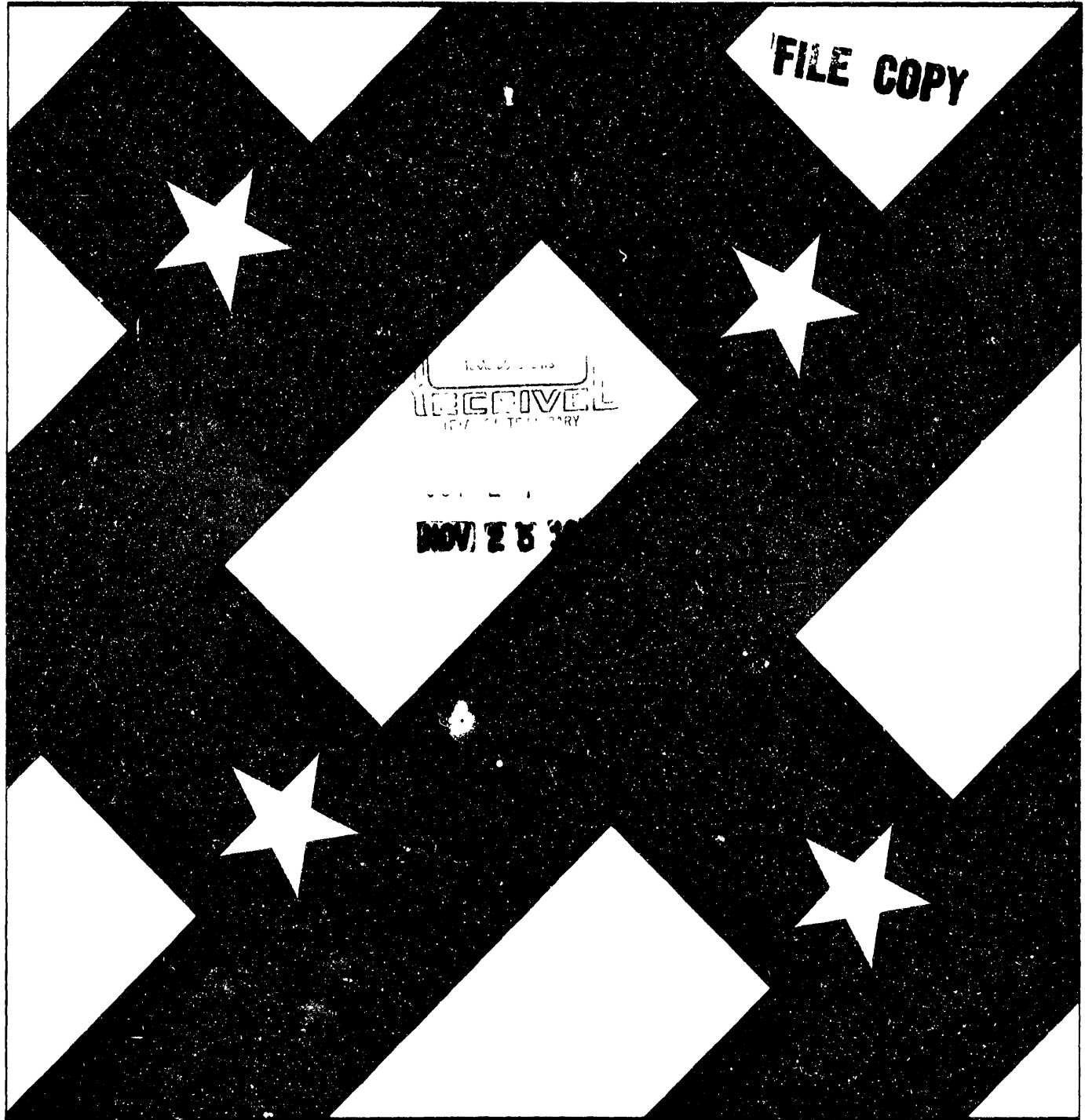


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# Texas Register

Volume 11, Number 86, November 21, 1986

Pages 4733-4772



## Highlights

The **Texas Department of Agriculture** proposes an amendment concerning nursery and floral inspection fees for certification. Earliest possible date of adoption - December 22 ..... **page 4740**

The **Texas Education Agency** proposes an amendment adding the associate school psychologist to the special education sup-

port personnel available to special education teachers. Earliest possible date of adoption - February 14 ..... **page 4743**

The **Texas Department of Human Services** proposes a new section concerning claims payment reviews and audits, in its Primary Home Care chapter. Earliest possible date of adoption - December 22 .... **page 4744**

**Office of  
the Secretary  
of State**

## Texas Register

The *Texas Register* (ISN 0362-4781) is published twice each week at least 100 times a year. Issues will be published on every Tuesday and Friday in 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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- 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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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
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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "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."

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1 indicates the title under which the agency appears in the *Texas Administrative Code*;

TAC stands for the *Texas Administrative Code*;

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

## Texas Register Publications

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Illustrations courtesy of Texas Parks and Wildlife Department.

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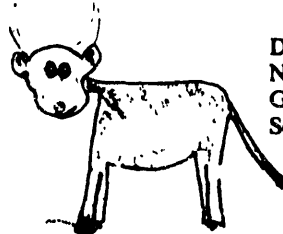
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*(Editor's Note: Beginning with this issue of the Texas Register, artwork submitted by Texas students in grades K-12 will be published as part of the Texas Register Artwork Project. School districts statewide are encouraged to participate in the project, and may obtain additional information by contacting the Register. The Register looks forward to and appreciates all participation.)*



Drawing By:  
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# 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 19. EDUCATION

#### Part II. Texas Education

##### Agency

#### Chapter 145. Professional Environment

##### Subchapter A. Professional Environment in General

###### ★19 TAC §145.2

The Texas Education Agency adopts on an emergency basis an amendment to §145.2, concerning paperwork reduction. The amendment is adopted on an emergency basis to implement House Bill 50, 69th Legislature, 1986, Second Called Session, which required rules adopted in accordance with the Texas Education Code, §21.925, to be implemented not later than January 1, 1987.

The amendment clarifies what kinds of reporting may be required of teachers. The section requires each local district board of trustees to adopt policies to limit the number and length of written reports that teachers must prepare. Districts must review current paperwork requirements placed on classroom teachers and transfer reporting tasks that can reasonably be accomplished by existing noninstructional staff. Provision for collection of information on a voluntary basis is also included.

The amendment is adopted on an emergency basis under the Texas Education Code, §21.925, which directs the State Board of Education to adopt rules that provide for simplifying and reducing the number and length of required written reports.

###### §145.2 Paperwork Reduction.

(a) The commissioner of education shall direct and work with the staff of the Central Education Agency to ensure that every effort is made to reduce the amount of

paperwork required of local school districts and, in particular, of teachers. Such efforts shall include, but need not be limited to, the following:

(1) a review of existing paperwork requirements in state and federal law and state and federal regulations, with recommendations for simplification and reduction of such requirements to the extent possible;

(2) attention to the paperwork implications of new rules and procedures; and

(3) provision of technical assistance to school districts to help them comply with necessary procedural and reporting requirements in ways which do not require extensive paperwork on the part of teachers.]

(a) The board of trustees of each school district shall adopt policies to limit the number and length of written reports that teachers must prepare. It is the intent of the State Board of Education that implementation of this section by school districts will enable classroom teachers to experience a significant reduction in paperwork.

(b) Classroom teachers may not be required to prepare written reports other than those described in the Texas Education Code, §21.925(e). [Local school districts shall make every effort to limit the number and length of written reports that teachers must prepare.]

(c) With respect to those reports described in the Texas Education Code, §21.925(e)(6), districts shall review current paperwork requirements placed on classroom teachers and shall transfer reporting tasks which can reasonably be accomplished by existing noninstructional staff. Where information is needed to comply with federal or state requirements and where there is no reasonable way to collect it without the direct involvement of the classroom teacher, teachers may be required to provide this information.

(d) Redundant requests for information shall be avoided.

(e) Nothing in this section shall preclude a school district from collecting information from classroom teachers on a voluntary basis, provided that the following conditions are met:

(1) participation shall be entirely at the discretion of each teacher; and

(2) the decision not to participate shall in no way be held against the teacher.

(f) The commissioner of education shall direct and work with the staff of the Central Education Agency to ensure that every effort is made to reduce the amount of paperwork required of local school districts and, in particular, of teachers. Such efforts shall include, but need not be limited to, the following:

(1) a comprehensive review of existing paperwork requirements in state and federal law and state and federal regulations, with recommendations for simplification and reduction of such requirements to the extent possible;

(2) attention to the paperwork implications of new rules and procedures;

(3) provision of technical assistance to school districts to help them comply with necessary procedural and reporting requirements in ways which do not require extensive paperwork on the part of teachers; and

(4) development of sample curriculum guides, lesson plans, and related reports.

(g)[(c)] As part of each regular accreditation monitoring visit, the Central Education Agency shall review school district paperwork-reduction efforts.

Issued in Austin, Texas, on November 13, 1986.

TRD-8610740

W. N. Kirby  
Commissioner of  
Education

Effective date November 13, 1986  
Expiration date March 13, 1987  
For further information, please call  
(512) 463-9212

★ ★ ★

# 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 4. AGRICULTURE Part I. Texas Department of Agriculture

### Chapter 9. Agricultural and Environmental Sciences Division Nursery and Floral Products

#### ★4 TAC §9.6

The Texas Department of Agriculture proposes an amendment to §9.6, concerning nursery and floral inspection fees.

The amendment to §9.6 increases inspection fees for Classes 1, 2, 3, and 5 of nursery/floral certificates issued by the department for nursery and floral stock. Inspection fees are increased to amounts within the range of not less than \$15 nor more than \$75, in accordance with the intent of the 69th Legislature, 1985.

Ellen Widess, director, Agricultural and Environmental Sciences Division, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government and small businesses as a result of enforcing or administering the section. The effect on state government will be an estimated increase in revenue of \$100,000 each year in 1987-1991. The cost of compliance with the section for small businesses will be an additional \$15 per year for Class 1 businesses; an additional \$10 per year for Class 2 businesses; an additional \$5.00 per year for Class 3 businesses; and an additional \$5.00 per year for Class 5 businesses. The same cost will apply to small and large businesses, depending on class of business. There is no effect on local government.

Ms. Widess 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 an increase in general revenues in accordance with the intent of the 69th Legislature, 1985. The possible economic cost to individuals who are required to comply with the section as proposed will be as follows: for Class 1, an additional \$15; for Class 2, an additional \$10; for Class 3, an additional \$5.00; and for Class 5, an additional \$5.00, totaling an additional \$100,000 each year in 1987-1991.

Comments on the proposal may be submitted to Ellen Widess, Director, Agricultural and Environmental Sciences Division, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §71.056, which provides the Texas Department of Agriculture with the authority to set by rule and collect inspection fees of not less than \$15 nor more than \$75.

#### §9.6. Nursery/Floral Inspection Fees.

(a) Class 1—~~\$45~~ [§30]. Includes permanently located businesses that do not grow nursery or floral stock, such as garden centers, stores, landscape contractors, floral shops, interior decorators, truckers, etc.

(b) Class 2—~~\$55~~ [§45]. Includes permanently located businesses who sell nursery and floral stock and have a growing area of 10 acres or less.

(c) Class 3—~~\$65~~ [§60]. Includes permanently located businesses who sell nursery and floral stock and have a growing area of 11-20 acres.

(d) (No change.)

(e) Class 5—~~\$20~~ [§15]. Includes individuals or businesses who sell nursery or floral stock from temporary locations. Temporary locations as referred to in these sections means selling from one location for no more than three consecutive calendar days or for no more than 12 days in a single calendar month. Each location from which such sales are made must have a certificate. Such certificate must be present at each sales outlet, such as plant or flower shows, flea markets, street vendors, etc.

(f) (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 November 17, 1986

TRD-8610826

Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption:  
December 22, 1986

For further information, please call  
(512) 463-7583.



## Miscellaneous Fees

### ★4 TAC §9.19

The Texas Department of Agriculture proposes an amendment to §9.19, the fee for phytosanitation certificate inspection.

The amendment provides for the application for and performance of a growing season inspection for the issuance of a phytosanitation certificate, and provide for the maintenance of a suspense balance account by persons requesting phytosanitation certificates. The amendment clarifies the procedure for application for a phytosanitation certificate and to expedite the issuance of certificates.

Ellen Widess, director, Agricultural and Environmental Sciences Division, has determined that for the first five-year period the proposed section will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the section.

Ms. Widess also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the clarification of the procedure for the issuance of a phytosanitation certificate and the expediting of issuance of certificates. 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 Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §12.001 and §12.016, which provides the Texas Department of Agriculture with the authority to adopt rules to enforce the Texas Agriculture Code, and §12.018, as amended, which authorizes the department to set and collect a fee for the issuance of a phytosanitation certificate.

#### §9.19. Fee for Phytosanitation Certificate Inspection.

(a) The department shall collect an inspection fee of \$25 for the issuance of a phytosanitation certificate required by other states or foreign countries for agricultural products exported from this state.

(b) The department shall, when requested, perform a growing season inspection for the purpose of issuing phytosanita-



tion certificates. An application for growing season inspection and a field location map shall be submitted to the department no later than 40 days after planting. The department supply the proper forms for the application and map.

(c) For the purpose of expediting the issuance of these phytosanitation certificates, the department shall maintain suspense balance accounts that shall allow persons requesting such certificates to maintain an account balance from which the cost of the inspection fee would be deducted.

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 November 17, 1986

TRD-8610824 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption  
December 22, 1986

For further information, please call  
(512) 463-7583

★ ★ ★

## Chapter 11. Herbicide Regulations

### ★ 4 TAC §11.7

The Texas Department of Agriculture proposes an amendment to §11.7, concerning annual license fees for herbicide dealer's licenses. Section 11.7 is amended to increase the annual license fee for herbicide dealer's licenses from \$25 to \$50. The proposed increase is within the statutory limit on dealers license fees set forth in the Texas Agriculture Code, §75.004.

Ellen Widess, director, Agricultural and Environmental Sciences, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications for state government and small businesses as a result of enforcing or administering the section. The effect on state government will be an estimated increase in revenue of \$500 annually in 1987-1991. The cost of compliance with the rule for small businesses will be an additional \$25 annually to obtain a herbicide dealer's license. The approximate cost per employee for small businesses is \$8.33, and the approximate cost per employee for large businesses is \$1.04. There is no effect on local government.

Ms. Widess 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 increased general revenue to the state, in accordance with the intent of the 69th Legislature, 1985. The possible economic cost to individuals who are

required to comply with the section will be the cost of the herbicide dealer's license fee, which is \$25 annually in 1987-1991.

Comments on the proposal may be submitted to Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §75.004, which provides the Texas Department of Agriculture with the authority to charge an annual herbicide dealer's license fee of an amount not to exceed \$100.

#### §11.7. Dealers.

(a)-(e) (No change.)

(f) Fees for a dealer's license. All dealers, as defined by law, shall pay a fee of \$50 [\$25] upon submitting an application for a dealer's license.

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 November 17, 1986.

TRD-8610828 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption.  
December 22, 1986

For further information, please call  
(512) 463-7583.

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## Chapter 21. Seed Certification Standards

### Sugar Cane-Vegatively Propogated

#### ★ 4 TAC §21.105

The Texas Department of Agriculture proposes an amendment to §21.105, concerning field standards for vegetatively propagated sugar cane.

The amendment adds a requirement for the recording of the percentage of sugar cane and rice borer infested stalks upon final inspection and require the rejection of sugar cane production fields that are infested with smut disease. The amendment controls the spread of smut disease and infestation of rice borer and sugar cane borer. The amendment has been adopted by the Texas State Seed and Plant Board.

Kenneth Boatwright, director, Seed and Grain Warehouse Division, 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. Boatwright also has determined that for each year of the first five years the sec-

tion is in effect the public benefit anticipated as a result of enforcing the section will be the control of spread of smut disease and sugar cane and rice borer infestation in sugar cane grown in Texas. 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 Dolores Alvarado Hibbs, P.O. Box 12847, Austin, Texas 78711.

The amendment is proposed under the Texas Agriculture Code, §62.004, which provides the Texas State Seed and Plant Board with the authority to establish, not inconsistent with federal law, standards for certification of seed; and the Texas Agriculture Code, §12.001 and §12.016, which authorizes the Texas Department of Agriculture to adopt rules to enforce the Texas Agriculture Code.

#### §21.105. Field Standards.

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

(c) Disease.

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

(3) Percentage of sugar cane and rice borer-infested stalks to be recorded on final inspection.

(4) Rejection required of any sugar cane production fields that are infested with smut disease.

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 November 17, 1986

TRD-8610825 Dolores Alvarado Hibbs  
Director of Hearings  
Texas Department of  
Agriculture

Earliest possible date of adoption:

December 22, 1986

For further information, please call  
(512) 463-7583.

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## TITLE 16. ECONOMIC REGULATION

### Part II. Public Utility Commission of Texas

#### Chapter 23. Substantive Rules Quality of Service

##### ★ 16 TAC §23.61

The Public Utility Commission of Texas proposes an amendment to §23.61 concerning directory listings. The amendment allows customers who reside or have a business in one town but are served by a telephone office in another town to decide in which directory they would like to be listed.

