products and services, in facilitating the distribution of orders among qualified workshops, in administering and coor-

inating the day-to-day operation of the program, and in assisting the committee in carrying out certain specified responsibilities designated by the committee.

(b) The committee will establish commission rates to be paid to the central nonprofit agency for their services to both the workshops and the Texas committee, and will be reviewed annually. These rates should be included in the selling price of a commodity or in the contract price of a service. The services may include, but not be limited to, assistance to the workshops regarding solicitation and general administration of contracts, recruitment of new workshops, marketing, research and development, public relations, customer relations, education, legislative support, accounting, and other administrative duties designated by the committee. [Payment, if any, for such assistance shall be by agreement with the individual workshop. The committee may establish rates for marketing services to be charged the workshop by the central nonprofit agency.]

(c)-(d) (No change.)

§189.12. Issuance of Purchase Orders.

(a) State agencies will submit a request to the state purchasing agency which will issue a purchase order to the central nonprofit agency or to a workshop or workshops identified by the central nonprofit agency (see §189.8 of this title (relating to Central Nonprofit Agency)) as capable of performing to the required specifications. The workshop or the designated central nonprofit agency will invoice the using agency in accordance with applicable state procedures established by

law for the payment of merchandise received. The using agency will prepare appropriate vouchers and submit them with the attached invoices to the state purchasing agency for approval. Prompt payment will be made to the central nonprofit agency or the workshop performing under contract.

(b) (No change.)

§189.14. Catalog. A list of suitable products shall be published in the *Texas Register* at least semiannually, and shall contain, but not be limited to, the following information.

(1) (No change.)

(2) Freight. Most [All] orders will be shipped F.O.B. destination. The committee, when determining a fair market price, shall also determine minimum order quantities, below which using agencies will be charged for direct freight costs. (Example: All orders shipped F.O.B. destination, plus freight on orders under \$100).

(3) (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 September 15, 1986.

TRD-8608887

Vernon H. Newman
Assistant Commissioner
Texas Rehabilitation
Commission

Earliest possible date of adoption:

October 24, 1986

For further information, please call
(512) 445-8298.

★ ★ ★

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 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 291. Pharmacies Clinic Pharmacy (Class D)

★ 22 TAC §§291.91-291.93, 291.95
291.96

The Texas State Board of Pharmacy has withdrawn from consideration §§291.91-291.93, 291.95, and 291.96, concerning clinic pharmacy (Class D). The text of the repeals appeared in the March 25, 1986, issue of the *Texas Register* (11 TexReg 1500). The effective date of the withdrawal is September 15, 1986.

Issued in Austin, Texas, on September 15, 1986.

TRD-8608862 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Filed: September 15, 1986
For further information, please call
(512) 832-0661.

★ ★ ★

★ 22 TAC §§291.91-291.93, 291.95

The Texas State Board of Pharmacy has withdrawn from consideration §§291.91-

291.93, and 291.95, concerning clinic pharmacy (Class D). The text of the new sections appeared in the March 25, 1986, issue of the *Texas Register* (11 TexReg 1501). The effective date of the withdrawal is September 15, 1986.

Issued in Austin, Texas, on September 15, 1986.

TRD-8608861 Fred S. Brinkley, Jr.
Executive Director/
Secretary
Texas State Board of
Pharmacy

Filed: September 15, 1986
For further information, please call
(512) 832-0661.

Part XXVII. Board of Tax Professional Examiners Chapter 623. Registration and Certification

★ 22 TAC §623.12

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed amendment to §623.12, submitted by the Board of Tax Professional Examiners, have been automatically withdrawn, effective September 16, 1986. The amendment as proposed appeared in the March 14, 1986, issue of the *Texas Register* (11 TexReg 1342).

TRD-8608913
Filed: September 16, 1986

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 27. ICF-MR

Subchapter M. Admissions Policies

★ 40 TAC §27.1206

The Texas Department of Human Services has withdrawn from consideration an amendment to §27.1206, concerning recipient-resident visits away from the facility, in its chapter governing intermediate-care facilities for the mentally retarded (ICF-MR). The text of the amendment appeared in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3637). This withdrawal does not affect proposed amendments to §27.1206 that appeared in the September 5, 1986, issue of the *Texas Register* (11 TexReg 3860).

Issued in Austin, Texas, on September 16, 1986.

TRD-8608879 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Filed: September 16, 1986
For further information, please call
(512) 450-3766.

★ ★ ★

Adopted

Rules

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

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

TITLE 22. EXAMINING BOARDS

Part XV. Texas State Board of Pharmacy

Chapter 291. Pharmacies

Institutional Pharmacy (Class C)

★22 TAC §291.76

The Texas State Board of Pharmacy adopts new §291.76, with changes to the proposed text published in the June 10, 1986, issue of the *Texas Register* (11 Tex-Reg 2636).

Changes in the text appear throughout, due to the board's response to comments received, as well as grammatical and structural changes.

The new section further ensures the public health, safety, and welfare by providing standards in the conduct, practice activities, and operation of a pharmacy located in a free standing ambulatory surgical center.

The purpose of this new section is to provide standards in the conduct, practice activities, and operation of a pharmacy located in a free standing ambulatory surgical center that is licensed by the Texas Department of Health.

Comments were received regarding the following areas: definition of pharmacy, to include an area separate from patient care areas; requiring additional equipment prepackaging of post-operative use drugs; definition of authorized agent to include the ASC pharmacist; documentation of medication orders; time frame in which an original medication order must be signed by a practitioner; and recommendations concerning the controlled drug distribution records.

Allied Comprehensive HealthCare, Inc., commented for the new section.

The board disagreed with the following: requiring a laminar flow hood—the surgery sites where IV drugs are prepared are a clean environment; physician being able to dispense or supply drugs for take home use—post-operative patient may need a supply of drugs for immediate needs; responsibility of documentation of medication orders—did not have jurisdiction to place the responsibility for com-

pliance of documentation upon the hospital's medical records department; and practitioners signature on original medication order—practitioners are allowed 30 days to sign medication orders by ASC professional standards.

The new section is adopted under Texas Civil Statutes, Article 4542a-1, §29, which provide the Texas State Board of Pharmacy with the authority to establish by rule the standards that each pharmacy and its employees or personnel involved in the practice of pharmacy shall meet to qualify for the licensing or relicensing as a pharmacy in each classification.

§291.76. Class C Pharmacies Located in a Free Standing Ambulatory Surgical Center.

(a) Purpose. The purpose of this section is to provide standards in the conduct, practice activities, and operation of a pharmacy located in a free standing ambulatory surgical center that is licensed by the Texas Department of Health. Class C pharmacies located in a free standing ambulatory surgical center shall comply with this section, in lieu of §§291.71-291.75 of this title (relating to Purpose; Definitions; Personnel; Operational Standards; and Records).

(b) Definitions. The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act—The Texas Pharmacy Act, Texas Civil Statutes, Article 4542a-1.

(2) Ambulatory surgical center (ASC)—A free standing facility that is licensed by the Texas Department of Health to provide surgical services to patients who do not require overnight hospital care.

(3) Board—The Texas State Board of Pharmacy.

(4) Consultant pharmacist—A pharmacist retained by a facility on a routine basis to consult with the ASC in areas that pertain to the practice of pharmacy.

(5) Direct copy—Electronic or carbonized copy.

(6) Dispense—Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

(7) Distribute—The delivery of a prescription drug or device other than by administering or dispensing.

(8) Floor stock—Prescription drugs or devices not labeled for a specific patient and maintained at a nursing station or other ASC department (excluding the pharmacy) for the purpose of administration to a patient of the ASC.

(9) Formulary—List of drugs approved for use in the ASC by an appropriate committee of the ambulatory surgical center.

(10) Investigational new drug—New drug intended for investigational use by experts qualified to evaluate the safety and effectiveness of the drug as authorized by the Federal Food and Drug Administration.

(11) Medication order—A written order from a practitioner or a verbal order from a practitioner or his authorized agent for administration of a drug or device.

(12) Pharmacist-in-charge—Pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

(13) Pharmacy—Area or areas in a facility separate from patient care areas, where drugs are stored, bulk compounded, delivered, compounded, dispensed, and/or distributed to other areas or departments of the ASC, or dispensed to an ultimate user or his or her agent.

(14) Prescription drug order—A written order from a practitioner or verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed.

(15) Supportive personnel—Those individuals utilized in ASC pharmacies whose responsibility it shall be to provide nonjudgemental technical services concerned with the preparation and distribution of drugs under the direct supervision of and responsible to a pharmacist.

(c) Personnel.

(1) Pharmacist-in-charge.

(A) General. Each ambulatory surgical center shall have one pharmacist-in-charge who is employed or under contract, at least on a consulting or part-time basis, but may be employed on a full-time basis.

(B) Responsibilities. The pharmacist-in-charge shall have the responsibility for, at a minimum, the following:

(i) preparation and sterilization of parenteral medications compounded within the ASC pharmacy;

(ii) admixture of parenteral products, including education and training of nursing personnel concerning incompatibility and provision of proper incompatibility information when the admixture of parenteral products is not performed within the ASC pharmacy;

(iii) bulk compounding of drugs;

(iv) establishment of specifications for procurement and storage of all materials, including drugs, chemicals, and biologicals;

(v) participation in the development of a formulary for the ASC, subject to approval of the appropriate committee of the ASC;

(vi) distribution of drugs to be administered to inpatients pursuant to an original or direct copy of the practitioner's medication order;

(vii) filling and labeling all containers from which drugs are to be distributed or dispensed;

(viii) maintaining and making available a sufficient inventory of antidotes and other emergency drugs, both in the pharmacy and inpatient care areas, as well as current antidote information, telephone numbers of regional poison control center and other emergency assistance organizations, and such other materials and information as may be deemed necessary by the appropriate committee of the ASC;

(ix) records of all transactions of the ASC pharmacy as may be required by applicable state and federal law, and as may be necessary to maintain accurate control over and accountability for all pharmaceutical materials;

(x) participation in those aspects of the ASC's patient care evaluation program which relate to pharmaceutical material utilization and effectiveness;

(xi) participation in teaching and/or research programs in the ASC;

(xii) implementation of the policies and decisions of the appropriate committee(s) relating to pharmaceutical services of the ASC;

(xiii) effective and efficient messenger and delivery service to connect the ASC pharmacy with appropriate areas of the ASC on a regular basis throughout the normal workday of the ASC;

(xiv) labeling, storage, and distribution of investigational new drugs, including maintenance of information in the pharmacy and nursing station where such drugs are being administered, concerning the dosage form, route of administration, strength, actions, uses, side effects, adverse effects, interactions, and symptoms of toxicity of investigational new drugs; and

(xv) meeting all inspection and other requirements of the Texas Pharmacy Act and this subsection.

(2) Consultant pharmacist.

(A) The consultant pharmacist may be the pharmacist-in-charge.

(B) A written contract shall exist between the ASC and any consultant pharmacist, and a copy of the written contract shall be made available to the board upon request.

(3) Staff pharmacists.

(A) The pharmacist-in-charge shall be assisted by a sufficient number of additional registered pharmacists as may be required to operate the ASC pharmacy competently, safely, and adequately to meet the needs of the patients of the ASC.

(B) Staff pharmacists shall assist the pharmacist-in-charge in meeting the responsibilities as outlined in paragraph (1)(B) of this subsection and in ordering, administering, and accounting for pharmaceutical materials.

(C) Staff pharmacists shall be responsible for any delegated act performed by supportive personnel under his or her supervision.

(4) Supportive personnel.

(A) Qualifications.

(i) Supportive personnel must possess education and training necessary to carry out their responsibilities.

(ii) Supportive personnel must be qualified to perform the tasks assigned to them.

(B) Duties. Duties include, but need not be limited to, the following functions, according to the needs of the ASC:

(i) prepacking and labeling unit and multiple dose packages, provided a pharmacist supervises and conducts in-process and final checks and affixes his or her initials to the appropriate quality control records;

(ii) preparing, packaging, compounding, or labeling prescription drugs pursuant to medication orders, provided a pharmacist supervises and checks the preparation;

(iii) mixing drugs with parenteral fluids pursuant to medication orders, provided a pharmacist supervises and checks the preparation;

(iv) bulk compounding, provided a pharmacist supervises and conducts in-process and final checks and affixes his or her initials to the appropriate quality control records;

(v) distributing routine orders for stock supplies to patient care areas;

(vi) maintaining inventories of drug supplies; and

(vii) maintaining pharmacy records.

(C) Procedures.

(i) Supportive personnel shall handle medication orders in accordance with standard written procedures and guidelines.

(ii) Supportive personnel shall handle prescription drug orders in the same manner as supportive personnel working in a Class A pharmacy.

(D) Training.

(i) Supportive personnel shall receive documented on-the-job training and related education commensurate with the

tasks they are to perform prior to the regular performance of those tasks.

(ii) Supportive personnel shall receive regular and documented inservice education and training to supplement initial training.

(d) Operational standards.

(1) Registration.

(A) All ASC pharmacies shall register annually with the board on a form provided by the board.

(B) The registration form shall be signed by the pharmacist-in-charge of the ASC pharmacy and shall be certified.

(C) The chief executive officer of the ASC shall sign the registration form and shall agree to comply with the regulations promulgated by the board governing ASC pharmacies.

(D) The registration form shall be certified and state whether the ASC pharmacy is a sole ownership and give the name of the owner; or if a partnership, name all the managing partners; or if a corporation, name all the managing officers.

(E) If the ASC pharmacy is owned or operated by a management or consulting firm, the following conditions apply.

(i) The registration form shall list the management or consulting firm as the owner or operator.

(ii) The management or consulting firm shall obtain DEA and DPS controlled substance registrations that are issued in their name, unless the following occurs:

(I) the management or consulting firm and the ASC cosign a contractual pharmacy service agreement which assigns overall responsibility for controlled substances to the ASC; and

(II) such firm maintains dual responsibility for the controlled substances.

(F) When an ASC pharmacy changes ownership, a new and separate registration must be filed with the board and the previously issued license returned to the board's office.

(G) A fee of \$100 will be charged for issuance of a new license.

(H) A separate license is required for each principal place of business and only one pharmacy license may be issued to a specific location.

(I) Any ASC pharmacy, licensed under the provisions of §§291.71-291.76 of this title (relating to Institutional Pharmacy (Class C)), which also operates another type of pharmacy which would otherwise be required to be licensed under §§291.31-291.36 of this title (relating to Community Pharmacy (Class A)), or §§291.51-291.54 of this title (relating to Nuclear Pharmacy (Class B)), is not required to secure a license for such other type of pharmacy; provided however, such licensee is required to comply with the provisions of §§291.31-291.36 of this title (relating to Community Pharmacy (Class A)), or §§291.51-291.54 of this title (relating to Nuclear Pharmacy (Class B)), to the ex-

tent such sections are applicable to the operations of the ASC pharmacy.

(2) Environment.

(A) General requirements.

(i) Each ambulatory surgical center shall have a designated work area separate from patient areas, and which shall have space adequate for the size and scope of pharmaceutical services and shall have adequate space and security for the storage of drugs.

(ii) The ASC pharmacy shall be arranged in an orderly fashion and shall be kept clean. All required equipment shall be clean and in good operating condition.

(B) Special requirements.

(i) The ASC pharmacy shall have locked storage for Schedule II controlled substances and other controlled drugs requiring additional security.

(ii) The ASC pharmacy shall have a designated area for the storage of poisons and externals separate from drug storage areas.

(C) Security.

(i) Only authorized personnel may have access to storage areas for prescription drugs and/or devices.

(ii) All storage areas for prescription drugs and/or devices shall be locked by key or combination, so as to prevent access by unauthorized personnel.

(iii) The pharmacist-in-charge shall consult with ASC personnel with respect to security of the drug storage areas, including provisions for adequate safeguards against theft or diversion of prescription drugs and/or devices.

(3) Equipment and supplies. Ambulatory surgical centers supplying drugs for postoperative use shall have the following equipment:

(A) typewriter or comparable equipment; and

(B) adequate supply of child-resistant, moisture-proof, and light-proof containers; and

(C) adequate supply of prescription labels and other applicable identification labels.

(4) Library. A reference library shall be maintained which includes the following:

(A) current copies of the following:

(i) Texas Pharmacy Act and Rules;

(ii) Texas Dangerous Drug Law;

(iii) Texas Controlled Substances Act and Rules; and

(iv) Federal Controlled Substances Act and Rules or official publication describing the requirements of the Federal Controlled Substances Act and Rules; and

(B) *American Hospital Formulary Service* with current supplements or *Facts and Comparisons* with current supplements.

(5) Drugs.

(A) Procurement, preparation, and storage.

(i) The pharmacist-in-charge shall have the responsibility for the procure-

ment and storage of drugs, but may receive input from other appropriate staff of the facility, relative to such responsibility.

(ii) The pharmacist-in-charge shall have the responsibility for determining specifications of all drugs procured by the facility.

(iii) All drugs shall be stored at the proper temperatures, as defined by the following terms.

(I) Room temperature—temperature maintained between 15°C (59°F) and 30°C (86°F).

(II) Cool—temperature between 8°C (46°F) and 15°C (59°F) which may, alternatively, be stored in a refrigerator unless otherwise specified on the labeling.

(III) Refrigerate—temperature that is thermostatically maintained between 2°C (36°F) and 8°C (46°F).

(IV) Freeze—temperature that is thermostatically maintained between -20°C (-4°F) and -10°C (14°F).

(iv) Any drug bearing an expiration date may not be dispensed or distributed beyond the expiration date of the drug.

(v) Outdated drugs shall be removed from dispensing stock and shall be quarantined together until such drugs are disposed of.

(B) Formulary.

(i) A formulary may be developed by an appropriate committee of the ambulatory surgical center.

(ii) The pharmacist-in-charge or consultant pharmacist shall be a full voting member of any committee which involves pharmaceutical services.

(C) Prepackaging.

(i) Drugs may be repackaged in quantities suitable for internal distribution only by a registered pharmacist or by supportive personnel under the direction and supervision of a registered pharmacist in a licensed pharmacy.

(ii) The label of a prepackaged unit shall indicate:

(I) the name of drug, strength, and dosage form;

(II) lot number and appropriate ancillary label or labels;

(III) expiration date, where applicable; and

(IV) quantity of drug.

(iii) Records shall be maintained to show:

(I) the name of the drug, strength, and dosage form;

(II) facility's lot number;

(III) manufacturer;

(IV) manufacturer's lot number;

(V) expiration date;

(VI) quantity per package;

(VII) number of packages;

(VIII) date packaged;

(IX) name or initials of packer; and

(X) signature of the responsible registered pharmacist.

(iv) Prepackaging procedures shall be in writing to specify that stock packages, repackaged units, and control records shall be quarantined together until checked/released by the registered pharmacist.

(D) IV admixtures. Policies shall be established by the pharmacist-in-charge, with approval of the appropriate committee, which govern the proper preparation and sterility assurance of parenteral products compounded within the ambulatory surgical center.

(6) Medication orders.

(A) Drugs may be administered to patients in ASC's only on the order of a practitioner. No change in the order for drugs may be made without the approval of a practitioner.

(B) Drugs may be distributed only pursuant to the original or a direct copy of the practitioner's medication order.

(C) Supportive personnel may not receive oral medication orders.

(D) ASC pharmacies shall be exempt from the labeling provisions and patient notification requirements of the Act, §40(d) and (f), as respects drugs distributed pursuant to medication orders.

(E) In ASCs with a full-time pharmacist, if a practitioner orders a drug for administration to a bona fide patient of the facility when the pharmacy is closed, the following is applicable.

(i) Prescription drugs and devices only in sufficient quantities for immediate therapeutic needs of a patient may be removed from the ASC pharmacy.

(ii) Only a designated licensed nurse or practitioner may remove such drugs and devices.

(iii) A record shall be made at the time of withdrawal by the authorized person removing the drugs and devices. The record shall contain the following information:

(I) name of the patient;

(II) name of device or drug, strength, and dosage form;

(III) dose prescribed;

(IV) quantity taken;

(V) time and date; and

(VI) signature of person making withdrawal.

(iv) The original or direct copy of the medication order may substitute for such record, provided the medication order meets all the requirements of clause (iii) of this subparagraph.

(v) The pharmacist shall verify the withdrawal as soon as practical, but in no event more than 72 hours from the time of such withdrawal.

(F) In ASCs with a part-time or consultant pharmacist, if a practitioner orders a drug for administration to a bona fide patient of the ASC when the pharmacist is not on duty, or when the pharmacy is closed, the following is applicable.

(i) Prescription drugs and devices only in sufficient quantities for therapeutic needs may be removed from the ASC pharmacy.

(ii) Only a designated licensed nurse or practitioner may remove such drugs and devices.

(iii) A record shall be made at the time of withdrawal by the authorized person removing the drugs and devices; the record shall meet the same requirements as specified in subparagraph (E)(iii) of this paragraph.

(iv) The pharmacist shall verify each distribution after a reasonable interval, but in no event may such interval exceed seven days.

(7) Floor stock. In facilities using a floor stock method of drug distribution, the following is applicable for removing drugs or devices in the absence of a pharmacist.

(A) Prescription drugs and devices may be removed from the pharmacy only in the original manufacturer's container or prepackaged container.

(B) Only a designated licensed nurse or practitioner may remove such drugs and devices.

(C) A record shall be made at the time of withdrawal by the authorized person removing the drug or device; the record shall contain the following information:

(i) name of the drug, strength, and dosage form;

(ii) quantity removed;

(iii) location of floor stock;

(iv) date and time; and

(v) signature of person making the withdrawal.

(D) A pharmacist shall verify the withdrawal according to the following schedule.

(i) In facilities with a full-time pharmacist, the withdrawal shall be verified as soon as practical, but in no event more than 72 hours from the time of such withdrawal.

(ii) In facilities with a part-time or consultant pharmacist, the withdrawal shall be verified after a reasonable interval, but in no event may such interval exceed seven days.

(8) Policies and procedures. Written policies and procedures for a drug distribution system, appropriate for the ambulatory surgical center, shall be developed and implemented by the pharmacist-in-charge with the advice of the appropriate committee. The written policies and procedures for the drug distribution system shall include, but not be limited to, procedures regarding the following:

(A) controlled substances;

(B) investigational drugs;

(C) prepackaging and manufacturing;

(D) medication errors;

(E) orders of physician or other practitioner;

(F) floor stocks;

(G) adverse drug reactions;

(H) drugs brought into the facility by the patient;

(I) self-administration;

(J) emergency drug tray;

(K) formulary, if applicable;

(L) drug storage areas;

(M) drug samples;

(N) drug product defect reports;

(O) drug recalls;

(P) outdated drugs;

(Q) preparation and distribution of IV admixtures; and

(R) procedures for supplying drugs for postoperative use, if applicable.

(9) Drugs supplied for postoperative use. Drugs supplied to patients for postoperative use shall be supplied according to the following procedures.

(A) Drugs may only be supplied to patients who have been admitted to the ambulatory surgical center.

(B) Drugs may only be supplied in accordance with the system of control and accountability established for drugs supplied from the ambulatory surgical center; such system shall be developed and supervised by the pharmacist-in-charge or staff pharmacist designated by the pharmacist-in-charge.

(C) Only drugs listed on the approved postoperative drug list may be supplied; such list shall be developed by the pharmacist-in-charge and the medical staff and shall consist of drugs of the nature and type to meet the immediate postoperative needs of the ambulatory surgical center patient.

(D) Drugs may only be supplied in prepackaged quantities not to exceed a 72-hour supply in suitable containers and appropriately pre-labeled (including necessary auxiliary labels) by the pharmacy, provided, however that topicals and ophthalmics in original manufacturer's containers may be supplied in a quantity exceeding a 72-hour supply.

(E) At the time of delivery of the drug, the practitioner shall complete the label, such that the prescription container bears a label with at least the following information:

(i) date supplied;

(ii) name of practitioner;

(iii) name of patient;

(iv) directions for use;

(v) brand name and strength of the drug; or if no brand name, then the generic name of the drug dispensed, strength, and the name of the manufacturer or distributor of the drug; and

(vi) unique identification number.

(F) After the drug has been labeled by the practitioner, the practitioner or a licensed nurse under the supervision of the practitioner shall give the appropriately labeled, prepackaged medication to the patient.

