

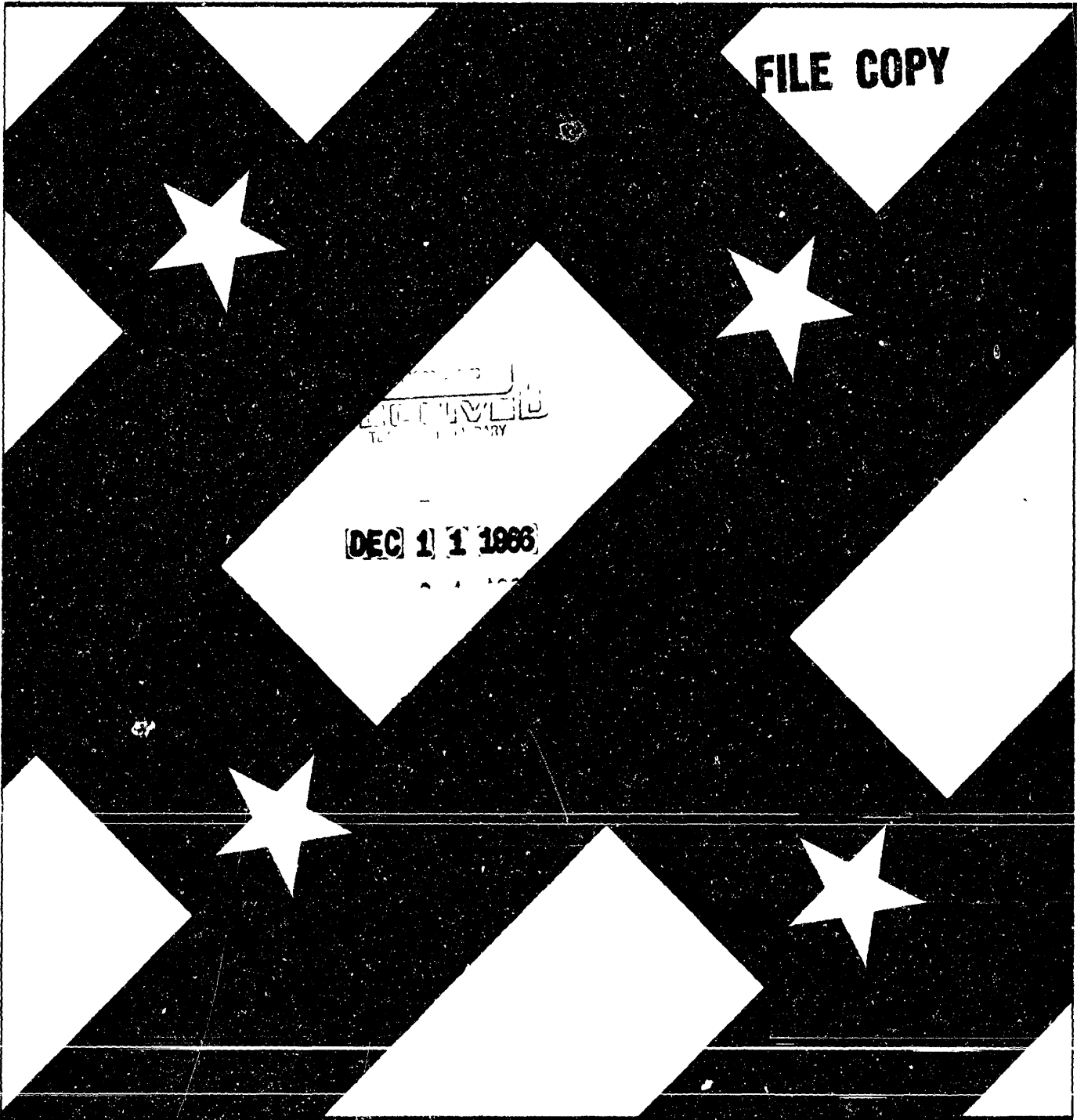
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# Texas Register