Phillip Holder, secretary of the commission, 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. Holder 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 residential and commercial customers can be listed in the directory for the city in which they live or do business at no charge with possible economic and convenience benefits. The possible economic cost to those who are required to comply with the section will be \$250,000 each year in 1986-1990.

Comments on the proposal may be submitted to Phillip Holder, Secretary of the Commission, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757.

The amendment is proposed under Texas Civil Statutes, Article 1446c, §16, which provide the Public Utility Commission of Texas with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and in administering the provisions of this Act.

§23.61. Telephone Utilities.

(a) (No change.)

(b) Directories.

(1) (No change.)

(2) Customers should be listed at no charge in directory assistance and in the telephone directory which contains their city/town service address. At the customer's option, the customer shall be listed in the directory of either the customer's serving exchange or service address. From the date of adoption of this section, each telephone utility shall begin notifying existing customers of the directory listing option, and thereafter provide this option to all new customers. Method of notice to existing customers shall be approved by the commission's consumer affairs staff.

(3)[2] Upon issuance, a copy of each directory shall be distributed for all customer access lines served by that directory and, if requested, one extra copy per customer access line. A copy of each directory shall be furnished to the commission.

(4)[3] The name of the local exchange carrier, an indication of the area included in the directory, and the month and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments shall appear conspicuously in the front part of the directory pages.

(5)[4] The directory shall contain instructions concerning placing local and long distance calls on the network of the company issuing the directory, calls to repair and directory assistance services, and locations and telephone numbers of local exchange carrier business offices as may be appropriate to the area served by the directory. It shall also contain a section setting out sam-

ple long distance rates within the long distance service area on the network of the company issuing the directory applicable at the time the directory is compiled for publication with a clear statement that the published rates are effective as of the date of compilation.

(6)[5] Each local exchange carrier shall list each customer with directory assistance within 72 hours after service connection (except those numbers not listed at the customer's request) in order that the directory assistance operators can provide the requested telephone numbers based on customer names and addresses.

(7)[6] All nonassigned telephone numbers in central offices serving more than 300 customer access lines shall be intercepted unless otherwise approved by the commission.

(8)[7] Disconnected residence telephone numbers shall not be reassigned for 30 days and disconnected business numbers shall not be reassigned, unless requested by the customer, for 30 days or the life of the directory, whichever is longer, unless no other numbers are available to provide service to new customers.

(9)[8] If a customer's number is incorrectly listed in the directory and if the incorrect number is a working number and if the customer to whom the incorrect number is assigned requests, the number shall be changed at no charge. If the incorrect number is not a working number and is a usable number, the customer's number shall be changed to the listed number at no charge if requested.

(10)[9] When additions or changes in plant or changes to any other local exchange carrier operations necessitates changing telephone numbers to a group of customers, at least 30 days' written notice shall be given to all customers so affected even though the addition or changes may be coincident with a directory issue.

(11)[10] At the customer's option, the directory shall list either the customer's street address or post office box number. A charge can be imposed upon those customers who desire both listings.

(c)-(l) (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 November 17, 1986.

TRD-8610823

Phillip A Holder  
Secretary  
Public Utility  
Commission  
of Texas

Earliest possible date of adoption:

December 22, 1986

For further information, please call  
(512) 458-0100.

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## TITLE 19. EDUCATION

### Part II. Texas Education

#### Agency

#### Chapter 75. Curriculum

#### Subchapter G. Other Provisions

#### ★ 19 TAC §75.172

*(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Education Agency, 201 East 11th Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)*

The Texas Education Agency proposes the repeal of §75.172, concerning advanced placement examinations. Since there continue to be questions about whether it will be possible for publishers or school districts to develop tests for advanced placement that would meet state standards, a new section that contains an alternate procedure is proposed.

Lynn M. Moak, deputy commissioner for research and information, 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. Moak and Dr. Beverly Bardsley, director for policy development, have determined that for the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be the provision to school districts of a practical procedure for advanced placement examinations. 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 Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 days after notice of a proposed change in rules has been published in the *Texas Register*.

The repeal is proposed under the Texas Education Code, §21.724, which directs the State Board of Education to develop guidelines for advanced placement examinations.

#### §75.172. Advanced Placement Examinations.

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 November 13, 1986

Earliest possible date of adoption:  
February 14, 1987  
For further information, please call  
(512) 463-9212.

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## Subchapter G. Other Provisions

### ★ 19 TAC §75.172

The Texas Education Agency proposes new §75.172, concerning advanced placement examinations. There continue to be questions about whether it will be possible for publishers or school districts to develop tests for advanced placement that would meet state standards. The proposed new section addresses this issue by providing two phrases for satisfying the requirement: the use of a normed achievement test combined with local district assessment to determine mastery of essential elements. If a single approved test that satisfies all requirements is available, that test may be used.

Under the proposed section, students who exceed the maximum number of absences allowed by the Texas Education Code, §21.041, may not use advanced placement examinations to receive credit for the course.

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 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 provisions to school districts of a practical procedure for advanced placement examinations not to exceed a limit set by the commissioner of education. 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 Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 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 §21.724 which directs the State Board of Education to de-

velop guidelines for advanced placement examinations.

### §75.172. Advanced Placement Examinations

#### (a) General provisions.

(1) Advanced placement examinations provide alternatives for grade placement or granting course credit for students.

(2) Districts shall provide for advanced placement in the four core areas (language arts, mathematics, social studies, and science) for grades one-six. The commissioner of education shall publish a list of courses for which advanced placement must be offered in grades 7-12.

(3) Districts may use screening devices to determine eligibility for attempting advanced placement examinations.

(4) Districts shall offer advanced placement examinations at least once a year and may offer examinations as often as desired.

(5) Districts may obtain tests from any source and may utilize outside agencies to administer examinations.

(6) Districts may charge for these procedures at a rate not to exceed a limit set by the commissioner of education.

(b) Assessment for advanced grade placement or course credit.

(1) Districts must ensure that the students demonstrate a ranking of at least the 90th percentile on an achievement test approved by the State Board of Education.

(2) Districts must also ascertain that students have mastery of the subject or course essential elements in this chapter. Students must attain at least a grade of 70 or above on the assessment of essential elements. This shall be a local assessment unless a statewide test has been approved by the State Board of Education.

(3) The State Board of Education will approve a list of tests that can be used for paragraph (1) of this subsection. Any test which can be used for both performance at or above the 90th percentile and essential element mastery determinations will be so designated.

#### (c) Granting of credit

(1) Students in grades one-six may be advanced one grade if they meet the requirements of subsection (b) of this section in mathematics and language arts, and in either science or social studies. Granting of advanced grade placement shall be subject to parental and district approval in grades 1-5 in accordance with the Texas Education Code, §21.724(b).

(2) Students in grades seven-eight, and grade six when included in the middle school, may receive unit credit for a course if they meet the requirements in subsection (b) of this section.

(3) Students in grades 9-12 may receive credit for a course if they meet the requirements of subsection (b) of this section.

(4) Placement or credit obtained in accordance with this section shall be recorded

on the permanent school record for grades one-eight and on the academic achievement record for grades 9-12. Districts shall record the score obtained from the assessment of the essential elements on the permanent school record or on the academic achievement record as appropriate.

(d) Dissemination. The commissioner of education shall disseminate to all school districts a list of courses for which advanced placement must be offered and a State Board of Education list of approved tests. The lists shall be periodically reviewed and revised as needed.

(e) Use of credit. Students who exceed the maximum number of absences allowed by the Texas Education Code, §21.041, may not use advanced placement examinations to receive credit for the particular course.

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 November 13, 1986.

TRD-8610738

W. N. Kirby  
Commissioner of  
Education

Proposed date of adoption.

February 14, 1987

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 §89.214

The Texas Education Agency proposes an amendment to §89.214, concerning special education professional support personnel. The amendment adds the associate school psychologist to the special education support personnel available to special education teachers. The omission of an associate school psychologist from the current section is inconsistent with other State Board of Education rules and unnecessarily constrains school districts.

Lynn M. Moak, deputy commissioner of 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 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 recognition of the

similar roles of the associate school psychologist and the educational diagnostician. The amendment provides school districts with the flexibility to employ the professional that best meets their needs. There is no anticipated economic cost for individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Dr. Beverly Bardsley, Director for Policy Development, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9682. All requests for a public hearing on proposed sections submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 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 for the Foundation School Program; and §16.151, which makes special education a part of the Foundation School Program.

**§89.214 Special Education Professional Support Personnel.**

(a) (No change.)

(b) Services available. Each special education teacher shall have available the services of a special education instructional supervisor and an educational diagnostician or associate school psychologist. The special education director may also serve as the special educational supervisor if appropriately certified.

(c)-(i) (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 November 13, 1986

TRD-8610736 W N Kirby  
Commissioner of  
Education

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February 14, 1987

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

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**Chapter 145. Professional Environment**  
**Subchapter A. Professional Environment in General**

**★ 19 TAC §145.2**

*(Editor's note: The Texas Education Agency proposes for permanent adoption the amendment it adopts on an emergency basis in this issue. The text of the amendment is published in the Emergency Rules section of this issue.)*

The Texas Education Agency proposes an amendment to §145.2, concerning paperwork reduction. The proposed amendment implements House Bill 50, 69th Legislature, 1986, Second Called Session, and clarifies what kinds of reporting may be required of teachers. The section requires each local district board of trustees to adopt policies to limit the number and length of written reports that teachers must prepare. Districts must review current paperwork requirements placed on classroom teachers and transfer reporting tasks which can reasonably be accomplished by existing noninstructional staff. Provision for collection of information on a voluntary basis is also included.

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 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 reduced paperwork burden on teachers. 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 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, §21.925, which directs the State Board of Education to adopt rules that provide for simplifying and reducing the number and length of required written reports.

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

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TRD-8610739 W N Kirby  
Commissioner of  
Education

Proposed date of adoption:

February 14, 1987

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

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

**Part I. Texas Department of Human Services**  
**Chapter 47. Primary Home Care**

**Claims Payment**

**★ 40 TAC §47.3906**

The Texas Department of Human Services (TDHS) proposes new §47.3906, concerning claims payment reviews and audits, in its Primary Home Care chapter.

During a review or audit of primary home care claims payment, the provider must make available to the department records that document claims for payment. If the department's review or audit reveals that claims for payment are not substantiated, the provider agency must make restitution.

New §47.3906 defines two types of documentation errors that result in audit exceptions: claims payment errors and administrative errors. Claims payment errors cause an entire claim for a unit of service to be disallowed. Administrative errors cause only the administrative portion of the rate to be disallowed.

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

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that providers will have clear documentation expectations and will be able to implement internal procedures to prevent administrative and claims payment errors that could result in financial exceptions. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-728, Texas Department of Human Services 222-E, PO Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

**§47.3906. Claims Payment Reviews and Audits.**

(a) Service delivery records. The pro-

vider agency must use the TDHS service delivery record form to document services delivered, unless it obtains written approval from the department's assistant commissioner for provider systems to use a different timesheet instead of the TDHS form for documentation. The provider agency must not preprint the time in, time out, total time, or monthly total of hours in the record of time portion of any timesheet.

(b) Timekeeper. The provider agency must designate a timekeeper to verify that the hours recorded on the timesheet were worked and that the attendant has shown competence in all areas of personal care before services are provided. The timekeeper may be the supervisor.

(c) Failure to maintain records. If the provider agency fails to maintain records as specified in §47.3903 of this chapter (relating to Records) or §51.50 of this title (relating to Record Retention Requirements), the department may initiate corrective action plans and/or financial exceptions.

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

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

(A) Administrative errors. Administrative errors result in exceptions applied to the administrative portion of the unit of service. For primary home care services, an exception of 17% is the administrative portion applied to the unit of service.

(B) Claims payment errors. Claims payment errors result in exceptions applied to the total unit of service.

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

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

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

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

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

(2) The attendant and/or timekeeper reduces the daily total time worked by the

attendant, but fails to initial the correction. The department applies the error to the total number of units claimed for the days corrected and not initialed.

(3) The attendant completes the time in and time out columns, but leaves the daily total time column blank. The department applies the error to the total number of units claimed for the days left blank.

(4) The timekeeper enters the daily total time based on the attendant's recorded time in and time out, but fails to initial the entry. The department applies the error to the total number of units claimed for the days corrected and not initialed.

(5) The timekeeper corrects the time in or time out based on the attendant's recorded total time, but fails to initial the correction. The department applies the error to the total number of units claimed for the days corrected and not initialed.

(6) The attendant and/or timekeeper corrects the monthly total of hours, but fails to initial the correction. The department applies the error to the total number of units claimed for the pay period.

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

(8) The attendant and/or timekeeper corrects the date of signature, but fails to initial the correction. The department applies the error to the number of units claimed after the earliest signature date. Each person must correct his own date of signature.

(9) The attendant and/or timekeeper enters an illegible date of signature or makes an illegible correction to the date. The department applies the error to the total number of units claimed for the pay period.

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

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

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

(g) List of claims payment errors. Claims payment errors include, but are not limited to, the following.

(1) Timesheet claims payment errors.

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

(B) The attendant and/or time-

keeper uses liquid paper/correction fluid to correct an entry in the record time, signature, or date portion of the timesheet. The department applies the error to the total number of units claimed for the pay period.

(C) The attendant leaves the entire record of time column blank. The department applies the error to the total number of units claimed for the pay period.

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

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

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

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

(2) Other claims payment errors.

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

(B) The provider agency makes a claim for services, but a valid physician's order is missing for the period claimed by the agency. The department applies the error to the total number of units claimed and not covered by a valid order.

(C) The provider agency bills the department for hours that exceed the number of hours authorized on the prior approval form. The department applies the error to the total number of units claimed in excess of the units authorized on the prior approval form.

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

(E) The provider agency bills the department for units of service under both the Primary Home Care Program and the Family Care Program for the same time period. The department applies the error to the total number of units claimed for the same time period.

(F) The provider agency bills the department for units of service for days on which the recipient did not receive services or was Medicaid ineligible. The department applies the error to the total number of units claimed for the day on which the recipient did not receive services or was Medicaid ineligible.

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 November 17, 1986.

TRD-8610819

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

December 22, 1986

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

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## Chapter 48. CCAD Contacting for CCAD Services

### ★ 40 TAC §48.5910

The Texas Department of Human Services (TDHS) proposes new §48.5910, concerning claims payment reviews and audits, in its Community Care for Aged and Disabled chapter.

During a review or audit of family care claims payment, the contractor must make available to the department records that document claims for payment. If the review or audit reveals that claims for payment are not substantiated, the contract agency must make restitution.

New §48.5910 defines two types of documentation errors that result in audit exceptions: claims payment errors and administrative errors. Claims payment errors cause an entire claim for a unit of service to be disallowed. Administrative errors cause only the administrative portion of the rate to be disallowed.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the 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. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that contractors will have clear documentation expectations and will be able to implement internal procedures to prevent administrative and claims payment errors that could result in financial exceptions. There is no anticipated economic cost to individuals who are re-

quired to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-728, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769 within 30 days of publication of the *Texas Register*.

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

#### §48.5910. Claims Payment Reviews and Audits.

(a) Service delivery records. The contract agency must use the TDHS service delivery record form to document services delivered, unless it obtains written approval from the department's assistant commissioner for provider systems to use a different timesheet instead of the TDHS form for documentation. The contract agency must not preprint the time in, time out, total time, or monthly total of hours in the record of time portion of any timesheet.

(b) Timekeeper. The contract agency must designate a timekeeper to verify that the hours recorded on the timesheet were worked and that the attendant has shown competence in all areas of personal care before services are provided. The timekeeper may be the supervisor.

(c) Failure to maintain records. If the contract agency fails to maintain records as specified in §51.50 of this title (relating to Record Retention Requirements), the department may initiate corrective action plans and/or financial exceptions.

(d) Documentation errors. Documentation errors may cause claims for service to be disallowed.

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

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

(B) Claims payment errors. Claims payment errors result in exceptions applied to the total unit of service.

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

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

(e) Error extrapolation. The department develops a statistical projection, based on the number of administrative errors found in the audit or review sample, to determine the number of administrative errors to

be found in the total cases or claims for which the contractor has been paid during the audit period. The department uses the same process to determine total claims payment errors.

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

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

(2) The attendant and/or timekeeper reduces the daily total time worked by the attendant, but fails to initial the correction. The department applies the error to the total number of units claimed for the days corrected and not initialed.

(3) The attendant completes the time in and time out columns, but leaves the daily total time column blank. The department applies the error to the total number of units claimed for the days left blank.

(4) The timekeeper enters the daily total time based on the attendant's recorded time in and time out, but fails to initial the entry. The department applies the error to the total number of units claimed for the days corrected and not initialed.

(5) The timekeeper corrects the time in or time out based on the attendant's recorded total time, but fails to initial the correction. The department applies the error to the total number of units claimed for the days corrected and not initialed.

(6) The attendant and/or timekeeper corrects the monthly total of hours, but fails to initial the correction. The department applies the error to the total number of units claimed for the pay period.