(G) A perpetual record of drugs which are supplied from the ASC shall be maintained which includes:

(i) date supplied;

(ii) practitioner's name;

(iii) patient name;

(iv) brand name and strength of the drug; or if no brand name, then the generic name of the drug dispensed, strength, and the name of the manufacturer or distributor of the drug;

(v) quantity supplied; and

(vi) unique identification number.

(H) The pharmacist-in-charge or a pharmacist designated by the pharmacist-in-charge, shall monitor the records at least once every seven days.

(e) Records.

(1) Maintenance of records. Every inventory or other record required to be kept under this subsection shall be kept by the ASC pharmacy and be available for inspecting and copying by the board or its representative and other authorized local, state, or federal law enforcement agencies for at least two years from the date of such inventory or record.

(2) Outpatient records.

(A) Only a registered pharmacist may receive, certify, and receive prescription drug orders.

(B) Outpatient records shall be maintained as provided in §§291.34-291.36 of this title (relating to Records; Triplicate Prescription Records; and Class A Pharmacies Dispensing Sterile Products).

(C) Outpatient prescriptions, including, but not limited to, discharge prescriptions, that are written by the practitioner, must be written on a form which meets the requirements of the Act, §40(g). Medication order forms or copies thereof do not meet the requirements for outpatient forms.

(D) Controlled substances listed in Schedule II must be written on a triplicate prescription form in accordance with the Texas Controlled Substances Act, §3.09, and rules promulgated pursuant to the Texas Controlled Substances Act, unless exempted by the Texas Controlled Substances Rules, §13.47, entitled exceptions to use of triplicate prescription forms. Outpatient prescriptions for Schedule II controlled substances that are exempted from the triplicate prescription requirement must be manually signed by the practitioner.

(3) Inpatient records.

(A) Each original medication order shall bear the following information:

(i) patient name;

(ii) drug name, strength, and dosage form;

(iii) directions for use;

(iv) date; and

(v) practitioner's signature or that of his or her authorized agent, defined as a licensed nurse employee or consultant/full or part-time pharmacist of the ASC. Any order signed by an authorized agent shall be cosigned within 30 days by the practitioner.

(B) Original medication orders shall be maintained with the medication administration record in the medical records of the patient.

(C) Controlled substances records shall be maintained as follows.

(i) All records for controlled substances shall be maintained in a readily retrievable manner.

(ii) Controlled substances records shall be maintained in a manner to establish receipt and distribution of all controlled substances.

(D) Records of controlled substances listed in Schedule II shall be maintained as follows.

(i) Records of controlled substances listed in Schedule II shall be maintained separately from records of controlled substances in Schedules III, IV, and V, and all other records.

(ii) An ASC pharmacy shall maintain a perpetual inventory of any controlled substance listed in Schedule II.

(iii) Distribution records for controlled substances in Schedule II shall bear the following information:

(I) patient's name;

(II) practitioner who ordered drug;

(III) name of drug, dosage form, and strength;

(IV) time and date of administration to patient and quantity administered;

(V) name of individual administering controlled substance;

(VI) returns to the pharmacy; and

(VII) waste (waste is required to be witnessed and cosigned by another individual).

(E) Floor stock records shall be maintained as follows.

(i) Distribution records for Schedule III-V controlled substances floor stock shall include the following information:

(I) patient's name;

(II) practitioner who ordered controlled substance;

(III) name of controlled substance, dosage form, and strength;

(IV) time and date of administration to patient;

(V) quantity administered;

(VI) signature of individual administering drug;

(VII) returns to the pharmacy; and

(VIII) waste (waste is required to be witnessed and cosigned by another individual).

(ii) The record required by clause (i) of this subparagraph shall be maintained separately from patient records.

(iii) A pharmacist shall review distribution records with medication orders on a periodic basis to verify proper usage of drugs, not to exceed 30 days between such reviews.

(4) Other records to be maintained by pharmacy. Other records to be maintained by a pharmacy include:

(i) copy 3 of DEA order form (DEA 222C), which has been properly dated, initialed, and filed, and all copies of each unaccepted or defective order form and any attached statements or other documents;

(ii) supplier's invoices of dangerous drugs and controlled substances upon which is clearly recorded the actual date of receipt of the controlled substances and the initials of the pharmacist or other responsible individual who checks in the order;

(iii) supplier's credit memos for controlled substances and dangerous drugs;

(iv) biennial inventory of controlled substances required by the Drug Enforcement Administration and inventory records required by §291.17 of this title (relating to Controlled Substances Inventory Requirements);

(v) Drug Enforcement Administration and/or Texas Department of Public Safety and Texas State Board of Pharmacy Reports of theft or significant loss of controlled substances;

(vi) reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency;

(vii) Schedule V nonprescription register book;

(viii) if a pharmacy distributes controlled substances to another pharmacy or a practitioner, the following records shall also be maintained by a pharmacy:

(I) if for Schedule III, IV, or V controlled substances, invoices showing the actual date of distribution; the name, strength, and quantity of controlled substances distributed; the name, address, and DEA registration number of the distributing pharmacy, and the name, address, and DEA registration number of the pharmacy or practitioner to whom the controlled substances are distributed;

(II) if for Schedule I or II controlled substances, copy 1 of DEA order form (DEA 222C), furnished by the pharmacy or practitioner to whom the controlled substances are distributed, shall be maintained by the distributing pharmacy showing the quantity of controlled substances distributed and the actual date of distribution;

(ix) records of controlled substances listed in Schedules I and II shall be maintained separately from all records of the pharmacy; records of controlled substances listed in Schedules III-V shall be maintained separately from all other records of the pharmacy. If controlled substances, dangerous drugs, and/or nonprescription items are listed on the same record, the controlled substances shall be asterisked, redlined, or in some other manner readily identifiable apart from all other items appearing on the record.

(5) Permission to maintain central records. Any pharmacy that uses a centralized record-keeping system provided in paragraph (4)(ii) of this subsection must first sub-

mit written notification by registered or certified mail to the regional director of the Drug Enforcement Administration as required by 21 Code of Federal Regulations §1304.04 (a), and submit a copy of this written notification to the Texas State Board of Pharmacy. Unless the registrant is informed by the regional director of the Drug Enforcement Administration that permission to keep central records is denied, the pharmacy may maintain central records commencing 14 days after receipt of notification by the regional director. A copy of the previously mentioned notification shall be maintained by the pharmacy.

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 September 9, 1986.

TRD-8608839

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

Effective date: October 7, 1986

Proposal publication date: June 10, 1986

For further information, please call
(512) 832-0661.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 3. Income Assistance Services

Subchapter J. Budgeting

★40 TAC §3.1003

(Editor's note: The following amendment was erroneously omitted from the September 12, 1986, issue of the Texas Register, and is now being published.)

The Texas Department of Human Services (DHS) adopts an amendment to §3.1003, concerning deductions from income.

The amendment is justified based on food stamp regulations titled "Food Stamp Program; the Food Security Act of 1985; Non-discretionary Provisions; Final Rule and Correction".

The amendment stipulates that the allowable standard utility deduction is as specified in federal regulations. The citation involves no policy or procedural change.

The amendment is adopted under the Human Resources Code, Title 2, Chapters 31 and 33, which authorizes the department to administer public assistance programs. The amendment is adopted under federal requirements to be effective October 1, 1986.

§3.1003. Deductions.

(a) (No change.)

(b) Food stamps. DHS allows deductions from income as stipulated in 7 Code of Federal Regulations §273.9(d). Regarding a standard utility deduction, DHS allows a single deduction as specified in 7 Code of Federal Regulations §273.9(d)(6)(i)(B).

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 September 4, 1986

TRD-8608509

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 1, 1986

For further information, please call
(512) 450-3786.

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TITLE 43.
TRANSPORTATION
Part I. State Department of
Highways and Public
Transportation
Chapter 21. Right of Way
Division
Disposal of Real Estate Interests

★43 TAC §21.101

The State Department of Highways and Public Transportation adopts an amendment to §21.101, without changes to the proposed text published in the June 20, 1986, issue of the *Texas Register* (11 Tex-Reg 2877).

Increased rates and revised rules for service fees are required to meet increased costs of disposals.

The amendment changes existing rules pertaining to service fees required for reconveyance of certain surplus real property interests to cover increased handling costs.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 6673a, which provide that the State Highway and Public Transportation Commission shall administer disposal of surplus real property interests acquired for highway purposes and shall recover all costs incurred in such disposals under said statute.

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 September 15, 1986.

TRD-8608888

Diane L. Northam
Administrative Technician
State Department of
Highways and Public
Transportation

Effective date: October 7, 1986

Proposal publication date: June 20, 1986
For further information, please call
(512) 463-8630.

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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 Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

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

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

The State Board of Insurance has approved the new Occurrence Program for commercial general liability policies as to the following filings submitted by the Insurance Services Office, Inc., relating to the rating methodology and resulting basic limits rates and increased limits factors for premises operations and products completed operations:

(1) GL-86-R86-RM—Commercial General Liability Program Occurrence Basic Limits Premises/Operations and Products/Completed Operations Rates-Supplement 4.

(2) GL-86-R86-RM—(Rating Methodology).

(3) GL-85-R85-RM—Proposed Commercial General Liability Increased Limit Factors for the Commercial Lines Manual and Texas Guide (a) Rate Pamphlet-Supplement 3.

These changes are applicable to all policies effective on or after April 1, 1987. No policy effective prior to April 1, 1987, shall be endorsed or canceled and rewritten to take advantage of or to avoid the application of these changes except at the request of the insured and using the cancellation procedures applying on the date of such request.

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 September 15, 1986.

TRD-8608857

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: April 1, 1987

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

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The State Board of Insurance has amended the *Texas Basic Manual of Rules, Classifications, and Rates for Workers' Compensation and Employers' Liability Insurance* by requiring daily reports of policies to be filed for each policy written only if the

estimated annual premium amounts to \$1,500 or more or if the policy is combinable with other policies subject to experience rating. This rule change will be in effect until such time as the State Board of Insurance has the capability of accepting Workers' Compensation policy information on magnetic tape. Then each Workers' Compensation policy written will be filed once again with the commissioner on magnetic tape.

The amended rule was specifically designed to reduce staff time, filing supply, and filing space requirements of the State Board of Insurance. The only substantive change is the following:

(1) Elimination of requirement that a daily report be filed for each Workers' Compensation policy written on Texas risks. The amendment is effective December 1, 1986.

This notification is made pursuant to the Insurance Code, Article 5.96, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on September 12, 1986.

TRD-8608890

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: December 1, 1986

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

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Open Meetings

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

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

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

Texas Department of Agriculture

Tuesday, October 14, 1986, 1 p.m. The Texas Department of Agriculture will meet in the District Office, two blocks west of Morningside Road, Expressway 83, San Juan. According to the agenda, the department will conduct an administrative hearing to review the alleged violation of Texas Agriculture Code, §103.001, by Progreso Produce Company, Dale DeBerry, and Curtis DeBerry as petitioned by Jesus Alonzo.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: September 16, 1986, 2:02 p.m.
TRD-8608885

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Texas Education Agency

Friday, September 19, 1986, 1 p.m. The Price Differential Index Advisory Committee of the Texas Education Agency met in emergency session in Room 2-115, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee adopted a report of the committee to the State Board of Education. The emergency status was necessary to ensure that the committee could complete its work on schedule.

Contact: Maureen Moore Scheevel, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9701.

Filed: September 18, 1986, 8:05 a.m.
TRD-8608932

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Texas Employment Commission

Wednesday, September 24, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 15th Street and Congress Avenue, Austin. Items on the agenda include prior meeting notes, internal procedures of commission appeals, consideration and action on liability cases

and higher level appeals in unemployment compensation cases on commission Docket 38, and setting the date of the next meeting.

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

Filed: September 16, 1986, 12:40 p.m.
TRD-8608881

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State Finance Commission

Thursday, October 2, 1986, 10 a.m. The Banking Section of the State Finance Commission will meet at the State Banking Department, 2601 North Lamar Boulevard, Austin. Items on the agenda include the review and approval of minutes; a discussion of rulemaking relating to trust companies; a discussion of statutory provisions relating to financial institutions; a review of departmental operations including budget and personnel; and a legislative update.

Contact: Jorge A. Gutierrez, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1200.

Filed: September 17, 1986, 10:31 a.m.
TRD-8608906

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Office of the Governor

Friday, September 26, 1986, 2 p.m. The Texas Crime Stoppers Advisory Council of the Criminal Justice Division of the Office of the Governor will meet in Room 304, Sam Houston Building, 201 East 14th Street, Austin. Items on the agenda include approval of minutes, election of officers; a report on Local Crime Stoppers Programs, a report on current operations, and other business.

Contact: Greg MacAleese, P.O. Box 12428, Austin, Texas 78711, (512) 463-1784.

Filed: September 17, 1986, 10:55 a.m.
TRD-8608907

Texas Department of Health

Friday, September 19, 1986, noon. The Strategic Planning Committee of the Texas Board of Health of the Texas Department of Health made an emergency revision to the agenda for a meeting held in Room T-610, 1100 West 49th Street, Austin. The revision concerned the change in place and time from the agenda regarding a preliminary presentation of the Six-Year State Plan including recommended actions. The emergency status was necessary because the time and location in the original notice were in error.

Contact: Kris Lloyd, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7484.

Filed: September 16, 1986, 3:59 p.m.
TRD-8608899

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Texas Statewide Health Coordinating Council

Friday, September 26, 1986, 9 a.m. The Health Legislation and Program Funding Review Committee of the Texas Statewide Health Coordinating Council made an emergency revision to the agenda for a meeting to be held in the Azalea-Bluebonnet Room, Holiday Inn at Town Lake, 20 IH 35 North, Austin. The revision concerns the approval of minutes from the last meeting; consideration of immunization project grant applications of the City of Houston, City of San Antonio, and the Texas Department of Health; update the status of federal health planning legislation; consideration of the summary of cost data input provided for recommendations in the state health plan; consideration of the state health plan implementation activities; consideration of comments by the chairman; and selection of the next meeting date.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: September 16, 1986, 4 p.m.
TRD-8608900

Texas Statewide Health Coordinating Council

Friday, September 26, 1986, 9 a.m. The Health Legislation and Program Funding Review Committee of the Texas Statewide Health Coordinating Council will meet in the Azalea-Bluebonnet Room, Holiday Inn at Town Lake, 20 IH 35 North, Austin. According to the agenda summary, the committee will approve the minutes from the last meeting; consider the grant application for the City of Houston Immunization Project; update the status of the federal health planning legislation; hear a summary of cost data input provided for recommendations in the state health plan; consider the state health plan implementation activities; hear comments by the chairman; and select the next meeting date.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: September 17, 1986, 2 p.m.
TRD-8608920

Friday, September 26, 1986, 1 p.m. The Texas Statewide Health Coordinating Council will meet in the Azalea-Bluebonnet Room, Holiday Inn at Town Lake, 20 IH 35 North, Austin. According to the agenda summary, the council will consider the minutes of the June 27, 1986, meeting; hear a report by the bureau chief; consider a presentation on the task force on regionalization of specialized medical services report; hear the Health Legislation and Program Funding Review Committee report, the Regional Health Planning Coordination Committee report, the Health Cost Containment Committee report, and the State Health Plan Development Committee report; and select the next meeting date.

Contact: Carol S. Daniels, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7261.

Filed: September 17, 1986, 2:01 p.m.
TRD-8608921

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State Department of Highways and Public Transportation

Wednesday and Thursday, September 24 and 25, 1986, 10 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation will meet in the auditorium, Room 101, and Room 101-A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will consider presentations in the auditorium by the public for various highway, bridge, and FM Road requests by Tarrant and Ellis Counties; consider Howard, Glasscock, Sterling, and McLennan Counties. The docket is available in the Second Floor Commission Office. Upon completion of public hearings, the commission will meet in Room 101-A, to ex-

ecute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; and review staff reports relative to planning and construction programs and projects.

Contact: Lois Jean Turner, Room 203, Dewitt C. Greer Building, 11th and Brazos Streets, Austin, Texas 78711, (512) 463-8616.

Filed: September 16, 1986, 3 p.m.
TRD-8608891

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Texas Industrial Accident Board

Monday, September 22, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board met in executive session to review board files pursuant to the workers' compensation statute.

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

Filed: September 17, 1986, 3:44 p.m.
TRD-8608924

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State Board of Insurance

Wednesday, September 17, 1986, 11:30 a.m. The State Board of Insurance met in emergency session in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board considered amendments to the State Board of Insurance supplemental sprinkler rules used in conjunction with the National Fire Protection Association's Pamphlet 13, Installation of Automatic Sprinkler Systems. The emergency status was necessary to provide for discussion of amendments at a time when interested parties are available to provide the board with an opportunity to hear the fullest possible discussion.

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

Filed: September 17, 1986, 9:19 a.m.
TRD-8608904

Thursday, September 25, 1986, 1:30 p.m. The Fire Marshal's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket FM-052—whether disciplinary action should be taken against The Howard E. Foley Company, who holds a certificate of registration to install fire detection and alarm devices and systems.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 17, 1986, 4:12 p.m.
TRD-8608930

Thursday, October 2, 1986, 9 a.m. The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider the appeal of Nan-Travis Memorial Hospital from action of the Texas Medical Liability Insurance Underwriting Association. The meeting is rescheduled from October 2, 1986, at 10 a.m.

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

Filed: September 18, 1986, 9:03 a.m.
TRD-8608941

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Texas Board of Irrigators

Thursday, September 25, 1986, 9 a.m. The Texas Board of Irrigators will meet in Room 513-F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider the approval of minutes, certification of licensed irrigators and installers, the announcement of the chairman of the site and dates of the upcoming examination; hear the report of the legal counsel on the file of James Swindle; present the study packet furnished to the exam candidates; discuss agency fees; hear the report of board members on their assigned complaints; and consider the chairman's report on items of interest to the board.

Contact: Joyce Watson, Room 647, 17th and Congress Avenue, Austin, Texas 78711, (512) 463-7992.

Filed: September 16, 1986, 2:04 p.m.
TRD-8608882

Thursday, September 25, 1986, 9 a.m. The Texas Board of Irrigators made a revision to the agenda for a meeting to be held in Room 513-F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerns whether to refer the complaint against Payless Cashways, Inc., to the Texas Attorney General.

Contact: Joyce Watson, Room 647, 17th and Congress Avenue, Austin, Texas 78711, (512) 463-7992.

Filed: September 16, 1986, 2:03 p.m.
TRD-8608883

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Texas Board of Land Surveying

Saturday, October 11, 1986, 8 a.m. The Texas Board of Land Surveying will meet in the Wyndham Hotel Greenspoint, 12400 Greenspoint Drive, Houston. According to the agenda, the board will conduct its third called meeting of 1986 to discuss examinations and consider names of persons to serve on a committee for the purpose of item

writing. The board also will conduct one interview and any other business to come before the board.

Contact: Betty J. Pope, 7703 North Lamar Boulevard, Suite 304, Austin, Texas 78752, (512) 452-9427.

Filed: September 16, 1986, 2:02 p.m.
TRD-8608884

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Multi-State Water Resources Planning Commission

Wednesday, September 24, 1986, 10 a.m. The Multi-State Water Resources Planning Commission will meet in Room 513F, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will elect a vice-chairman; be briefed on state water agency programs, including the Texas Water Commission and Texas Water Development Board; be briefed on Texas water problems and Texas water planning; discuss Texas water problems and the commission work program; and select its next meeting date.

Contact: Charles E. Nemir, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: September 16, 1986, 10:46 a.m.
TRD-8608878

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Texas Department of Public Safety

Thursday, September 25, 1986, 9 a.m. The Public Safety Commission of the Texas Department of Public Safety (DPS) will meet in the commission room, DPS Headquarters, 5805 North Lamar Boulevard, Austin. According to the agenda, the commission will approve the minutes; determine the pending discharge appeal; consider budget matters, personnel matters, the proposal for adoption of the Vehicle Idle Emissions Inspection and Maintenance Program for El Paso County, the proposed inspection fee, and other unfinished business.

Contact: James B. Adams, 5805 North Lamar Boulevard, Austin, Texas 78756, (512) 465-2000, ext. 3700.

Filed: September 16, 1986, 11:15 a.m.
TRD-8608880

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Public Utility Commission of Texas

Wednesday, September 24, 1986, 9 a.m. The Administrative Division of the Public Utility Commission will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will discuss the approval of the minutes of August 21 and 22, 1986; hear reports; discuss and act on budget and fiscal matters; consider

the agency mission statement; and set the time and place for the next meeting. The division also will meet in executive session to consider personnel matters, including consideration of personnel assignments pursuant to the commission reorganization, litigation matters on the Palo Verde contract litigation, and the declaratory judgment in the Burlington Northern case.

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

Filed: September 16, 1986, 3 p.m.
TRD-8608892

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House of Representatives

Monday, September 22, 1986, 4 p.m. The Texas State Korean and Vietnam Veterans Memorial Committee of the House of Representatives met in emergency session in Room 106, John H. Reagan Building, 101 West 15th Street, Austin. According to the agenda, the committee considered the minutes and a summary of the July meeting; heard the progress report; discussed the location of memorials, and the design competition; heard an update on the Sponsoring Committee and fundraising; and considered new business. The emergency status was necessary because of time constraints due to the legislation.

Contact: CJ Kelley, State Capitol, Room 345-A, Austin, Texas 78701, (512) 463-0494.

Filed: September 17, 1986, 1:59 p.m.
TRD-8608925

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Texas A&M University

Sunday, September 21, 1986. Committees of the Board of Regents of Texas A&M University met in the MSC Annex, Texas A&M University, College Station. Times, committees, and agendas follow.

1:30 p.m. The Planning and Building Committee considered the cancellation of unexpended balances of appropriations; heard the report of contract actions by the chancellor; heard the report of construction project appropriations and authorizations by the chancellor; heard a report of contract actions by the deputy chancellors or presidents; conducted an initiation of major construction projects; and considered actions on bids, appropriations for designs, and appropriations for renovations.

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9603.

Filed: September 17, 1986, 10:54 a.m.
TRD-8608908

2:30 p.m. The Committee for Service Units considered the granting of title of emeritus, Texas Agricultural extension service; adopted the resolution of appreciation to the City of San Antonio, Texas Engineering Extension Service; and considered the authorization to execute the pipeline right-of-way easement, Texas Forest Service.

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9603.

Filed: September 17, 1986, 10:54 a.m.
TRD-8608909

2:40 p.m. The Committee for Academic Campuses considered the establishment of the Center for Historic Resources in concert with an endowed chair in historic preservation, Texas A&M University; considered the granting of titles of emeritus, Texas A&M University; approved the vending contract for electronic amusement machines, Texas A&M University; authorized the construction of a facility at Easterwood Airport by R. L. Waltrip to establish a flight museum for vintage aircraft, Texas A&M University; and approved the New Mission (Role and Scope) Statement, Prairie View A&M University.

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9603.

Filed: September 17, 1986, 10:54 a.m.
TRD-8608910

2:50 p.m. The Executive Committee considered the appropriation for the purchase of land; considered appropriations from the permanent university fund bond proceeds; authorized the administration of government classified contracts; confirmed the appointments and promotions, terminations, budget and fiscal changes, and personnel actions; considered the acceptance of gifts and grants; appointed the deputy chancellor for legal and external affairs; appointed of deputy chancellor for academic and resources development; considered appropriations from the available university fund; considered the authorization to establish a non-profit corporation; accepted the gift of land; revise bylaws; considered the naming of facilities and road; considered land and investment matters, and litigation. The meeting reconvened on Monday, September 22 1986, at 8:30 a.m.

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9603.

Filed: September 17, 1986, 10:56 a.m.
TRD-8608911

Monday, September 22, 1986, 1:30 p.m. The Board of Regents of Texas A&M University met in the MSC Annex, Texas A&M University, College Station. According to the agenda summary, the board considered construction matters for the Texas A&M Uni-

versity System; granted the emeritus titles; adopted resolutions; authorized easements; established the center; approved the vending contract; authorized the construction of a facility at Easterwood Airport; approved the New Mission Statement for Prairie View A&M University; considered the appropriation for the purchase of land, the appropriations from the permanent university fund bond proceeds, the appropriations from the available university fund; authorized the administration of government classified contracts; confirmed the appointments and promotions, terminations, budget and fiscal changes, and personnel actions; accepted gifts and grants; appointed the deputy chancellor for legal and external affairs, the deputy chancellor for academic and resources development; named facilities and roads; considered land and investment matters and litigation; authorized the establishment of a non-profit corporation; accepted the gift of land; and revised bylaws.