Volume 11, Number 90, December 9, 1986

Pages 4921-4954



## Highlights

The Texas Department of Labor and Standards proposes amendments concerning installation fee, registration fees, and Texas seal fees for the Manufactured Housing Division. Earliest possible date of adoption - January 9. . . . . **page 4929**

The Texas Department on Aging proposes an amendment concerning insurance coverage

and payment of fees by service providers who operate transportation services for the elderly. Earliest possible date of adoption - January 9. . . . . **page 4929**

The Texas Department of Human Services adopt sections to consolidate the five sets of standards for 24-hour care facilities. Effective date - June 1. . . . . **page 4930**

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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

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

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

**How To Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, 503E Sam Houston Building, Austin. Material can be found by using *Register* indexes, the *Texas Administrative Code*, rule number, or TRD number.

## Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules.

**How To Cite:** Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15

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

TAC stands for the *Texas Administrative Code*,

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



## Texas Register Publications

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Illustrations courtesy of Texas Parks and Wildlife Department.

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# TAC Titles Affected

## TAC Titles Affected—December

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Part XII. Texas Advisory Board of Occupational Therapy	
40 TAC §367.1	4928



# The Governor

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

## Appointment Made November 25

### State Board of Insurance

For a term to expire January 1, 1989:

Jon Brumley  
5900 El Campo  
Fort Worth, Texas 76107.

Name: Dat Le  
Grade: 7  
School: Wilson Middle School, Plano

Issued in Austin, Texas, on December 1, 1986.

TRD-8611237 Mark White  
Governor of Texas

★ ★ ★

## Appointments Made November 26

### Sixth Administrative Judicial Region

For a term to expire four years from date of qualification:

Sam M. Paxson  
601 City-County Building  
El Paso, Texas 79901

Judge Paxson is replacing George M. Thurmond of Del Rio, whose term expired.

### Eighth District Court of Appeals

For a term to expire until his successor shall be qualified:

Jerry Woodard  
El Paso County Courthouse  
El Paso, Texas 79901

Judge Woodard is replacing Albert Armendariz, Sr., of El Paso, who resigned.

### 34th District Court, El Paso County

For a term to expire, until the next general election and until his successor shall be elected and duly qualified:

William E. Moody  
765 Castile  
El Paso, Texas 79912

Mr. Moody is replacing Jerry Woodard of El Paso, who resigned.

Issued in Austin, Texas, on December 1, 1986.

TRD-8611237 Mark White  
Governor of Texas

★ ★ ★



# 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 16. ECONOMIC REGULATIONS

### Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division Fee Structure

#### ★ 16 TAC §§69.26, 69.28, 69.29

The Texas Department of Labor and Standards adopts on an emergency basis amendments to §§69.26, 69.28, and 69.29. The amendments enhance the fees collected by the department for seals for used mobile homes and installation inspections; and the fees for manufacturer, retailer, broker, installer, and recycler registration. The enhanced fees will better reflect the cost to the department of seal and installation inspections. The registration fees are reset to the old method of assessing the fee which was in place prior to September, 1985. The enhanced fees are adopted on an emergency basis to protect the safety, welfare, and health of the manufactured-home consumer in Texas.

The amendments are adopted on an emergency basis under Texas Civil Statutes, Article 5221f, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate any and all reasonable rules and regulations which may be necessary for the purpose of enforcing the provisions of this Act.

§69.26. *Texas Seal Fee For Used Homes.* There shall be a fee of \$10 [\$5] for the issuance of Texas seals. Retailers who have acquired, or brokers acting as agents for a used HUD-Code manufactured home manufactured after June 15, 1976, that does not have a federal label affixed, or a used mobile home manufactured prior to June 15, 1976, that does not have a Texas seal affixed, shall file an application to the department for a Texas seal. The application shall include an affidavit stating that the home is habitable. The application shall be accompanied by the seal fee of \$10 [\$5] made payable to the department. At the option of the department, a compliance inspection may be scheduled prior to the release of the seal.