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

(8) The attendant and/or timekeeper corrects the date of signature, but fails to initial the correction. The department applies the error to the number of units claimed after the earliest signature date. Each person must correct his own date of signature.

(9) The attendant and/or timekeeper enters an illegible date of signature or makes an illegible correction to the date. The department applies the error to the total number of units claimed for the pay period.

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

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



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

(g) List of claims payment errors. Claims payment errors include, but are not limited to, the following.

(1) Timesheet claims payment errors.

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

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

(C) The attendant leaves the entire record of time column blank. The department applies the error to the total number of units claimed for the pay period.

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

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

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

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

(2) Other claims payment errors.

(A) The contract agency makes a claim for services, but a valid authorization for CCAD services form is missing for the period claimed by the agency. The department applies the error to the total number of units claimed and not covered by a valid authorization for CCAD services form.

(B) The contract agency bills the department for hours that exceed the number of hours authorized on the authorization for CCAD services form. The department applies the error to the total number of units claimed in excess of the units authorized on the authorization for CCAD services form.

(C) The contract agency bills the department for hours that exceed the total number of hours recorded on the timesheet.

The department applies the error to the total number of units claimed in excess of the units recorded on the timesheet. If the time in and time out does not equal the total time on the timesheet, then the lesser of the two totals is used to calculate the total number of hours recorded on the timesheet.

(D) The contract agency bills the department for units of service under both the Primary Home Care Program and the Family Care Program for the same time period. The department applies the error to the total number of units claimed for the same time period.

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

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

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

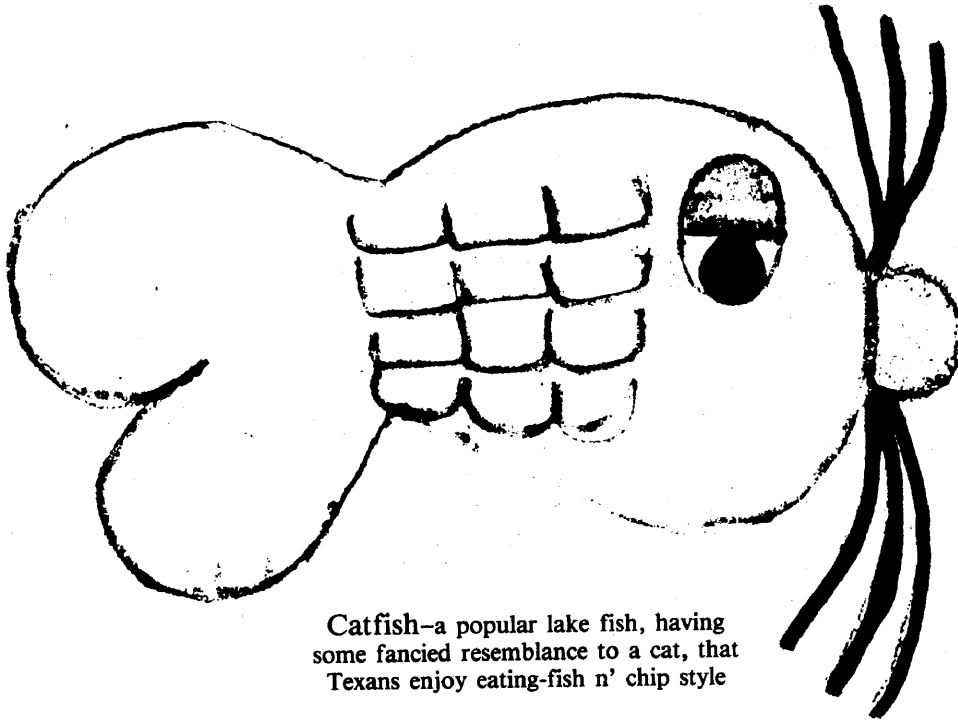
TRD-8610820

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Earliest possible date of adoption:

December 22, 1986

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



Catfish—a popular lake fish, having some fancied resemblance to a cat, that Texans enjoy eating-fish n' chip style

Drawings By:  
Name: Nancy Mora  
Grade: 3  
School: Bradley Elementary, El Paso

Text By:  
Name: Lorri Chambers  
Grade: 3  
School: Bradley Elementary, El Paso

# 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 41. State

#### Commissioner of Education

#### Subchapter D. Adoptions by Reference

#### ★ 19 TAC §41.61

The Texas Education Agency adopts an amendment to §41.61, without changes to the proposed text published in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3724). The section contains the adoption by reference of *School District Data Submission to the Texas Education Agency*, Bulletin 742.

The amended bulletin reflects necessary updating and minor revisions for the 1986-87 school year. No major changes in the bulletin's data requirements were made, since fundamental and long-term improvements in the data collection process for public education will come as a result of the public education information management system project.

School districts will submit data for the 1986-87 school year in compliance with the requirements of the amended bulletin.

No comments were received regarding adoption of the amendment.

The amendment is adopted under the Texas Education Code, §11.52(d), which authorizes the commissioner of education to prescribe uniform systems of forms, reports, and records necessary to secure information from county school officers and local school districts.

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 November 13, 1986.

TRD-8610741 W N Kirby  
Commissioner of Education

Effective date: December 4, 1986  
Proposal publication date: August 22, 1986  
For further information, please call (512) 463-9212

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## TITLE 22. EXAMINING BOARDS

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

#### Chapter 339. Fees

#### ★ 22 TAC §339.3, §339.4

The Texas State Board of Physical Therapy Examiners adopts amendments to §339.3 and §339.4, without changes to the proposed text published in the October 17, 1986, issue of the *Texas Register* (11 TexReg 4296).

These amendments were mandated by Senate Bill 1, Third Called Session, 69th Legislature, 1985.

The amendments increase two statutory license fees by \$10 each.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Civil Statute, Article 4512e, §3(e), which provide the Texas State Board of Physical Therapy Examiners with the authority to adopt rules consistent with the Texas Physical Therapy Practice Act to carry out its duties administering the 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 November 14, 1986.

TRD-8610776 Lois M. Smith  
Executive Director  
Texas State Board of Physical Therapy Examiners

Earliest possible date of adoption: December 5, 1986  
For further information, please call (512) 835-1846.

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## Part XXII. Texas State Board of Public Accountancy

### Chapter 511. Certification as CPA

#### Examination Sites and Board Policy on Documentation

#### ★ 22 TAC §511.89

The Texas State Board of Public Accountancy adopts the repeal of §511.89, without changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2225).

The repeal is required to allow the adoption of a new section, which provides clear guidelines and procedures for Texas candidates for the uniform CPA examination who are temporarily out of the state.

No comments were received regarding adoption of the repeal.

This repeal is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to the conducting of the uniform CPA examination for Texas candidates.

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 November 18, 1986.

TRD-8610688 Bob E Bradley  
Executive Director  
Texas State Board of Public Accountancy

Effective date: December 3, 1986  
Proposal publication date: May 13, 1986  
For further information, please call (512) 450-7066.

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The Texas State Board of Public Accountancy adopts new §511.89, with changes to the proposed text published in the May 13, 1986, issue of the *Texas Register* (11 TexReg 2225).



The new section is required to provide guidelines to identify Texas candidates for the uniform CPA examination who are temporarily out of the state and desire to sit for the exam out of the state.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules of professional conduct relating to conducting of the uniform CPA examination for Texas candidates out of the state.

**§511.89. Examination Sites and Board Policy on Documentation.**

(a) The board shall select examination sites in Texas suitable for conducting the examination. The board will assign candidates to an examination site. Consideration will be given to a candidate's first and second preference if at all possible. However, all candidates will be required to sit at a Texas site unless an exception is granted. Exceptions will be considered only in the following instances.

(1) The candidate is temporarily out of Texas due to the candidate's military assignment outside of the State of Texas, or due to the candidate being a military dependent accompanying a military sponsor on a military assignment in a state other than Texas.

(2) The candidate is temporarily out of Texas due to attending college or university in a state other than Texas.

(3) The candidate is temporarily out of Texas due to a temporary job assignment in a state other than Texas.

(b) Each candidate desiring to be considered in one of the previously mentioned exceptions must provide documentation that supports, to the satisfaction of the board, the requested exemption based upon the candidate's temporary out-of-state status. All required documentation must be received by the board before a request can be processed and sent to the proctoring state board.

(c) A candidate on military assignment or who is a military dependent accompanying a military sponsor on a military assignment outside the State of Texas must provide the following documentation:

(1) copies of the candidate's current driver's license and current voter registration;

(2) certification of current assignment outside of the State of Texas by the unit commander or military personnel office; or

(3) other evidence acceptable to the board.

(d) A candidate attending college or a university in a state other than Texas must provide the following documentation:

(1) copies of the candidate's current driver's license and current voter registration;

(2) proof that the candidate is at-

tending a college or university outside of Texas, such as a letter from the registrar's office attesting to the fact that the candidate is attending the college during the current semester; or

(3) other evidence acceptable to the board.

(e) A candidate on temporary job assignment in a state other than Texas must provide the following documentation:

(1) copies of the candidate's current driver's license and current voter registration;

(2) an affidavit from the candidate's employer stating:

(A) the address where the candidate regularly is employed;

(B) the beginning and ending date of the temporary assignment;

(C) the location of the temporary assignment outside the state of Texas;

(D) that the temporary assignment precludes the candidate from returning to Texas to take the examination; and

(3) other evidence acceptable to the board.

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 November 18, 1986.

TRD-8610689

Bob E Bradley  
Executive Director  
Texas State Board of  
Public Accountancy

Effective date: December 3, 1986  
Proposal publication date May 13, 1986  
For further information, please call  
(512) 450-7066

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**TITLE 37. PUBLIC SAFETY AND CORRECTIONS**

**Part I. Texas Department of Public Safety**

**Chapter 31. Standards for an Approved Motorcycle Operator Training Course**

**★ 37 TAC §31.7**

The Texas Department of Public Safety adopts an amendment to §31.7 without changes to the proposed text published in the October 10, 1986, issue of the *Texas Register* (11 TexReg 4235)

The new section provides uniformity in motorcycle operator training courses and instruction. Improved training should reflect a decrease in the severity and frequency of motorcycle accidents.

This section covers course requirements for curriculum, student-teacher ratio, student-motorcycle ratio, training, motorcycles, protective equipment, classroom and riding facilities, insurance, and time

requirements for student completion of the course. The department adopts this section to clarify course requirements and to assure uniformity with current national recommendations for the basic motorcycle operator training course issued by the Motorcycle Safety Foundation which certifies motorcycle safety programs and instructors.

No comments were received regarding adoption of the new section.

The new section is adopted under Texas Civil Statutes, Article 6687b, §1A, which authorize the Texas Department of Public Safety to approve a motorcycle operator training course.

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 November 12, 1986

TRD-8610778

James B. Adams  
Director  
Texas Department of  
Public Safety

Effective date December 5, 1986  
Proposal publication date October 10, 1986  
For further information, please call  
(512) 465-2000

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**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

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

**Chapter 16. ICF/SNF**

**Recipient-Patient Rights**

**★ 40 TAC §16.6119**

The Texas Department of Human Services adopts new §16.6119, without changes to the proposed text published in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3728)

The new section is justified because it prevents unnecessary financial hardship to recipient-patients or their families as a result of payment for periods that should be covered by Medicaid.

The new section functions by specifying the circumstances under which nursing facilities must refund private funds paid to the facilities for periods covered by Medicaid, including retroactive periods of Medicaid coverage, and by addressing time frames, notification requirements, and record-keeping requirements related to the refunds. The new section applies to recipient-patients in certified and noncertified beds.

The department received comments from three organizations: Stebbins Five Com-

panies Nursing Homes; the Texas Department of Mental Health and Mental Retardation; and the Association for Retarded Citizens, Texas. Although the comments generally supported the new section, two commenters made remarks or suggestions regarding specific language or provisions.

One commenter stated that requiring facilities to maintain signed recipient-notification forms on file is an unnecessary burden on facilities. The department disagrees, because the notification and record-keeping requirements protect the recipient's entitlement to coverage by guaranteeing that he is informed in writing about his rights. The department does not anticipate that these additional record-keeping requirements will place an unnecessary burden on providers.

One commenter was concerned that the term "private funds" might be interpreted to mean applied-income amounts and suggested that the term "security deposits" be substituted. The department disagrees, because security deposits are not the only type of private funds that must be refunded when Medicaid coverage is available. In this section, "private funds" means any monies paid on an individual's behalf for Medicaid-covered services received. It is not the department's intent that this section require a facility to refund applied-income amounts collected as specified in the recipient's payment plan.

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 November 14, 1986

TRD-8610798

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 5, 1986

Proposal publication date: August 22, 1986

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



## Chapter 27. ICF-MR Subchapter WW. Residents' Personal Funds and Property

### ★ 40 TAC §27.4804

The Texas Department of Human Services adopts new §27.4804, without changes to the proposed text published in the August 22, 1986, issue of the *Texas Register* (11 TexReg 3728).

The new section is justified because it prevents unnecessary financial hardship

to recipient-residents or their families as a result of payment for periods that should be covered by Medicaid.

The new section functions by specifying the circumstances under which facilities must refund private funds paid to the facilities for periods covered by Medicaid, including retroactive periods of Medicaid coverage; and by addressing time frames, notification requirements, and record-keeping requirements related to the refunds. The new section applies to recipient-residents in certified and noncertified beds.

The department received comments from three organizations: Stebbins Five Companies Nursing Homes; the Texas Department of Mental Health and Mental Retardation, and the Association for Retarded Citizens, Texas. Although the comments generally supported the new section, two commenters made remarks or suggestions regarding specific language or provisions.

One commenter stated that requiring facilities to maintain signed recipient-notification forms on file is an unnecessary burden on facilities. The department disagrees, because the notification and record-keeping requirements protect the recipient's entitlement to coverage by guaranteeing that he is informed in writing about his rights. The department does not anticipate that these additional record-keeping requirements will place an unnecessary burden on providers.

One commenter was concerned that the term "private funds" might be interpreted to mean applied-income amounts and suggested that the term "security deposits" be substituted. The department disagrees, because security deposits are not the only type of private funds that must be refunded when Medicaid coverage is available. In this section, "private funds" means any monies paid on an individual's behalf for Medicaid-covered services received. It is not the department's intent that this section require a facility to refund applied-income amounts collected as specified in the recipient's payment plan.

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 November 21, 1986

TRD-8610799

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 5, 1986

Proposal publication date: August 22, 1986

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

## Chapter 46. Residential Care Program

The Texas Department of Human Services (DHS) adopts new §§46.1001, 46.2001-46.2008, 46.3001-46.3007, 46.4001-46.4005, 46.5001-46.5003, and 46.6001. New §§46.1001, 46.2001-46.2003, 46.2005, 46.2007, 46.2008, 46.3001-46.3004, 46.4001, 46.4004, 46.5001-46.5003, and 46.6001 are adopted with changes to the proposed text published in the July 18, 1986, issue of the *Texas Register* (11 TexReg 3289). The rest of the new sections are adopted without changes and will not be republished. The department is simultaneously adopting repeals, amendments, and new sections, concerning residential care, in Chapter 48, Community Care for the Aged and Disabled, to reflect changes due to implementing the new program.

New Chapter 46, Residential Care Program, is an integrated program that includes old supervised living/emergency care and adds new residential health care. The department is justified in adding residential health care to the existing program because the department will be able to utilize federal matching funds for the direct care portion of services to eligible Title XIX recipients living in residential care facilities. Additionally, the existing Supervised Living/Emergency Care Program's name has been changed to Residential Care Program.

Because of the addition of residential health care, the new program functions by saving state funds and efficiently using Title XIX funds. The new program also allows services to be provided to additional recipients.

Four individuals commented on the proposal. Individuals who commented included Johnnie Benson, Colonial Southwest and Granny & Gramps; Sidney Rich, Granny & Gramps; Charles W. Yett, assistant attorney general; and Jerry Chapman, Texas Health Association. All comments received were favorable but included minor suggestions/recommendations that clarified the language and intent of the proposal.

Comments received pertained to the following issues: One commenter suggested that the name of the new program retain the word "supervised," as in the current Supervised Living/Emergency Care Program name. Under the umbrella of the Residential Care Program, he recommended having three arrangements: supervised living, emergency care, and supervised health care. He thought that the proposed new program name might create confusion.

The department appreciates this comment but believes that the proposed name best describes the program.

Two commenters suggested that self-administering medication, which is a required task, be changed to "assistance

with self-administration of medication." They thought that this task involves other tasks, that is, opening the medication bottle, pouring the medication, and sometimes talking to the pharmacist about refills.

The department disagrees with the comment and contends that the current wording conveys the same meaning as the suggested wording.

Another commenter suggested that the department add language to the facility requirements that protects recipients and staff when providing services to emergency care recipients. He suggested that the section read that the facility must accept and provide services to emergency care recipients "provided that the recipient has been screened and inspected and has a current physical examination and proper admission forms completed by the case-worker."

The department disagrees with this comment because all emergency placements are situations in which immediate placement must be made and no time is available to screen these recipients ahead of time. These recipients are required, according to department and Texas Department of Health procedures, to have an examination within seven days after placement. Department staff must complete paperwork on emergency care placements within three days after placement.