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77843, (409) 845-9603.

Filed: September 17, 1986, 10:55 a.m.
TRD-8608912

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Texas Southern University

Friday, October 3, 1986, 9:30 a.m. Committees of the Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, 3100 Cleburne Avenue, Texas Southern University Campus, Houston. Committees and agendas follow.

The Building and Grounds Committee will consider the payments to architects and contractors, improvements to land, construction change orders, the purchase of real estate, bids on construction projects, reports on ongoing construction projects, and plans and projections for the building renovations projects.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 18, 1986, 8:50 a.m.
TRD-8608933

The Finance Committee will consider reports on short term and extended university investments, monthly fiscal reports on university operations, matters relating to the current biennium budget, and adjustments to the current annual budget.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 18, 1986, 8:50 a.m.
TRD-8608934

The Personnel and Academic Affairs Committee will consider the ratification of in-

structional personnel changes and appointments, the enrollment projections and reports, reports on academic plans and projections, and a special report on fall registration.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 18, 1986, 8:50 a.m.
TRD-8608935

The Student Affairs Committee will consider information from the university administration on tuition installment payments; hear the status report on the recruitment, retention, and enrollment of students; hear the report on enrollment for the 1986 fall term, the status report on student financial aid, and the status report on student dormitories.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 18, 1986, 8:50 a.m.
TRD-8608936

The University Development Committee will receive reports from the administration on university fund raising efforts, reports on special funds budgets, and consider plan and projections for the 1986-1987 fiscal year.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 18, 1986, 8:50 a.m.
TRD-8608937

Friday, October 3, 1986, 1:30 p.m. The Board of Regents of Texas Southern University will meet in Room 203, Sterling Student Life Center, Texas Southern University Campus, 3100 Cleburne Avenue, Houston. According to the agenda, the board will consider the minutes, reports from the board's standing committees, and a report from the president. The board also will meet in executive session for the evaluation of university personnel and to confer with the university attorney on matters relating to litigation and the purchase or sale of real estate.

Contact: Everett O. Bell, 3100 Cleburne Avenue, Houston, Texas 77004, (713) 529-8911.

Filed: September 18, 1986, 8:50 a.m.
TRD-8608938

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Texas Veterans Commission

Friday, October 17, 1986, 10 a.m. The Texas Veterans Commission will meet in the boardroom, Wichita Falls Hilton Hotel, 401 Broad Street, Wichita Falls. According to the agenda, the commission will consider reports of the commission; make decisions regarding administrative matters pertaining to veterans counseling and assistance; and elect officers for the coming year.

Contact: Aubrey L. Bullard, P.O. Box 12277, Austin, Texas 78711, (512) 463-5538.

Filed: September 17, 1986, 2 p.m.
TRD-8608922

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Texas Water Commission

Tuesday, November 12, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider Application 5087 of James A. Gibbs, and Wife, Judith, who seek a permit to construct a dam and reservoir on an unnamed tributary of Battle Creek, tributary of Kickapoo Creek, tributary of the Neches River, Neches River Basin, and impound water for recreational purposes in Henderson County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 17, 1986, 4:12 p.m.
TRD-8608931

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Regional Agencies

Meetings Filed September 16

The Austin-Travis County Mental Health and Mental Retardation Center, Board of Trustees, met in emergency session in the boardroom, 1430 Collier Street, Austin, on September 19, 1986, at 7 a.m. They will also meet at the same location, on September 23 and 25, 1986, at 6 p.m. and 7 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

The Gillespie County Appraisal District, Board of Review, will meet in Room 101-B, Gillespie County Courthouse, Fredericksburg, on September 24, 1986, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 78624, (512) 997-9809.

The Leon County Central Appraisal District, Appraisal Review Board, will meet at the Appraisal District office, Gresham Building, Centerville, on September 23, 1986, at 9 a.m. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Mason County Appraisal Review Board, will meet at 206 Ft. McKavitt Street, Mason, on September 24, 1986, at 1 p.m. and on September 30, and October 7-9, 14, 15, and 21, 1986, at 9 a.m. Information may be obtained from Ann Stapp, P.O. Box 1119, Mason, Texas 76856, (915) 347-5989.
TRD-8608877

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Meetings Filed September 18

The Comal Appraisal District, Board of Directors, will meet at the district office, 644 North Loop 337, New Braunfels, on September 23, 1986, at 5:30 p.m. Information may be obtained from Glenn L. Brucks, P.O. Box 1222, New Braunfels, Texas 78130, (512) 625-8597.

The Lamar County Appraisal District, Appraisal Review Board, will meet at 1523 Lamar Avenue, Paris, on September 25, 26, and 29, 1986, at 9 a.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Swisher County Appraisal District, Appraisal Review Board, will meet at 130 North Armstrong, Tulia, on September 30, 1986, at 10 a.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

TRD-8608940

Meetings Filed September 17

The Education Service Center Region VIII, Board of Directors, will meet at FM Road 1734, Mt. Pleasant, on September 25, 1986, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75455.

The Guadalupe-Blanco River Authority Industrial Development Corporation, and Board of Directors, met in emergency session at 933 East Court Street, Seguin, on September 18, 1986, at 9:30 a.m. and 10 a.m. Information may be obtained from John H. Spech, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Lee County Appraisal District, Board of Directors, will meet at 218 East Richmond Street, Giddings, on September 24, 1986, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Central Plains Mental Health and Mental Retardation Center, Board of Trustees, will meet at 715 Houston, Plainview, on September 25, 1986, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636.

The Parmer County Appraisal Office, Board of Directors, will meet at 305 Third Street, Bovina, on October 6, 1986, at 8 p.m. Information may be obtained from Ron Proctor, P.O. Box 56, Bovina, Texas 79009, (806) 238-1405.

The Texas Panhandle Mental Health Authority, Board of Trustees, will meet in the boardroom, 1901 Medi-Park, Amarillo, on September 25, 1986, at 1 p.m. Information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, (806) 352-7235.

TRD-8608903

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In Addition

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

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

Texas Department of Agriculture Consultant Contract Award

The Texas Department of Agriculture has awarded a consultant contract under Texas Civil Statutes, Article 6252-11c. Notice of the proposal request was published in the July 25, 1986, issue of the *Texas Register* (11 TexReg 3416).

Description. A consultant has been selected by the department to provide technical assistance and expertise in the installation of microcomputers in the department.

Specifically, the consultant shall: assist and advise department in the installation of microcomputers; assist in resolving microcomputer hardware or software problems; coordinate with Data Processing Department in establishing communications between microcomputers in the field offices and computers in the central office; design applications for department microcomputers; design microcomputer training programs for department staff; answer questions posed by department staff about microcomputers; and provide general consulting services to department on microcomputer matters.

Consultant name. The name and address of the private consultant is Warren D. Lincoln, Star Route 1, Box 276A, Clifton, Texas 76634.

Terms. The maximum value of this contract is \$30,000. The beginning date is September 5, 1986, and the ending date is August 31, 1987.

Report dates. Detailed time sheets are to be submitted monthly.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608898 Dolores Alvarado Hibbs
Director of Hearings
Texas Department of Agriculture

Filed: September 16, 1986
For further information, please call (512) 463-7583.

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State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Tuesday, October 28, 1986, at 9 a.m., at 2601 North Lamar Boulevard, Austin, on the charter application for State Bank of Texas, Dallas, Dallas County.

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

Issued in Austin, Texas, on September 12, 1986.

TRD-8608893 William F. Aldridge
Director of Corporate Activities
State Banking Board

Filed: September 16, 1986
For further information, please call (512) 479-1200.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, 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 September 11, 1986, the banking commissioner received an application to acquire control of Farmers and Merchants State Bank, Burleson, by Charles E. Baker, Granbury.

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

Issued in Austin, Texas, on September 11, 1986.

TRD-8608854 William F. Aldridge
Director of Corporate Activities
Banking Department of
Texas

Filed: September 15, 1986
For further information, please call (512) 479-1200.

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Texas Department of Health Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following registrants for failure to pay fees pursuant to Texas Regulations for Control of Radiation (TRCR), §13.8:

- (1) RAE Medical Corporation, P.O. Box 5547, Houston, Texas 77255, Radioactive Material License Number 11-3702;
- (2) BHP Dasco, Inc., 5403 Colmesneil, Pearland, Texas 77481, Radioactive Material License Number 11-3054;

(3) R. Cain and Associates, Inc., 1812 Avondale Drive, Colleyville, Texas 76034, Radioactive Material License Number 5-3073;

(4) Analytical Consultant Services, 6251 Corporate Drive, Houston, Texas 77036, Radioactive Material License Number 11-2976;

(5) Ralson Pipe Services, Inc., P.O. Box 8, Channelview, Texas 77530, Radioactive Material License Number 11-2579;

(6) Kane Industries, Inc., P.O. Box 1680, Galveston, Texas 77553, Radioactive Material License Number 11-1906; and

(7) Southwest X-Ray Corporation, P.O. Box 273, Kermit, Texas 79745, Radioactive Material License Number 12-2163.

The agency intends to revoke the radioactive material licenses, order the registrants to cease and desist use of radiation machine(s), and order the registrants to divest themselves of such equipment, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f.

If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on September 16, 1986.

TRD-8606874 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 16, 1986
For further information, please call (512) 835-7000.

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Notice is hereby given by the Texas Department of Health for the renewal of the following radioactive material license:

Issued to Tenneco Uranium, Inc., (mailing address: Tenneco Uranium, Inc., West Cole Project, P.O. Box 111, Bruni, Texas 78344) for their West Cole Project located in Webb County, near Bruni. About 18 acres of well field area is also being added.

The Division of Licensing, Registration, and Standards has determined that: the license renewal has no significant impact on the human environment; the licensee is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety and the environment; the licensee's equipment, facilities, and procedures are adequate

to minimize danger to public health and safety and the environment; the renewal of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the licensee satisfies any applicable special requirements in the *Texas Regulations for Control of Radiation* (TRCR) Part 43.

The basis for these conclusions is set out in a document entitled *Environmental Assessment Related to Expansion and License Renewal of the Tenneco Uranium, Inc., West Cole Project, License No. 8-3024, Webb County, Texas* (TBRC EA-6-S). Copies of this document are available upon written request from the Bureau of Radiation Control, 1100 West 49th Street, Austin, Texas 78756-3189.

This notice affords the opportunity for a public hearing upon written request by a person affected as required by Texas Civil Statutes, Article 4590f, §11(A), as amended, and as set out in TRCR §13.4(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be used, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A written hearing request must be received within 30 days from the date of this notice by David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Should no request for a public hearing be timely filed, the renewal will be issued 14 days following the end of the 30 day period of notice.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the proposed renewal of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information please call (512) 835-7000.

Issued in Austin, Texas, on September 12, 1986.

TRD-8606894 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 16, 1986
For further information, please call (512) 458-7236.

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Licensing Actions for Radioactive Materials

The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Fort Worth	Radiology Associates	05-3953	Fort Worth	0	07/25/86
Houston	TXT Division	11-3962	Houston	0	07/31/86
Texas City	Sterling Chemicals, Inc.	11-3952	Texas City	0	07/31/86

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action	Location	Name	License #	City	Amendment #	Date of Action
Arlington	Metroplex Hematology Oncology Associates	05-3211	Arlington	19	07/18/86	Rockdale	Richards Memorial Hospital	06-3218	Rockdale	5	07/21/86
Austin	IBM Corporation	06-2340	Austin	11	07/18/86	San Antonio	Southwest General Hospital	09-2689	San Antonio	9	07/18/86
Austin	Synacor International Corporation	06-2117	Austin	37	07/31/86	San Antonio	Beta Diagnostics, Inc	09-3574	San Antonio	7	07/31/86
Beaumont	St. Elizabeth Hospital	10-269	Beaumont	34	06/18/86	Temple	Harry B. Maoy, Jr, M.D. and Thomas A.W. Welker, M.D.	06-3871	Temple	1	07/29/86
Beaumont	Sandoz Crop Protection Corporation	10-2016	Beaumont	6	07/22/86	Three Rivers	Intercontinental Energy Corporation	08-2238	Three Rivers	13	07/21/86
Beaumont/Nederland	E. I. du Pont de Nemours & Co., Inc	10-517	Beaumont	45	07/22/86	Throughout Texas	State Department of Highways and Public Transportation	06-197	Austin	44	07/17/86
Big Spring	Malone-Hogan Hospital, Inc.	12-0763	Big Spring	22	07/31/86	Throughout Texas	Mississippi X-Ray Services of Texas, Inc.	11-3246	Baytown	15	07/22/86
Caldwell	Burleson County Hospital	06-3260	Caldwell	2	07/22/86	Throughout Texas	D-Arrow Inspection, Inc	11-3816	Houston	5	07/15/86
Cameron	Cameron Community Hospital	06-3249	Cameron	5	07/22/86	Throughout Texas	Texas Industries, Inc.	05-1421	Dallas	20	07/18/86
Corpus Christi	Memorial Medical Center	08-265	Corpus Christi	38	07/29/86	Throughout Texas	Mobil Research and Development Corporation	05-194	Farmers Branch	26	07/18/86
Dallas	Medical City Dallas Hospital	05-1976	Dallas	44	07/18/86	Throughout Texas	McClelland Engineers, Inc	05-3461	Dallas	3	07/18/86
Dallas	The University of Texas Health Science Center at Dallas	05-0584	Dallas	45	07/30/86	Throughout Texas	Swartz Enterprises, Inc.	04-3647	San Angelo	3	07/17/86
Denton	Denton Regional Medical Center	05-2764	Denton	8	07/29/86	Throughout Texas	Amerham Corporation	11-3567	Houston	3	07/01/86
El Paso	Providence Memorial Hospital	03-2353	El Paso	20	07/17/86	Throughout Texas	R & R X-Ray	11-3091	Willis	3	07/25/86
El Paso	Hotel Dieu Hospital and Medical Center	03-2185	El Paso	19	07/30/86	Throughout Texas	ARCO Oil and Gas Company	5-134	Plano	36	07/22/86
Fort Worth	Huguley Memorial Medical Center	05-2920	Fort Worth	6	07/22/86	Throughout Texas	Exploration Logging, S.A.	11-3258	Houston	2	07/28/86
George West	USX Corporation	08-2449	George West	19	07/24/86	Throughout Texas	Gearhart Industries, Inc.	05-2113	Fort Worth	44	07/28/86
Gilmer	Ford Memorial Hospital	07-3493	Gilmer	4	07/22/86	Throughout Texas	Scientific Measurement Systems, Inc.	06-2696	Austin	15	07/28/86
Grand Saline	Cosby—Germany Hospital	07-3338	Grand Saline	2	07/17/86	Throughout Texas	Weldbest, Inc.	10-3560	Port Arthur	15	07/21/86
Hebbronville	Caithness Mining Corporation	08-2922	Hebbronville	5	07/08/86	Throughout Texas	Baker Tank Company	07-2599	Arp	12	07/21/86
Houston	St. Luke's Episcopal-Texas Children's	11-581	Houston	28	07/25/86	Throughout Texas	City of Amarillo	01-2320	Amarillo	6	07/28/86
Houston	Synacor International Corporation	11-1911	Houston	62	07/31/86	Throughout Texas	East Texas Testing Laboratory	07-1423	Tyler	17	07/30/86
Houston	Rawie Andrews, M.D., Clinic Assoc.	11-3818	Houston	1	07/31/86	Throughout Texas	Texas Instruments, Inc	05-946	Dallas	37	07/28/86
Houston	St. Joseph Radiology Associates	11-3459	Houston	1	07/31/86	Throughout Texas	Texas Tech University	02-1536	Lubbock	35	07/29/86
Inglewade/Gregory	E. I. du Pont de Nemours & Company	08-1753	Inglewade	21	07/18/86	Throughout Texas	R/A Services, Inc.	12-3010	Odessa	16	07/31/86
Irving	Synacor International Corporation	05-2048	Irving	47	07/18/86	Throughout Texas	Tru-Tag Systems, Inc.	11-3783	Texas City	3	07/30/86
Kilgore	Roy H. Laird Memorial Hospital	07-3496	Kilgore	4	07/22/86	Throughout Texas	Well Surveys International, Inc.	05-3563	Plano	2	07/31/86
Longview	Good Shephard Medical Center	07-2411	Longview	21	07/18/86	Throughout Texas	Production Logging, Inc.	04-2898	Snyder	9	07/31/86
Mission	Mission Municipal Hospital	08-2802	Mission	8	07/29/86	Throughout Texas	Ultrasonic Spectacles, Inc.	11-1774	Houston	32	07/31/86
Mt. Pleasant	Titus County Memorial Hospital	07-2921	Mt. Pleasant	3	07/18/86	Tyler	The University of Texas Health Center at Tyler	07-1796	Tyler	26	07/22/86
North Richland Hills	North Hills Medical Center	05-2371	North Richland Hills	11	07/31/86	Tyler	Doctors Memorial Hospital	07-3505	Tyler	3	07/22/86
Odessa	R/A Services, Inc.	12-3010	Odessa	15	07/18/86	Tyler	East Texas Cancer Center	07-3281	Tyler	4	07/31/86
Palentine	Anderson County Memorial Hospital	07-2728	Palentine	5	07/29/86	Webster	Diagnostic X-Ray of Clear Lake	11-3500	Webster	2	07/30/86
Pasadena	Pasadena General Hospital	11-3504	Pasadena	4	07/25/86	West	West Community Hospital	06-2979	West	10	07/29/86
Richmond	W-K-M Valve Division	11-0312	Richmond	24	07/31/86						

RENEWALS OF EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Abilene	Radiology Associates	04-399	Abilene	47	07/22/86
Dallas	Rockwell International Corporation	05-2508	Dallas	4	07/18/86
Dallas	Medical Arts Hospital	05-3051	Dallas	3	07/18/86
Dallas	Swiss Avenue Diagnostic Laboratory	05-1253	Dallas	9	07/30/86
Dear Park	Solitec Polymer Corporation	11-88	Dear Park	33	07/28/86
El Paso	Radiology Consultants of El Paso, P.A.	03-71	El Paso	44	07/18/86
Grande Prairie	Poly-America, Inc.	05-3001	Grande Prairie	9	07/31/86
Houston	Westbury Hospital	11-2471	Houston	4	07/30/86
Lake Jackson	Brazosport Memorial Hospital	11-3027	Lake Jackson	7	07/18/86
Lufkin	Memorial Medical Center of East Texas	10-356	Lufkin	16	07/21/86
Odessa	El Paso Products Company	12-547	Odessa	24	07/31/86
Orange	E. I. DuPont de Nemours & Company	10-3	Orange	49	07/31/86
Stafford	Burzynski Research Institute, Inc.	11-2948	Stafford	4	07/28/86
Texas City	Charles R. Broman, M.D.	11-1469	Texas City	6	07/17/86
Throughout Texas	City of Bryan	06-3002	Bryan	2	07/28/86
Throughout Texas	Tracor Instruments Austin, Inc.	06-1186	Austin	26	07/07/86
Throughout Texas	Carlisle Property Company	05-3025	Dallas	3	07/31/86
Tyler	The University of Texas at Tyler	07-2785	Tyler	2	07/29/86

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Austin	Kallestad Laboratories, Inc.	06-2846	Austin	9	07/21/86
Fort Worth	Consultants in Radiology	05-1711	Fort Worth	33	07/31/86
Houston	Greens Bayou Terminal, Inc.	11-2946	Houston	4	07/25/86
Throughout Texas	Big State X-Ray	12-1927	Chickasha, OK	5	07/21/86
Throughout Texas	Anderson Engineering and Testing Company	99-3007	Little Rock, AR	1	07/25/86
Throughout Texas	Eneron, Inc.	06-3078	San Marcos	1	07/31/86
Tyler	University of Texas at Tyler	07-2862	Tyler	2	07/29/86

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

This notice affords the opportunity for a hearing on written request of a licensee, applicant, or "person affected" within 30 days of the date of publication of this notice.

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

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

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8606878 Robert A. MacLean
Deputy Commission for
Professional Services
Texas Department of Health

Filed: September 18, 1986
For further information, please call (512) 458-7236.



The Texas Department of Health has taken actions regarding licenses for the possession and use of radioactive materials as listed in the table below. The subheading labeled "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
College Station	A.A.E./B.C.S. Traders Inc.	06-3949	Globe, AZ	0	07/15/86
Houston	McDonagh Medical Center of Texas, Inc.	11-3918	Houston	0	07/01/86
Sunnyvale	City of Dallas, Water Utilities	05-3928	Sunnyvale	0	06/30/86
Throughout Texas	Richard A. Leonard, Jr.	07-3931	Tyler	0	07/07/86

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Abilene	Hendrick Medical Center	04-2433	Abilene	17	07/02/86
Archer City	Archer County Hospital	04-3405	Archer City	3	07/10/86
Azle Eagle Mountain Area	Suburban Hospital	05-3230	Azle	3	07/02/86
Beaumont	Beaumont Hospital, Inc.	10-2102	Beaumont	17	07/02/86
Beaumont	Outpatient Diagnostic Center, Ltd	10-3888	Beaumont	1	07/15/86
Beaumont	Baptist Hospital of Southeast Texas	10-358	Beaumont	42	07/14/86

Texas City	Amoco Chemicals Corporation	11-354	Texas City	21	07/08/86
Throughout Texas	Independent Inspection Corporation	04-2513	Wichita Falls	7	07/03/86
Throughout Texas	Texas Air Control Board	06-1715	Austin	20	07/07/86
Throughout Texas	Mid-America Pipeline Company	12-699	Tulsa, OK	17	07/07/86
Throughout Texas	PRE-TEST Laboratory	06-2524	Georgetown	7	07/11/86
Throughout Texas	Standard Performors of Abilene, Inc.	04-1703	Abilene	9	07/11/86
Throughout Texas	Apollo Performors Inc.	12-3020	Odessa	7	07/10/86

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Bushland	Southwest Portland Cement Company	01-119	Amarillo	12	07/10/86
Garland	E Systems, Inc.	05-3814	Dallas	1	07/11/86
Throughout Texas	Technical Services Division	11-2419	Greenville, SC	13	07/07/86
Throughout Texas	Turley Associates, Inc.	06-3522	Temple	2	07/07/86
Throughout Texas	Gulf Nuclear Incorporated	12-1622	Odessa	29	07/17/86

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

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

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

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

Issued in Austin, Texas, on September 16, 1986.

TRD-8606875 Robert A. MacLean
Deputy Commission
Professional Services
Texas Department of Health

Filed: September 16, 1986
For further information, please call (512) 466-7236.



Proposed Radioactive Material License Issuance

Notice is hereby given by the Texas Department of Health that it proposes to issue the following radioactive material license:

Radioactive Material License No. 12-3994 to be issued to Tracer Laboratory of Midland (mailing address: Tracer Laboratory of Midland, 5600 West Industrial, P.O. Box 1773, Midland, Texas 79702).

The license is summarized as follows.

Authorizes Tracer Laboratory of Midland to receive radioactive waste from other persons and to store indoors, process, and transfer radioactive waste to an authorized disposal site within the limits for a Class A storage and processing facility.

Limits the total radioactive waste from other persons that may be stored and processed by the licensee to 50 cubic feet per year and the following activity limits:

Group I	Group II	Group III	Group IV
10 mCi	100 mCi	1 Ci	10 Ci

Exempts the licensee from the major requirements of TRCR Part 44, Licensing of Radioactive Waste Processing and Storage Facilities, under TRCR 44.6(b)(2).

Imposes certain procedures for the processing and storing of radioactive waste and establishes radiation safety procedures and practices.

The Division of Licensing, Registration, and Standards has determined that: the proposed issuance has no significant impact on the human environment; the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the applicant's equipment, facilities, and procedures are adequate to minimize danger to public health and safety, and the environment; the issuance of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the applicant satisfies any applicable special requirements in Texas Regulations for Code of Radiation (TRCR) Parts 41 and 44

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(a), as amended, and as set out in TRCR §13.5(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief,

Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the license will be issued 14 days following the end of the 30 day period of notice.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the issuance of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on September 12, 1986.

TRD-8608895 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 18, 1986
For further information, please call (512) 458-7236.