#### §69.28. *Installation Inspection Fee.*

(a) There shall be a fee of \$20 [\$15] for the inspection of the installation of mobile homes and HUD-Code manufac-

ured homes which shall be paid by the installer. Each fee shall be accompanied by an installation report which shall identify the home, give the exact location of the home, and list the names and addresses of the purchaser, the manufacturer, the retailer, and the installer. These reporting forms shall be furnished by the department. Each installer shall submit installation reports and fees to the department by the 10th of each month, each installer shall also submit a monthly summary report showing the exact number of homes installed the previous month.

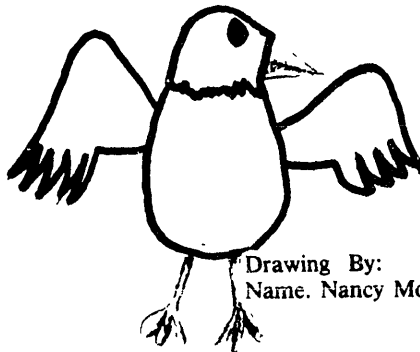
(b) (No change.)

§69.29. *Fees for Certificates of Registration.* There shall be an annual fee for a manufactured housing manufacturer's certificate of registration of \$375 [\$750 plus \$250] for each plant location; for a manufactured housing retailer's certificate of registration of \$225 [\$350 plus \$150] for each retailer location; for a manufactured housing broker's certificate of registration of \$125 [\$150 plus \$50] for each brokerage location; for a manufactured housing installer's certificate of registration of \$125 [\$150 plus \$150] for each installer's location; for a manufactured housing recycler's certificate of registration of \$125 [\$150 plus \$50] for each recycling location; and for a manufactured housing salesperson's certificate of registration of \$50.

Issued in Austin, Texas, on November 13, 1986

TRD-8611235 Allen Parker, Sr  
Commissioner  
Texas Department of  
Labor and Standards

Effective date: December 1, 1986  
Expiration date: March 31, 1987  
For further information, please call  
(512) 463-5520.



Drawing By:  
Name: Nancy Mora

Grade: 3  
School: Bradley Elementary, El Paso

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part I. General Land Office Chapter 3. Energy Resources Payment of Royalties; Filing of Reports

#### ★ 31 TAC §3.10

The General Land Office is renewing the effectiveness of the emergency adoption of amended §3.10 for a 60-day period effective December 4, 1986. The text of the amended §3.10 was originally published in the August 15, 1986, issue of the *Texas Register* (11 TexReg 3618).

Issued in Austin, Texas, on December 2, 1986

TRD-8611253 Dan Miller  
Deputy Commissioner  
for Legal Services  
General Land Office

Effective date December 4, 1986  
Expiration date February 2, 1987  
For further information, please call  
(512) 463-5009

## ★ TITLE 40. SOCIAL SERVICES AND ASSISTANCE

### Part XII. Texas Advisory Board of Occupational Therapy Chapter 367. Types of Licenses

#### ★ 40 TAC §367.1

The Texas Advisory Board of Occupational Therapy is renewing the effectiveness of the emergency adoption of amended §367.1 for a 60-day period effective December 3, 1986. The text of the amended §367.1 was originally published in the August 29, 1986, issue of the *Texas Register* (11 TexReg 3823).

Issued in Austin, Texas, on December 3, 1986.

TRD-8611281 Charles Schliesser  
General Counsel  
Texas Advisory Board of  
Occupational Therapy

Effective date December 3, 1986  
Expiration date February 1, 1987  
For further information, please call  
(512) 445-8368



# 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 16. ECONOMIC REGULATIONS Part IV. Texas Department of Labor and Standards Chapter 69. Manufactured Housing Division Fee Structure

★ 16 TAC §§69.26, 69.28, 69.29

*(Editor's note: The Texas Department of Labor and Standards proposes for permanent adoption amendments it adopts on an emergency basis in this issue. The text of the amendments are published in the Emergency Rules section of this issue.)*

The Texas Department of Labor and Standards proposes amendments to §§69.26, 69.28, and 69.29, concerning installation fee, registration fees, and Texas seal fees providing for the reduction in fees for the manufactured housing industry in the above referenced areas

Harry Christensen, assistant director, Manufactured Housing Division, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections

Brooker T. Morris III, general counsel, has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be that the reduction of fees will enable industry to better compete and survive in current economic times. There is no anticipated economic cost to individuals who are required to comply with the proposed sections.