One commenter stated that because documentation of activities is required by the department, the service delivery form should include space for documenting activities. He also suggested that space be provided on the service delivery form for documentation of the physician's orders.

The department agrees with the commenter's first suggestion and has changed the appropriate section to read accordingly. The department disagrees, however, with the commenter's second suggestion because physician's orders are the required documentation that the recipient received these orders.

Two commenters recommended that the staff/recipient ratio for the night shift be changed to one to forty, and one commenter recommended that the staff/recipient ratio remain as proposed: one staff awake and on duty.

The department has decided to change the staff/recipient ratio to one to forty. The department contends that because the residential health care recipient must have a medical need and score higher than the current supervised living/emergency care recipient, the staff/recipient ratio should be increased. The department also contends that in case of an emergency, it would be impossible for one staff member to assume responsibility for all the recipients in the facility.

Another commenter recommended that some of the training requirements be

deleted because there was no mechanism for developing the training.

The department strongly believes that training for the RN supervisor and the facility manager is important when caring for the frail and elderly. Even though the department disagrees with the comment, the department has identified several methods for obtaining this type of training: continuing education classes, local community colleges, and consultants. The department provides training on policies and procedures.

One commenter stated that for the department and other units to conduct a complete review of the services billed to Medicaid by these facilities, it was imperative for all the required records to be made available. He thought that financial records alone do not reveal the service dates, staff attendance, service delivery records forms, prior approval forms, or other information contained in nonfinancial records of the facility.

The department agrees with this comment and has changed the appropriate section accordingly.

Another commenter suggested that the recipient's 21 days of personal leave be limited to 14 days. This commenter contended that 14 days of personal leave historically meets the needs of the recipient and is more cost effective for the department.

The department agrees with this comment and has changed the sections accordingly.

One commenter stated that the requirement of an RN raised questions regarding liability. He questioned who incurred the liability in the case of a medical occurrence in a residential health care facility. He suggested that the department consider this issue before adopting these sections.

The department disagrees with this comment. The RN requirement is a program federal requirement that has to be met to implement residential health care. It is not within the jurisdiction of the department to speculate on a general liability question because the issue of liability would be resolved between the involved parties. A commenter recommended that wording be changed in the record requirements to convey that cost reports must be completed and submitted at least on an annual basis instead of "when requested."

The department agrees with this comment and has modified the section accordingly.

The department has added a subsection to §46.4001 to comply with federal requirement 42 Code of Federal Regulations 434.26(a)(b)(3). The requirement states that the facility must request a waiver from the department for the percentage of Medicare or Medicaid eligible enrollees in the

facility's prepaid health plan to exceed 74% of the total enrollment of the prepaid health plan.

The department made minor changes to the proposal that resulted from comments received. The department has incorporated the following changes in the adopted sections: clarified and redefined "prepaid health plan;" clarified the escort task to include arranging for transportation for the recipient; changed the length of time the recipient is expected to receive services (if less than six months); added to a facility requirement that the facility must reserve space to serve at least one emergency care recipient, unless a request for a waiver is granted in writing from the regional director for services to the aged and disabled; added a facility requirement that provides for the facility to keep a monthly activity calendar that shows what activities are planned for the month; reworded a staffing requirement to exclude the calculation of staff-recipient ratio based on the percent of the time spent delivering services to the recipient; added to a record requirement that requires the primary home care recipient service plan form to be maintained for only residential health care recipients; and deleted wording from the method of contracting.

The department also made several minor editorial changes to the proposal to improve the clarity and accuracy of the sections.

## Definitions

### ★ 40 TAC §46.1001

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.

*§46.1001. Definitions of Program Terms.* The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

*Aide/attendant*—An employee of the facility who helps the recipient with activities of daily living.

*Apartment*—A connected bedroom, kitchen, and bathroom area that provides a minimum of 350 square feet of space per resident. Indoor common areas used by department recipients may be included in computing the minimum square footage. The portion of the common area allocated cannot exceed usable square footage divided by the maximum number of residents who have access to the common area.

*Capitation fee*—The fee the department pays periodically to a contractor for each Title XIX recipient enrolled under the contractor's prepaid health plan whether or not the eligible recipient receives the services during the period covered by the fees.

Days—All references to days mean calendar days, unless otherwise noted.

Enrolled recipient—A Title XIX recipient who is eligible for residential health care and who enters into an agreement to receive services from a prepaid health plan offered by a facility.

Facility—A legal entity that contracts with the department to deliver residential care services to recipients.

Facility manager—The person responsible for the general management of the personal or custodial care home operation.

Income eligible—An adult who is not a Supplemental Security Income (SSI) or Aid to Families with Dependent Children (AFDC) recipient but who has an income that is equal to or less than the eligible level established by the department.

Medicaid eligible—An individual who is eligible for Medicaid as an SSI, AFDC, or medical assistance only recipient while in the community.

Monthly activity calendar—A calendar of events showing planned activities and other items of interest for a specific month. This monthly activity calendar must be posted in a public area a week before the specific month.

Nonapartment—A living unit that meets the square footage requirements in the Texas Department of Health minimum standards for personal care homes but does not meet the department's definition of an apartment.

Personal leave—Any leave from the residential care facility except for hospitalization or institutionalization. A day of personal leave is any period of 24 consecutive hours.

Prepaid health plan—An agreement through which the residential care facility provides nontechnical medical services to enrollees on the basis of prepaid capitation fees.

Primary home care—In-home, non-technical medically-related services provided to eligible recipients whose chronic health problems cause them to be functionally limited in performing activities of daily living. Reimbursement is made on a fee-for-service basis, and the maximum hours of service a recipient may receive is 30 hours a week.

Recipient—An eligible person who receives residential care services.

Supervisor—A registered nurse who supervises the facility attendant.

Witness—Any person other than the persons responsible for accounting for the trust funds or who supervises the person(s) responsible for accounting for trust funds.

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 November 14, 1986.

TRD-8610777

Marlin W Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: December 5, 1986  
Proposal publication date: August 18, 1986  
For further information, please call  
(512) 450-3786

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## Provider Participation Requirements

### ★ 40 TAC §§46.2001-46.2008

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

§46.2001. *Required Services.* The residential care facility must provide 24-hour care in a personal or custodial care home licensed by the Texas Department of Health. Services include, but are not limited to:

(1) personal care—help with activities related to the care of the recipient's physical health that include, but are not limited to, bathing, dressing, preparing meals, feeding, exercising, grooming (routine hair and skin care), self-administering of medication, toileting, and transferring/ambulating;

(2) home management—activities related to housekeeping that are essential to the recipient's health and comfort;

(3) escort—arranging for transportation or accompanying the recipient on trips to obtain health care services and household items;

(4) twenty-four-hour supervision—periodic checks or visits to a recipient during each eight-hour shift to ensure that the recipient is safe and well;

(5) social and recreational activities—organized activities that require physical exercise or that give recipients the opportunity to interact with other people;

(6) transportation—arranging for or directly transporting recipients to meet their basic needs for food, clothing, toiletries, medications, medical care, and any necessary therapy;

(7) food—the provision of food that is essential to the recipient's health;

(8) room—living quarters that may be arranged in apartments, wings/floors of nursing homes, small group homes, or other free-standing facilities that are licensed as personal or custodial care homes.

§46.2002. *Prior Approval for Services.*

(a) When the facility receives an approval for CCAD services—referral response form that indicates the supervised living recipient's potential eligibility for residential health care, the facility's registered nurse (RN) must assess the recipient, face-to-face, and develop a service plan that includes the following:

- (1) nursing assessment;
- (2) tasks to be performed;
- (3) proposed instructions to the attendant;
- (4) proposed schedule of supervisory visits and nursing re-evaluations;
- (5) assessment of the attendant's training needs and a plan for remedying any training deficiencies; and
- (6) expected results for the recipient.

(b) The facility's RN must request physician's orders that must include the following:

- (1) diagnosis and present condition;
- (2) treatment;
- (3) prescribed medication, dosage, and frequency;
- (4) nutritional requirements;
- (5) mental status;
- (6) safety or precautionary measures;
- (7) functional limitations and permitted activities;
- (8) prognosis; and
- (9) length of time the person is expected to require services (if less than six months).

(c) The facility's RN must request prior approval of residential health care for the supervised living recipient within 14 days from the date on the approval for CCAD services-referral response form. Prior approval is required before payment is made for residential health care.

(d) The facility's RN must request prior approval (using department forms) from the department's regional nurse.

(e) The facility's RN must notify the department's caseworker if he does not receive physician's orders within 14 days of the date on the approval for CCAD services referral response form.

§46.2003. *Significant Changes in the Recipient's Condition.* The facility must notify the department's caseworker within five days if the residential care recipient's condition has changed and tasks must be added to or deleted from the recipient's service plan.

§46.2005. *Facility Requirements.*

(a) The residential care facility must meet the following standards to operate in Texas.

(1) Facilities must have a personal or custodial care home license issued by the Texas Department of Health.

(2) Facilities providing residential care services must comply with the Rehabilitation Act of 1973, §504, as amended. Any existing facility that does not comply with §504 standards is given 60 days to comply with operational standards and six months for physical plan conformance. If additional time is needed for physical plan conformance, the facility must obtain permission from the department.

(b) The facility must:

- (1) provide each recipient with a private or semiprivate room;

(2) reserve space for up to three days from the agreed-upon entry date for each referred recipient before requesting another referral;

(3) reserve, at a minimum, space to serve one emergency care recipient, unless a request for a waiver is granted, in writing, from the regional director for services to the aged and disabled;

(4) designate a separate bedroom area for recipients in dual facilities where nursing home recipients are co-housed in the facility;

(5) accept all of the department's referrals if space is available;

(6) accept and provide services to emergency care recipients;

(7) provide services according to the recipient's service plan;

(8) obtain the written approval of the department before discharging recipients, except when department staff cannot be reached and the recipient threatens the health or safety of others or himself;

(9) help the recipient to prepare for transfer or discharge;

(10) provide a minimum of two social and recreational activities per week. The facility must keep and provide a monthly activity calendar that shows the activities planned for the month;

(11) provide each recipient with training in the emergency/disaster procedures and evacuation plan within three days from the date of service initiation. The training must be documented in the recipient's record;

(12) document all training and orientation provided to residential care recipients and facility staff;

(13) reserve the recipient's space in the facility as long as the recipient pays his bedhold charge for personal leave days that exceed the department's limit;

(14) collect payment from the recipient according to the department's copayment policies. If payment is not made on time, the facility must send notice to the recipient and a copy to the department by the 10th of the same month;

(15) accept the prepayment as payment in full for services covered by the prepaid health plan;

(16) not charge or take other recourse against a recipient, family member, or anyone acting on behalf of the recipient for any claim denied or reduced by the department because of the facility's failure to meet any department rule, regulation, or procedure; and

(17) comply with applicable federal and state regulations, applicable statutes, appropriate service standards, and department rules, procedures, and guidelines.

#### §46.2007. *Staffing Requirements.*

(a) The facility must have, as a minimum, a staff-recipient ratio of one to fifteen during the day shift; one to twenty during the evening shift; and one to forty during

the night shift. The facility must maintain adequate staff to meet the needs of the residents.

(1) Private-pay residents must be included in calculating the staff-recipient ratios if the same staff are providing services to the private-pay residents and to department recipients.

(2) At least one staff person must be present at the facility when a recipient is present.

(3) All staff providing personal care services, protective supervision, and other direct care services to the recipients may be included in calculating the staff-recipient ratio.

(b) The facility must have, or contract for, a full-time manager who is responsible for:

(1) general management of the facility's operation, maintenance, and staff;

(2) development of the facility's plan of operation;

(3) development and maintenance of relationships with community entities necessary to carry out the plan of operation and the recipient's service plan;

(4) supervision, record keeping, and all administrative management functions; and

(5) compliance with provider manual policies and contract procedures.

(c) The facility must have either a part- or full-time RN with a current license from the Texas Board of Nurse Examiners. The RN supervises the attendant in the delivery of residential health care services.

(d) The RN must visit with the residential health care recipient at least every 60 days to review the plan of care, assess the recipient's health and need for continued services, assess the quality of services the attendant provides, and determine any attendant training needs. The RN must document each 60-day visit in the recipient's casefolder. The RN must include in his notes the topics discussed and plans for remedying any deficiencies.

(e) The facility attendants must be 18 years old or older and able to perform the following duties: personal care services; housekeeping; escort services; protective supervision; and other duties as assigned. The attendant must not provide personal care services until he has shown competence in this area to the satisfaction of the facility RN. If an attendant handles food in the facility, he must meet the requirements described in the food service sanitation rules of the Texas Department of Health.

#### §46.2008. *Training Requirements.*

(a) The facility must provide all staff with training in the fire/disaster and evacuation procedures within three workdays of employment. The training must be documented in the facility's records.

(b) The facility manager must have at least seven hours of orientation in all the

following areas before assuming responsibilities:

(1) basic principles of supervision;  
(2) interpersonal skills for dealing with recipients and families;

(3) recipient characteristics and needs;

(4) community resources; and

(5) policies and procedures of the contract.

(c) The RN must have at least seven hours of orientation in all the following areas before assuming responsibilities:

(1) basic principles of supervision;

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

(3) recipient characteristics and needs; and

(4) policies and procedures of the contract.

(d) The RN must provide all attendants, before or at the time service begins, a general orientation about:

(1) the needs of the recipient and tasks to be provided;

(2) essential observation of the recipient's health; and

(3) conditions about which the attendant should notify the facility manager or the attending physician.

(e) The RN must assess the additional training needs of each residential health care attendant, develop a plan for remedying areas of deficiencies, and train each attendant. The RN must document that all attendants are competent to provide personal care before delivering services. Besides the topics covered during orientation, the RN must train the attendant in performing authorized tasks and in following safety and emergency procedures.

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.

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(512) 450-3766.

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## Claims Payment

### ★ 40 TAC §§46.3001-46.3007

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

§46.3001. *General Billings/Claims Payment for Residential Care Program.* The

following requirements apply to residential care reimbursement

(1) The facility may bill for the day a recipient enters the facility but not for the day of discharge, unless discharge is due to the death of the recipient.

(2) If the recipient's copayment amount is less than the bedhold charge, the department pays the difference.

(3) The facility must bill the recipient for the bedhold charge the day he enters the hospital and the full rate for the day he returns from the hospital.

(4) The facility is entitled to payment for up to 14 days of personal leave taken by the recipient each year beginning with the effective date of the authorization period.

(5) The facility is not entitled to payment if services are not prior approved on the approval for CCAD service referral response form for supervised living/emergency care and on the prior approval for CCAD services form for residential health care.

**§46.3002. Billings/Chains Payment for Supervised Living.** Payment for services to supervised living recipients is based on the actual days of service delivery. The facility must submit the billing after the month in which services are rendered.

**§46.3003. Billings/Claims Payment for Residential Health Care.**

(a) Payment for services to residential health care recipients is based on a monthly prepaid capitated basis for personal care services only. Reimbursement is made during the month of service. The residential care facility must prorate the monthly prepaid capitated fee for a recipient whose services have been terminated. The facility must credit the department for these days that have been prepaid during the month in which services were terminated.

(b) Payment for the food and shelter costs is based on the actual days of service delivery. The facility must submit the billing after the month in which services are rendered.

**§46.3004. Billings/Claims Payment for Emergency Care.** Payment for services to emergency care recipients is based on actual days of service delivery. The facility must submit the billing after the month in which services are rendered.

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

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(512) 450-3786

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### Provider Contracts

#### ★ 40 TAC §§46.4001-46.4005

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

#### §46.4001. Method of Contracting.

(a) The method of contracting for residential care services is competitive procurement. The department may renew contracts that were converted from the Supervised Living Program to the Residential Care Program up to four years from the date of the conversion. All contracts procured sole source must be competitively procured within four years of their conversion from supervised living to residential care.

(b) The facility must request a waiver from the department for the percentage of Medicare or Medicaid eligible enrollees in the facility's prepaid health plan to exceed 74% of the total enrollment of the prepaid health plan.

**§46.4004. Unit Rate Contracts.** The unit rate is set by the department's board and is based on data obtained from the cost report submitted to the department by each individual service contractor. The rates include the amount paid by the department and any recipient copayments. In no case may the combined reimbursement from the department and recipient exceed the rate specified for each type of setting.

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.

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### Records

#### ★ 40 TAC §§46.5001-46.5003

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

#### §46.5001. Record Requirements.

(a) The facility must keep all recipient records according to the requirements stated in §51.50 of this title (relating to Record Retention Requirements) and the provider agreement/contract.

(b) The facility must maintain records for each recipient that include at least the following information:

(1) client intake forms (pages 1, 2, and 3);

(2) primary home care recipient service plan form (residential health care recipients only);

(3) service delivery record form;

(4) prior approval for CCAD services and confirmation of services form (residential health care recipients only);

(5) physician's orders (residential health care recipients only);

(6) enrollment/disenrollment form (residential health care recipients only);

(7) RN's supervisory notes (residential health care recipients only);

(8) pertinent medical information, if appropriate;

(9) service delivery dates and reports that reflect how service plan activities are implemented and delivered;

(10) dates and copies of written notification or reports of significant incidents reflecting progress, illness, or accidents that may be used in maintaining or revising the service plan;

(11) data that reflect reasons for termination, discharge plans, referrals, and placements; and

(12) a copy of the facility's policies on recipient rights and responsibilities that is initiated and dated by the recipient.