★ ★ ★

Notice is hereby given by the Texas Department of Health that it proposes to issue the following radioactive material license:

Radioactive Material License No. 3-3966 to be issued to Summa Pharmacy of El Paso (mailing address: Summa Pharmacy of El Paso, 1501 Arizona, Building, 5D, El Paso, Texas 79902):

The license is summarized as follows:

authorizes Summa Pharmacy of El Paso to receive radioactive waste from other persons and to store indoors, process, and transfer radioactive waste to an authorized disposal site within the limits for a Class A storage and processing facility;

limits the total radioactive waste from other persons that may be stored and processed to 150 cubic feet/year and the following activity limits:

Group I	Group II	Group III	Group IV
10 mCi	100 mCi	1 Ci	10 Ci

exempts the licensee from the major requirements of TRCR Part 44, Licensing of Radioactive Waste Processing and Storage Facilities, under TRCR 44.6(b)(2), and further exempts them from the TRCR 44.6(b)(2) 50 cubic feet/year storage and processing limit;

imposes certain procedures for the processing and storing of radioactive waste and establishes radiation safety procedures.

The Division of Licensing, Registration, and Standards has determined that: the proposed issuance has no significant impact on the human environment; the applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety, and the environment; the applicant's equipment, facilities, and procedures are adequate

to minimize danger to public health and safety, and the environment; the issuance of the license will not be inimical to public health and safety, or have a detrimental impact on the environment; and the applicant satisfies any applicable special requirements in Texas Regulations for Code of Radiation (TRCR) Parts 41 and 44.

This notice affords the opportunity for a public hearing upon written request within 30 days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(a), as amended, and as set out in TRCR §13.5(a). A person affected is defined as a person who is a resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage. A person affected may request a hearing by writing David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756.

Any request for a hearing must contain the name and address of the person who considers himself affected by agency action, identify the subject license, specify the reasons why the person considers himself affected, and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the license will be issued 14 days following the end of the 30 day period of notice.

A copy of all material submitted is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin. Information relative to the issuance of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on September 12, 1986.

TRD-8608895 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 18, 1986
For further information, please call (512) 458-7236.

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State Board of Insurance Company Licensing

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

(1) Application for admission to do business in Texas of American Equity Life Insurance Company, a foreign life, accident, and health insurance company. The home office is in Hutchinson, Kansas.

(2) Application for admission to do business in Texas of Anglo-American Insurance Company, a foreign casualty insurance company. The home office is in Baton Rouge, Louisiana.

(3) Application for Declaration of Subscribers of Chemical Applicators Reciprocal, a domestic reciprocal exchange. The proposed home office is in Austin.

(4) Application for incorporation of DC DentalCare Corporation, doing business as DC DentalCare, a domestic Health Maintenance Organization. The proposed home office is in Irving.

(5) Application for a name change by Republic of Texas Lloyd's, a newly organized domestic insurance company. The home office is in Dallas. The proposed new name is Lone Star Lloyds.

(6) Application for admission to do business in Texas of Minnesota Trust Company of Austin, a foreign casualty insurance company. The home office is in Austin, Minnesota.

(7) Application for admission to do business in Texas of North American Insurance Company, Inc., a foreign fire and casualty insurance company. The home office is in Hockessin, Delaware.

(8) Application for a name change by Republic of Texas Lloyd's, a newly organized domestic insurance company. The home office is in Dallas. The proposed new name is Star of Texas Lloyds.

Issued in Austin, Texas, on September 10, 1986.

TRD-860867 Nicholas Murphy
Chief Clerk
State Board of Insurance

Filed: September 16, 1986
For further information, please call (512) 463-6327.

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Correction of Error

A miscellaneous document submitted by the State Board of Insurance contained an error as published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3847).

The application for name change by Whittaker Health Services of Austin, Inc., in item (10) should be Travelers Health Network of Austin, Inc.

Texas Parks and Wildlife Department Gulf States Marine Fisheries Commission Meeting

The Gulf States Marine Fisheries Commission will hold its 37th annual fall meeting October 13-17, 1986. Louisiana is the host state and arrangements have been made to convene at the Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, Louisiana 70130, (504) 525-2500. Clyde Richbourg of Milton, Florida 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 September 15, 1986.

TRD-860864 Charles D. Travis
Executive Director
Texas Parks and Wildlife Department

Filed: September 15, 1986
For further information, please call (512) 479-4805.

★ ★ ★

Texas Water Commission Correction of Error

A miscellaneous document submitted by the Texas Water Commission contained an error as published in the September 9, 1986, issue of the *Texas Register* (11 TexReg 3910).

In the invitation for bids, the second sentence in the third paragraph should have read: "The landfill has a design capacity of 62,750 cubic yards."

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 1986 with the exception of June 24, September 2, December 2, and December 30 by the Office of the Secretary of State.

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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 accumulative quarterly and annual indexes to aid in researching material published.

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

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "11 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 11 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).



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Illustrations courtesy of Texas Parks and Wildlife Department.

TAC Titles Affected

TAC Titles Affected—September

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

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture

4 TAC §7.24, §7.30	4060
4 TAC §15.11	3856
4 TAC §§21.6, 21.9, 21.11, 21.13	3994
4 TAC §21.51	3994
4 TAC §21.63, §21.66	3994
4 TAC §§21.82, 21.85-21.87	3995
4 TAC §21.105, §21.106	3995
4 TAC §21.122, §21.123	3995

TITLE 7. BANKING AND SECURITIES

Part I. State Finance Commission

7 TAC §1.301	3856
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TITLE 13. CULTURAL RESOURCES

Part III. Texas Commission on the Arts

13 TAC §31.6	3857
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TITLE 16. ECONOMIC REGULATION

Part II. Public Utility Commission of Texas

16 TAC §23.11	3895
16 TAC §23.21	3895

Part IV. Texas Department of Labor and Standards

16 TAC §65.20	3967, 3989
16 TAC §69.208	3996

TITLE 19. EDUCATION

Part II. Texas Education Agency

19 TAC §33.54, §33.56	4066
19 TAC §§75.2-75.5	4065, 4066
19 TAC §75.170	4065, 4067
19 TAC §§75.191-75.193, 75.195	4065, 4067
19 TAC §81.179	4062
19 TAC §89.235	4067
19 TAC §89.240	4062
19 TAC §§109.21, 109.24, 109.25	4063
19 TAC §129.2	4065, 4067
19 TAC §149.24	4065, 4066
19 TAC §141.181, §141.184	4060, 4063

TITLE 22. EXAMINING BOARDS

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22 TAC §171.8	3918
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22 TAC §§195.1-195.4	3918

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22 TAC §281.24	4025
22 TAC §291.76	4034
22 TAC §§291.91-291.93, 291.95, 291.96	4025, 4033
22 TAC §§291.91-291.94	4026

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22 TAC §461.16	3928
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22 TAC §473.2	4068

Part XXII. Texas State Board of Public

Accountancy

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22 TAC §501.43	4030
22 TAC §501.44	4031

Part XXIII. Texas Real Estate Commission

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Part XXIV. State Board of Veterinary Medical

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22 TAC §571.3	3967
22 TAC §571.4	3967
22 TAC §571.5	3967
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22 TAC §571.7	3968
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22 TAC §579.1	4068

Part XXVII. Board of Tax Professional Examiners

22 TAC §823.12	4033
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TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §141.7, §141.13	3993
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TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §§5.7001, 5.7010, 5.7013, 5.7014	3996
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Part II. Industrial Accident Board

28 TAC §41.8	3921
28 TAC §55.55	3921

TITLE 31. NATURAL RESOURCES

Part I. General Land Office

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31 TAC §9.7	4061
31 TAC §13.1	3862

Part II. Texas Parks and Wildlife Department

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31 TAC §65.261	3959
31 TAC §§65.331-65.335	3997
31 TAC §§69.23-69.31	3999

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31 TAC §297.1	3962
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31 TAC §§355.101, 355.104-355.107	3922
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37 TAC §29.49	4003
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37 TAC §233.158	3963
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40 TAC §§189.2, 189.8, 189.12, 189.14	4031
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43 TAC §21.101	4039

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 September 12

340th Judicial District

To be judge, until the next general election and until his successor shall be elected and duly qualified:

Randol L. Stout
P.O. Box 3645
San Angelo, Texas 76902

Mr. Stout is replacing Marilyn Aboussie of San Angelo, who resigned.

Statewide Health Coordinating Council

For terms to expire September 1, 1988:

Max Brown, Ph.D.
7146 Grande Oaks Boulevard
Dallas, Texas 75230

Edward A. R. Lord, Jr., M.D.
9706 Oasis Street
Houston, Texas 77096

Dr. Brown and Dr. Lord are being reappointed.

Issued in Austin, Texas, on September 12, 1986.

TRD-8608943

Mark White
Governor of Texas

★ ★ ★

Appointments Made September 16

Court of Appeals, Fifth District

To be justice, until the next general election and until his successor shall be elected and duly qualified:

Larry Mitchell
6116 North Central Expressway
Dallas, Texas 75206

Mr. Mitchell is replacing Patrick C. Guillot.

Statewide Health Coordinating Council

For a term to expire September 1, 1988:

Elizabeth Ann Attel
11007 Cinderella Lane
Dallas, Texas 75229

Ms. Attel is being reappointed.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608943

Mark White
Governor of Texas

★ ★ ★

Proclamation 41-2097

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Third Called Session of the 69th Legislature, now convened, the following:

Legislation establishing interim state budget execution authority.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Issued in Austin, Texas, on September 17, 1986.

TRD-8608944

Mark White
Governor of Texas

Attorney General

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

Opinion

JM-539 (RQ-757). Request from Bob Bullock, Comptroller of Public Accounts, Austin, concerning whether interest should be paid on taxes collected by the comptroller on behalf of local jurisdictions.

Summary of Opinion. Interest earned on all taxes collected on behalf of local taxing units must be credited to those taxing units. Any interest previously deposited in the general revenue fund of the state treasury must receive specific legislative appropriation before such interest can be remitted to the various taxing units.

TRD-8608916

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JM-540 (RQ-789). Request from Chester V. Hines, county attorney, Crockett, concerning whether a county hospital district is liable for emergency health care administered in a hospital in another county to an indigent resident of the hospital district.

Summary of Opinion. A hospital district created under the Texas Constitution, Article IX, §9, is liable for emergency health care administered prior to September 1, 1986, to an indigent resident of the hospital district in a county hospital of another county.

TRD-8608917

★ ★ ★



Open Records Decision

ORD-437 (RQ-728). Request from Herman I. Little, Jr., Smith, Murdaugh, Little and Crawford, attorneys, Grant Road Public Utility District, Houston; and Mark W. Brooks, Rowe and Young, attorneys, Aransas County Municipal Utility District, Houston, concerning whether information maintained by an independent contractor hired by a utility district is subject to disclosure under the Open Records Act.

Summary of Decision. An independent contractor that collects and maintains information on behalf of a governmental body is subject to the Open Records Act, Texas Civil Statutes, Article 6252-17a.

TRD-8608918

★ ★ ★

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 4. AGRICULTURE Part I. Texas Department of Agriculture

Chapter 7. Pesticides

★4 TAC §7.24, §7.30

The Texas Department of Agriculture adopts on an emergency basis amendments to §7.24 and §7.30, concerning the classification of Dinoseb as a state-limited-use pesticide, and the setting of a seven-day reentry interval of Dinoseb.

The recent release of findings by the U.S. Environmental Protection Agency indicates that exposure to Dinoseb during its application may pose a hazard to the fertility of both men and women and a risk of birth defects to the unborn children of pregnant women. Because Dinoseb is currently classified as a general-use pesticide in Texas, it may be purchased and used by individuals who are not licensed as certified pesticide applicators. The continued unrestricted use of Dinoseb in Texas poses an imminent and serious threat to workers who come in contact with Dinoseb residues in the production of agricultural crops.

The emergency amendment to §7.24 classifies Dinoseb as a state-limited-use pesticide, thereby restricting its use to certified pesticide applicators and limiting exposure to women of childbearing capacity. The emergency amendment to §7.30 establishes a seven-day interval between the time of application and the time when persons may reenter an area treated with Dinoseb to perform labor-intensive activities without wearing appropriate protective clothing.

The department intends to propose a section for permanent adoption that restricts the use and exposure to Dinoseb

The section will be proposed within 120 days or as soon as additional data is available. After proposing the section, the department will schedule at least one public hearing on whether it should be adopted

The amendments are adopted on an emergency basis under the Texas Agriculture Code, Subchapter A, §76.003, which gives the department the authority to classify a pesticide as a state-limited-use pesticide if the department determines that the pesticide requires additional restrictions to prevent unreasonable risks to man or the environment, taking into account the

economic, social, and environmental costs and benefits of the use of the pesticide; and Texas Civil Statutes, Article 6252, §13a(5), which allows the adoption of administrative rules on an emergency basis without notice and comment, for a maximum period of 180 days.

§7.24. *State-Limited-Use Pesticides.*

(a) (No change.)

(b) **Because of its potential to cause adverse effects in humans, all products containing the active ingredient Dinoseb shall be classified as state-limited-use pesticides. In addition, the following special restrictions shall apply in the use of products containing the active ingredient Dinoseb for agricultural field production.**

(1) **The involvement of women of childbearing capacity in any phase of the application of Dinoseb, including the mixing, loading, and applying of Dinoseb, regardless of the use of protective clothing, shall be prohibited.**

(2) **The reentry of women of childbearing capacity into a field which has been treated with Dinoseb to perform labor-intensive activities prior to the expiration of the required reentry interval shall be prohibited, regardless of the use of appropriate protective clothing.**

(c)[(b)] Formulations containing the active ingredients listed in subsection (a)(1)-(9) of this section are exempt from being classified as state-limited-use pesticides if they meet one of the criteria listed in paragraphs (1) or (2) of this subsection.

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

§7.30. *Reentry Intervals.*

(a) (No change.)

(b) **Minimum reentry intervals. Except as provided in §7.24(b) of this title (relating to State-Limited-Use Pesticides), workers shall not be permitted to enter a field treated with a pesticide until the pesticide spray has dried or the pesticide dust has settled unless the workers wear appropriate protective clothing. In no case must the waiting period for the drying or settling to occur need to exceed 24 hours, unless otherwise required in subsection (c) of this section.**

(c) **Specific reentry intervals. The following reentry intervals are hereby established for pesticides when used on crops requiring workers to perform labor-intensive activities.**

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

(3) **A seven-day reentry interval applies after each application of a pesticide**

containing **one of the following ingredients [ingredient]: ethyl parathion or Dinoseb.**

(4)-(6) (No change.)

Issued in Austin, Texas, on September 17, 1986.

TRD-8608923

Dolores Alvarado Hibbs
Director of Hearings
Texas Department of
Agriculture

Effective date: September 17, 1986

Expiration date: January 15, 1987

For further information, please call
(512) 483-7583.

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TITLE 19. EDUCATION Part II. Texas Education Agency

Chapter 141. Teacher Certification

Subchapter J. Requirements for Issuance of Texas Certificate Based on Certificates and College Credentials from Other States

★19 TAC §141.181, §141.184

The Texas Education Agency adopts on an emergency basis amendments to §141.181 and §141.184, concerning requirements for issuance of Texas certificates based on certificates and college credentials from other states. The amendments are adopted on an emergency basis to permit immediate processing of qualified applicants who would otherwise be ineligible under the out-of-state certification rule adopted by the State Board of Education in June 1986.

The amendments permit the Central Education Agency to accept statements of eligibility issued by other state departments of education for purposes of Texas certification. Currently, the sections specifically exclude acceptance of statements of eligibility in lieu of actual certificates.

The amendments are adopted on an emergency basis under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

§141.181. *Texas Certificates Based on Current Valid Out-of-State Certificate.*

(a) In accordance with law, the commissioner of education will issue a Texas cer-

tificate to an out-of-state applicant if the degree and certificate presented are considered standard and valid by the issuing state department of education and other requirements in this subchapter are met. For the purposes of this subchapter, a statement issued by a state department of education specifying eligibility for full certification upon completion of certain employment requirements shall have the same standing as an out-of-state certificate.

(b) The out-of-state certificate must meet the following requirements.

(1) (No change.)

(2) The certificate must be a standard certificate issued by the other state and equivalent to the certificates issued by the Central Education Agency. The specific area of certification shown on the out-of-state certificate must be equivalent to an area approved by the Texas State Board of Education. These standard certificates may not be: temporary permits or substandard certificates; credentials issued by a city or a school district; or documents such as approval letters or entitlement cards from a teacher training institution. [state department of education,] city, or school district.

(c)-(g) (No change.)

§141.184. States That Issue Certificates Only to Individuals Under Contract. The applicant whose teacher education program was completed in a state which does not issue a certificate until the individual is under contract must submit a letter from the state's department of education verifying the applicant's completion of all degree and standard certification requirements. The letter may be used for employment and certification purposes. A nonrenewable certificate, valid for 12 months, will be issued in accordance with §141.181 of this title (relating to Texas Certificates Based on Current Valid Out-of-State Certificate). [After the applicant has been issued a standard certificate by another state and] Upon completion of testing requirements, the appropriate Texas certificate may be issued.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608961

W. N. Kirby
Commissioner of
Education

Effective date: September 18, 1986
Expiration date: January 16, 1987
For further information, please call
(512) 463-9212.

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

Chapter 2. Oil, Gas, and Mineral Lease Sales

★31 TAC §2.2

The General Land Office adopts on an emergency basis new §2.2, concerning a lessee's responsibility to prevent pollution and waste from oil and gas operations. The new section is adopted on an emergency basis due to the sudden and dramatic increase of pollution and waste washed up on Texas beaches, and to provide a means of enforcing cleaner oil and gas operations.

The new section is adopted on an emergency basis under the Natural Resources Code, §31.051, which authorizes the commissioner to adopt rules consistent with law.

§2.2. Lessee Responsibility.

(a) All wells shall be drilled, reworked, cleaned, tested, and produced in a manner to prevent pollution, and in the event of pollution lessee shall use all reasonable means to recapture all hydrocarbons or other pollutants which have escaped and shall be responsible for all damage to public and private property.

(b) All operations shall be conducted using the highest degree of care. No discharge of solid waste in any form shall be allowed from any production platform, crew or supply boat, barge, jack-up rig, or other equipment located on the lease area.

(c) Failure to comply with the requirements of this section may result in forfeiture of the lease and liability for the damages caused by such failure and any costs and expenses incurred in cleaning up areas affected by the pollution or waste.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608914

Garry Mauro
Commissioner
General Land Office

Effective date: September 17, 1986
Expiration date: January 15, 1987
For further information, please call
(512) 463-5009.

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Chapter 9. Exploration and Development

Geophysical Rules and Regulations for Submerged Lands

★31 TAC §9.7

The General Land Office adopts on an emergency basis an amendment to §9.7, concerning pollution-causing operations. The amendment is adopted on an emergency basis due to the sudden and dramatic increase in waste washed up on Texas beaches, and to provide a means of enforcing cleaner oil and gas operations.

The amendment is adopted on an emergency basis under the Natural Resources Code, §31.051, which authorizes the commissioner to adopt rules consistent with law

§9.7. Pollution and Restoration.

(a) If an exploration party should drill a hole or holes in any of the bays or in the Gulf of Mexico, said hole or holes shall be drilled in such manner as will, so far as practicable, prevent pollution of said waters, and in such manner as to interfere as little as possible with the fishing or shrimping industries. Upon the abandonment of such hole, all of the rigging and material shall be removed, and the bottom of the Gulf or bay where said hole was drilled shall be restored to its former condition as nearly as possible.

(b) All operations shall be conducted using the highest degree of care. No discharge of solid waste in any form shall be allowed from any seismic boat, platform crew or supply boat, barge, exploration vessel, or other equipment located on the permit or lease area.

(c) Failure to comply with the requirements of this section may result in revocation of the permit and liability for the damages caused by such failure and any costs and expenses incurred in cleaning up areas affected by the pollution or waste.

Issued in Austin, Texas, on September 16, 1986.

TRD-8608915

Garry Mauro
Commissioner
General Land Office

Effective date: September 17, 1986
Expiration date: January 15, 1987
For further information, please call
(512) 463-5009

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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 19. EDUCATION

Part II. Texas Education

Agency

Chapter 81. Instructional Resources

Subchapter D. State Textbook Program

Special Textbooks

★ 19 TAC §81.179

The Texas Education Agency proposes new §81.179, concerning reproduction of textbooks on audiotape. The new section requires publishers of textbooks adopted by the State Board of Education to grant permission to the state to reproduce textbooks on audiotape without penalty or royalty. Currently, §81.171(c) requires publishers to grant similar permission for textbooks to be transcribed into braille, large type, and any other medium for blind and visually impaired students. The new section extends to each local school district authority to reproduce any state-adopted textbook which has been adopted by the local board of education and ordered for use in that district. Districts would be prohibited from making available for sale copies of a textbook reproduced on audiotape.

Lynn M. Moak, deputy commissioner for research and information, 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. Some local costs may be incurred if a school district decides to record textbooks on audiotape, but districts are under no obligation to do so, and the costs are indeterminate.

Mr. Moak and Dr. Beverly J. Bardsley, director for policy development, have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that instructional materials can be provided to blind and visually impaired students in whatever medium is most beneficial to the learning needs of those students. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The new section is proposed under the Texas Education Code, §12.24, which authorizes the State Board of Education to adopt textbooks for use in the public schools of the state.

§81.179. *Reproduction of Textbooks on Audiotape.*

(a) Publishers shall grant permission to the state to have textbooks reproduced on audiotape without penalty or royalty. Textbooks or portions of textbooks reproduced on audiotapes under the provisions of this section shall be used to provide an alternative instructional medium for students.

(b) Each local education agency shall have the authority to have reproduced on audiotape a textbook or portion of a textbook which is under current adoption and use by the local district.

(c) Textbooks or portion of textbooks reproduced on audiotapes under the provisions of this section may not be made available for sale by the local education agency.

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

Issued in Austin, Texas, on September 18, 1986.

TRD-8609009

W N Kirby
Commissioner of
Education

Proposed date of adoption, November 8, 1986
For further information, please call
(512) 463-9212

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Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education

★ 19 TAC §89.240

The Texas Education Agency proposes an amendment to §89.240, concerning placement of students at the Texas School for the Blind or the Texas School for the Deaf. The amendment removes the authority of the commissioner of education to refer students into consideration for placement into the Texas School for the Blind or the Texas School for the Deaf. The current language of the section was adopted when the commissioner had a prominent role in special education due process. It is now appropriate that referral for placement be left in the hands of local admission, review, and dismissal (ARD) committees. In the case of the Texas School for the Deaf, students may also receive educational services if admitted into the school as per the Texas Education Code, §11.032 (c)(1)-(3).

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly J. Bardsley, director for policy development, also have determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the elimination of an obsolete provision. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendment is proposed under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules concerning the Foundation School Program, and §16.151, which includes special education as part of the Foundation School Program

§89.240. *Texas School for the Blind and Texas School for the Deaf*

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

(c) Students shall be admitted to the Texas School for the Blind or the Texas School for the Deaf according to the admission, review, and dismissal process cooperatively developed by the Texas School for the Blind and the Texas Education Agency or the Texas School for the Deaf and the Texas Education Agency, as appropriate

(1) Except as provided in subsection (e) of the section [unless specifically approved by the commissioner of education,] only those students who have been referred to the Texas School for the Blind or the Texas School for the Deaf by local district admission, review, or dismissal committee shall be eligible to be considered for placement

(2)-(4) (No change.)

(d)-(e) (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 September 19, 1986

TRD-8609U10

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212

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Chapter 109. Budgeting,
Accounting, and Auditing
Subchapter B. Central Education
Agency Audit Functions

★ 19 TAC §§109.21, 109.24, 109.25

The Texas Education Agency proposes amendments to §§109.21, 109.24, and 109.25, concerning Central Education Agency audit functions. The amendments bring all audit functions, including those for regional education service centers, under Chapter 109. In July 1986, the Management and Services Division was merged with the divisions of education service centers and audits. As a result, the Division of Audits became the entity responsible for performing management and service audits and for reviewing independent audits of regional education service centers. Currently, audits of regional education service centers are addressed in Chapter 53, which is being revised in view of the new plan for regional education ser-

vice centers adopted by the State Board of Education in May 1986. New Chapter 53, Subchapters A and B, and the repeal of current Chapter 53, Subchapters A-C, are proposed elsewhere in this issue.