Comments on the proposal may be submitted to John P. Steele, Director, Manufactured Housing Division, 920 Colorado Street, Austin, Texas 78711

The amendments are proposed under Texas Civil Statutes, Article 5221f, which provide the commissioner of the Texas Department of Labor and Standards with the authority to promulgate rules and regulations necessary to effectuate the purpose of the Act.

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

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

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

TRD-8611236

Allen Parker, Sr.  
Commissioner  
Texas Commission of  
Labor and Standards

Earliest possible date of adoption.  
January 9, 1987

For further information, please call  
(512) 483-5520

### ★ ★ ★ TITLE 40. SOCIAL SERVICES AND ASSISTANCE Part IX. Texas Department on Aging Chapter 273. Transportation Service Standards Statutes and Regulations

★ 40 TAC §273.5

The Texas Department on Aging proposes an amendment to §273.5 concerning insurance coverage and payment of fees by service providers who operate transportation services for the elderly under the Older Americans Act Title III.

Charles Hubbard, director of finance, 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.

Tim Shank, deputy executive director, 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 ability of service providers to reprogram Title III funds previously identified to satisfy registration fees previously required prior to the enactment of Senate Bill 298, Acts of the 69th Legislature. 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 Edwin R. Floyd, Chief of Administrative Services, Texas Department

on Aging, P.O. Box 12786, Austin, Texas 78711.

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

§273.5. *Vehicle Operational Considerations.*

(a)-(d) (No change.)

(e) Insurance coverage. Vehicles [classified a social services agency automobiles] funded under Title III of the Older Americans Act by the Texas Department on Aging and operated to provide no-fee transportation services for authorized participants in programs under the Older Americans Act will have the following insurance coverage.

(1) Liability. In accordance with Senate Bill 298, 69th Legislature, 1985, Chapter 54, §1(c)(2), relating to the exemption of certain vehicles funded through the Texas Department on Aging and establishment of insurance standards for these vehicles, the minimum liability rates are set at \$100,000 per person, \$300,000 single limit liability. [Minimum liability rates are set at \$250,000 per person, \$500,000 single limit liability.]

(2)-(3) (No change.)

(f)-(h) (No change)

(i) Exemption Status Vehicles funded through the Texas Department on Aging to provide transportation to the elderly are exempt from the requirements which require government bus companies to pay registration fees per passenger bus and fees for passenger seats for each bus as required pursuant to 16 TAC, Part I, Chapter 5, §5.38, (Relating to Cancellation, Suspension, and Reinstatement of Intrastate Certificates or Permits) in accordance with Senate Bill 298, 69th Legislature, 1985, Chapter 54. 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 December 2, 1986.

TRD-8611275

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

Earliest possible date of adoption  
January 9, 1987

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

# 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 40. SOCIAL SERVICES AND ASSISTANCE

### Part I. Texas Department of Human Services Chapter 83. Standards for 24-Hour Care

The Texas Department of Human Services adopts the repeal of §§83.401-83.428, 83.501-83.530, 83.601-83.619, 83.621-83.628, 83.703-83.726, and 83.801-83.829 and new §§83.401-83.432, 83.440-83.449, 83.501-83.512, 83.514, 83.515, 83.520-83.537, 83.540-83.560, and 83.570-83.574. New §§83.402-83.409, 83.411, 83.412, 83.414, 83.415, 83.417, 83.420, 83.421, 83.423, 83.425-83.430, 83.432, 83.442, 83.443, 83.449, 83.502, 83.503, 83.506-83.508, 83.510, 83.512, 83.514, 83.520, 83.521, 83.523-83.526, 83.528-83.530, 83.532-83.534, 83.536, 83.542, 83.544, 83.545, 83.549, 83.552, 83.555, 83.560, 83.570, and 83.574 are being adopted with changes to the proposed text published in the June 6, 1986, issue of the *Texas Register* (11 TexReg 2578). The changes are based on public comments and principles of clarity and consistency. The title of Subchapter H is also changed to Consolidated Standards for 24-Hour Care Facilities to accommodate the new sections.