(c) The facility must keep personnel records on all staff in a central location in the facility. The personnel records must include staff credentials, performance, attendance, and staff development records. The facility must document that training to attendants was delivered as required.

(d) The facility must maintain financial records based on recognized fiscal and accounting procedures.

(e) The facility must make all records described in this section available for review without prior notice at any time during normal work hours. Records must be available for review by authorized representatives of agencies including, but not limited to, the department, the attorney general's Medicaid Fraud Control Unit, Texas Department of Health, and the Department of Health and Human Services.

(f) The facility must complete and submit cost reports, at least on an annual basis, according to department procedures. The facility must keep all financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report has been submitted. Failure to submit an acceptable report by the due date can result in a hold



being placed on the facility's vendor payments.

(g) The facility must maintain trust fund records and:

(1) have written permission from the recipient to handle his personal financial affairs;

(2) keep recipient trust fund accounts separate from the facility's operating accounts. The separate account must be identified "Trustee, (name of facility), Patients' Trust Fund Account;"

(3) make the recipient trust fund records available for review by department staff during work hours without prior notice;

(4) not charge the recipient for services that the facility is expected to provide for the recipient;

(5) refrain from charging the recipient for banking service costs if the recipient trust fund is in a pooled account;

(6) obtain and maintain current written individual records of all financial transactions involving the recipient's personal funds that the facility is handling. The facility must include at least the following in the records:

(A) recipient's name;

(B) identification of recipient's representative payee or responsible party;

(C) admission date;

(D) transactions. The facility may choose one of the following options:

(i) records of the date and amount of each deposit and withdrawal, the name of the person who accepted the withdrawn funds, and the balance after each transaction. Each withdrawal must be signed by the recipient. If the recipient cannot sign, the transaction must be signed by at least one witness;

(ii) signed receipts indicating the purpose for which any withdrawn funds are spent, the date of expenditure, and the amount spent. The receipt must be signed by the person responsible for the funds and the recipient. If the recipient is unable to sign his name, a witness must sign the transaction or receipt;

(E) recipient's earned interest;

(7) refund, within five business days after the recipient has been discharged, the full balance of the recipient's personal funds that the facility deposited in an account; and

(8) distribute the interest earned on any pooled interest banking account in one of the following options:

(A) prorated to each recipient on an actual interest earned basis; or

(B) prorated to each recipient on the basis of his end-of-quarter balance.

(h) The facility must ensure that records include written receipts for all purchases and payments made by or for recipients.

**§46.5002. Confidentiality of Records.** The facility must ensure the confidentiality of the recipients' records and other information related to recipients.

**§46.5003. Audits.** Desk audits and on-site audits are performed periodically on all facilities participating in the program. The frequency and nature of the audits are determined by the department (but not less than that required by federal regulations relating to the administration of the program). Failure to allow the department to perform an audit or failure to provide documentation in sufficient detail to verify reported information may result in the department withholding the provider's payments.

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.

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(512) 450-3766.

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## Recipient Rights and Responsibilities

★ 40 TAC §46.6001

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.

**§46.6001. Rights and Responsibilities.**

(a) The facility must inform the recipient verbally and in writing, before or at the time of admission, of his rights and responsibilities. The rights and responsibilities include rules governing recipient conduct, complaints, bedhold policies for hospital and personal leave, eviction procedures, all available services in the facility, and charges for services not paid by the department or not included in the facility's basic daily rate. All policies must have an effective date. If the facility amends its policies, each recipient must be informed before the change becomes effective. A written copy of these policies must be given to the recipient to initial and date and must be filed in the recipient's casefolder. A copy of the policies also must be given to the recipient.

(b) The facility must:

(1) allow the recipient to manage his finances and/or trust funds. The facility must provide assistance to the recipient in managing his finances only if the recipient requests assistance in writing;

(2) investigate all written complaints, problems, or deficiencies and noncompliance with policies, procedures, and standards, which are reported by the recipient or depart-

ment staff, within five workdays from the receipt of the report. A copy of the documented complaint and resolution must be submitted to the department within 30 days of the receipt of the report;

(3) provide all recipients with a general orientation about their needs and tasks to be provided before or at the time service begins; and

(4) not require recipients to perform services for the facility or other recipients.

(c) In connection with services rendered under the contract, neither the contractor nor the contractor's employees, agents, or representatives may solicit or accept gifts, favors, or any other items of value from the recipient or other person on behalf of the recipient.

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(512) 450-3766.

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## Chapter 48. CCAD

The Texas Department of Human Services adopts amendments to §§48.1201, 48.2921, and §48.3903, the repeal of §§48.2920 and 48.9101-48.9107, and new §§48.2920, 48.2929 and 48.2930. The amendment to §§48.1201, 48.2921, and 48.3903, and new §§48.2920 and §48.2930 are adopted with changes to the proposed text published in July 18, 1986, issue of the *Texas Register* (11 TexReg 3294). The other sections are adopted without changes and will not be republished. The department is simultaneously adopting Chapter 46, Residential Care Program, in this issue of the *Texas Register*.

The sections are adopted to reflect changes in the community care for the aged and disabled (CCAD) chapter due to implementing the Residential Care Program.

The sections will function by saving state funds and efficiently using Title XIX funds.

One comment, which related to residential care in the CCAD chapter, was received. Sid Rich, Granny & Gramps, suggested that the definition of out-of-home services name the three residential care living arrangements. The department disagrees with this comment because the Residential Care Program is described as including all three living arrangements.

As a result of a comment made on the Residential Care Program chapter, the department changed the number of personal leave days in §48.2920 and §48.2930 from 21 days to 14 days. The department also made minor editorial changes to the language in §48.1201 and §48.2921 to clarify and improve the accuracy of the section.

## Definitions

### ★40 TAC §48.1201

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

**§48.1201. Definitions of Program Terms.** The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise:

**Facility**—A legal entity that contracts with the department to deliver residential care services to clients.

**In-home service**—Services that include family care, primary home care, home-delivered meals, congregate meals, and emergency response.

**Out-of-home services**—Services delivered outside the client's home or in a department-approved 24-hour living arrangement. These services are day activity and health services, adult foster care, special services for handicapped adults, and residential care.

**Personal leave**—Any leave from a residential care facility except for hospitalization or institutionalization. A day of personal leave is any period of 24 consecutive hours.

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

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## Eligibility

### ★40 TAC §48.2920

The repeal 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.

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(512) 450-3766.

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

### §48.2920. Supervised Living.

(a) Eligibility for supervised living is based on the following criteria:

(1) the applicant must be income eligible or Medicaid eligible (not in an institution);

(2) the applicant must score at least 18 points on the client needs assessment questionnaire;

(3) the applicant's needs may not exceed the facility's capability under its licensed authority; and

(4) the applicant must have financial resources at or below the level established by the department.

(b) The client must contribute to the total cost of the care that he receives.

(1) The client keeps a monthly allowance for his personal and medical expenses. The Medicaid client keeps \$90, and the non-Medicaid client keeps \$150.

(2) In no case may the client's contribution, when added to the department's payment, exceed the rate established for supervised living.

(c) The client is eligible for 14 days of personal leave from the residential care facility each year beginning with the effective date of the authorization period. If the client does not pay the bedhold charge for days of personal leave that exceed the limits, he may lose his space in the facility.

(d) To reserve his space in the facility during hospital stays, the client must pay his copayment or the facility's bedhold charge, whichever is lower. If the copayment amount is less than the bedhold charge, the department pays the difference.

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.

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(512) 450-3766.

### ★40 TAC §48.2921

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

### §48.2921. Emergency Care.

(a) Eligibility for emergency care is based on the following criteria.

(1) The applicant:

(A) has lost his home or caregiver; or

(B) has been discharged from a hospital or institution; or

(C) is in a similar emergency situation.

(2) The applicant:

(A) is income eligible or Medicaid eligible (not in an institution); and

(B) demonstrates a need for service by scoring at least 18 points on the client needs assessment questionnaire.

(3) The applicant's needs may not exceed the facility's capability under its licensed authority.

(b) Emergency care clients are eligible for services for up to and including 30 days while the department seeks a permanent care arrangement. If the client is not placed within the initial 30-day period, he is eligible to receive services for up to one 30-day extension, for a total of 60 days.

(c) Emergency care is terminated by the department when the approved service period is over or when suitable care arrangements have been made. The department redetermines client eligibility each time a request for services is made.

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.

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(512) 450-3766.

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### ★40 TAC §48.2929, §48.2930

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

### §48.2930. Residential Health Care.

(a) Residential health care applicant/clients must meet the following eligibility criteria:

(1) be Medicaid eligible outside an institution;



(2) score at least 24 on the client needs assessment questionnaire;

(3) have a medical need, substantiated by symptoms and a physician's diagnosis, which requires assistance with personal care;

(4) have signed and dated physician's orders;

(5) have a service plan that links prescribed tasks to the applicant/client's needs;

(6) have a signed and dated enrollment agreement; and

(7) be a resident of a residential care facility.

(b) An eligible client who chooses to enroll in residential health care must sign an enrollment agreement.

(c) An eligible client who chooses to receive primary home care delivered in a residential care facility by a contracted home health agency must pay the total cost of his room and food. He must also pay for the 24-hour supervision provided by the facility.

(d) A client may:

(1) voluntarily disenroll from residential health care. He may re-enroll at any time if he meets the eligibility criteria. The procedures for re-enrollment are the same as for enrollment. If a residential health care client loses eligibility under department rules, he is involuntarily disenrolled. A client is involuntarily disenrolled if he:

(A) loses Medicaid eligibility;

(B) scores below 24 on the client needs assessment questionnaire;

(C) no longer has a medical need for the services;

(D) cannot obtain physician's orders;

(E) moves from the facility;

(F) is a threat to himself or others;

or

(G) has care needs that exceed the facility's capability under its licensed authority;

(2) not be disenrolled because of an adverse change in his health as long as his needs do not exceed the capability of the facility under its licensed authority.

(e) The residential health care client must contribute to the cost of food and shelter.

(1) The residential health care client keeps a monthly allowance for his personal and medical expenses. The Medicaid client keeps \$90, and the non-Medicaid client keeps \$150.

(2) In no case may the client's contribution, when added to the department's payment, exceed the rate established for shelter and food costs.

(f) The residential health care client is eligible for 14 days of personal leave from the residential care facility each year beginning with the effective date of the authorization period. The client is responsible for paying the bedhold charge for any days of personal leave that exceed these limits. If a client does not pay for the bedhold charge for days of personal leave that exceed the limits, he may lose his space in the facility.

(g) To reserve his space during hospital stays, the residential health care client must contribute his copayment or the facility's bedhold charge, whichever is lower. If the copayment amount is less than the bedhold charge, the department pays the difference.

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.

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(512) 450-3766.

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### Case Management

#### ★ 40 TAC §48.3903

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

### §48.3903. Denial, Reduction, or Termination of Services.

(a)—(c) (No change.)

(d) The client is not eligible for residential care if he is required to contribute to the cost of his care, but refuses to do so.

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.

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### Minimum Standards for Supervised Living

#### ★ 40 TAC §§48.9101-48.9107

The repeals are 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.

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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 Commission on the Arts

**Thursday, November 20, 1986, 9 a.m.** The Texas Commission on the Arts met in emergency session in Ballroom A, Radisson Plaza Hotel, 700 San Jacinto Street, Austin. According to the agenda summary, the commission considered the consent agenda, items for individual consideration, and information items. The commission also met in executive session pursuant to Texas Civil Statutes, Article 6252m, §(g), to consider the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. The meeting was rescheduled from November 20, 1986, at 9:30 a.m.

**Contact:** Betty J. Brown, P.O. Box 13406, Austin, Texas 78711, (512) 463-5535.

**Filed:** November 17, 1986, 4:23 p.m.  
TRD-8610875

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## Automated Information and Telecommunications Council

**Friday, November 21, 1986, 9 a.m.** The Automated Information and Telecommunications Council will meet in Room 106, John H. Reagan Building, Austin. According to the agenda, the council will approve the minutes and hear the Long-Range Telecommunications Plan status report.

**Contact:** Tina J. Miles, 510 South Congress Avenue, #216, Austin, Texas 78711, (512) 463-5530.

**Filed:** November 13, 1986, 4:27 p.m.  
TRD-8610745

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## State Bar of Texas

**Friday and Saturday, November 21 and 22, 1986, 9 a.m. daily.** The Board of Directors of the State Bar of Texas will meet in the

Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the board will hear reports of the board chairman, president, immediate past president, executive director, general counsel, committee chairmen, legislative consultant, board liaison members; ratify the Executive Committee actions; considerations and authorizations; and hear reports of the president-elect and TYLA president.

**Contact:** Paula Welch, 1414 Colorado Street, Austin, Texas 78701, (512) 463-1451.

**Filed:** November 13, 1986, 3:33 p.m.  
TRD-8610743

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## State Board of Barber Examiners

**Tuesday, December 2, 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; interview out-of-state applicants; elect officers; and consider letters and reports to the board by the executive director. The board also will meet in executive session.

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

**Filed:** November 14, 1986, 1:33 p.m.  
TRD-8610772

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## Texas Conservation Foundation

**Sunday, November 23, 1986, 1 p.m.** The Board of Directors of the Texas Conservation Foundation will meet in the Senate Chambers, State Capitol, Austin. According to the agenda, the board will assemble for the Sunset Advisory Commission meeting with a quorum present, constituting an open meeting.

**Contact:** Alicia M. Reban, Room 611, Stephen F. Austin Building, Austin, Texas 78701, (512) 463-2196.

**Filed:** November 13, 1986, 1:54 p.m.  
TRD-8610730

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## Criminal Justice Policy Council

**Monday, December 1, 1986, 1:30 p.m.** The Uniform System Cost Task Force of the Criminal Justice Policy Council will meet in Room 107, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the task force will discuss the uniform system cost project and the cost calculation methodology; and adopt the uniform system cost methodology.

**Contact:** Gene Draper, 410 Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1810.

**Filed:** November 17, 1986, 3:29 p.m.  
TRD-8610865

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## Texas School for the Deaf

**Saturday, November 15, 1986, 1 p.m.** The Governing Board of the Texas School for the Deaf made emergency additions to the agenda for meetings held in the Governing Board Room, Building 505, 1102 South Congress Avenue, Austin. The additions concerned approval of minutes from the audience wishing to make a report or comment, business requiring board action, business for information purposes, and comments by board members. The emergency status was necessary to allow board members additional business for informational purposes.

**Contact:** Susan R. Nixon, P.O. Box 12904, Austin, Texas 78711, (512) 440-5335.

**Filed:** November 14, 1986, 2:08 p.m.  
TRD-8610782

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## East Texas State University

**Friday, November 21, 1986, 6:30 p.m.** The Board of Regents of East Texas State University will meet at the Hyatt Regency, International Parkway, Dallas/Fort Worth Airport. According to the agenda summary, the board will meet in executive session to interview and consider candidates for appointment to the position of president and chief executive officer.

**Contact:** Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

**Filed:** November 17, 1986, 10:11 a.m.  
TRD-8610835

**Saturday, November 22, 1986, 8:30 a.m.** The Board of Regents of East Texas State University will meet at the Hyatt Regency, International Parkway, Dallas/Fort Worth Airport. According to the agenda, the board will meet in executive session to interview and consider candidates for appointment to the position of president and chief executive officer.

**Contact:** Dayton Cole, East Texas State University, Commerce, Texas 75428, (214) 886-5539.

**Filed:** November 17, 1986, 10:11 a.m.  
TRD-8610836

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## Advisory Commission on State Emergency Communications

**Tuesday, November 25, 1986, 9:30 a.m.** The Advisory Commission on State Emergency Communications will meet in Room 104, 105 West 15th Street, Austin. According to the agenda, the commission will consider issues related to a statewide 9-1-1 emergency telephone service; draft legislative proposals for implementation of 9-1-1 service; discuss the content and approach to preparing the final report; and receive public testimony regarding approaches to financing and implementation of 9-1-1 on a statewide basis.

**Contact:** Jay Stanford, P.O. Box 13206, Austin, Texas 78701, (512) 463-1812.

**Filed:** November 13, 1986, 10:53 a.m.  
TRD-8610735

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## Texas Employment Commission

**Wednesday, November 19, 1986, 8 a.m.** The Texas Employment Commission (TEC) met in emergency session in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission considered prior meeting notes, internal procedures of commission appeals; considered and acted on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission

Docket 46; and set the date of the next meeting. The emergency status was necessary because of the need to meet federal time requirements.

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

**Filed:** November 17, 1986, 3:40 p.m.  
TRD-8610868

**Wednesday, November 26, 1986, 8:30 a.m.** The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will 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 47; and set the date of the next meeting.