Lynn Moak, deputy commissioner for research and information, 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. There may be some savings at the state level as a result of combining all audit functions in one division, but the exact amount is indeterminate.

Mr. Moak and Dr. Beverly J. Bardsley, director for policy development, also have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that all Central Education Agency audit functions will be addressed in one chapter. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §11.26, which authorizes the State Board of Education to make rules concerning Central Education Agency audit functions.

§109.21. *Types of Audit Functions.*

(a) The provisions of this subchapter cover three audit functions that include:

(1) (No change.)

(2) field audits and reviews of school districts, regional education service centers, and other subgrantees performed by staff; and

(3) independent audits of school districts and regional education service centers performed by locally engaged Texas licensed public and certified public accountants.

(b) (No change.)

[(c) Management and service audits and independent audits performed for regional education service centers by locally engaged auditors are covered in Chapter 53 of this title (relating to Regional Education Service Centers).]

§109.24. *Field Audits and Reviews.*

(a) Field audits and reviews of operations of school districts, regional education service centers, and other subgrantees shall be performed freely and objectively by the audit division in accordance with the annual

audit plan. Field auditors shall be free of administrative duties, such as determining funding allocations, etc., that will tend to impair audit objectivity.

(b)-(c) (No change.)

(d) Audits and reviews performed by the Audit Division shall not duplicate efforts of entities complying with the Single Audit Act of 1984, (31 United States Code, Chapter 75). Field audits and reviews shall build upon work already performed, and shall include:

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

(3) special and criminal investigations; [and]

(4) compliance and financial audits of subgrantees not complying with the Single Audit Act of 1984; and [.]

(5) management and service audits of regional education service centers.

(e) (No change.)

§109.25. *School District and Regional Education Service Center Independent Audits.*

(a) The performance and review of required school district and regional educational service center independent audits, including review of auditors' working papers, shall be accomplished in accordance with the Financial Accounting Manual, Bulletin 679, §109.61 of this title (relating to Financial Accounting Manual).

(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 September 18, 1986.

TRD-8608962

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212

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Chapter 141. Teacher
Certification
Subchapter J. Requirements for
Issuance of Texas Certificate
Based on Certificates and College
Credentials from Other States

★ 19 TAC §§141.181, §141.184

(Editor's note: The Texas Education Agency proposes for permanent adoption the amendments it adopts on an emergency basis in this issue. The text of the amendments is published in the *Emergency Rules* section of this issue.)

The Texas Education Agency proposes amendments to §141.181 and §141.184, concerning requirements for issuance of a Texas certificate based on certificates and college credentials from other states. The amendments permit the Central Education

Agency to accept statements of eligibility issued by other state departments of education for purposes of Texas certification. Currently, applicants from states which no longer issue initial certificates to graduates of teacher education programs until the applicant has been employed in the schools of that state cannot seek Texas certification based on out-of-state teacher preparation programs, since the sections specifically excluded acceptance of statements of eligibility in lieu of actual certificates. The amendments are adopted on an emergency basis elsewhere in this issue.

Lynn M. Moak, deputy commissioner for research and information, 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.

Mr. Moak and Dr. Beverly J. Bardsley, director for policy development, have determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that they will facilitate the entry into the teaching profession in Texas of fully qualified persons from other states. 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 Dr. Beverly J. Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The amendments are proposed under the Texas Education Code, §13.032, which authorizes the State Board of Education to make rules concerning the issuing of teaching certificates.

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 September 18, 1986.

TRD-8608963

W. N. Kirby
Commissioner of
Education

Proposed date of adoption: November 8, 1986
For further information, please call
(512) 463-9212.

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TITLE 34. PUBLIC FINANCE

Part II. State Treasurer

Chapter 13. Unclaimed Property Reporting and Compliance

★34 TAC §13.15

The State Treasurer proposes new §13.15, concerning reporting in computer readable format. The new section clarifies the responsibilities of unclaimed property holders who file reports in a computer readable format.

J. Stephen Ravel, 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, however, the state will save data entry expenses. Additionally, there will be no effect on small businesses because reporting pursuant to the proposed rule is strictly voluntary.

Mr. Ravel also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that more owners will be reunited with their property, those required to report and remit property under the unclaimed property statute will have a more efficient means of reporting that unclaimed property, and the state will save data entry expenses. There is no anticipated economic cost to individuals who are required to comply with the proposed section because reporting in a computer readable format

pursuant to the proposed new section is strictly voluntary.

Comments on the proposal may be submitted to J. Stephen Ravel, General Counsel, Treasury Department, LBJ Building, 111 East 17th Street, Austin, Texas 78711

The new section is proposed under the Texas Property Code, Title 6, §74.701, which provides authorization for the State Treasurer to adopt any rules necessary to carry out the Texas unclaimed property statute.

§13.15. Reporting in Computer Readable Format.

(a) Statement of purpose and policy: The Texas Property Code, §74.101, requires holders of unclaimed property to report unclaimed property to the Texas State Treasury. Data from the §74.101 reports is entered into a computer so that the Treasury's ability to locate the true owner through advertising is increased. When the §74.101 report comes to the Treasury already in a format compatible with the Treasury's computer, the Treasury's data entry and other administrative costs are reduced and its efficiency in locating missing owners is increased. Accordingly, the Treasury wishes to encourage reporting in computer readable format.

(b) Reporting deadline extension. Holders of unclaimed property required to file a report pursuant to the Texas Property Code, §74.101, who file that report in a computer readable format pursuant to reporting instructions issued by the Treasury Department are granted an extension of 30 days from the deadlines contained in §74.101 to file their report.

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 September 19, 1986.

TRD-8609022

J. Stephen Ravel
General Counsel
State Treasurer

Earliest possible date of adoption:
October 27, 1986
For further information, please call
(512) 463-5971.

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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 on 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 19. EDUCATION Part II. Texas Education Agency

Chapter 75. Curriculum Subchapter A. General Provisions ★ 19 TAC §§75.2-75.5

The Texas Education Agency has withdrawn from consideration §§75.2-75.5, concerning general provisions. The text of the amendments appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2931). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608964 W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986
For further information, please call
(512) 463-9212.

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Subchapter G. Other Provisions ★ 19 TAC §75.170

The Texas Education Agency has withdrawn from consideration §75.170, concerning other provisions. The text of the amendment appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2932). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608965 W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986
For further information, please call
(512) 463-9212.

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Subchapter H. Promotion and Alternatives to Social Promotion ★ 19 TAC §§75.191-75.193, 75.195

The Texas Education Agency has withdrawn from consideration §§75.191-75.193, and 75.195, concerning promotion and alternatives to social promotion. The text of the amendments appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2933). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608966 W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986
For further information, please call
(512) 463-9212.

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Chapter 129. Student Attendance Subchapter A. Student Attendance Allowed

★ 19 TAC §129.2

The Texas Education Agency has withdrawn from consideration §129.2, concerning student attendance allowed. The text of the amendment appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2935). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608929 W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986
For further information, please call
(512) 463-9212.

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Chapter 149. Education Personnel Development Subchapter B. Inservice Education ★ 19 TAC §149.24

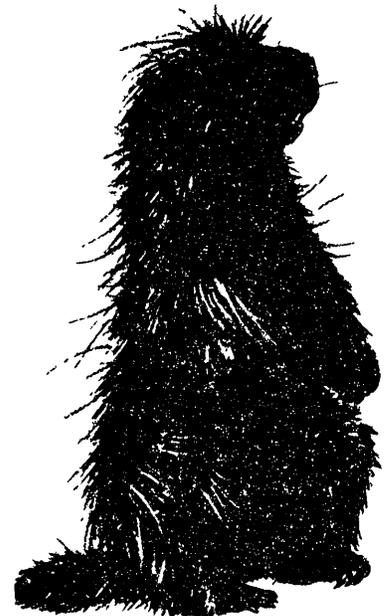
The Texas Education Agency has withdrawn from consideration §149.24, concerning inservice education. The text of the amendment appeared in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2936). The effective date of the withdrawal is October 9, 1986.

Issued in Austin, Texas, on September 18, 1986.

TRD-8608967 W. N. Kirby
Commissioner of
Education

Filed: September 18, 1986
For further information, please call
(512) 463-9212.

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Adopted Rules

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

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

TITLE 19. EDUCATION

Part II. Texas Education

Agency

Chapter 33. State Board of Education

Subchapter C. Investment of the Permanent School Fund

★ 19 TAC §33.54, §33.56

The Texas Education Agency adopts amendments to §33.54 and §33.56, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2938)

The amendments permit greater flexibility in the appointment of the board investment committee and eliminate unnecessary expenses associated with the Investment Advisory Committee

The amendments delete a requirement that the board investment committee have six members and provide for the Investment Advisory Committee to meet semi-annually rather than quarterly, because of the relatively long-term nature of the advice sought from this advisory committee. The amendments also reletter an incorrecly lettered subparagraph.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Education Code, §15.02, which authorizes the State Board of Education to make rules concerning the investment of the permanent school fund.

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 September 17, 1986

TRD-8608926

W N Kirby
Commissioner of
Education

Effective date: October 8, 1986

Proposal publication date: June 27, 1986

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

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Chapter 75. Curriculum

The Texas Education Agency adopts amendments to §§75.2-75.5, 75.170, 75.191-75.193, and 75.195. Section 75.170 is adopted with changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2939). A reference to non-mastering students has been changed to refer to non-mastery students. The other sections are adopted without changes and will not be republished

The amendments give local school districts much more discretion in determining promotion and retention policies, while at the same time ensuring that districts are held accountable for meeting the specific needs of individual students.

The amendments to §§75.2-75.4 change the word "special" to the word "identified," to make it clear that schools have responsibilities to all students, not simply those in special programs. The amendment to §75.2 also requires districts to consider manuals, supplements, and samples prepared by the Central Education Agency in adopting policies giving direction to the total instructional program. The amendments to §75.2 and §75.4 also encourage school districts to modify the delivery of instruction for students at all levels of ability, including gifted and talented students. The amendment to §75.5 coordinates changes in essential elements with the textbook adoption cycle so that when essential elements are changed, districts will have the materials necessary to teach the revised curriculum. The amendment to §75.170 adds grading to the areas in which districts are required to establish policies and requires districts to have policies which will guide decisions regarding promotion, retention, or placement into alternative programs based upon mastery of essential elements. The amendment also requires districts to set challenging levels of mastery for each student. The amendment to §75.191 ensures that parents of students in alternative programs understand that there may be a difference between an age-appropriate placement and a student's functional level, and clarifies the section to show that permanent record cards apply to students in grades one through eight and academic achievement records to students in grades 9-12. The amendment to §75.192 deletes specific requirements about summer school

and allows districts to adopt flexible policies to address individual student needs. The amendment to §75.193 deletes the requirement that the numerical grade of 70 must represent mastery of at least 70% of the essential elements for a subject or course. Instead, mastery means the student has the skills necessary to be successful at the next level. This recognizes that in some courses the student may need to master more than 70% of the essential elements in order to be successful at the next level. The amendment to §75.195 ensures that districts make efforts to meet the needs of students who are performing below a level that would permit them to be promoted. The amendment also makes it clear that districts may use state compensatory education funds to provide for alternative education programs.

During the public comment period, Dr. Floyd S. Elkins, president of Cedar Valley College in Dallas, expressed concern about providing appropriate educational opportunities to all students.

The Texas Education Agency intends the amendments to provide appropriate promotion and retention for all students (honors, regular, and slower). Issues of curriculum content will be explored when the State Board of Education review the complete set of essential elements.

Dr. Freda M. Holley of the Austin Independent School District expressed the AISD's approval of the amendments.

Subchapter A. General Provisions

★ 19 TAC §§75.2-75.5

The amendments are adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement

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 September 18, 1986.

TRD-8608968

W. N. Kirby
Commissioner of
Education

Effective date: October 9, 1986

Proposal publication date: June 27, 1986

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

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Subchapter G. Other Provisions

★ 19 TAC §75.170

The amendment is adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement.

§75.170. *School District Policy on Grading, Promotion, Retention, Remediation, and Placement.*

(a) Each school district board of trustees shall establish policies on grading, promotion, retention, remediation, and placement of students. Each board of trustees shall be charged with the responsibility of providing a policy ensuring mastery of the essential elements of each subject or course. In addition, each board shall establish an acceptable procedure to reteach nonmastery students.

(b) Policies regarding grading shall ensure that student grades shall be based on academic achievement and shall reflect the requirements as provided in §75.191 of this title (relating to Grading and Reporting Requirements), §75.193 of this title (relating to Grade Level Advancement and Course Credit). These policies shall establish the relationship between grades and mastery of district objectives which have been related to essential elements. Grading policies may include other academically-related requirements.

(c) Decisions regarding student promotion, retention, or placement into alternative programs shall be determined by locally developed policies for the placement of students into the next appropriate grade level, course, or alternative program based upon mastery of prerequisite essential elements as required by §75.193(a) of this title (relating to Grade Level Advancement and Course Credit). Districts are expected to set levels of mastery to ensure that each student is challenged to perform at a level commensurate with his/her ability. The policies shall identify all alternative programs available and the criteria for placement in each alternative program. The identified alternative programs shall have the probability of meet-

ing the academic needs of students based upon achievement data and ongoing evaluation. The policies shall include specific criteria for entry into high school courses to ensure that students in need of remedial instruction are placed in appropriate courses and that all students are placed in academically challenging courses.

(d) Policies regarding remediation must be consistent with §75.195 of this title (relating to Alternatives to Social Promotion) and §75.174 of this title (relating to Remedial and Compensatory Instruction).

(e) In order to be accredited, each school district must demonstrate that in addition to providing instruction in the essential elements, evidence of mastery of essential elements is an integral part of school district policy on grading, promotion, retention, remediation, and placement of students.

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 September 18, 1986

TRD-8608969

W. N. Kirby
Commissioner of
Education

Effective date: October 9, 1986

Proposal publication date: June 27, 1986

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

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Subchapter H. Promotion and Alternatives to Social Promotion

★ 19 TAC §§75.191-75.193, 75.195

The amendments are adopted under the Texas Education Code, §21.101, which authorizes the State Board of Education to designate essential elements of each subject and to require each district to provide instruction in these elements at appropriate grade levels; and the Texas Education Code, §21.721, which authorizes the State Board of Education to make rules concerning alternatives to social promotion for students who are consistently unable to be promoted because of poor academic achievement.

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 September 18, 1986.

TRD-8608970

W. N. Kirby
Commissioner of
Education

Effective date: October 9, 1986

Proposal publication date: June 27, 1986

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

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Chapter 89. Adaptations for Special Populations

Subchapter G. Special Education Clarification of Provisions in Federal Regulations and State Law

★ 19 TAC §89.235

The Texas Education Agency adopts an amendment to §89.235, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2940)

The amendment makes the section consistent with other sections in the Texas Administrative Code.

The amendment deletes a provision that speech therapy services be classified as related services when a handicapped student is receiving other special education services, thereby making the section consistent with changes in §89.213 and §89.215, adopted by the State Board of Education in November 1985.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §16.005 and §16.151, which authorizes the State Board of Education to make rules concerning the Foundation School Program and include special education as part of the Foundation School Program.

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 September 17, 1986.

TRD-8608927

W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986

Proposal publication date: June 27, 1986

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

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Chapter 129. Student Attendance Subchapter A. Student Attendance Allowed

★ 19 TAC §129.2

The Texas Education Agency adopts an amendment to §129.2, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2940)

The amendment ensures that young students in sparsely populated districts will not be forced to spend hours being transported to and from school every day during the entire school year.

The amendment provides that in cases of extreme hardship only, the commissioner of education will consider requests by dis-

tricts to operate full-day kindergarten programs for one semester only, rather than for the entire school year. The commissioner is authorized to issue waivers to such districts provided that the full-day kindergarten program will be offered during the spring semester.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §16.005, which authorizes the State Board of Education to make rules for the administration of the Foundation School Program.

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 September 17, 1986.

TRD-8608928 W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 483-9212.

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Chapter 149. Education Personnel Development Subchapter B. Inservice Education

★19 TAC §149.24

The Texas Education Agency adopts an amendment to §149.24, without changes to the proposed text published in the June 27, 1986, issue of the *Texas Register* (11 TexReg 2941).

The amendment ensures that a variety of representatives will have input into development of general management inservice training programs and districts will have more time to develop and implement such programs. The extra time is necessary because implementation of the Texas teacher appraisal system will demand a major portion of administrative time and attention during the 1986-1987 school year.

The amendment establishes a consortium of educators and private sector representatives to develop the current of general management inservice training programs, and provides that general management inservice training will begin in the 1987-1988 school year, rather than the 1986-1987 school year.

No comments were received regarding adoption of the amendment

The amendment is adopted under the Texas Education Code, §13.353, which authorizes the State Board of Education to make rules concerning inservice education and continuing education in management for school district administrators.

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 September 17, 1986.

TRD-8608971 W. N. Kirby
Commissioner of
Education

Effective date: October 8, 1986
Proposal publication date: June 27, 1986
For further information, please call
(512) 483-9212.

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TITLE 22. EXAMINING BOARDS

Part XXI. Texas State Board of Examiners of Psychologists Chapter 473. Fees

★22 TAC §473.2

The Texas State Board of Examiners of Psychologists adopts an amendment to §473.2, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3630).

This fee for the oral exam is added to cover the cost of administration of the oral exam, which is effective as of September 1, 1986.

The oral exam will be collected from each applicant wanting to sit for the board's oral exam.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 4512C, which provide the Texas State Board of Examiners of Psychologists with the authority to make all rules, not inconsistent with the constitution and laws of this state, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

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 September 16, 1986.

TRD-8608952 Patti Bizzell
Executive Director
Texas State Board of
Examiners of
Psychologists

Effective date: October 9, 1986
Proposal publication date: August 15, 1986
For further information, please call
(512) 835-2036

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Part XXIV. State Board of Veterinary Medical Examiners

Chapter 579. Adoption of Forms by Reference

★22 TAC §579.1

The State Board of Veterinary Medical Examiners adopts the repeal of §579.1, without changes to the proposed text published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3630).

This section is repealed to update the rules pertaining to operation of the board.

The repeal deletes reference to forms that are obsolete and no longer used by the board in administering examinations for licensure in Texas.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 7465a, §7(a), which provide the board with the authority to make, alter, or amend such rules and regulations as may be necessary or desirable to carry into effect the provisions of this Act.

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

Issued in Austin, Texas, on September 16, 1986.

TRD-8608919 Donald B. Wilson
Executive Secretary
Texas State Board of
Veterinary Medical
Examiners

Effective date: October 8, 1986
Proposal publication date: August 15, 1986
For further information, please call
(512) 458-1183

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services Chapter 41. Utilization Review Level-of-Care Criteria

★40 TAC §41.801, §41.802

The Texas Department of Human Services adopts amendments to §41.801 and §41.802 in its chapter governing utilization review. The amendments are adopted with clarifying changes to the proposed text published in the July 11, 1986, issue of the *Texas Register* (11 TexReg 3209).

The amendments are justified because they prevent the potential discharge of individuals from intermediate-care or skilled-

nursing facilities when discharge would place these individuals at risk of jeopardy to health or life.

Section 41.801, as amended, will function by including a definition of the term "medically related condition" as it pertains to level-of-care determination. Section 41.802 will function by establishing a dependency criterion that applies to individuals who need continued care in highly structured, 24-hour institutional settings and who do not meet existing ICF, SNF, and ICF II criteria.

The proposed texts of both amendments have been changed to substitute the phrase "intermediate-care or skilled-nursing facility" for the phrase "geriatric nursing facility." The purpose of this change is to clarify that the dependency criterion applies only to ICF/SNF recipient-patients and not to recipient-patients in institutions for mental illness or mental retardation.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Human Resources Code, Title 2, Chapters 22 and 32, which authorizes the department to administer public and medical assistance programs.

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

Medically related condition—A chronic, organic, debilitating disease or disorder that requires services provided in an intermediate-care or skilled-nursing facility, under the supervision of licensed nurses.

§41.802. Criteria for Medicaid Level-of-Care Determination. Medical necessity is the prerequisite for participation in the Medicaid (Title XIX) Long-term Care program. This section contains the general qualifications for a level of care and specific criteria for each level of care (skilled nursing care, intermediate level of care, or intermediate level of care II).

(1) General qualifications. To qualify for a level of care, an individual must meet the conditions described in subparagraph (A) and (B) of this section or the condition described in subparagraph (C) of this section. To qualify under the conditions described in subparagraph (C), the individual must first be evaluated and found ineligible for skilled nursing care, intermediate care, and intermediate care facility II levels.

(A) The individual must demonstrate a medical disorder or disease or both, with a related impairment that:

(i) limits his ability to recognize problems, changes in his condition, and the need for, or side effects of, prescribed medications;

(ii) (No change.)

(iii) requires nurses' supervision, assessment, planning, and intervention that are available only in an institution.

(B) The individual must require medical/nursing services that:

(i) are ordered by and remain under the supervision of a physician;

(ii) are dependent upon the individual's documented medical, physical, and/or functional disorders, conditions, or impairments;

(iii) require the skills of registered or licensed vocational nurses;

(iv) are provided either directly by or under the supervision of nurses in an institutional setting; and

(v) are required on a regular basis.

(C) The individual must have been admitted to an intermediate-care or skilled-nursing facility for a medically related condition and must:

(i) require medical/nursing services that:

(I) are ordered by and remain under the supervision of a physician;

(II) depend upon the individual's documented medical or physical disorders, with related functional disorders, conditions, or impairments; and

(ii) have lived in an intermediate-care or skilled-nursing facility for five consecutive years, causing him to lack a readily available support system and adequate financial resources to maintain him in a community setting.

(2) (No change.)

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

Issued in Austin, Texas, on September 22, 1986

TRD-8609019

Marlin W Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 15, 1986

Proposal publication date: July 11, 1986

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

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Level-of-Care Criteria

★ 40 TAC §41.803

The Texas Department of Human Services adopts new §41.803 in its chapter governing utilization review. New §41.803 is adopted without changes to the proposed text published in the July 11, 1986, issue of the *Texas Register* (11 TexReg 3210)

The new section is justified because it complies with federal regulations (42 Code of Federal Regulations 435.914), which require that retroactive eligibility determinations be available for institutionalized individuals who do not receive supplement-

tal security income (SSI) cash benefits. The new section functions by specifying the steps necessary to meet utilization review requirements, thereby facilitating the determination of retroactive levels of care for nursing home residents who may be eligible for three-months-prior Medicaid payments.

No comments were received regarding adoption of the new section.

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

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

Issued in Austin, Texas, on September 19, 1986.

TRD-8609004

Marlin W Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 15, 1986

Proposal publication date: July 11, 1986

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

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Part IX. Texas Department on Aging Chapter 283. Legal Assistance Standards

Statutes and Regulations

★ 40 TAC §§283.1-283.6

The Texas Department on Aging adopts new §§283.1-283.6. New §§283.1, 283.2, and 283.4-283.6 are adopted with changes to the proposed text published in the May 6, 1986, issue of the *Texas Register* (11 TexReg 2088). New §283.3 is adopted without changes and will not be republished.

These new sections are required to detail the responsibilities of the Texas Department on Aging, area agencies on aging, and service providers who are charged with providing legal assistance to the elderly of the state. They implement that portion of the Older Americans Act that permits the provision of legal services to the elderly.

The new sections establish standards for legal assistance to be implemented by service providers for older Texans throughout the state, upgrade current services to higher levels of quality, and provide a basis by which to evaluate the quality of services on a recurring basis.

During the public comment period, comments were received from 10 respondents in the following categories. Four are funded by the Legal Services Corporation (three

of which are direct service providers to the aging network). Three are Area Agency on Aging (AAA) directors. One is an AAA staff person. One is a direct service provider (transportation). And one is a private legal assistance provider. The department considered all comments, even those received after the comment closing date, as the proposed sections did not appear in the Table of Contents of the May 6, 1986, issue of the *Texas Register*. Responses to the comments received are keyed to the section to which they pertain.

Those making comments in favor of the new sections were: Ark-Tex Council of Governments, Central Texas Council of Governments, City of Houston Area Agency on Aging, County of Galveston Senior Citizens Program, Deep East Texas Council of Governments, El Paso Legal Assistance Society, Legal Aid Society of Central Texas, North Central Texas Legal Services, Inc., Texas Legal Services Center, and Tyler County Aging Center. No comments were made against adoption of the new sections.