The adoption of the repeals and new sections is justified to consolidate the five sets of standards for 24-hour child care facilities and thus improve the process of incorporating needed revisions and reduce production, printing, and training costs.

The adoption of the repeals and new sections will function to increase the protection of children in these facilities because of improved procedures for revising the standards and for training agency and facility staff on the procedures.

The department held a public hearing on Friday, July 11, 1986, to accept oral comments. Two people testified. The department also received 21 written comments on the proposal. The comments and changes are as follows:

Concerning §83.402(c) and §83.402(c)(3)(A) and (C), some commenters thought that the requirement to reassign a person indicted or the subject of an official criminal complaint might be misconstrued to mean that the person could be reassigned

to another group of children rather than to duties that do not allow for contact with children. The department, therefore, deleted the requirement to reassign. For consistency, the same change is made to §83.408(g) and (g)(3)(A) and (C).

Concerning §83.403(b), commenters pointed out that the requirement to keep records at the facility might not be appropriate for some facilities that could not keep records in a specific location, thereby necessitating variances to handle these situations. The department has changed the requirement to read that records must only be available. Similar changes were also made to §83.405(a) and §83.409, which also deal with recordkeeping.

Section 83.404(a) and (b) are deleted. Commenters suggested that subsection (a) had questionable relevance to the protection of children in care. The department therefore added subsection (b) to §83.407. The title is also changed to Audit Requirements to be consistent with the revised contents.

Concerning §83.406(a) and (b), commenters suggested that two paragraphs dealing with serious incidents confused the types of serious incidents to be reported and the timeframes in which reports were to be made. As a result, the department combined subsections (a) and (b) into a revised subsection (b). Subsection (c) is changed to (a) to maintain logic, and the remaining subsections are changed accordingly. Subsection (b) adds that any abusive treatment, not just allegations of abuse and neglect, must be reported.

Concerning §83.407, several commenters noted that submitting a program description was appropriate for new facilities but would constitute additional paperwork for existing facilities. In response, the department changed the title of the section to Requirements for New Facilities and edited the section to address new facilities.

Concerning §83.408(h), the Texas Planning Council suggested that the requirement to submit a statement about criminal convictions be replaced with a reference to criminal background checks authorized by the 69th Legislature. The department agreed, and the section was changed accordingly.

On the basis of comments, the department has changed the word "includes" to

"documented," in §83.409(1) to clarify that the employee must show he has the qualifications required for the position. Paragraph (3), requiring a statement about convictions, is deleted to correspond with the change to §83.408(h).

Concerning §83.411(b), commenters suggested that volunteers be supervised as well as staff and that the term "adequately" was too broad. The department thus included volunteers and edited the subsection and paragraphs (1) and (2) to stress that supervision ensure the children's protection.

Concerning §83.412(b), commenters asked that the section specify that a facility administrator be a full-time staff. The department added this requirement to the section.

Concerning §83.414(b), commenters representing facilities and the State Advisory Committee on Child Care Facilities pointed out that the cost of requiring additional staff during sleeping hours would increase the cost of providing care for some facilities. In response, the department eliminated the requirement but strengthened on-call emergency procedures. Requiring a person to be available within 10 minutes in an emergency provides protection without increasing costs.

Concerning §83.415(b) and (b)(3), several commenters, including members of the State Advisory Committee on Child Care Facilities, contended that initial and ongoing training in cardiopulmonary resuscitation (CPR) for all child care staff was quite costly. The department thus modified the section to require a staff currently trained in CPR to be available and accessible to children during all hours of operation. For consistency, similar modifications are also been made to §§83.442(a), 83.503(a), 83.523, 83.542, and 83.552.