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

**Filed:** November 17, 1986, 3:41 p.m.  
TRD-8610867

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## Office of the Governor

**Tuesday, November 18, 1986, 9:30 a.m.** The Science and Technology Council of the Office of the Governor met in emergency session in the 25th floor conference room, 1100 Milam, Houston Chamber of Commerce, Houston. According to the agenda, the council heard public testimony. The emergency status was necessary because the council member attendance was impossible to confirm before November 22.

**Contact:** Meg Wilson, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1796.

**Filed:** November 13, 1986, 10:25 a.m.  
TRD-8610729

**Tuesday, November 19, 1986, 1:30 p.m.** The Texas Science and Technology Council of the Office of the Governor met in emergency session in the Mesa Room, Texas Tech University Center, Lubbock. According to the agenda, the council heard public testimony. The emergency status was necessary because council member attendance was impossible to confirm before November 12.

**Contact:** Meg Wilson, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1796.

**Filed:** November 13, 1986, 10:25 a.m.  
TRD-8610728

**Thursday, November 20, 1986, 1:30 p.m.** The Texas Science and Technology Council of the Office of the Governor met in emergency session in Room 111, Industrial Trades Building, TSTI Campus, Raintree and Loop 499, Harlingen. According to the agenda, the

council heard public testimony. The emergency status was necessary because council member attendance was impossible to confirm before November 12.

**Contact:** Meg Wilson, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1796.

**Filed:** November 13, 1986, 10:25 a.m.  
TRD-8610727

**Friday, November 21, 1986, 9:30 a.m.** The Texas Science and Technology Council of the Office of the Governor will meet in the River Bend Athletic Club, 2201 East Loop 820 North (east edge of Fort Worth, near DFW Airport). According to the agenda, the council will hear public testimony.

**Contact:** Meg Wilson, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1796.

**Filed:** November 13, 1986, 10:26 a.m.  
TRD-8610726

**Tuesday, November 25, 1986, 9 a.m.** The Texas Science and Technology Council of the Office of the Governor will meet in Room 105, John H. Reagan Building, 15th Street and Congress Avenue, Austin. According to the agenda, the council will hear public testimony.

**Contact:** Meg Wilson, Sam Houston Building, 201 East 14th Street, Austin, Texas 78701, (512) 463-1796.

**Filed:** November 13, 1986, 10:26 a.m.  
TRD-8610725

**Sunday and Monday, December 7 and 8, 1986, 7 p.m. and 8:30 a.m., respectively.** The Task Force on Literacy of the State Job Training Coordinating Council of the Office of the Governor will meet in the Embassy Suites Hotel, Downtown, 300 South Congress Avenue, Austin. Items on the agenda include task force initiatives on working papers; a report on the Gannett grant; the APL Project report; and the Governor's report revisions.

**Contact:** Joe Jennings, 107 West 27th Street, Austin, Texas 78705, (512) 471-6010.

**Filed:** November 17, 1986, 4:14 p.m.  
TRD-8610869

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## Texas Department of Health

**Saturday, November 15, 1986, 8 a.m.** The Nursing Homes Committee of the Texas Board of Health of the Texas Department of Health made an emergency addition to the agenda for a meeting held in Room T-507, 1100 West 49th Street, Austin. The addition concerned executive session. The emergency status was necessary so representatives from the Attorney General's Office and the department's office of general counsel can advise the committee of recent elements of two pending lawsuits which have

occurred since the original posting of the agenda.

Contact: Dan LeFleur, 1100 West 49th Street, Austin, Texas 78751, (512) 458-7326.

Filed: November 14, 1986, 4:10 p.m.  
TRD-8610801

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### State Department of Highways and Public Transportation

Monday and Tuesday, November 24 and 25, 1986, 10 a.m. daily. The State Highway and Public Transportation Commission will meet in the auditorium, Room 101 and 101A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. According to the agenda summary, the commission will consider presentations by the public for various highway, bridge and FM Road requests, including the improvements along the East Texas-Gulf Highway "Green Carpet Route;" improvements to State Highway 114 between Lubbock and Dallas, Collin, Travis, and Williamson Counties; the proposed new highway from San Antonio to Austin, Williamson County, and Brazos County; needs assessment study sponsored by the Texas Transit Association, San Augustine, Collin, Tarrant, Ellis Counties (docket is available in the second floor commission office in the Dewitt C. Greer State Highway Building); execute contract awards and routine minute orders; consider decisions on presentations from public hearing dockets; and review staff reports.

Contact: Lois Jean Turner, Room 203, Dewitt C. Greer Building, 11th and Brazos Streets, Austin, Texas 78701, (512) 463-8616.

Filed: November 14, 1986, 1:23 p.m.  
TRD-8610783

Monday and Tuesday, November 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 for a meeting to be held in the auditorium, Rooms 101 and 101A, Dewitt C. Greer Building, 11th and Brazos Streets, Austin. The revision concerns the executive session, including the consultation with legal counsel regarding contractor litigation—J. H. Strain and Sons, Inc., pursuant to Texas Civil Statutes, Article 6252-17, §2(e); and a discussion of appraised evaluation and possible sale or disposal of property in Travis County on Loop 360, pursuant to Texas Civil Statutes, Article 6252-17, §2(f). The emergency status is necessary because an item of the agenda was removed and the commission will consider it at a later time, if necessary.

Contact: Lois Jean Turner, Room 203, Dewitt C. Greer Building, 11th and Brazos Streets, Austin, Texas 78701, (512) 463-8616.

Filed: November 17, 1986, 4:13 p.m.  
TRD-8610870

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### Texas Hospital Equipment Financing Council

Friday, November 14, 1986, 10 a.m. The Legal Committee of the Texas Hospital Equipment Financing Council (THEFC) met in emergency session in Room 107, John H. Reagan Building, Austin. According to the agenda, the committee considered the review of committee responsibilities; and discussed and developed the committee recommendations to the Texas Hospital Equipment Financing Council, including a discussion of the selection of the legal council for the THEFC and a discussion of the administrative structure of THEFC and methods for evaluation and improvement. The meeting was rescheduled from November 13, 1986, at 3 p.m. The emergency status was necessary due to rescheduling for the purpose of providing opportunity for quorum to be present.

Contact: Burnham B. Jones, P.O. Box 15587, Austin, Texas 78761, (512) 453-7204.

Filed: November 13, 1986, 3:19 p.m.  
TRD-8610742

Friday, November 14, 1986, 2 p.m. The Texas Hospital Equipment Financing Council made an emergency addition to the agenda for a meeting held at Room 107, John H. Reagan Building, Austin. The addition concerned discussion and recommendations concerning legal counsel for the Texas Hospital Equipment Financing Council. The emergency status was necessary because an emergency item came up that should be included in the meeting agenda.

Contact: John M. Orr, P.O. Box 15587, Austin, Texas 78761, (512) 453-7204.

Filed: November 14, 1986, 12:31 p.m.  
TRD-8610779

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### University of Houston

Thursday, November 20, 1986, 4 p.m. The Board of Regents of the University of Houston met in Room 22, Petroleum Training Institute, University of Houston (UH), Victoria. According to the agenda summary, the board discussed and/or approved reports from the interim president of UH-Victoria; vice president of UH-Victoria Student Association; chair of UH-Victoria Faculty Council; president and CEO, First Victoria National Bank; president elect of UH-Victoria, and the chairman, Board of Regents, University of Houston System.

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

Filed: November 14, 1986, 10:35 a.m.  
TRD-8610771

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### Texas Industrial Accident Board

Monday, November 17, 1986, 11 a.m. The Texas Industrial Accident Board made a revision to the agenda for a meeting held in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. The revision concerned consideration of the revised present interpretation of Board Rule 28 TAC §41.10 (062.01.015), in compliance with Attorney General's Opinion JM-421 (rescheduled at a later date); and adoption of internal procedures.

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

Filed: November 14, 1986, 10:43 a.m.  
TRD-8610754

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### State Board of Insurance

The Commissioner's Hearing Section of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

Monday, November 24, 1986, 1:30 p.m. In Room 342, the section will consider Docket 9397—reinsurance agreement whereby Financial Guaranty Life Insurance Company, Wichita Falls, will be reinsured by Life of America Insurance Company, Houston.

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

Filed: November 14, 1986, 4:30 p.m.  
TRD-8610802

Tuesday, November 25, 1986, 9 a.m. In Room 342, the section will consider Docket 9373—whether disciplinary action should be taken against Mitzie Ann Rantala, Houston, who holds a Group I, legal reserve life insurance agent's license, Group II, health and accident insurance agent's license and local recording multiple line agent's license issued by the State Board of Insurance.

Contact: J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

Filed: November 17, 1986, 12:44 p.m.  
TRD-8610847

Tuesday, November 25, 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 hear the fire marshal's report on personnel matters; the research and information services report on personnel matters; the commissioner's report on personnel matters, and pending and contemplated litigation.

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

**Filed:** November 17, 1986, 1:58 p.m.  
TRD-8610849

Sections of the State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Days, times, rooms, and dockets follow.

**Tuesday, November 25, 1986, 1:30 p.m.** In Room 342, the section will consider Docket 9394—proposed change in control of United Medical Plan of Texas, Inc., Houston, a health maintenance organization.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** November 17, 1986, 12:43 p.m.  
TRD-8610846

**Wednesday, November 26, 1986, 9 a.m.** In Room 342, the section will consider Docket 9385—application of Texas Central Life Insurance Company, Dallas, to acquire control of First of Groves Life Insurance Company, Beaumont.

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

**Filed:** November 17, 1986, 12:42 p.m.  
TRD-8610845

**Wednesday, November 26, 1986, 9 a.m.** In Room 353, the section will consider Docket 9395—application of American Insurance Company of Texas, Forth Worth, for approval of restated articles of incorporation to convert a stipulated premium insurance company to a legal reserve life, accident, and health insurance company.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** November 17, 1986, 12:42 p.m.  
TRD-8610844

**Wednesday, November 26, 1986, 1:30 p.m.** In Room 342, the section will consider Docket 9387—application of Donnie Ray Thomison, Dallas, for a legal reserve life insurance agent's license.

**Contact:** James W. Norman, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6525.

**Filed:** November 17, 1986, 12:41 p.m.  
TRD-8610843

**Monday, December 1, 1986, 9 a.m.** In Room 342, the section will consider Docket 9360—whether Sheldon Insurance Agency, Houston, has complied with Commissioner's Order 86-1025, dated September 29, 1986.

**Contact:** O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** November 17, 1986, 12:40 p.m.  
TRD-8610842

**Monday, December 1, 1986, 1:30 p.m.** In Room 342, the section will consider Docket 9361—whether Riley Insurance Agency, Houston, has complied with Commissioner's Order 86-1024, dated September 29, 1986.

**Contact:** O. A. Cassity, III, 1110 San Jacinto Street, Austin, Texas 78701-1998, (512) 463-6498.

**Filed:** November 17, 1986, 12:40 p.m.  
TRD-8610841

**Monday, December 1, 1986, 1:30 p.m.** In Room 353, the section will consider Docket 1990—application of Surety American Life Insurance Company, El Paso, to acquire control of United Mercantile Life Insurance Company, El Paso.

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

**Filed:** November 17, 1986, 12:38 p.m.  
TRD-8610840

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### Texas State Board of Medical Examiners

**Friday, November 21, 1986, 5 p.m.** The District Review Committee Number 4 of the Texas State Board of Medical Examiners will meet at the Hyatt Regency Hotel, Austin. According to the agenda, the committee will elect officers; and review records. The committee also will meet in executive session under the authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, §§2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion H-484, 1974. The emergency status was necessary because information has become available and needs prompt attention.

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

**Filed:** November 14, 1986, 1:44 p.m.  
TRD-8610784

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### Midwestern State University

**Thursday, November 20, 1986.** Committees of the Board of Regents of Midwestern State University met in the boardroom, Hardin Administration Building, Wichita Falls. Times, committees, and agendas follow.

**3 p.m.** The Executive Committee approved the October submission of the legislative appropriations request; approved a vending contract for 1987; discussed the construction accounts; and acted upon recommendations as necessary.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:57 p.m.  
TRD-8610852

**3:30 p.m.** The Finance Committee approved the revised operating budget for 1986-1987; approved the position changes in fiscal year 1986-1987 budget; and authorized fund transfers and allocations as deemed necessary.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:56 p.m.  
TRD-8610850

**4 p.m.** The Personnel and Curriculum Committee presented information on enrollment reports and small class reports from the first and second summer session, 1986 and the fall, 1986 semester; approved employment of individual beyond age 70; and discussed medical technology program and dental hygiene program. The committee also met in executive session to discuss these programs pursuant to the Open Meetings Act.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:56 p.m.  
TRD-8610851

**4:30 p.m.** The Student Affairs Committee recommended approval of allocations for cafeteria-snack bar furniture, the cafeteria-snack bar serving areas lighting, and the Clark Student Center lounge refurbishment.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:58 p.m.  
TRD-8610856

**4:45 p.m.** The University Development Commission considered the summary of estimated gifts, grants, and pledged of September 1, 1985, to August 31, 1986, and September 1, 1986, to October 31, 1986, presented as information only; and considered resolutions of appreciation for board approval to specific donor and supporters of the university.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:57 p.m.  
TRD-8610853

**5 p.m.** The Athletics Committee considered information on the cross-country team and the NAIA soccer tournament.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:57 p.m.  
TRD-8610854

**Friday, November 21, 1986, 9 a.m.** The Board of Regents of Midwestern State University will meet in the boardroom, Hardin Administration Building, Wichita Falls. Ac-

cording to the agenda summary, the board will approve the minutes, financial reports, committee appointments, and recommendations by the Executive Committee, Finance Committee, Personnel and Curriculum Committees, Student Affairs Committee, and the University Development Committee; and hear reports by the Athletics Committee and president. The board also will meet in executive session to discuss personnel matters involved in the continuation of programs as allowed by the Open Meetings Act.

**Contact:** Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-5661.

**Filed:** November 17, 1986, 1:58 p.m.  
TRD-8610855

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### Texas Motor Vehicle Commission

**Thursday, December 4, 1986, 2 p.m.** The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda summary, the commission will adopt the minutes of commission meeting of September 9, 1986; hear reports, orders, etc., on licensing matters; hear reports and order in the Lemon Law Cases; and consider agreed orders for approval and entry by commission; and consider orders of dismissal.

**Contact:** Russell Harding, Suite 301, 815 Brazos Street, Austin, Texas 78701, (512) 476-3587.

**Filed:** November 17, 1986, 1:52 p.m.  
TRD-8610857

**Friday, December 5, 1986, 9 a.m.** The Texas Motor Vehicle Commission will meet in Suite 302, 815 Brazos Street, Austin. According to the agenda summary, the commission will hear reports and final orders in Lemon Law Cases; and discuss the financial report and budget status.

**Contact:** Russell Harding, Suite 301, 815 Brazos Street, Austin, Texas 78701, (512) 467-3587.

**Filed:** November 17, 1986, 1:54 p.m.  
TRD-8610858

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### North Texas State University

**Friday, November 21, 1986, 9 a.m.** The Board of Regents of North Texas State University (NTSU) and Texas College of Osteopathic Medicine (TCOM) will meet in the boardroom, Eighth Floor, Medical Education Building I, Texas College of Osteopathic Medicine, Fort Worth. According to the agenda summary, TCOM will approve minutes; consider policy on academic consulting, distinguished research professorships, sport-medicine affiliation agreement, personnel, advisory council appointments; and hear the

gift report. NTSU will approve minutes; consider distinguished research professorships, hear the professor emeritus recommendations, faculty workload report, the small class report, personnel, gift report; consider the centennial scholarships, the purchase of real property, repair/replace the roofs of five buildings, replace the windows of three buildings, cogeneration, and the election of officers. The board also will meet in executive session to consider legal issues, personnel implications of Select Committee recommendations, and the acquisition of property.

**Contact:** Jan Dobbs, P.O. Box 13737, Denton, Texas 76203, (817) 565-2198.

**Filed:** November 17, 1986, 8:39 a.m.  
TRD-8610817

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### Pan American University

**Wednesday, November 19, 1986, 4 p.m.** The Board of Regents of Pan American University met in emergency session in the boardroom, Administration Building, Pan American University, Edinburg. According to the agenda, the board considered the directions of Pan American University athletics; and recommendations to the Select Committee on Higher Education. The emergency status was necessary because a decision needed to be made on the sports conference as soon as possible and a response to the Select Committee on Higher Education as soon as possible.

**Contact:** Miguel A. Nevarez, Pan American University, Edinburg, Texas 78539, (512) 381-2100.

**Filed:** November 18, 1986, 8:57 a.m.  
TRD-8610878

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### Board of Pardons and Paroles

**Monday-Wednesday, November 24-26, 1986, 1:30 p.m. daily.** 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 releases 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:** November 14, 1986, 10:29 a.m.  
TRD-8610753

**Tuesday, November 25, 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 con-

ditional 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:** November 14, 1986, 10:29 a.m.  
TRD-8610752

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### State Property Tax Board

**Friday, November 21, 1986, 10 a.m.** The State Property Tax Board will meet in emergency session in the conference room, 9501 IH 35 North, Austin. According to the agenda, the board will approve the minutes of the July 9, 1986, meeting; consider the audit recommendation relating to the 1984 and 1985 school district taxable value findings; consider the revised fiscal year 1987 operating budget, the fiscal year 1987 budget amendments, procedures to appoint appeals panels for the 1986 property value study; hear the report of progress on amendments to guidelines to the valuation of agricultural lands manual and administration rule; hear the report on arrangements for the 8th annual conference on appraisal district operations, February 12 and 13, 1987; discuss the proposed administrative rule amendments concerning interstate allocation of property. The emergency status is necessary in order to timely complete the audit recommendations for 1984 and 1985 school district taxable value findings for purposes of school district funding.