The following comments were received regarding new §283.1. Four commenters suggested that the implementation date (May 31, 1989) in subsection (b) should be moved forward from as early as October 1, 1986, to no later than October 1, 1987. Unfortunately, the time schedule needed to advertise, receive, review, comment, and adopt the legal assistance standards will not permit an earlier implementation date. Also, an earlier date would require the AAAs to resubmit fiscal year 1987 budgets completed on June 1, 1986. Further, AAAs need time to complete service needs assessments for the development of fiscal year 1988-1989 two-year area plans. Consequently, this suggestion was not adopted. One commenter suggested adding the phrase "fully implemented by area agencies and service providers" to subsection (b). This is a reasonable clarification of the intent of the sentence and was adopted.

The following comments were received regarding new §283.2. Two commenters suggested minor changes in the definition of legal assistance in this section. The definition that was published tracks the Older Americans Act, §302(4). Therefore, this suggestion was not adopted.

The following comments were received regarding new §283.3. One commenter recommended adding another goal to this section to conduct seminars and workshops on legal issues of interest to the elderly. The goals as written in this section provide sufficient latitude to AAAs and service providers to allow this activity as training or dissemination of information. Consequently, this suggestion was not adopted.

The following comments were received regarding new §283.4. In regard to paragraph (1), one commenter suggested correcting a typographical error so this subsection would read ". . . legal assistance programs. . ." This was adopted. One commenter recom-

mended that the wording in this subsection should read, "The principal purpose of a legal assistance program. . ." Such wording would make the meaning of the subsection more of a goal than a standard, and was not adopted. In regard to paragraph (3), two commenters suggested rewriting to make it clearer and more concise. This suggestion was adopted.

The following comments were received regarding new §283.5. The largest number of comments received were in regard to the 2.0% funding requirement for legal assistance. Four commenters adamantly insisted that the percentage factor of Title III B funding for legal assistance should be a minimum of 10%. However, no rationale or justification was provided. Five commenters recommended eliminating any percentage requirement entirely. Their reasoning was that: legal assistance is a low priority service in some areas; local flexibility in budgeting, especially in times of critical funding, would be jeopardized; and such a requirement could set a precedent for other service providers to demand percentage rates that in the aggregate could exceed 100% of Title III B funds. A statistical review of the area agencies' legal assistance allocations indicates that 14 of the 28 AAAs budgeted more than 2.0% of Title III B funds for legal assistance programs, and 14 budgeted below that amount. A required 2.0% funding level would in effect force a large number of the AAAs to request a waiver of funding of this important service and would result in expending unwarranted administrative funds in establishing assessments and public hearings to document such waiver requests. A percentage requirement would also be detrimental to those AAAs who have promoted and utilize *pro bono* services in their legal assistance program. Consequently, the complete text of the proposal will be recast to provide the flexibility required by the concerns detailed in this paragraph. One commenter proposed that another standard be added regarding public hearings, which special provision for notice to specific organizations. The Texas Department on Aging has published public hearing rules which respond to this suggestion.

One commenter recommended inclusion of a standard for providers of legal services. Because of the varied means of providing legal assistance throughout the aging network, the department considers that such information could best be included in a manual for program models.

One commenter suggested defining a unit of service in this section. The department considers that such an addition of these standards would facilitate and standardize the recording, reporting, and monitoring of the legal assistance programs throughout the state. Consequently, §283.2 has been rewritten to incorporate a definition of a unit of service.

The following comments were received regarding new §283.6. With the decision to

remove a percentage funding level requirement for legal assistance, it was necessary to reword parts of this section. One commenter recommended that the whole section be deleted. However, it is more prudent to retain it in modified form to more clearly define the requirements of a request for waiver of Title III B funding for legal assistance if such becomes necessary. One commenter suggested that paragraphs (4) and (5) would be clearer if combined into a new paragraph. Because of its importance in the Older Americans Act, §306(b), paragraph (5) of this section is retained and renumbered as paragraph (4).

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

§283.1. Title III Legal Assistance Standards.

(a) This chapter gives the policies, procedures, and standards that govern the provision of legal assistance authorized under Title III of the Older Americans Act, as amended. It will be used by the Texas Department on Aging, area agencies on aging, and service providers to establish new services, review current services, and upgrade existing services to the level of quality expected by the department.

(b) It is the intent of the Texas Department on Aging that the provisions of this chapter will be fully implemented by area agencies and service providers not later than May 31, 1989.

§283.2. Definition of Legal Assistance.

The term "legal assistance," when used in this chapter, means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a nonlawyer where permitted by law, to older individuals with economic or social needs. A unit of service of legal assistance is classified as one hour of billable time of an attorney, paralegal, or community service advisor rendered in counseling, advice, or representation on legal matters.

§283.4 Standards for Legal Assistance.

Each area agency on aging will develop a legal assistance program which shall comply with the following standards.

(1) Legal assistance programs shall be dedicated to providing legal advocacy and representation for the elderly.

(2) To the extent possible, each area agency shall encourage and expand *pro bono* involvement.

(3) Legal assistance programs will endeavor to facilitate the provision of other Title III programs within the planning and service area and where appropriate should be collocated with these programs.

§283.5. *Demonstration of Adequacy in Legal Assistance Programs.* In order to comply with the requirements of the Older Americans Act, §306(a)(2), as amended, the following minimum standards will be met.

(1) Area agencies will attempt, and document such attempt, to establish a program of regular *pro bono* legal advice and representation within each county of the planning and service area. At the minimum, this will consist of an annual written request for *pro bono* assistance from the officers of the local bar associations and the Legal Services Corporation serving each county.

(2) The amount of Title IIIB funds allocated to the legal assistance program is not intended to preclude discretion in establishing priorities. However, the AAAs are charged with the responsibility of justifying the allotments of Title IIIB funds to the various categories of services described in the Older Americans Act, §306(a)(2).

(3) Such amount of Title IIIB funds for legal assistance shall not be less than the amount expended by an area agency on aging in the previous year, subject only to an increase or decrease in Title IIIB funding allotted.

§283.6. *Waiver of the Legal Assistance Program Requirement.* Any area agency on aging may, subject to the procedural requirements of the Older Americans Act, §306(b), request a waiver of Title IIIB funding for legal assistance upon documentation that:

(1) an attempt has been made to provide access to legal assistance in each county served by the area agency;

(2) it is impractical or inappropriate to facilitate the provision of other service priorities within the area with a legal assistance program;

(3) legal assistance needs are being met without Title IIIB funding. This may be shown by documentation that fewer than 10% of eligible persons requesting legal as-

sistance from the area agency or its legal assistance subcontractors are denied services; or

(4) a public hearing expressly for the purpose of considering a waiver request of Title IIIB funding for legal assistance was held and the majority of those present supported the waiver of funding this service.

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 September 19, 1986.

TRD-8609001

O. P. Bobbitt
Executive Director
Texas Department on
Aging

Effective date: October 10, 1986
Proposal publication date: May 6, 1986
For further information, please call
(512) 444-2727.

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Open Meetings

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

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

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

Texas Department of Agriculture

Monday, September 29, 1986, 1:30 p.m. The Texas Department of Agriculture will meet in the County Courtroom, Collingsworth County Courthouse, Wellington. According to the agenda, the department will receive comments on the proposed special exemptions of the Texas herbicide laws for Collingsworth County.

Contact: Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711, (512) 463-7583.

Filed: September 18, 1986, 2:01 p.m.
TRD-8608947

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Automated Information and Telecommunications Council

Thursday, October 2, 1986, 9 a.m. The Automated Information and Telecommunications Council will meet in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. Items on the agenda include the approval of minutes; hear the long-range telecommunications plan status report and the management consultant status report; consider procurement proposals; AITC rules; and future business.

Contact: Tina J. Miles, P.O. Box 13564, Austin, Texas 78711-3564, (512) 463-5530.

Filed: September 19, 1986, 2:14 p.m.
TRD-8609000

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State Board of Barber Examiners

Tuesday, October 7, 1986, 8 a.m. The State Board of Barber Examiners will meet in Room C-275, 1300 East Anderson Lane, Austin. According to the agenda, the board will consider the minutes of the previous meeting; sign teacher and school certificates; adopt amended Rule 51.1 concerning regular meetings and examinations; interview out-of-state applicants; consider letters and

reports to the board by the executive director; and prepare the examination schedule for 1987. The board also will meet in executive session.

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

Filed: September 22, 1986, 1:48 p.m.
TRD-8609029

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Interagency Council on Early Childhood Intervention

Friday, October 3, 1986, 8:30 a.m. The Interagency Council on Early Childhood Intervention will meet in the Second Floor Conference Room, 1101 East Anderson Lane, Austin. According to the agenda summary, the council will report on the visit to Brazoria County Center for the Retarded and act on their fiscal year 1987 contract.

Contact: Mary Elder, 1100 West 49th Street, Austin, Texas 78756, (512) 465-2671.

Filed: September 22, 1986, 1:48 p.m.
TRD-8609045

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Texas Economic Development Commission

Monday, September 29, 1986, 5:30 p.m. The Texas Small Business Industrial Development Corporation (TSBIDC) of the Texas Economic Development Commission will meet in emergency session in the boardroom, Western Bank Building, 2501 North Mesa Street, El Paso. According to the agenda, the corporation will approve the agenda and the minutes of the August 7, 1986, meeting; discuss and act on items on TEXCAP Program; consider and act on the TSBIDC resolution regarding letter of credit agreement and banks, the agreement to purchase bonds, pledge agreement, first supplemental indenture of trust, reoffering circular, creation of

TEXCAP Financing Corporation and articles of incorporation and bylaws, the form of the TEXCAP application to be submitted to TSBIDC by borrowers, the revised program guidelines, guaranteed investment contract, fees to be charged to borrowers, and request for proposals for program administration; discuss and act on allocation request to the governor's office for TSBIDC programs; discuss and possibly act on CAPITAL Program, the TSBIDC Private Placement Program, the TSBIDC bank account and accounting system; and select the next meeting date, time, and site. The emergency status is necessary because the previously scheduled meeting was cancelled at the last minute due to a scheduling conflict of one of the members. There was no quorum.

Contact: Wardaleen F. Belvin, P.O. Box 12728, Austin, Texas 78711, (512) 472-5059.

Filed: September 23, 1986, 9:44 a.m.
TRD-8609092

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Texas Education Agency

Monday-Saturday, September 29-October 4, 1986, 8 a.m. daily. The Advisory Committee for Examination for Certification of Educators in Texas of the Texas Education Agency will meet at the Wyndham Hotel, Southpark; IH 35 South at Ben White Boulevard, Austin. According to the agenda summary, the committee will review items to be tested on the Examination for the Certification of Educators in Texas (EXCET) to be administered in June 1987, and thereafter. Work sessions will begin at 8 a.m., in which actual test items will be reviewed. This section will be closed in accordance with Texas Attorney General Opinions H-484, 1974, and H-780, 1976.

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

Filed: September 18, 1986, 3:59 p.m.
TRD-8608956

Advisory Commission on State Emergency Communications

Thursday, October 2, 1986, 9 a.m. The Advisory Commission on State Emergency Communications will meet in Room 104, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda summary, the commission will review information and consider issues related to a statewide 9-1-1 emergency telephone service; hear a report from the Finance Committee regarding cost requirements; consider draft legislative proposals; and discuss the content and approach to preparing the final report.

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

Filed: September 22, 1986, 3:03 p.m.
TRD-8609074

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Texas Employment Commission

Wednesday, October 1, 1986, 8:30 a.m. The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes; internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 39; and set the date of next meeting.

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

Filed: September 22, 1986, 12:57 p.m.
TRD-8609028

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Office of the Governor

Friday, September 26, 1986, Dallas; Thursday, October 2, 1986, Corpus Christi; and Wednesday, October 8, 1986, El Paso. The Youth Committee of the State Job Training Coordinating Council of the Office of the Governor will be holding three regional meetings of the Youth Committee and invites all interested parties to discuss the integration of remedial education and basic skills training into the Job Training Partnership Act Summer Youth Employment and Training Program. The committee would like to hear from interested parties about what does and does not work; whether there are barriers or missed opportunities in the Summer IIB Program guidelines; and how can they measure success in education, training, and youth experience. In other words, what are appropriate performance standards for the IIB Program.

Contact: Joe Jennings, 107 West 27th Street, Austin, Texas 78712, (512) 471-6010.

Filed: September 18, 1986, 11:22 a.m.
TRD-8608945

Texas Department of Health

Sunday, October 5, 1986, 9:30 a.m. The Texas Radiation Advisory Board of the Texas Department of Health will meet in the conference room, Texas Department of Health, 1212 East Anderson Lane, Austin. According to the agenda summary, the board will consider the approval of minutes, the chairman's report, and update on the Texas Low-Level Radioactive Waste Disposal Authority Activities, committee reports from the Executive, Radioactive Waste, Fee, Licensing State, Medical, Industrial Radiography, and Administrative Penalties Committees; consider rules and regulatory guide update, the program activities concerning general activity, the Division of Compliance and Inspection, Division of Environmental Programs, Division of Licensing, Registration, and Standards; and determine the next meeting date and location.

Contact: David Cochran, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7538.

Filed: September 22, 1986, 1:48 p.m.
TRD-8609031

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State Department of Highways and Public Transportation

Wednesday and Thursday, September 24 and 25, 1986, 10 a.m. daily. The State Highway and Public Transportation Commission of the State Department of Highways and Public Transportation made an emergency revision to the agenda in the auditorium, Rooms 101 and 101A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. The revisions concerned the discussion of market values and pending negotiations for the acquisition of real property through purchase or exchange, Travis County, Loop 1, U.S. Highway 183; and the disposition of right of way, Travis County, Loop 1, U.S. Highway 183. The emergency status was necessary because commission action was necessary this month.

Contact: Lois Jean Turner, 11th and Brazos Streets, Room 203, Austin, Texas 78711, (512) 463-8616.

Filed: September 22, 1986, 3:27 p.m.
TRD-8609076

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Texas Commission on Human Rights

Saturday, September 27, 1986, 10 a.m. The Texas Commission on Human Rights will meet in the Lieutenant Governor's Room 220, State Capitol, Austin. According to the agenda summary, the commission will consider the approval of minutes, administrative reports, financial statements, participation in the investigations of employment discrimination complaints filed against federal

agencies, EEO compliance training contracts, the 1987 management plan, working hours for commission employees, the conference for commissioners and others sponsored by the attorney general's office, commissioners' issues, and unfinished business.

Contact: William M. Hale, 7215 Cameron Road, Suite B, Austin, Texas 78752, (512) 459-0944.

Filed: September 18, 1986, 2:02 p.m.
TRD-8608948

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Texas Indian Commission

Thursday and Friday, October 2 and 3, 1986, 1 p.m. and 8:30 a.m. The Texas Indian Commission will meet in the conference room, second floor, Texas Commission for the Blind Administration Building, 4800 North Lamar Boulevard, Austin. According to the agenda summary, the commission will approve the minutes of the previous meetings; hear attorney general opinions; consider House Rule 1344, commission administration, the Alabama-Coushatta Reservation, the Tigua Indian Reservation, the Texas Band of Kickapoo, nonreservation programs and groups, other business, and general comments and discussion.

Contact: Joan Wilson, P.O. Box 12030, Austin, Texas 78711, (512) 458-1203.

Filed: September 19, 1986, 1:53 p.m.
TRD-8608997

Thursday and Friday, October 2 and 3, 1986, 9 a.m. and 8:30 a.m. respectively. The Texas Indian Commission made a revision to the agenda for a meeting to be held in the conference room, second floor, Texas Commission for the Blind Administration Building, 4800 North Lamar Boulevard, Austin. The revision concerns the approval of minutes of the previous meetings; consideration of attorney general opinions, House Rule 1344 (Federal Restoration) status report, commission administration, Alabama-Coushatta Indian Reservation, Tigua Indian Reservation, Texas Band of Kickapoo, nonreservation programs and groups, other business, and general comments and discussion.

Contact: Joan Wilson, P.O. Box 12030, Austin, Texas 78711, (512) 458-1203.

Filed: September 22, 1986, 11:15 a.m.
TRD-8609027

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Texas Industrial Accident Board

Monday, September 22, 1986, 9:30 a.m. The Texas Industrial Accident Board met in Room 107, first floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board met for

an agenda revision to discuss building security and continue discussing the budget.

Contact: William Treacy, 200 East Riverside Drive, first floor, Austin, Texas 78704, (512) 448-7962.

Filed: September 10, 1986, 9:10 a.m.
TRD-8608974

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State Board of Insurance

Tuesday, September 23, 1986, 10 a.m. The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, 1110 San Jacinto Street, Austin. The revision concerned consideration of the extension of an emergency adoption of 28 TAC §11.204, concerning application for a certificate of authority for a health maintenance organization as published in 11 Tex-Reg 2574, June 6, 1986, specifically a fidelity bond on the officers and employees of the organization. The emergency status was necessary to prevent a lapse of service to participants in health maintenance organizations who must maintain fidelity bonds required by statute.

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

Filed: September 19, 1986, 3:43 p.m.
TRD-8609002

Monday, September 29, 1986, 9 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the section will consider Docket 9351—application of Conesco, Inc., Carmel, Indiana, to acquire control of Bankers National Life Insurance Company, Dallas.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: September 19, 1986, 4:01 p.m.
TRD-8609013

Monday, September 29, 1986, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda summary, the board will consider a proposal to amend 28 TAC §5.6104, Annual Statements; consider a proposal to adopt a new section to 28 TAC §7.71, Annual Statement Diskette Filing Requirements; consider board orders on several different matters; hear the fire marshal's report on personnel matters; consider research and information matters related to the 3rd Called Session of the 69th Legislature, including, but not limited to, budgetary items; hear the commissioner's report on matters concerning personnel; and consider pending and contemplated litigation.

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

Filed: September 19, 1986, 3:43 p.m.
TRD-8609003

Sections of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, sections, and dockets follow.

Tuesday, September 30, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9336—application of Knickerbocker Life Insurance Company, El Paso, and Security Southwest Life Insurance Company, El Paso, for approval to enter into an assumption reinsurance agreement whereby Knickerbocker Life Insurance Company, will acquire nearly all of the business, risks, assets, and liabilities of Security Southwest Life Insurance Company.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: September 22, 1986, 1:49 p.m.
TRD-8609032

Tuesday, September 30, 1986, 9 a.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-047—whether disciplinary action should be taken against Masterguard of East Texas, who holds a certificate of registration to install fire detection and alarm devices and systems.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 22, 1986, 1:49 p.m.
TRD-8609033

Tuesday, September 30, 1986, 1:30 p.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-048—whether disciplinary action should be taken against Masterguard of Austin, who holds a certificate of registration to install fire detection and alarm devices and systems.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 22, 1986, 1:50 p.m.
TRD-8609034

Wednesday, October 1, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9341—application of Bailey Anderson and Insurance Administrative Group, Inc., Pasadena, to acquire control of Pikeman's Protection Life Insurance Company, La Porte.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: September 22, 1986, 1:50 p.m.
TRD-8609035

Wednesday, October 1, 1986, 9 a.m. In Room 353, the Commissioner's Hearing Section will consider Docket 9342—reinsurance agreement whereby Galbreath-Pickard Benefit Association, Weatherford, will be reinsured by Bankers and Farmers Life Insurance Company, Waco.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 22, 1986, 1:50 p.m.
TRD-8609036

Wednesday, October 1, 1986, 10:30 a.m. In Room 353, the Commissioner's Hearing Section will consider Docket 9343—reinsurance agreement whereby Corrigan Mutual Life Insurance Company, Corrigan, will be reinsured by Bankers and Farmers Life Insurance Company.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 22, 1986, 1:50 p.m.
TRD-8609037

Wednesday, October 1, 1986, 1:30 p.m. In Room 353, the Commissioner's Hearing Section will consider Docket 9350—whether disciplinary action should be taken against Robert Henry Preston, Tyler, who holds a Group I, legal reserve life insurance agent's license, Group II health and accident insurance agent's license, and local recording agent's license issued by the State Board of Insurance.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: September 22, 1986, 1:50 p.m.
TRD-8609038

Thursday, October 2, 1986, 9 a.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-049—whether disciplinary action should be taken against Na-Con, Inc., who holds a certificate of registration to install fire detection and alarm devices and systems.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 22, 1986, 1:51 p.m.
TRD-8609039

Thursday, October 2, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9345—reinsurance agreement whereby Mart Insurance Company, Mart, will be reinsured by Southern Medical Life Insurance Company, Waco.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: September 22, 1986, 1:51 p.m.
TRD-8609040

Thursday, October 2, 1986, 10:30 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9346—reinsurance agreement whereby Littlepage Burial Association, Mart, will be reinsured by Southern Medical Life Insurance Company, Waco.

Contact: O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: September 22, 1986, 1:51 p.m.
TRD-8609041

Thursday, October 2, 1986, 1:30 p.m. In Room 353, the Fire Marshal's Hearing Section will consider Docket FM-050—whether disciplinary action should be taken against NSN Alarms, Inc., who holds a certificate of registration to install fire detection and alarm devices and systems.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6524.

Filed: September 22, 1986, 1:51 p.m.
TRD-8609042

Friday, October 3, 1986, 9 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9348—application for a temporary certificate of authority of Meinorial Service Life Insurance Company, Abilene.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: September 22, 1986, 1:51 p.m.
TRD-8609043

Friday, October 3, 1986, 10:30 a.m. In Room 342, the Commissioner's Hearing Section will consider Docket 9349—reinsurance agreement whereby Beck-Richards Insurance Company, Tyler, will be reinsured by Mission Service Life Insurance Company, Abilene.

Contact: James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

Filed: September 22, 1986, 1:51 p.m.
TRD-8609044

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Texas Department of Mental Health and Mental Retardation

Thursday, October 2, 1986. Committees of the Texas Board of Mental Health and Mental Retardation (MHMR) of the Texas Department of MHMR will meet in the Staff Development Building, San Antonio State Hospital, 6711 South New Braunfels Street, San Antonio. Times, committees, and agendas follow.

9 a.m. The Executive Committee will consider the revised goals and objectives proposed by the Citizens' Planning Advisory Committee; consider the proposed naming

of the multi-purpose sports complex at Beaumont State Center for Edwin R. Van Zandt, the proposed construction of the outdoor sport court at the Austin State Hospital, the proposed construction of pavilion and rest-room facilities at the Terrell State Hospital, proposed construction of the park on campus of Denton State School, and the proposed construction of a metal awning at William Zale Water Therapy Center on the campus of the Denton State School.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78701, (512) 465-4588.

Filed: September 19, 1986, 4:16 p.m.
TRD-8609015

10 a.m. The Personnel Committee will consider the appointment of a director of the Rio Grande State Center and the appointment of a director of the Amarillo State Center.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78701, (512) 465-4588.

Filed: September 19, 1986, 4:15 p.m.
TRD-8609016

10:30 a.m. The Business Committee will hear a report on the adjustments to fiscal year 1986, consider the revision the the fiscal year 1987 budget; and hear a report on fiscal year 1988-1989 appropriations request.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78701, (512) 465-4588.

Filed: September 19, 1986, 4:16 p.m.
TRD-8609017

Thursday and Friday, October 2 and 3, 1986, 1:30 p.m. and 9 a.m. The Texas Board of MHMR of the Department of MHMR will meet in the Staff Development Building, San Antonio State Hospital, 6711 South New Braunfels, San Antonio. According to the agenda summary, the board will approve the minutes of September 8, 1986; hear citizens' comments; consider the commissioner's calendar; consider recommendations for board consideration of the Executive Committee, Personnel Committee, and the Business Committee; and consider litigation.

Contact: Gary E. Miller, P.O. Box 12668, Austin, Texas 78701, (512) 465-4588.

Filed: September 19, 1986, 4:15 p.m.
TRD-8609018

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Texas National Guard Armory Board

Sunday, October 5, 1986, 2 p.m. The Texas National Guard Armory Board will meet in the conference room, Building 64, Camp Mabry, Austin. Items on the agenda summary include the consideration of administrative matters and fiscal matters; facility construction, remodeling, and renovation; consideration of facility maintenance, and property and leases.