Concerning §83.417(e), some commenters asked that the requirement to place a copy of the child's dental examination in his record be changed from 120 days to six months to be consistent with other department programs and to eliminate the need for variances. The department agreed and changed the requirement accordingly.

The requirement to submit a program description is deleted in §83.417(h)(1) to be consistent with §83.407.

Concerning §83.417(l), commenters asked that the words "on the date" be changed to "by the date," so that staff would have needed information when they begin caring for a child. The department agreed to this change.

Concerning §83.420(c)(1) and (c)(4), the department modified these paragraphs to clarify that the plan of service developed for individual children does not need to address basic needs met for all children in care and that discharge plans in the early stages can reflect only goals and preliminary plans.

Concerning §83.420(d), commenters noted that giving the child a copy or summary of the plan of service may not always be appropriate. The department revised this paragraph to require that the justification for the decision not to share the plan with the child be documented in the child's record.

To eliminate unnecessary paperwork, the department modified the requirement to update length of stay and discharge plans only if they have changed in §83.421(a)(3).

Concerning §83.423(a) and (d), commenters requested that discipline policies and procedures include measures for positive responses to appropriate behavior and that the term "severe" be deleted because it is subject to widely varying interpretations. The department agreed and changed these subsections accordingly.

For clarification of §83.425(b)(2), the department changed the word "and" to "or" to emphasize that discipline must be neither physically nor emotionally damaging.

Concerning §83.425(b) and (c), commenters suggested that these subsections clarify that the section refers to personal restraint. Therefore, the word "personal" is added.

Concerning §83.425(e), the State Advisory Committee on Child Care Facilities suggested that the use of personal restraint be evaluated as part of a child's plan of service review. This requirement was subsequently added to the section.

Based on public comments, §83.426(g) and (j)(3) are modified to eliminate unneeded paperwork.

Concerning §83.427(a)(2), commenters suggested that facility staff should have copies of medical policies and procedures available for review. The department, therefore, added this requirement.

Concerning §83.427(b)-(d), a commenter indicated that physicians and dentists should determine how often examinations are needed and the facility should follow professional recommendations. Requiring an annual physician and dental exam could result in unnecessary expense. The department thus revised these paragraphs to eliminate the required annual exams but to require that physicians and dentists determine the frequency of exams.

Concerning §83.427(g), recording the date of a medically pertinent incident is added for purposes of clarification.

Section 83.427(h) is deleted based on a comment that the term "medical isolation" causes some confusion. Facilities currently follow medical recommendations as required in other standards in this regard. Because of this deletion, the remaining paragraphs in §83.427 are relettered accordingly. The following paragraphs therefore are referred to according to their new letter designations.

The department revised §83.427(h) to clarify that children must be immunized according to Texas Department of Health Requirements.

Concerning §83.427(l), commenters requested it be clarified that verbal orders must be put in writing and signed by the physician within a reasonable period of time. The department added this clarification.

Concerning §83.427(q), commenters asked that staff be informed about possible side effects of all medications, rather than some, administered to a child in their care. In response, the department modified this paragraph.

Concerning §83.427(r), this requirement is modified on the basis of a comment that double-locking of external-only medications should not be required.

Concerning §83.428(a), commenters suggested that food given be changed to food offered. In response, the department changed the wording.

Concerning §83.429(c), the department deleted the word "the" to indicate that any, not one particular, facility staff must have certification as a lifeguard documented in his personnel record.

For clarity, the department changed §83.429(f) to emphasize that nothing should block exits.

Concerning §83.430(f), commenters pointed out it is more reasonable to require the facility to take appropriate measures to keep the facility as vermin free as possible, rather than absolutely free of rodents, insects, and stray animals. The department agreed and revised this paragraph accordingly.

Concerning §83.430(m)(3) and (n)(2), commenters noted these requirements were covered in other standards. The department deleted them as redundant.