**Contact:** Ron Patterson, 9501 IH 35 North, Austin, Texas 78753, (512) 834-4800.

**Filed:** November 14, 1986, 10:48 a.m.  
TRD-8610755

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### Public Utility Commission of Texas

**Thursday, November 20, 1986, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division conducted a prehearing conference in Docket 7143—complaint of the Office of Public Utility Counsel concerning refunds by Houston Lighting and Power Company. The meeting was rescheduled from November 17, 1986. The emergency status was necessary because of statutory deadlines.

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

**Filed:** November 13, 1986, 2:38 p.m.  
TRD-8610731

**Friday, November 21, 1986, 2 p.m.** The Administrative Division of the Public Utility

Commission of Texas will meet in Suite 450N, (Room D), 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the division will approve the minutes of the October 1986 meeting; report, discuss, and act on budget and fiscal matters; consider the issuance of proposed staff request for proposal for management audit of the United Telephone Company; consider amendment to Substantive Rule 23.66, a revision to Substantive Rule 23.23, and staff proposed changes to Substantive Rule 23.43; and set the time and place for the next meeting. The division also will meet in executive session to consider personnel matters, discuss and act on the hiring of a general counsel for the commission, and litigation matters: PUC v. Brazos Electric Coop., Gulf States Utility Company v. Alabama Power Company *et al.*, FERC Docket EL 86-57-000.

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

**Filed:** November 13, 1986, 2:38 p.m.  
TRD-8610732

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

**Tuesday, November 25, 1986, 9 a.m.** An open meeting in which the commissioners will consider Dockets 6966, 6477, 6525, 6660, 6748, 6842, 6935, 3787, 4012, 6926, 7113, 6933, 6450, 6293, 5307, 6999, 7129, 7130, 7133, 6292, 6993, 6683, 6753, 7035, 7039, 6730, 6967, and 6286. The commissioners also will consider the petition for rulemaking requesting expansion of utility load/resource forecast reporting requirements to develop resource integration plans, which was filed by Public Citizen of Texas, *et al.* The division also will meet in executive session to consider personnel matters including discussion and action regarding the hiring of the general counsel for the commission.

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

**Filed:** November 17, 1986, 2:29 p.m.  
TRD-8610861

**Wednesday, November 26, 1986, 10 a.m.** A prehearing conference in Docket 7172—application of El Paso Electric Company for review of the sale and leaseback of Palo Verde Nuclear Generating Station Unit Two.

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

**Filed:** November 17, 1986, 2:29 p.m.  
TRD-8610860

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### **Railroad Commission of Texas**

**Monday, November 24, 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:** November 14, 1986, 10:57 a.m.  
TRD-8610770

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:** November 14, 1986, 10:57 a.m.  
TRD-8610769

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:** November 14, 1986, 10:56 a.m.  
TRD-8610767

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:** November 14, 1986, 10:54 a.m.  
TRD-8610764

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 78704, (512) 463-6710.

**Filed:** November 14, 1986, 10:56 a.m.  
TRD-8610765

The LP-Gas Division director's report on division administration, budget, procedures, and personnel matters.

**Contact:** Thomas D. Petru, P.O. Drawer 12967, Austin, Texas 78711-2967, (512) 463-6931.

**Filed:** November 14, 1986, 10:52 a.m.  
TRD-8610758

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:** November 14, 1986, 10:54 a.m.  
TRD-8610763

### **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:** November 14, 1986, 10:53 a.m.  
TRD-8610761

Portion of the statewide Oil and Gas Hearing concerning the application of H. S. Bennett and William Burrow to reduce by a percentage of 10%, the allowable of all oil and gas wells in the state other than stripper wells and wells with tertiary production, Oil and Gas Docket 20-89, 038.

**Contact:** Paula Middleton, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6729.

**Filed:** November 14, 1986, 10:53 a.m.  
TRD-8610762

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) 463-3981.

**Filed:** November 14, 1986, 10:53 a.m.  
TRD-8610760

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:** November 14, 1986, 10:51 a.m.  
TRD-8610757

The Office of the Special Counsel director's report relating to pending litigation, including Missouri Pacific Railroad, *et al.* v. Railroad Commission of Texas (Cause No. A-86-CA-406), state and federal legislation, and other budget, administrative, and personnel matters.

**Contact:** Walter Earl Lilie, 1124 IH 35 South, Austin, Texas 78711, (512) 463-7149.

**Filed:** November 14, 1986, 10:56 a.m.  
TRD-8610766

The Surface Mining and Reclamation Division director's report on division administration, budget, procedures, and personnel matters; and consideration of the awarding of a contract for consultant engineering services to Morrison-Knudsen, Inc., for the Alcoa abandoned mine land project.

**Contact:** J. Randel (Jerry) Hill, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas, (512) 463-7149.

**Filed:** November 14, 1986, 10:51 a.m.  
TRD-8610756

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:** November 14, 1986, 10:52 a.m.  
TRD-8610759

Addition to the previous agenda:

Consideration of Docket 00057BA8S—application of Oklahoma Transportation Company, 1206 Exchange Avenue, P.O. Box 25548, Oklahoma City, Oklahoma 73108, to sell stock of motor bus Certificate 57B to Jefferson Lines, Inc., 1206 Currie Avenue, Minneapolis, Minnesota 55403 (files by Linda L. Sherman, P.O. Box 280, Harrisonville, Missouri 64701, (816) 884-3238).

**Contact:** Michael A. James, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-7715.

**Filed:** November 14, 1986, 10:57 a.m.  
TRD-8610768

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### University System of South Texas

**Wednesday, November 19, 1986, 10:30 a.m.** The Board of Directors of the University System of South Texas met in emergency session in Ballroom A, Student Union Building, Kingsville. According to the agenda, the board considered the chairman of the Select Committee on Higher Education's recommendation on the merger of Texas A&I University and Corpus Christi State University to form a comprehensive university. The emergency status was necessary to consider alternatives proposed by the Select Committee on Higher Education which affect the University System of South Texas.

**Contact:** Frederick D. C. Bigelow, P.O. Box 1238, Kingsville, Texas 78363, (512) 595-2208.

**Filed:** November 17, 1986, 2:20 a.m.  
TRD-8610822

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### Sunset Advisory Commission

**Sunday and Monday, November 23 and 24, 1986, 1 p.m. and 9 a.m., respectively.** The Sunset Advisory Commission will meet in the Senate Chamber, State Capitol, Austin. On Sunday, November 23, 1986, the commission will present the staff report and public testimony on the Texas Conservation Foundation; and make commission decisions on the Texas Diabetes Council, Medical Care Advisory Committee, and Texas Department of Mental Health and Mental Retardation (TDMHMR). On Monday, November 24, 1986, the commission will continue decisions on TDMHMR if necessary; hear staff reports and public testimony on the Texas Commission for the Deaf, Texas Air Control Board, Technology Training Board, and diversion issues concerning the criminal justice system in Texas.

**Contact:** Jeri Kramer, John H. Reagan Building, 105 West 15th Street, Austin, Texas 78701, (512) 463-1300.

**Filed:** November 14, 1986, 3:23 p.m.  
TRD-8610785

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### Texas Southern University

**Wednesday, November 18, 1986, 9:30 a.m.** The Board of Regents of Texas Southern University met in emergency session in Room 203, Sterling Student Life Center, Texas Southern University, 3100 Cleburne Avenue, Houston. According to the agenda, the board reviewed and considered the status of the university. The board also met in executive session to discuss litigation with the university attorney involving a construction contract with the university. The emergency status was necessary because of the consultation with the university attorney regarding litigation pertaining to a construction contract in which time is a major factor.

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

**Filed:** November 17, 1986, 10:12 a.m.  
TRD-8610837

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### University of Texas

**Wednesday, November 19, 1986, 4 p.m.** The Intercollegiate Athletics Council for Men of the University of Texas at Austin met in Room 240, Belmont Hall, San Jacinto Street between 21st and 23rd Streets. According to the agenda summary, the council approved the minutes of October 29, 1986; approved the team schedules; considered personnel, the budget and budget changes, old business, tickets and ticket policies, construction, new business, equipment, and development.

**Contact:** Haila Kauffman, P.O. Box 7399, Austin, Texas 78713, (512) 471-1332.

**Filed:** November 14, 1986, 4 p.m.  
TRD-8610800

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### University Interscholastic League

**Monday, November 17, 1986, 10 a.m.** The Waiver Review Board of the University Interscholastic League met in Room 1.222, Thompson Conference Center, 26th and Red River Streets, University of Texas Campus, Austin. According to the agenda summary, the board considered appeal of waiver decision to determine student eligibility.

**Contact:** Bob Young, P.O. Box 8028, Austin, Texas 78713, (512) 471-5883.

**Filed:** November 13, 1986, 4:14 p.m.  
TRD-8610744

### Texas Veterans Commission

**Friday, December 12, 1986, 9:30 a.m.** The Texas Veterans Commission will meet on the sixth floor, E. O. Thompson Building, 10th and Colorado Streets, Austin. According to the agenda, the commission will hear reports on activities of the commission and make decisions relative to general administrative matters pertaining to Texas veterans' programs.

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

**Filed:** November 17, 1986, 8:38 a.m.  
TRD-8610816

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### Texas Water Commission

**Tuesday, November 18, 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 application by Harris County Water Control and Improvement District No. 145 for approval of use of \$40,500 in surplus funds. The emergency status was necessary because the original text of the agenda stated Harris County Municipal Utility District No. 145 instead of Harris County Water Control and Improvement District No. 145.

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

**Filed:** November 14, 1986, 4:21 p.m.  
TRD-8610803

**Monday, November 24, 1986, 10 a.m.** The Water District and River Authority Study Committee of the Texas Water Commission will meet in Room 106, John H. Reagan Building, 105 15th Street, Austin. According to the agenda, the committee, created under Senate Bill 249, 69th Legislature, 1985, will hear public comments and consider final adoption of its report to the legislature.

**Contact:** Kate Wilkins, P.O. Box 13087, Austin, Texas 78711-3087, (512) 463-7863.

**Filed:** November 14, 1986, 4:22 p.m.  
TRD-8610804

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

**Tuesday, November 25, 1986, 10 a.m.** Consideration of water district bond issues, release from escrow, use of surplus funds, standby charge, dismissal of water district application, rate matters, proosed water quality permits, amendments and renewals, adjudication matters, and operating agreement.

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



**Filed:** November 14, 1986, 4:23 p.m.  
TRD-8610807

**Wednesday, November 26, 1986, 9:30 a.m.**  
Consideration of TA-5597 of Dodson Petroleum Corporation for a permit to use 95 acre-feet of water for a one year period from Jim Ned Creek, tributary of Pecan Bayou, tributary of Colorado River, Colorado River Basin for mining purposes in Brown County.

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

**Filed:** November 13, 1986, 4 p.m.  
TRD-8610749

**Wednesday, November 26, 1986, 9:30 a.m.**  
Consideration of TA-5595 of Heldenfels Brothers, Inc. for a permit to divert and use nine acre-feet of water for an 18 month period from Melon Creek, tributary Mission River, tributary Mission Bay, tributary Copano Bay, tributary Aransas Bay, San Antonio-Nueces Coastal Basin for industrial purposes in Refugio County.

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

**Filed:** November 13, 1986, 3:59 p.m.  
TRD-8610750

**Wednesday, November 26, 1986, 10 a.m.**  
Consideration of Dockets 5914 and 6584—administrative penalty order for the City of Greenville (Permit 10485-02); application by C. M. Acker for proposed water quality Permit 13207-01, Trinity River Basin, Walker County, Texas and applications of Travis County WCID No. 17 and M.A.B.D.D., Inc., for certificates of convenience and necessity to provide service to an area in Travis County both east and west of Mansfield Dam.

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

**Filed:** November 14, 1986, 4:24 p.m.  
TRD-8610808

**Tuesday, December 2, 1986, 10 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, the office will consider Docket 7063-R—application for a rate increase filed by Kerrville South Water Company, Inc.

**Contact:** Duncan C. Norton, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 17, 1986, 3:53 p.m.  
TRD-8610876

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

**Tuesday, December 2, 1986, 2 p.m.** Consideration of the report of substantial non-compliance and petition for enforcement order for T Bar M, Inc., (Permit 11279-01);

order assessing administrative penalties of Global Fuel, Inc., (Solid Registration 34586); Docket 5675—application by Midway Property, Inc., for a certificate of convenience and necessity; and complaint filed by executive director against John R. Sullivan, Trinity River Basin.

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

**Filed:** November 14, 1986, 4:24 p.m.  
TRD-8610809

**Tuesday, December 9, 1986, 2 p.m.** Consideration of cancellation of Permit 2937 held by Bert Wheeler; application by Texas Terminaling Corporation for proposed water quality Permit 02837, Sabine River Basin, Hunt County; application by Steiner Ranch Development Corporation for proposed water quality Permit 13294-01, Travis County, Colorado River Basin; and application by Travis Vista, Section II for renewal of water quality Permit 11531-01, Colorado River Basin.

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

**Filed:** November 14, 1986, 4:24 p.m.  
TRD-8610810

**Monday, December 15, 1986, 2 p.m.** Consideration of the petition for creation of North Travis County Municipal Utility District No. 1, containing 638.42 acres of land.

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

**Filed:** November 13, 1986, 4:01 p.m.  
TRD-8610746

**Monday, December 15, 1986, 2 p.m.** Consideration of petition of creation of North Travis County Municipal Utility District No. 2, containing 803.77 acres of land.

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

**Filed:** November 13, 1986, 4:01 p.m.  
TRD-8610747

**Monday, December 15, 1986, 2 p.m.** Consideration of petition for creation of North Travis County municipal utility District No. 3, containing 728.06 acres of land.

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

**Filed:** November 13, 1986, 4:01 p.m.  
TRD-8610748

**Wednesday, December 17, 1986, 9 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 215, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 6594—applications for water certificates of convenience and necessity by Western Water Systems; and Docket 6706—The City of Sherman.

**Contact:** Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 14, 1986, 4:23 p.m.  
TRD-8610806

**Wednesday, December 17, 1986, 10 a.m.** The Office of Hearings Examiner of the Texas Water Commission will meet in Room 512, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the office will consider Docket 7094-R—appeal of rate ordinance adopted by the City of Pelican Bay by Pelican Bay Utility Company.

**Contact:** Charmaine Rhodes, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

**Filed:** November 14, 1986, 4:22 p.m.  
TRD-8610805

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### Regional Agencies Meetings Filed November 13

**The Lamar County Appraisal District,** Regular Board Meeting, met at 1523 Lamar Avenue, Paris, on November 17, 1986, at 4 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

**The Pecan Valley Mental Health and Mental Retardation Region,** Board of Trustees, met at the Life Skills Center, 102 Charles Street, Granbury, on November 19, 1986, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.  
TRD-8610734

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### Meetings Filed November 14

**The Alamo Area Council of Governments,** Board of Managers, Bexar Metro 911 Network, met in Room 441, Atlee B. Ayres Building, San Antonio, on November 20, 1986, at 9 a.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

**The Cass County Appraisal District,** Board of Directors, met at 208 West Houston Street, Linden, on November 18, 1986, at 6 p.m. The Board of Review met at the same location, on November 20, 1986, at 9 a.m. Information may be obtained from Janelle W. Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

**The Deep East Texas Council of Governments-Area Agency on Aging,** Regional Aging Advisory Council, met at the Village Inn (Best Western), 2500 Highway 59 South, Livingston, on November 20, 1986, at 10 a.m. Information may be obtained from

Martha Jones, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Education Service Center Region VIII, Board of Directors,** met at the Ramada Inn Restaurant, Mt. Pleasant, on November 20, 1986, at 6:30 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mt. Pleasant, Texas 75455.

**The Hays County Central Appraisal District, Board of Directors,** met on the first floor, Courthouse Annex, San Marcos, on November 18, 1986, at 6 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas, (512) 396-4777.

**The North Central Texas Council of Governments, Executive Board,** met on the second floor, Centerpoint Two, 616 Six Flags Drive, Arlington, on November 20, 1986, at 12:45 p.m. Information may be obtained from Edwina J. Hicks, P.O. Drawer COG, Arlington, Texas 76005, (817) 640-3300.

**The Tarrant Appraisal District, Board of Directors,** met in Suite 505, 1701 River Run, Fort Worth, on November 20, 1986, at 10 a.m. Information may be obtained from Cecil Mae Perrin, 1701 River Run, Suite 505, Fort Worth, Texas 78107, (817) 332-3151.