Contact: Sandra Hille, P.O. Box 5218, Austin, Texas 78763-5218, (512) 451-6143.

Filed: September 22, 1986, 1:47 p.m.
TRD-8609030

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Board of Pardons and Paroles

Monday-Friday, September 29-October 3, 1986, 1:30 p.m. daily Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releasees subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: September 19, 1986, 10:27 a.m.
TRD-8608976

Tuesday, September 30, 1986, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence, and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2749.

Filed: September 19, 1986, 10:27 a.m.
TRD-8608977

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State Board of Plumbing Examiners

Monday, September 29, 1986, 9:30 a.m. The State Board of Plumbing Examiners will meet at 929 East 41st Street, Austin. Items on the agenda include the minutes of the previous meeting, the revocation hearing, a review of the financial report, the state auditor's report on rosters, the special session budget action and general legislature discussion, an update on the master examination and review of examination data; a discussion and review of the examination study guide, a discussion of the display of new license card and mailer, the new rule requiring master plumbers to monitor license status of their employees, the discussion of hardship cases, election of officers, and the annual research conference of the Southern Building Code Congress, International.

Contact: Lynn Brown, P.O. Box 4200, Austin, Texas 78765, (512) 458-2145.

Filed: September 18, 1986, 2:02 p.m.
TRD-8608949

Texas Pork Producers Board

Thursday, October 2, 1986, 11 a.m. The Texas Pork Producers Board of the Texas Department of Agriculture will meet in the Texas Electric Cooperatives Building, 8140 Burnet Road, Austin. According to the agenda, the board will consider the minutes of the last meeting, the treasurer's report, new members oath of office, the Research Committee report, the Education Committee report, the Promotion Committee report, new business, and announcements.

Contact: Ken Horton, P.O. Box 10168, Austin, Texas 78766, (512) 453-0615.

Filed: September 18, 1986, 2:01 p.m.
TRD-8608950

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Texas State Board of Public Accountancy

Friday, September 19, 1986, 8:30 a.m. The Texas State Board of Public Accountancy made an emergency addition to the agenda for a meeting held in Suite 340, 1033 La Posada, Austin. The addition concerned the discussion of a proposed draft of a change to Substantive Rule 501.32, Records. The emergency status was necessary because a discrepancy in Substantive Rule 501.32 was brought to the attention of the board by the staff on Thursday, September 18, 1986, which necessitates immediate review by the board.

Contact: Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752, (512) 451-0241.

Filed: September 18, 1986, 3:34 p.m.
TRD-8608954

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Railroad Commission of Texas

Monday, September 22, 1986, 9 a.m. The Gas Utilities Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of various matters falling within the Gas Utility Division's regulatory jurisdiction. The emergency status was necessary because these dockets were properly noticed for the conference held on September 15, 1986, were passed, and are now being considered on less than seven days notice as a matter of urgent public necessity.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: September 19, 1986, 11:06 a.m.
TRD-8608978

Monday, September 22, 1986, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency revision

to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of Docket 6-87,423—application of Arco Oil and Gas Company to carry forward underproduction, Henderson, North (Cotton Valley) Field, Rusk County. The emergency status was necessary because this item was properly noticed for the meeting of September 15, 1986, and was passed and is not being taken on less than seven days notice as a matter of urgent public necessity.

Contact: Bob Rago, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-4674.

Filed: September 19, 1986, 11:08 a.m.
TRD-8608979

Monday, September 22, 1986, 9 a.m. The Transportation Division of the Railroad Commission of Texas made an emergency revision to the agenda for a meeting held in the 12th Floor Conference Room, 1701 North Congress Avenue, Austin. The revision concerned consideration of applications of Sand and Gravel Motor Carrier Association, Inc., Dockets 027369ZZT, 027649ZZT, and 027546ZZT for final order. The emergency status was necessary because this item was properly posted for the September 15, 1986, meeting and was passed and is now being considered on less than seven days notice as a matter of urgent public necessity.

Contact: Mike James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7315.

Filed: September 19, 1986, 11:05 a.m.
TRD-8609080

Monday, September 29, 1986, 9 a.m. The Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. The commission will consider and act on division agendas as follows.

The Administrative Services Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7257.

Filed: September 19, 1986, 11:05 a.m.
TRD-8608981

The Automatic Data Processing Division director's report on division administration, budget, procedures, equipment acquisitions, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7251.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608982

The Flight Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-6787.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608983

Various matters falling within the Gas Utilities Division's regulatory jurisdiction.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7003.

Filed: September 19, 1986, 11:06 a.m.
TRD-8608984

The Office of Information Services director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6710.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608985

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters; and various matters falling within the division's regulatory jurisdiction.

Contact: Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

Filed: September 19, 1986, 11:06 a.m.
TRD-8608986

Various matters falling within the Oil and Gas Division's regulatory jurisdiction.

Contact: Timothy A. Poe, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6713.

Filed: September 19, 1986, 11:08 a.m.
TRD-8608987

Additions to the previous agenda:

Consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Contact: Margie L. Osborn, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6755.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608988

Consideration of the procedure to be used in the application of Bennett and Burrow to reduce the allowable of all oil and gas wells in this state other than stripper wells and wells with tertiary production by a percentage of 10%.

Contact: Susan Cory, P.O. Drawer, 12967, Austin, Texas 78711, (512) 463-6923.

Filed: September 19, 1986, 11:09 a.m.
TRD-8608989

The Personnel Division director's report on division administration, budget, procedures, and personnel matters.

Contact: Mark K. Bogan, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6981.

Filed: September 19, 1986, 11:10 a.m.
TRD-8608990

The Office of Research and Statistical Analysis director's report on division administration, budget, procedures, and personnel matters.

Contact: Gail Gemberling, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6976.

Filed: September 19, 1986, 11:05 a.m.
TRD-8608991

The Office of the Special Counsel director's report relating to pending litigation, state and federal legislation, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35 South, Austin, Texas 78701, (512) 463-7149.

Filed: September 19, 1986, 11:10 a.m.
TRD-8608992

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; consideration of the acceptance of a rider for an incremental bond increase for operations of Northwestern Resources, Company under Permit 15; and consideration of the proposed amendment to 16 TAC §11.221, "State Program Regulation," consisting of the adoption by reference of revised coal mining regulations concerning effluent limitations, prime farmland, notices of violation, and lands unsuitable for mining.

Contact: J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, 78701 (512) 463-7149.

Filed: September 19, 1986, 11:07 a.m.
TRD-8608993

Various matters falling within the Transportation Division's regulatory jurisdiction.

Contact: Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7122.

Filed: September 19, 1986, 11:07 a.m.
TRD-8608994

Monday, October 20, 1986, 1:30 p.m. The Oil and Gas Division of the Railroad Commission of Texas will meet in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda summary, the division will conduct a statewide oil and gas hearing.

Contact: Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

Filed: September 19, 1986, 11:10 a.m.
TRD-8608995

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Texas Real Estate Research Center

Friday, October 3, 1986, 10 a.m. The Advisory Committee of the Texas Real Estate Research Center (TRERC) will meet in the TRERC conference room, Room 627, College Station. Items on the agenda include the ap-

proval of minutes; consideration of progress reports, the current budget report, review of the plan of work of fiscal year 1986-1987, the election of a chairman, date of the next meeting, and other business.

Contact: Richard L. Floyd, Texas A&M University, College Station, Texas 77843, (409) 845-9691.

Filed: September 22, 1986, 9:24 a.m.
TRD-8609026

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Texas Rehabilitation Commission

Thursday and Friday, October 2 and 3, 1986, 1 p.m. and 8 a.m., respectively. The Governor's Committee for Disabled Persons will meet in the Concho Room, Wyndham Hotel, Northwest, U.S. Highway 183 at Loop 360, Austin. According to the agenda, the committee will hear the reports from chairperson and staff; conduct subcommittee meetings; hear subcommittee reports; and consider the training on travel forms completion. The committee will reconvene on Friday to conduct the employment awards conference and luncheon.

Contact: Virginia Roberts, Room 104, 158 East Riverside Drive, Austin, Texas 78704, (512) 445-8272.

Filed: September 22, 1986, 3:22 p.m.
TRD-8609075

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Texas Savings and Loan Department

Thursday, October 2, 1986, 9 a.m. The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. According to the agenda summary, the department will accumulate a record of evidence in regard to the application of Goliad Savings and Loan Association, Goliad, Goliad County, to change the name to Union Savings Association, from which record the commissioner will determine whether to grant or deny the application.

Contact: Russell R. Oliver, Suite 201, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1250.

Filed: September 18, 1986, 1:43 p.m.
TRD-8608946

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State Securities Board

Thursday, October 9, 1986, 10 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will determine whether the registration of Austam Securities Exchange, Ltd., as a securities dealer should be revoked.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233.

Filed: September 22, 1986, 2:24 p.m.
TRD-8609046

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Structural Pest Control Board

Tuesday, September 30, 1986, 8:30 a.m. The Structural Pest Control Board will meet in Suite 250, Building C, 1300 East Anderson Lane, Austin. According to the agenda summary, the board will approve the minutes of July 29, 1986, board meeting; hear the executive director's report; set the dates for the 1987 exams; consider the motion for rehearing from Foster Thompson, doing business as Allied Termite and Pest Control; review the request for license for International Exterminator Corporation, Beaumont; approve the new insurance certificate, hear the report from the Termite Inspection and Treatment Committee; and consider law changes and regulation changes. The board also will meet in executive session with the attorney to discuss pending litigation.

Contact: David A. Ivie, 1300 East Anderson Lane, Building C, Suite 250, Austin, Texas 78752, (512) 835-4066.

Filed: September 18, 1986, 2:01 p.m.
TRD-8608951

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Texas Sunset Advisory Commission

Friday, September 26, 1986, noon. The Subcommittee on Diversion Alternatives of the Texas Sunset Advisory Commission met in emergency session in the Lieutenant Governor's Committee Room, State Capitol, Austin. Items on the agenda included the discussion of diversion alternatives and other business. The emergency status was necessary because of scheduling difficulties.

Contact: Jeri Kramer, Room 305, Reagan Building, 105 West 15th Street, Austin, Texas 78711, (512) 463-1300

Filed: September 19, 1986, 11:42 a.m.
TRD-8608996

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Texas Surplus Property Agency

Friday, October 3, 1986, 8:30 a.m. The Governing Board of the Texas Surplus Property Agency will meet at the Texas Surplus Property Agency District Office, 714 34th Street, Lubbock. Items on the agenda include the approval of the minutes of the last board meeting, the state auditor's report on job classification audit, review and approval of fiscal year 1987 budget, and review and approval of fiscal year 1988 and 1989 biennial budgets.

Contact: Marvin J. Titzman, P.O. Box 8120, San Antonio, Texas 78208, (512) 661-2381.

Filed: September 22, 1986, 9:27 a.m.
TRD-8609024

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Texas A&M University System

Monday, September 22, 1986, 8:15 a.m. The Board of Regents of Texas A&M University System met in the MSC Annex, Texas A&M University, College Station. Items on the agenda summary included construction matters for the Texas A&M University System; granting of emeritus titles; adoption of resolutions; authorization of easements; establishment of a center; approval of a vending contract; authorization for construction of a facility at Easterwood Airport; approval of the New Mission Statement for Prairie View A&M University; the appropriation for the purchase of land; appropriations from the permanent university fund bond proceeds; appropriation from the available university fund; authorization to administer government classified contracts; confirmation of appointments and promotions, terminations, budget, fiscal changes, and personnel actions; the acceptance of gifts and grants; the appointment of the deputy chancellor for legal and external affairs; the appointment of the deputy chancellor for Academic and Resources Development; naming of facilities and roads, land and investment matters; consideration of litigation matters; authorization to establish a non-profit corporation; the acceptance of the gift of land; and a revision of bylaws of the Board of Regents

Contact: Vickie E. Burt, Texas A&M University, College Station, Texas 77834, (409) 845-9603.

Filed: September 18, 1986, 4:30 p.m.
TRD-8608973

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Texas Water Commission

Tuesday, September 23, 1986, 10 a.m. The Texas Water Commission made an emergency revision to the agenda for a meeting held in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The revision concerned the examiner's proposal for decision concerning complaints against Community Water Company and setting rates in Docket 6724 for Community Water Company. The emergency status was necessary because the commission was considering this as soon as possible to further review the record before a final order was entered.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 19, 1986, 3:57 p.m.
TRD-8609006

Tuesday, September 30, 1986, 10 a.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider water district fire protection plans, the release from escrow, the rescission of escrow requirement, the use of permits, the amendments and renewals, water right extension of time matters, private sewage facilities matters, contract matters, and a motion for rehearing.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 18, 1986, 3:57 p.m.
TRD-8608957

Wednesday, October 1, 1986, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider remedial action plan for the commission order requiring actions of Rabb Dusing, Inc., and Hunt-Shores Ag-Air, Inc., (Solid Waste Registration 33219); and consideration of the adoption of an order requiring Walker Wood Preserving Company and Duke City Lumber Company to undertake certain actions for the purpose of eliminating an imminent and substantial endangerment to the public health and safety or the environment

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 463-7898.

Filed: September 22, 1986, 3:52 p.m.
TRD-8609077

Tuesday, October 28, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7030-C—application for a water certificate of convenience and necessity filed by the City of Edinburg

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

Filed: September 18, 1986, 3:58 p.m.
TRD-8608958

Tuesday, October 28, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Hall Room 117, Corpus Christi State University, 6300 Ocean Drive, Corpus Christi. According to the agenda summary, the office will consider the application of Texas Ecologists, Inc (TECO), P.O. Box 308, Petronila Road, Robstown, Texas 78380, for a Proposed Permit HW50052-001, to continue operation of a storage, processing, and disposal facility for Class I hazardous, Class I non-hazardous, Class II, and Class III industrial solid waste. The wastes managed at this facility include processing and manufacturing wastes from the refining and petro-chemical industries, sludges, and contaminated soil from site cleanups, and painting and elec-

troplating sludges and solids. TECO has also applied for a compliance plan to authorize the ongoing ground-water restoration activities at this facility. The facility is located on a 240-acre tract of land on Petronila Road, approximately 3.5 miles south of Robstown. The site is in the drainage area of Segment 2492 of the Nueces-Rio Grande Coastal Basin.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 18, 1986, 3:58 p.m.
TRD-8608959

The Office of Hearings Examiner of the Texas Water Commission will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Days, times, rooms, and agendas follow.

Tuesday, October 28, 1986, 9 a.m. In Room 1028A, the office will consider the application of Lee Don Beinski, Bienski Treatment Plant, P.O. Box 2612, College Station, Austin, Texas 77841, for a Proposed Permit 13313-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 4,000 gallons per day from the Beinski Treatment Plant wastewater treatment facilities. The applicant proposed that this sewage treatment plant serve a 5,500 square foot store/restaurant building which will also include two residential apartments upstairs.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609078

Wednesday, October 29, 1986, 9 a.m. In Room 512, the office will consider the application of Donald Dempsey, 6925 East Ben White Boulevard, Austin, Texas 78741, for a Proposed Permit 13293-01 to authorize a discharge of treated domestic wastewater effluent at a volume not to exceed an average flow of 42,400 gallons per day from the Goforth Utility Company Wastewater Treatment Plant. The proposed plant would serve a residential area. The meeting was rescheduled from August 21, 1986.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609079

Thursday, October 30, 1986, 9 a.m. In Room 618, the office will consider the application of Orange Service Corporation, 2700 Post Oak Boulevard, Suite 2326, Houston, Texas 77056, for a Proposed Permit 13281-01 to authorize the disposal of treated domestic wastewater effluent by irrigation at a volume not to exceed an average of 350,000 gallons per day. Treatment facilities are designed for advanced secondary treatment and consist of bar screens, the activated sludge-complete mix process, final clarifier, aerobic digester, chlorine contact chamber,

and a holding pond. The effluent storage pond system is to have a capability of storing a total of 112 days of treated effluent which will be used to irrigate 204 acres of native vegetation and seeded native plants located within the project boundaries.

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

Filed: September 22, 1986, 3:52 p.m.
TRD-8609080

Wednesday, November 5, 1986, 9 a.m. The Office of Hearings Examiner of the Texas Water Commission will meet in Room 119, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7011-C—application of Plum Valley Joint Venture for a water certificate of convenience and necessity within Hays County.

Contact: Cynthia G. Hayes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: September 18, 1986, 3:58 p.m.
TRD-8608960

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Regional Agencies Meeting Filed September 18

The Lamar County Appraisal District, Appraisal Review Board, met on September 25, 1986, at 9 a.m., and will meet on September 26 and 29, 1986, at 9 a.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

TRD-8608940

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The Mental Health and Mental Retardation Center of East Texas, Board of Trustees, met in the boardroom, 2323 West Front Street, Tyler, on September 25, 1986, at 4 p.m. Information may be obtained from Richard J. DeSanto, P.O. Box 4730, Tyler, Texas 75712, (214) 597-1351.

The Henderson County Appraisal District, Board of Directors, met at 101 East Corsicana, Athens, on September 22, 1986, at 7:30 p.m. Information may be obtained from Ron Groom, 101 East Corsicana, Athens, Texas, (214) 675-9296.

The Lower Colorado River Authority, Board of Directors, met in emergency session at 3700 Lake Austin Boulevard, Austin, on September 18, 1986, at 1 p.m. Information may be obtained from John H. Bagalay, 3700 Lake Austin Boulevard, Austin, Texas 78705, (512) 473-3238.

The Lower Rio Grande Valley Development Council, Executive Committee, met in the Emerald Room, Richard's Sun Valley, 1802

South 77 Sunshine Strip, Harlingen, on September 23, 1986, at 11:30 a.m. The Board of Directors met at the Chamber of Commerce, 311 East Tyler, Harlingen, on the same date, at 1:30 p.m. Information may be obtained from Robert A. Chandler, 1701 West Highway 83, Suite 707, McAllen, Texas 78501, (512) 682-3481.

TRD-8608942

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Meetings Filed September 19

The Atascosa County Appraisal District, Board of Directors, met at 1010 Zanderson, Jourdanton, on September 25, 1986, at 1:30 p.m. Information may be obtained from Vernou A. Warren, 1010 Zanderson, Jourdanton, Texas 78026, (512) 769-2730.

The Burnet County Appraisal District, will meet at 215 South Pierce Street, Burnet, on October 9, 1986, at 6:30 p.m. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Dallas Area Rapid Transit, Minority Affairs Committee, and Board of Directors, met at 601 Pacific Avenue, Dallas, on September 23, 1986, at 2:30 p.m. and 4 p.m. Information may be obtained from Sue Bauman, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6232.

The Central Appraisal District of Rockwall County, Appraisal Review Board, met at 106 North San Jacinto, Rockwall, on September 23, 1986, at 4:30 p.m. Information may be obtained from Ray E. Helm, 106 North San Jacinto, Rockwall, Texas 75087, (214) 722-2034.

TRD-8608975

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Meetings Filed September 22

The Angelina and Neches River Authority, Board of Directors, will meet at the Fredonia State Bank, 2400 North Street, Nacogdoches, on October 1, 1986, at 9:30 a.m. Information may be obtained from Charles D. Thomas, Angelina and Neches River Authority, Nacogdoches, Texas 75961, (409) 632-7795.

The Education Service Center Region XVIII, Board of Directors, will meet at 2811 LaForce Boulevard, Midland, on October 2, 1986, at 7:30 p.m. Information may be obtained from J. W. Donaldson, P.O. Box 6020, Midland, Texas 79711, (915) 563-2380.

The Golden Crescent Regional Planning Commission, 19th Annual General Assembly, will meet at the Yoakum Community

Center, Yoakum, on September 30, 1986, at 7 p.m. Information may be obtained from Patrick J. Kennedy, P.O. Box 2028, Victoria, Texas 77901.

The Hamilton County Appraisal District, will meet in the Hamilton CAD boardroom, 119 East Henry (North side of Square), Hamilton, on October 6, 1986, at 7 p.m. Information may be obtained from Doyle Robert, 119 East Henry, Hamilton, Texas 76531, (817) 386-8945.

The Middle Rio Grande Development Council, Board of Directors, and the annual council meeting, will be held at the Cattleman's Restaurant, 101 North Main Street, Cotulla, on October 1, 1986, at 1:30 p.m. and 3:30 p.m. The Private Industry Council will meet on the date, at the District Courtroom, Cotulla. Information may be obtained from Michael Patterson, P.O. Box 1199, Carrizo Springs, Texas 78834, (512) 876-3533.

The Texas Association of Regional Councils, Board of Directors, will meet at the Moody Civic Center, Galveston, on September 26, 1986, at 2 p.m. Information may be obtained from Jim Ray, 508 West 12th Street, Austin, Texas 78711, (512) 478-4715.

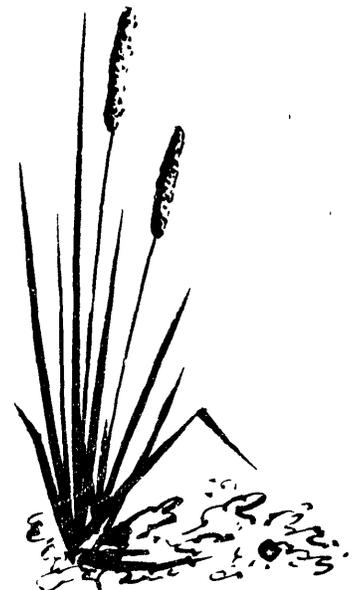
TRD-8609025

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Meeting Filed September 23

The Harris County Appraisal District, Appraisal Review Board, will meet on the eighth floor, 2800 North Loop West, Houston, on September 30, 1986, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

TRD-8609091



In Addition

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

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

State Banking Board Notice of Hearing

The hearing officer of the State Banking Board will conduct a hearing on Monday, October 20, 1986, 9 a.m. at 2601 North Lamar Boulevard, Austin, on the change of domicile application for Texas Independent Bank, Irving.

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608998 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 19, 1986
For further information, please call (512) 479-1200.

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Banking Department of Texas Application to Acquire Control of a State Bank

Texas Civil Statutes, Article 342-401a, 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 September 17, 1986, the banking commissioner received an application to acquire control of the Chasewood Bank, Houston, by Don E. Hand, Spring.

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

Issued in Austin, Texas, on September 17, 1986.

TRD-8608999 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: September 19, 1986
For further information, please call (512) 479-1200.

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas

and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricultural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 09/22/86-09/28/86	18.00%	18.00%
Monthly Rate— Article 1.04(c)(1) 09/01/86-09/30/86	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽³⁾ 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 10/01/86-12/31/86	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 10/01/86-12/31/86	18.00%	N/A
Judgment Rate—Article 1.05, §2 10/01/86-10/31/86	10.00%	10.00%

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

Issued in Austin, Texas, on September 15, 1986.

TRD-8608953 Al Endsley
Consumer Credit Commissioner

Filed: September 18, 1986
For further information, please call (512) 479-1280.

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Texas Education Agency Consultant Contract Amendment

The current contract between the Texas Education Agency and National Computer Systems, P.O. Box 30, Iowa City, Iowa 52244, to provide support services for conducting the Texas educational assessment of minimum skills (TEAMS) tests has been amended in the amount of \$426,522, increasing the total amount of the contract (fiscal years 1986 and 1987) from \$9,661,634 to \$10,088,156. The contract period runs from September 1, 1985, to August 31, 1987.

Additional services to be provided include: development of test items, printing and shipping of tests, and the analysis of data from a field test of the Grade 3 Spanish language version of the TEAMS test; development of field test items for the Grade 1 Spanish language version of the TEAMS test; designing and printing 40,000 Spanish version TEAMS tests for Grade 1 and the same number for Grade 3; and designing and printing ancillary materials for these tests. Materials produced as a result of this contract amendment are secure, as specified in the Texas Education Code, §21.556.

Issued in Austin, Texas, on September 19, 1986.

TRD-8609012 W. N. Kirby
Commissioner of Education

Filed: September 19, 1986
For further information, please call (512) 483-9212.



Request for Proposals

The Texas Education Agency requests proposals for services to support the assessment of students in Grades 1, 3, 5, 7, 9, and 11/12 for the 1987-1988 and 1988-1989 school years. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The program is called the Texas educational assessment of minimum skills (TEAMS). The selected contractor is responsible for providing support services for test development, printing, distribution, machine scoring and hand-scoring, and reporting of the previously mentioned assessment instruments administered to approximately 1.4 million students each year.