Concerning §83.432(b)(3), the department modified this paragraph to better express the intent of the standard without requiring unnecessary or unreasonable procedures.

The department deleted §83.443(a) to eliminate duplication of information.

Concerning §83.443(b)(2), commenters suggested that it should be made clear

that recommendations be only the psychiatrist's or psychologist's. The department agreed and revised the paragraph.

Concerning §§83.449(1), 83.549(b)(1), 83.560(1), commenters noted that persons who supervise children in the use of firearms have years of experience but usually have not completed a formal course. Requiring such a course would be an unnecessary burden and might inhibit facility programs. These paragraphs are changed accordingly. Section 83.449 is edited to be consistent with the language of §83.549 and §83.560.

Section 83.502(d) is edited for clarification.

Section 83.506(c) and (d) is combined for conciseness and clarity.

Sections 83.507(c), 83.545(c), and 83.555(c) add the requirement for documentation, based on public comment.

For consistency, the requirement that policies and procedures for using any form of restraint are added in §83.508.

In sections 83.510, 83.511(a)(6), 83.532, and 83.534(b) and (c), on the basis of public comment, all references to orders for protective devices, mechanical restraint, and seclusion are changed to authorization or instructions so that such instructions will not be confused with medical orders.

Concerning §83.510(2), the words "Comprehensive treatment plan" are changed to "plan of service" for clarity and consistency of terminology.

For consistency, licensed psychologist is added as a person who can authorize use of mechanical restraints in §83.511(a)-(c).

The department modified §§83.511(b)(4) 83.(b)(4), and 83.534(c)(3) to eliminate unnecessary duplication of standing policy.

Based on comments from the Texas Planning Council for Developmental Disabilities and others, the time a child can be in restraint or seclusion before the required visit by the person authorizing these measures is reduced from 24 hours to 12 hours in §§83.511(c), 83.533(c), and 83.534(d).

Based on public comment, §83.514(b) and §83.536 are modified to include that the physician may approve the use of a life jacket while certain children are swimming.

Concerning §83.520(a)(1), (b)(1), and (d)(1), a commenter suggested the minimum qualifications should reflect the fact that certification by the department as a certified social worker is equivalent to the requirement originally proposed. The department thus added certification as a certified social worker.

For consistency, the department has deleted the word "description" from §83.521 (c) because the required program description has now been limited to new facilities according to §83.407.

Section 83.521(d) is changed to make it clear that the required descriptions refer to positions rather than to individual staff.

Concerning §83.524(b), commenters suggested this requirement be moved to §83.525 (a) because it really refers to required procedures rather than policy. For clarity, the purpose and the requirement that the evaluation include diagnosis and prognosis is added. Section 83.525(b) is deleted because of redundancy.

Concerning §83.526(c), one commenter suggested this paragraph was needed to make it clear that emergency admissions also require a psychiatric or psychological diagnostic evaluation, even though it can be completed after emergency admission. The department agreed and added it.

Concerning §83.528(a), a commenter pointed out that the requirement for a diagnostic assessment itself, as well as a treatment plan based on the diagnostic assessment, should be specified. The department made this change.

Concerning §83.528(b)(5) and (b)(6), several commenters indicated that additional areas that should be evaluated needed to be specified for a residential treatment center. The department therefore added emotional/psychological and behavioral.

Concerning §83.530(b), the sentence dealing with measures for positive responses is deleted as redundant because it is now included in core standards for all facilities.

Concerning §83.534(f)(1), the phrase "or more often, if necessary" is deleted as redundant.

Concerning §83.544(a), the word "person" is changed to "child" for consistency of terminology.

Concerning §83.560(b), the department added a reference to environmental health standards in §83.572 and §83.573 for clarity based on public comment.

The definition of a serious incident in §83.570 is changed for clarification.

Concerning §83.574(d)(3)(A), dietician consultant is substituted for nutritionist to reflect more current terminology.