**The Trinity River Authority of Texas, Basin Planning Committee and Administration Committee** met at 5300 South Collins, Arlington, on November 20, 1986, at 9 a.m. and 10:30 a.m., respectively. The Legal Committee and Utility Services Committee will meet at the same location, on November 21, 1986, at 9 a.m. and 10 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

**The West Texas Council of Governments, Board of Directors,** will meet on the second

floor, The Centre, 123 Pioneer Plaza, El Paso, on November 21, 1986, at 9:30 a.m. Information may be obtained from Cecile C. Gamez, The Centre, 123 Pioneer Plaza, Suite 210, El Paso, Texas 79901, (915) 533-0998.

**The Wood County Appraisal District, Board of Directors,** met in the Conference Room, 217 North Main, Quitman, on November 20, 1986, at 1:30 p.m. The Appraisal Review Board will meet at the same location, on November 21, 1986, at 10 a.m. Information may be obtained from W. Carson Wages, P.O. Box 951, Quitman, Texas 75783.

TRD-8610751

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### Meetings Filed November 17

**The Central Plains Mental Health and Mental Retardation Center, Board of Trustees,** met at 715 Houston, Plainview, on November 20, 1986, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 293-2636.

**The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees,** will meet in the Central Administration Facility, 4101 South Medford Drive, Lufkin, on November 25, 1986, at 11:30 a.m. The Board of Trustees will meet at the same location on the same day at 5 p.m. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (713) 639-1141.

**The Hickory Underground Water Conservation District No. 1, Board and Advisors,** met in the district office, 2005 Old Nine Road Brady, on November 20, 1986, at 7 p.m. Information may be obtained from Rick Illg-

ner, P.O. Box 1214, Brady, Texas 76825, (915) 597-2785.

**The Hunt County Tax Appraisal District, Board of Directors,** met in the boardroom, 4815-B King Street, Greenville, on November 20, 1986, at 11:45 a.m. Information may be obtained from Joe Pat Davis, P.O. Box 1339, Greenville, Texas 75401, (214) 454-3510.

**The MoPac South Transportation Corporation, Board of Directors,** met in the Shepherd of the Hills Presbyterian Church, 5211 McCarty Lane, Austin, on November 20, 1986, at 5 p.m. Information may be obtained from John C. Boehm, Jr., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

**The Swisher County Appraisal District, Board of Directors,** met at 130 North Armstrong, Tulia, on November 20, 1986, at 7 p.m. Information may be obtained from Rose Lee Powell, Box 8, Tulia, Texas 79088, (806) 995-4118.

**The Upshur County Appraisal District, Board of Directors,** will meet in the district office, Warren and Trinity Streets, Gilmer, on December 1, 1986, at 1 p.m. Information may be obtained from Louise Stracener, P.O. Box 280, Gilmer, Texas 75644, (214) 843-3041.

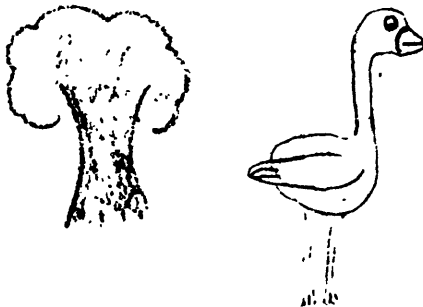
TRD-8610813

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### Meeting Filed November 18

**The Lee County Appraisal District, Board of Directors,** will meet at 218 East Richmond Street, Giddings, on November 26, 1986, at 9 a.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

TRD-8610877



**Drawings By:**  
Name: Nancy Mora  
Grade: 3  
School: Bradley Elementary, El Paso

**Roadrunner—long-legged, long-tailed, crested bird of the cuckoo family that can run at a great speed for short distances**

**Text By:**  
Name: Lorri Chambers  
Grade: 3  
School: Bradley Elementary, El Paso

# 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 Cancer Council Implement Physician Oncology Education Network**

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Cancer Council requests proposals for implementation of a statewide physician oncology education network.

**Description of Services.** The contractor will plan, develop, organize, and implement a statewide physician oncology education program throughout Texas. This program must develop a network of resources and coordinate existing continuing education programs to foster the achievement of the goals of the Texas cancer plan.

The primary emphasis of such a program is on prevention, screening, and early detection initiatives targeted to the physician in active practice.

In its final report, the Legislative Task Force on Cancer in Texas (LITFCT) emphasized the crucial role of the physician in prevention, detection, and treatment of cancer. Implementation of this program will help to lower the risks for developing cancer through prevention; to detect, diagnose, and treat cancer earlier, when cure is more likely; and to improve the accessibility, availability, and quality of cancer resources, services, and programs in Texas.

**Major Tasks.** There are seven overall tasks to be accomplished:

- (1) develop a network of accredited providers of continuing medical education in Texas with cancer expertise;
- (2) needs assessment of the physician skills to be developed;
- (3) develop core curriculum information;
- (4) plan and implement a set of statewide cancer education programs; this includes identifying qualified resources to help in the implementation process;
- (5) develop a speakers bureau with outreach efforts to existing health organizations and institutions around the state;
- (6) develop and implement a series of pilot programs to demonstrate the effectiveness of new approaches to providing cancer related education programs;
- (7) prepare an evaluation of the entire program.

**Eligible Organizations.** In order to facilitate the achievement of this proposed program, a consortium of organizations is encouraged, including a single proposal with a series of subcontracts. Letters of support from each member of the consortium should be included in any proposal. Each organization should be actively involved in the education of physicians in Texas, have qualified expertise in the area of cancer, and be willing to participate in a cooperative, targeted physician oncology education program.

**Proposal Format.** Each proposal will contain two parts, a technical proposal and a business proposal. The technical

proposal will specify the overall program priority area, the specific problem(s) to be addressed, the scope of work to be undertaken, including major tasks and activities, a timetable with major milestones and delivery schedule, an organizational plan with manpower estimates by major task, identification of key personnel, and an evaluation plan.

The business proposal will specify the estimated cost to the Texas Cancer Council if the proposal is funded and other terms and conditions related to the proposal. The estimated cost must be on a line item budget basis to fully identify the type of expense anticipated and, where appropriate, to estimate these costs for each major task identified in the technical proposal.

Other terms and conditions must include the time period during which the proposal is valid, and who is authorized to negotiate any matters related to the proposal on behalf of the submitting agency or organization.

**Timetable.** The physician oncology education network initiative is intended to be at least a five year program. However, submitted proposals should cover only the first phase of the program in detail for a total of no longer than eight months, ending August 31, 1987, with some general discussion of the overall five-year program.

**Evaluation Procedures.** The criteria used to evaluate the offers include:

- (a) background, experience, and knowledge in physician education programs;
- (b) the offeror's ability to complete the project in a quality manner and within the time frame allowed;
- (c) the submission of a proposal addressing all of the required areas, with a reasonable budget to achieve the major tasks;
- (d) the offeror's plan for completing the project on or before the deadline to be stipulated in the contract;
- (e) the description of the offeror's organization or agency.

The Texas Cancer Council reserves the right to accept or reject any or all proposals submitted. The Texas Cancer Council is under no legal requirement to execute a resulting contract on the basis of this advertisement and intends that any material provided be used only as a means of identifying qualified applicants. This request does not commit the Texas Cancer Council to pay any costs incurred prior to execution of a contract.

**Contact Person.** The contact person is Richard Merkel, Executive Director, Texas Cancer Council, P. O. Box 12097, Austin, Texas 78711, (512) 463-3190.

**Due Date.** All proposals must be submitted by the close of business on the 20th day after the first date of publication of this notice. Proposals must be mailed by certified mail or delivered directly to the contact person by this date.

**Cost.** The proposed contract shall be a cost reimbursement type contract. The Texas Cancer Council has adopted a policy to pay for the direct cost of program implementation, including fringe benefits, but excluding indirect or overhead costs. The Texas Cancer Council will assess the reasonableness of the total project cost and specific cost elements by major task. Although not necessarily the deciding factor, this criterion will be considered in the evaluation process. Some level of cost sharing by the contractor is expected. The degree of cost sharing proposed by the contractor will reflect the importance of this effort to ongoing programs of the contractor.

**Final Selection.** Final selection will be made by the Texas Cancer Council using the previously identified evaluation criteria. The award will not necessarily be made to the lowest bidder, but rather to the lowest and best bidder, considering cost and the results of the council's evaluation.

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

TRD-8610821 James D. Dannenbaum  
Chairman  
Texas Cancer Council

Filed: November 17, 1986  
For further information, please call (512) 463-3180.

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## Texas Department of Community Affairs

### Announcement of Contract Awards

The Texas Department of Community Affairs (TDCA) announces that the units of general local government in the following list have been selected as contract recipients for economic development under the Texas Community Development Program established pursuant to Texas Civil Statutes Article 4413 (201), §4A, for the second 1986 competition: Dimmit County—\$355,425; Jim Wells County—\$385,000; Gregg County—\$58,000; Granger—\$175,000; Hidalgo County—\$361,000; Gonzales County—\$500,000; Matagorda County—\$50,000; Mercedes—\$395,000; Baird—\$180,000; and Kimble County—\$200,000

A contract is not effective until executed by the unit of general local government and the executive director of TDCA.

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

TRD-8610897 Douglas C. Brown  
General Counsel  
Texas Department of Community Affairs

Filed: November 12, 1986  
For further information, please call (512) 834-8080.

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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 <sup>(2)</sup> Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 11/03/86-11/09/86	18.00%	18.00%
Monthly Rate—Article 1.04(c) <sup>(1)</sup> 11/01/86-11/30/86	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 <sup>(3)</sup> 10/01/86-12/31/86	18.00%	N/A
Lender Credit Card Quarterly Rate—Article 15.02(d) <sup>(3)</sup> 10/01/86-12/31/86	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) <sup>(2)</sup> 10/01/86-12/31/86	18.00%	18.00%
Retail Credit Card Annual Rate—Article 1.11 <sup>(3)</sup> 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 11/01/86-11/30/86	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 October 27, 1986.

TRD-8610818 Al Endsley  
Consumer Credit Commissioner

Filed: November 17, 1986  
For further information, please call (512) 479-1280.

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 <sup>(2)</sup> Agricultural/Commercial <sup>(4)</sup> thru \$250,000	Commercial <sup>(4)</sup> over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 11/17/86-11/23/86	18.00%	18.00%
Monthly Rate—Article 1.04(c) <sup>(1)</sup> 11/01/86-11/30/86	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 11/01/86-11/30/86	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 November 10, 1986.

TRD-8610775 Al Endsley  
Consumer Credit  
Commissioner

Filed: November 14, 1986  
For further information, please call (512) 479-1280.

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## Texas Education Agency Request for Bids

The Texas Education Agency is requesting bids for the reproduction in large type of textbooks. Bids previously submitted were rejected due to insufficient quality. Specifications have been revised to ensure clarity of pictures and acceptable paper weight. Additionally, micro-filming is not a required component of the reproduction process.

Companies which have not filed a sample textbook previously are required by the board to submit a sample textbook which has been constructed within specifications. However, companies with new processes for reproduction are encouraged to submit current samples. Specifications may be obtained from the Texas Education Agency, Textbook Division. The book to be enlarged will be designated upon request.

Bids should be submitted in two parts: a cost per page basis which should include the cost of the book being enlarged and the cost of page reproduction; and a per-volume binding cost.

Bids are to be filed with the Textbook Division on or before January 2, 1987. The bids will be documented and reviewed as received.

Inquiries or requests for specifications for production of large type textbooks should be addressed to Deanna Marotz, Textbook Division, (512) 463-9601.

Issued in Austin, Texas, on November 14, 1986.

TRD-8610773 W. N. Kirby  
Commissioner of Education

Filed: November 14, 1986  
For further information, please call (512) 463-9212.

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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 All Savers Insurance Company, a foreign life, accident, and health insurance company. The home office is in Indianapolis, Indiana.

(2) Application for admission to do business in Texas of Banner Life Insurance Company of Delaware, a foreign life, accident, and health insurance company. The home office is in Wilmington, Delaware.

(3) Application for admission to do business in Texas of Beaver Insurance Company, a foreign property and casualty insurance company. The home office is in San Francisco, California.

(4) Application for a name change by Solar States Lloyd's Insurance Company, a domestic property and casualty insurance company. The home office is in Dallas. The proposed new name is Commercial Lloyd's Insurance Company.

(5) Application for incorporation of Commonwealth Property and Casualty Company, to be a domestic property and casualty insurance company. The home office is to be in Houston.

(6) Application for a name change by Home Security Life Insurance Company, a domestic life, accident, and health insurance company. The home office is in Dallas. The proposed new name is Institutional Founders Life Insurance Company of Texas.

(7) Application for incorporation of NPS Life Insurance Company, to be a domestic life, accident, and health insurance company. The home office is to be in Waco.

(8) Application for incorporation of Texas Builders Insurance Company, to be a domestic property and casualty insurance company. The home office is to be in Austin.

(9) Application for admission to do business in Texas of Transamerica Insurance Company of Michigan, a foreign property and casualty insurance company. The home office is in Battle Creek, Michigan.

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

TRD-8610733 Nicholas Murphy  
Chief Clerk  
State Board of Insurance

Filed: November 13, 1986  
For further information, please call (512) 463-6327.

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## Public Hearings

The State Board of Insurance hereby gives notice of a public hearing to be held on Thursday, December 4, 1986, at 9:00 a.m., in Room 414 of the State Insurance Building.



period of November 14-20, 1986. Please confirm dates, times, and locations, since experience has shown that some rescheduling always occurs.

Agency	Date	Place
River Compact Commissioners	10 a.m. November 14	Room 105, John H. Reagan Building, Austin
State Department of Highways and Public Transportation	9:30 a.m. November 19	Room 107, John H. Reagan Building, Austin
Treasury Department	11 a.m. November 20	Room 214, State Capitol, Austin
State Ethics Advisory Commission	10 a.m. November 21	Room 105, John H. Reagan Building, Austin

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

TRD-8610686 Larry Kopp  
Assistant Director for Budgets  
Legislative Budget Board

Filed: November 12, 1986  
For further information, please call (512) 463-1200.



## State Preservation Board Request for Proposals

In accordance with Texas Civil Statute, Article 6145-14, as amended, the State Preservation Board announces a request for proposals to operate a gift shop in the Capitol building in Austin during 1987 and 1988. The deadline for submission is December 21, 1986. Unless a substantially better offer is received, the contract with the existing vendor will be extended.

Persons wanting additional information or wishing to apply should contact: Maria Tissing, Administrative Assistant, Office of the Architect of the Capitol, P.O. Box 13286, Austin, Texas 78711 (512)463-5495, for a copy of the prospectus.

Issued in Austin, Texas, on November 13, 1986.

TRD-8610724 Maria Tissing  
Administrative Assistant  
State Preservation Board

Filed: November 13, 1986  
For further information, please call (512) 463-5495.



## Veterans Land Board Public Hearing

The Veterans Land Board will hold a public hearing at 11 a.m. on December 3, 1986, in Room 811, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701. Items to be discussed will be Farm and Ranch Program loan applications, and proposals to issue one or more series of farm and ranch bonds in conjunction with the loan applications. The bonds are proposed to be issued in a principal amount sufficient to provide funds to finance the purchase of farm land, pay issuance costs, and fund any reserve funds required for the bonds.

All interested parties are invited to submit written comments to the board before the time set for the public hearing or to attend the public hearing and express any com-

ments they may have regarding the projects proposed to be financed or the proposed bonds.

Applications to finance the purchase of farm land in the named counties have been received from the following individuals: Phillip Griggs Jackson—Lubbock County; Charles Barr—Shelby County; Robert Boyd—Taylor County; Joey Bible—Armstrong County; Michael G. Swain—Terry County; Larry D. Gibson—Erath County; Robert Parsons—Lamar County; William Dishman—Jefferson County; Blain Dishman—Jefferson County; Bryan Dishman—Jefferson County; Bill Griffing—Lynn County; Chris Cummings—Hale County; T. Brand Waldrop—Dawson County; Bobby Killough—Milam County; Norman G. Klanika—McLennan County; and Freddie G. Klanika—McLennan County.

Issued in Austin, Texas, on November 13, 1986.

TRD-8610707 Jack Giberson  
Acting Chairman  
Veterans Land Board

Filed: November 13, 1986  
For further information, please call (512) 463-5000.



## Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to Rollins Environmental Services (Tx) Inc. on November 12, 1986, assessing \$21,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ann Bjork, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on November 14, 1986.

TRD-8610812 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: November 14, 1986  
For further information, please call (512) 463-7898.

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

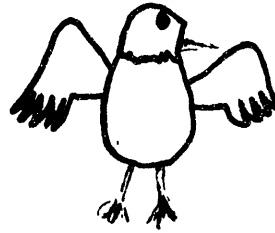
An enforcement order was issued to Mobil Oil Corporation on November 12, 1986, assessing \$10,120 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ann Bjork, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on November 14, 1986.

TRD-8610811

Mary Ann Hefner  
Chief Clerk  
Texas Water Commission



Filed: November 14, 1986  
For further information, please call (512) 463-7898.

Drawings By:  
Name: Nancy Mora  
Grade: 3  
School: Bradley Elementary, El Paso