Any person wishing to obtain additional information about the proposal may be contact Keith Cruse, Director, Division of Student Assessment, Room 3-123, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. All prospective proposers should notify in writing their intent to submit a proposal by December 1, 1986, to the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The deadline for submitting proposals to the Document Control Center is 5 p.m., (Central Standard Time) January 9, 1987.

The contract will be awarded on the basis of the proposal that is judged by a panel of reviewers, the commissioner of education, and the State Board of Education to fulfill most effectively the specifications outlined in the request for proposal and to provide the most effective and efficient testing services for Texas schools commensurate with the cost.

Issued in Austin, Texas, on September 19, 1986.

TRD-8609011 W. N. Kirby
Commissioner of Education

Filed: September 19, 1986
For further information, please call (512) 483-9212.



Texas Department of Health Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

(1) Jefferson County Crime Lab, P.O. Box 3827, Beaumont, Texas 77704, Radioactive Material License 10-731;

(2) Edward J. Petrus, M.D., 3913 Medical Parkway, Austin, Texas 78756, Radioactive Material License 6-2373;

(3) Leak Specialists, Inc., 4651 Oakwood Drive, Odessa, Texas 79761, Radioactive Material License 11-2466;

(4) Rochester Gauges, Inc. of Texas, 11616 Harry Hines Boulevard, P.O. Box 29242, Dallas, Texas 75229, Radioactive Material License 5-1564.

The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of such radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on September 22, 1986.

TRD-8609021 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 22, 1986
For further information, please call (512) 835-7000.



Texas Education Agency Consultant Contract Amendment

The current contract between the Texas Education Agency and National Computer Systems, P.O. Box 30, Iowa City, Iowa 52244, to provide support services for conducting the Texas educational assessment of minimum skills (TEAMS) tests has been amended in the amount of \$426,522, increasing the total amount of the contract (fiscal years 1986 and 1987) from \$9,661,634 to \$10,088,156. The contract period runs from September 1, 1985, to August 31, 1987.

Additional services to be provided include: development of test items, printing and shipping of tests, and the analysis of data from a field test of the Grade 3 Spanish language version of the TEAMS test; development of field test items for the Grade 1 Spanish language version of the TEAMS test; designing and printing 40,000 Spanish version TEAMS tests for Grade 1 and the same number for Grade 3; and designing and printing ancillary materials for these tests. Materials produced as a result of this contract amendment are secure, as specified in the Texas Education Code, §21.556.

Issued in Austin, Texas, on September 19, 1986.

TRD-8609012 W. N. Kirby
Commissioner of Education

Filed: September 19, 1986
For further information, please call (512) 463-9212.

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Request for Proposals

The Texas Education Agency requests proposals for services to support the assessment of students in Grades 1, 3, 5, 7, 9, and 11/12 for the 1987-1988 and 1988-1989 school years. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The program is called the Texas educational assessment of minimum skills (TEAMS). The selected contractor is responsible for providing support services for test development, printing, distribution, machine scoring and hand-scoring, and reporting of the previously mentioned assessment instruments administered to approximately 1.4 million students each year.

Any person wishing to obtain additional information about the proposal may contact Keith Cruse, Director, Division of Student Assessment, Room 3-123, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. All prospective proposers should notify in writing their intent to submit a proposal by December 1, 1986, to the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. The deadline for submitting proposals to the Document Control Center is 5 p.m., (Central Standard Time) January 9, 1987.

The contract will be awarded on the basis of the proposal that is judged by a panel of reviewers, the commissioner of education, and the State Board of Education to fulfill most effectively the specifications outlined in the request for proposal and to provide the most effective and efficient testing services for Texas schools commensurate with the cost.

Issued in Austin, Texas, on September 19, 1986.

TRD-8609011 W. N. Kirby
Commissioner of Education

Filed: September 19, 1986
For further information, please call (512) 463-9212.

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Texas Department of Health Intent to Revoke Radioactive Material Licenses

The Bureau of Radiation Control, Texas Department of Health, filed complaints against the following licensees for failure to pay fees pursuant to *Texas Regulations for Control of Radiation* (TRCR) 13.8:

- (1) Jefferson County Crime Lab, P.O. Box 3827, Beaumont, Texas 77704, Radioactive Material License 10-731;
- (2) Edward J. Petrus, M.D., 3913 Medical Parkway, Austin, Texas 78756, Radioactive Material License 6-2373;
- (3) Leak Specialists, Inc., 4651 Oakwood Drive, Odessa, Texas 79761, Radioactive Material License 11-2466;
- (4) Rochester Gauges, Inc. of Texas, 11616 Harry Hines Boulevard, P.O. Box 29242, Dallas, Texas 75229, Radioactive Material License 5-1564.

The agency intends to revoke the radioactive material licenses, order the licensees to cease and desist use of such radioactive materials, and order the licensees to divest themselves of such radioactive material, presenting evidence satisfactory to the Bureau of Radiation Control that they have complied with the order and the provisions of Texas Civil Statutes, Article 4590f. If the fee is paid within 30 days of the date of each complaint, no order will be issued.

This notice affords the opportunity for a hearing to show cause why the radioactive material licenses should not be revoked. A written request for a hearing must be received within 30 days from the date of service of the complaint to be valid. Such written request must be filed with David K. Lacker, Chief, Bureau of Radiation Control, (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756-3189. Should no request for a public hearing be timely filed or if the fee is not paid, the radioactive material licenses will be revoked at the end of the 30-day period of notice.

A copy of all relevant material is available for public inspection at the Bureau of Radiation Control, 1212 East Anderson Lane, Austin, from 8 a.m. to 5 p.m., Monday-Friday (except holidays).

Issued in Austin, Texas, on September 22, 1986.

TRD-8609021 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed September 22, 1986
For further information, please call (512) 835-7000.



Public Hearing

The Texas Department of Health will conduct a public hearing on an application to amend Radioactive Material License 9-1634, issued to Conoco, Inc., at Falls City, Karnes County, Texas. The amendment would authorize a change in ownership from Conoco, Inc., to the Conquista Project Corporation, with continuation of authority to conduct presently licensed operations.

Pursuant to the provisions of the Texas Radiation Control Act, Texas Civil Statutes, Article 4590f, the *Texas Regulations for Control of Radiation* (TRCR), 25 Texas Administrative Code, §§289.111-289.126, the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, and the formal hearing procedures of the Texas Department of Health, 25 Texas Administrative Code, §§1.21-1.33, a public hearing will be held at Falls City Community Hall, Falls City, Texas, Tuesday, October 21, 1986, 9 a.m., to receive evidence for and against the amendment of Radioactive Material License 9-1634. The hearing will be conducted and the final decision will be rendered in accordance with the applicable rules contained in the *Texas Regulations for Control of Radiation*. All parties having an interest in this matter shall have the right to appear at the hearing, to present evidence, and be represented by counsel. Pursuant to Texas Civil Statutes, Article 6252-13a, and the Texas Department of Health's formal hearing procedures, the cost of a written transcript may be assessed against one or more of the designated parties.

Information relative to the proposed amendment of this specific radioactive material license may be obtained by contacting David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. For further information, please call (512) 835-7000.

Issued in Austin, Texas, on September 22, 1986.

TRD-8609020 Robert A. MacLean
Deputy Commissioner
Professional Services
Texas Department of Health

Filed: September 22, 1986

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

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Texas Department of Human Services Public Information—DRG Payment System

Because of a misinterpretation of the initial data, the Texas Department of Human Services has recalculated the standard dollar amount and Medicaid relative weights that it will use in the Texas-based diagnosis-related group (DRG) payment system. Listed below are the recalculated amounts and weights.

Children's Hospitals: SDA = \$2,581.38
Teaching Hospitals: SDA = \$1,966.29
Other Hospitals: SDA = \$1,523.79

DRG CODE	MEDICAID RELATIVE WEIGHT	DRG CODE	MEDICAID RELATIVE WEIGHT
001	4.8247	039	0.9190
002	10.0072	040	0.6464
003	3.2298	041	0.5508
004	4.6506	042	1.1171
005	2.5004	043	0.4130
006	0.9844	044	0.6360
007	3.0320	045	0.7572
008	0.9672	046	1.0977
009	3.0764	047	0.6965
010	2.0695	048	0.5684
011	1.3692	049	3.2862
012	1.2437	050	0.9505
013	1.4778	051	0.5887
014	1.7194	052	0.9191
015	0.8452	053	0.9080
016	1.6529	054	0.8969
017	0.9030	055	0.6539
018	1.7486	056	0.5937
019	1.0025	057	0.7187
020	2.2538	058	0.5197
021	0.8492	059	0.5197
022	0.9816	060	0.4977
023	1.6034	061	0.4274
024	1.2131	062	0.8158
025	0.6436	063	1.6746
026	0.6969	064	1.6358
027	2.8880	065	0.6563
028	1.7591	066	0.6892
029	1.2852	067	1.3045

DRG CODE	MEDICAID RELATIVE WEIGHT
030	0.5855
031	0.5310
032	0.4489
033	0.3329
034	1.8345
035	0.7669
036	1.3462
037	0.9668
038	0.6100
077	2.3478
078	1.8382
079	3.1994
080	1.5360
081	2.1786
082	1.6477
083	0.6558
084	0.5921
085	1.8219
086	1.0369
087	2.7210
088	1.6169
089	1.9860
090	1.2419
091	0.9630
092	1.7961
093	0.9056
094	2.2054
095	0.9912
096	1.2762
097	0.9405
098	0.8381
099	1.4800
100	1.0605
101	1.8688
102	1.8125
103	0.0000
104	7.9821
105	6.4580
106	7.2833
107	6.9425
108	6.4625
109	6.5301
110	4.4446
111	3.7585
112	2.9025
113	3.1315
114	2.3709
115	4.8967
116	2.9460
117	1.4684
118	2.2603
119	1.2955
120	3.0582
165	1.6631
166	1.4001
167	0.9261
168	1.6844
169	1.4309
170	3.0695
171	1.7333

DRG CODE	MEDICAID RELATIVE WEIGHT
068	0.9213
069	0.7010
070	0.6336
071	0.6562
072	0.4354
073	1.2160
074	0.8291
075	4.7357
076	5.4281
121	2.1594
122	1.5129
123	1.9633
124	1.7728
125	1.3138
126	5.0610
127	1.3908
128	1.1459
129	2.9749
130	1.3418
131	1.1310
132	1.0563
133	0.8728
134	0.8320
135	1.2674
136	1.5536
137	1.1182
138	1.0885
139	0.8439
140	0.8349
141	0.7144
142	0.5225
143	0.7945
144	1.7834
145	1.0461
146	4.7178
147	2.3966
148	5.1273
149	2.5552
150	2.7873
151	1.6844
152	2.3405
153	2.1673
154	3.8146
155	2.5505
156	2.7039
157	1.1120
158	0.9172
159	1.4546
160	0.9575
161	1.0710
162	0.7507
163	0.6788
164	3.8089
210	2.6905
211	2.1335
212	1.5039
213	2.6673
214	3.2083
215	2.1919
216	2.3502

DRG CODE	MEDICAID RELATIVE WEIGHT
172	1.5050
173	1.1579
174	1.3608
175	0.9634
176	1.3788
177	0.9809
178	0.7549
179	1.2484
180	1.3301
181	0.6663
182	0.8065
183	0.6658
184	0.5763
185	0.9262
186	0.5056
187	0.6568
188	1.2138
189	0.8598
190	0.5084
191	7.4621
192	4.8356
193	4.1118
194	2.1232
195	2.7347
196	2.2207
197	2.0406
198	1.3404
199	2.8286
200	4.7974
201	3.5248
202	1.6503
203	1.2334
204	1.3099
205	1.5213
206	1.0009
207	1.0100
208	0.7957
209	3.0857
255	0.4611
256	0.9947
257	1.8249
258	1.6508
259	1.2060
260	0.6661
261	1.0503
262	0.7240
263	3.6723
264	3.2320
265	2.4149
266	1.2008
267	1.0428
268	0.9682
269	2.3108
270	1.2117
271	1.7635
272	1.2112
273	1.3154
274	1.6279
275	1.2366
276	0.7747

DRG CODE	MEDICAID RELATIVE WEIGHT
217	2.8432
218	2.9502
219	1.5065
220	0.9623
221	1.6043
222	1.2115
223	1.7585
224	0.9592
225	1.0694
226	1.3379
227	0.9262
228	0.4910
229	0.9267
230	1.0301
231	1.2094
232	0.8236
233	2.6651
234	1.4301
235	1.1941
236	1.0033
237	0.6020
238	2.2949
239	1.2747
240	1.9823
241	0.9679
242	1.5748
243	0.8416
244	1.0951
245	0.7482
246	1.2110
247	0.8154
248	0.7741
249	0.7138
250	0.8938
251	0.5503
252	0.4342
253	0.7929
254	0.6450
301	0.7066
302	4.6273
303	4.3051
304	3.6310
305	2.3719
306	1.8464
307	0.9587
308	2.0279
309	1.5985
310	1.7580
311	1.1825
312	1.3910
313	0.5936
314	0.6572
315	3.5442
316	1.7483
317	0.4907
318	1.5998
319	0.7183
320	1.2465
321	0.8541
322	0.7725

DRG CODE	MEDICAID RELATIVE WEIGHT
277	1.3874
278	1.1458
279	0.8026
280	0.8934
281	0.5328
282	0.4550
283	1.2499
284	0.5260
285	2.6823
286	3.3285
287	2.9855
288	4.6607
289	1.8662
290	1.2789
291	1.1001
292	5.1828
293	3.8317
294	0.9304
295	0.9426
296	1.0401
297	0.8168
298	0.9865
299	1.0871
300	1.2920
347	0.6441
348	0.6260
349	0.4854
350	0.8158
351	0.3334
352	0.6094
353	1.7467
354	1.7911
355	1.3199
356	1.1005
357	2.4263
358	1.3114
359	0.6461
360	0.8084
361	1.0867
362	0.6105
363	0.9902
364	0.6947
365	1.7793
366	1.2962
367	0.8629
368	0.8522
369	0.5078
370	1.4350
371	1.0165
372	0.7066
373	0.4431
374	0.7862
375	0.9647
376	0.5653
377	1.2324
378	1.1633
379	0.4311
380	0.4030
381	0.6139
382	0.2075

DRG CODE	MEDICAID RELATIVE WEIGHT
323	0.9253
324	0.6755
325	0.9287
326	0.9070
327	0.8274
328	1.0057
329	0.4870
330	0.7161
331	1.5166
332	0.8483
333	0.8115
334	1.8038
335	1.4644
336	1.3165
337	1.1579
338	1.3806
339	0.7800
340	0.6661
341	1.2505
342	0.7255
343	0.3632
344	1.1216
345	0.8196
346	1.1940
394	1.1902
395	1.0457
396	0.8053
397	2.6496
398	2.2787
399	0.8062
400	5.1814
401	3.9308
402	1.4030
403	2.2883
404	1.9200
405	1.8953
406	3.5967
407	2.0150
408	1.1892
409	1.3193
410	1.0206
411	0.9605
412	0.3389
413	1.3659
414	0.8217
415	3.9616
416	2.5888
417	1.5049
418	1.0413
419	1.5124
420	1.3109
421	0.8616
422	0.6637
423	1.3619
424	2.2024
425	0.7075
426	0.9579
427	1.0115
428	0.9454
429	1.0745

DRG CODE	MEDICAID RELATIVE WEIGHT
383	0.5573
384	0.4742
385	4.7643
386	5.4762
387	3.0455
388	1.1261
389	0.7517
390	0.3085
391	0.1339
392	3.9777
393	1.5206
441	0.8504
442	3.9273
443	1.5507
444	1.4267
445	0.5717
446	0.5547
447	1.1643
448	0.2791
449	0.9182
450	0.6288
451	0.5689
452	1.1222
453	0.8768
454	0.9933
455	0.6334
456	1.7818
457	6.6762
458	3.3729
459	1.2852
460	1.0151
461	1.0068
462	1.9673
463	1.3345
464	0.9755
465	0.2882
466	0.5901
467	0.4730
468	2.5716
469	0.0000
470	0.0000
471	3.8994
999	0.0000

DRG CODE	MEDICAID RELATIVE WEIGHT
430	1.0216
431	1.4717
432	1.3462
433	0.3906
434	0.7606
435	0.7861
436	1.0166
437	1.3276
438	0.0000
439	2.1247
440	1.8007

Issued in Austin, Texas, on September 19, 1986.

TRD-8609005 Marlin W. Johnston
 Commissioner
 Texas Department of Human Services

Filed: September 19, 1986
 For further information, please call (512) 450-3766.

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Texas State Board of Medical Examiners

Correction of Error

A proposed rule submitted by the Texas State Board of Medical Examiners contained several errors as published in the September 12, 1986, issue of the *Texas Register* (11 TexReg 3919).

In §195.3(1), the second sentence should begin: "Such letter of notification shall inform the licensee of the nature of the alleged violation, shall inform the licensee that he or she may be represented by counsel. . ."

In §195.3(4), the first sentence should begin: "The administrative sanction hearing will be conducted by a hearings officer who shall explain to the licensee and his or her counsel. . ."

Board of Pardons and Paroles Request for Proposals

This request for proposals is filed pursuant to Texas Civil Statutes, Article 6252-11c.

The Board of Pardons and Paroles (BPP) requests offers from qualified entities for its training program for treatment of mentally retarded offenders, to undertake a series of basic and specialized training sessions for parole officers. The training program is to consist of 23 four-hour sessions and six two-hour sessions at 11 different locations around the state to be completed on or before August 31, 1987.

The entity selected must possess the minimum qualifications listed in the qualifications section and will be required to travel and perform the various services listed in the scope of services section.

Qualifications. Each entity submitting a proposal must present evidence or otherwise demonstrate to the satisfaction of the BPP that such entity possesses the following minimum qualifications: demonstrated experience in providing training in the area of providing service for mentally retarded individuals; well-defined program design to achieve successful basic and advanced technique applications for providing service in the area of mentally retarded individuals; demonstrated ability to provide service in compliance with the Uniform Grant and Contract Management Standards (UGCMS) mandated in Texas Civil Statutes, Article 4413(32g); and ability to demonstrate accountability for use of public funds.

Scope of services. The training program will provide institutional officers, field officers, specialized caseload officers, and hearing officers with fundamental information needed to effectually manage mentally retarded offenders. Training will include identification of special supervision methods and community resources for the mentally retarded population. Training will also provide staff with information on services specific to their regions, laws that mandate services, and appropriate actions when services are withheld or denied.

Proposal submission. Proposals must be submitted to the Board of Pardons and Paroles, 8610 Shoal Creek Boulevard, P.O. Box 13401, Austin, Texas 78711 (attention: Jerry Wall), by 5 p.m., CDT, on Friday, October 31, 1986.

A bidders' conference will be held at 1:30 p.m. on Friday, October 24, 1986, at 8610 Shoal Creek Boulevard, Austin.

Contact. To obtain further information, contact Eugene Burden, Project Director at BPP Central Office, 8610 Shoal Creek Boulevard, Austin, (512) 459-2734.

Issued in Austin, Texas, on September 17, 1986.

TRD-8608905 John W. Byrd
Executive Director
Board of Pardons and Paroles

Filed: September 17, 1986

For further information, please call (512) 459-2708.

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Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of September 8-12, 1986.

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 9-12, 1986

Parker County, Utility District, Aledo; wastewater treatment plant; approximately .5 mile west of the intersection of FM Roads 5 and 1187, in the City of Aledo, in Parker County; 10847-01; renewal

City of Natalia, Natalia; wastewater treatment plant; approximately 1,200 feet southwest of the City of Natalia on the west side of Sixth Street in Medina County; 11806-01; renewal

Koolsum Enterprises, Inc., doing business as Best Western Greenspoint Inn, Houston; wastewater treatment facilities; on the west side of IH 45 near the Aldine Road (FM Road 525) exit in the northern part of the City of Houston, Harris County; 11678-01; renewal

David A. Hull, Corpus Christi; wastewater treatment facilities; south of the City of Corpus Christi, approximately 5¼ miles east of State Highway 286 and 3½ miles north of FM Road 70 in Nueces County; 11446-01; renewal

Bishop Consolidated Independent School District, Pectolina; wastewater treatment facilities; adjacent to FM Road 665 in Nueces County; 11754-01; renewal

Beechnut Municipal Utility District, Houston; wastewater treatment plant; approximately 1,250 feet northwest of the intersection of Eldridge Road and Beechnut Road and 3.4 miles southeast of the intersection of FM Road 1093 (Westheimer) and State Highway 6 in Harris County; 12258-01; renewal

City of Carthage, Carthage; wastewater treatment plant; east of Carthage and south of Hogs Bayou, approximately 1.5 miles south of the intersection of U.S. Highways 59 and 79 in Panola County; 10074-03; renewal

Canutillo Independent School District, Canutillo; wastewater treatment facilities; in the southeast corner of the high school campus at the corner of Canutillo Street and Sixth Street in the City of Canutillo, El Paso County; 11561-01; renewal

Rayburn Village Utility Company, Sam Rayburn; wastewater treatment facilities; approximately three miles west of the intersection of U.S. Highway 96 and Recreational Road 255 and 2,000 feet north of the intersection of Recreational Road 255 and FM Road 1007, Jasper County; 10788-01; renewal

Brazoria County Municipal Utility District One, Houston; wastewater treatment facilities; approximately 500 feet north of Marys Creek, approximately 4,800 feet west of FM Road 1128, and approximately 2.8 miles south of FM Road 518 in Brazoria County; 12332-01; renewal

City of Robinson, Robinson; wastewater treatment facilities; adjacent to Crow Creek, approximately 2,000 feet southwest of the intersection of Old Robinson Road and U.S. Highway 77 in the City of Robinson, McLennan County; 10780-03; renewal

Gensco, Inc., Houston; sewage treatment facilities; located at 10200 Sheldon Road, northwest of the City of Houston in Harris County; 12396-01; renewal

Saint Francis Village, Inc., Crowley; wastewater treatment facilities; approximately 2.5 miles south of the Benbrook Dam, approximately one mile north of Rocky Creek Park in Tarrant County; 10612-01; renewal

Wallace A. Raynor, Provo; wastewater treatment facilities; north of State Highway 64, approximately 4.5 miles due west of the intersection of State Highway 64 and West Loop 323 in Smith County; 11170-01; renewal

Diamonhead Water and Sewer, Inc., Conroe; wastewater treatment facilities; approximately eight miles west of the City of Conroe along State Highway 105 and approximately ½ mile north of State Highway 105 near the west shore of Lake Conroe in Montgomery County; 11478-01; renewal

Rohm and Haas Bayport, Inc., La Porte; specialty chemicals manufacturing plant; at 13300 Bay Area Boulevard in the City of La Porte, in Harris County; 02500; renewal

City of Pampa, Pampa; wastewater treatment plant; on the north bank of Red Deer Creek, at a point 3,400 feet northeast of State Highway Loop 171, approximately 3.5 miles northeast of the intersection of U.S. Highway 60 and State Highway 273 in Gray County; 10358-02; renewal

Ashland—Katy Company, Houston; wastewater treatment facilities; on the south bank of Vogel Creek, west of North Lane Circle and approximately 800 feet north of Chippewa Boulevard, northwest of the City of Houston in Harris County; 11734-01; renewal

Aluminum Company of America, Rockdale Works, Rockdale; facilities for primary production of aluminum, electric power generation lignite mine; approximately 7.5 miles southwest of the City of Rockdale, between FM Roads 1786 and 2116 in Milam County; 00395; amendment

Texas Utilities Generating Company, Division of Texas Utilities Electric Company, Coppell; steam electric station; south of the St. Louis and Southwestern Railroad right-of-way and southeast of the intersection of Moore Road and Balt Line Road approximately one mile east of the City of Coppell, Dallas County; 01249; amendment

Houston Lighting and Power Company, Limestone Steam Electric Station, Houston; steam electric station; adjacent to and on the west side of FM Road 39 at a point approximately 2.5 miles southeast of the town of Ferrar, Limestone County; 02430; amendment

Issued in Austin, Texas, on September 18, 1986.

TRD-8608972

Mary Ann Helmer
Chief Clerk
Texas Water Commission

Filed: September 18, 1986

For further information, please call (512) 463-7808.

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