## Subchapter H. Consolidated Standards for 24-Hour Care Facilities

### ★ 40 TAC §§83.401-83.428

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

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

Issued in Austin, Texas, on December 2, 1986

TRD 9611250

Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

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Proposal publication date: June 6, 1986  
For further information, please call  
(512) 450-3766.

★ ★ ★

### ★ 40 TAC §§83.401-83.432, 83.440-83.449, 83.501-83.512, 83.514, 83.515, 83.520-83.537, 3.540-83.560, 83.570-83.574

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

#### §83.402. *Governing Body.*

(a) A governing body must be established to be responsible for and have authority over the facility's policies and activities.

(b) The governing body must be responsible for:

- (1) programs;
- (2) policies;
- (3) funding; and
- (4) compliance with minimum standards.

(c) The governing body must remove from contact with children an administrator against whom is returned.

(1) an indictment alleging the person committed any felony classified as an offense against the person or family, public indecency, or violation of any statute intended to control the possession or distribution of any substance classified as a controlled substance in the Texas Controlled Substances Act;

(2) an indictment alleging the person committed any misdemeanor classified as an offense against the person or family or public indecency;

(3) an official criminal complaint accepted by a district or county attorney alleging the person committed a misdemeanor classified as an offense against the person or family or public indecency.

(A) The person must be removed from contact with children until the charges are resolved.

(B) Licensing must be notified of the indictment or complaint by the next workday.

(C) A person who has received deferred adjudication on any of these charges must be removed from contact with children for the duration of the deferment unless the director of licensing has ruled that proof of rehabilitation has been established.

#### §83.403. *General Administration.*

(a) Licensing staff must be allowed to visit and inspect the facility at all times.

(b) The facility's records must be available to and open for licensing staff to review.

(c) The license must be displayed at the facility.

(d) The conditions of the license must be observed.

(e) Two types of care must not be offered at the same time in the same facility if this conflicts with the children's best interests or with the use of staff or facility space. If more than one type of care is offered, it must be documented that no conflict exists.

(f) If care is provided for minors and adults, the standards in §83.571 of this title (relating to Facilities Providing Care for Children and Adults) must be met.

(g) The written informed consent of a child (if the child is able to consent) and the child's parents or managing conservator must be obtained before involving the child in any fund raising and/or publicity for the facility.

#### §83.404. *Audit Requirements.*

(a) New facilities must submit a letter from a certified public accountant with the application for an initial license. In the letter, the accountant must document that procedures are in place for operating the fiscal management system so that the facility's financial statements can be audited at the end of the first fiscal year of operation.

(b) An independent certified public accountant must audit the financial statements annually. The audit must be made according to generally accepted auditing standards. The auditor must determine whether the facility's financial statements present fairly its financial operations according to generally accepted accounting principles.

(c) An operating facility must submit a copy of the audit report to licensing. The report must include at least the auditor's statement of income and disbursements, including those portions of the financial statement and accompanying notes to the financial statements, if any, that relate to income and disbursements.

#### §83.405. *Children's Records.*

(a) Accurate and current records must be kept for each child in care.

(b) Except for emergency placements, each child's record upon admission must also include all documentation required by the minimum standards and:

- (1) the child's name, sex, race, religion, birthdate, and birthplace;
- (2) the name, address, and telephone number of the child's parents or managing conservator;
- (3) the date of admission;
- (4) current court orders related to managing or possessory conservatorship and court orders under Title III of the Texas Family Code;

(c) Children's records must be kept confidential.

(d) A medical consent form signed by a person authorized to give consent by the Texas Family Code, Chapter 35.01, must be kept at the facility and/or with the person

responsible for the child (other than the parent or managing conservator) when the child is away from the facility. The form must be available in case of an emergency.

**§83.406. Administrative Reports and Records.**

(a) Written reports must be completed for any serious incident involving staff or children. The date and time of the incident, the name(s) of the staff and/or child(ren) involved, the nature of the incident, and the circumstances surrounding it must be included in the report. A copy of the report must be filed at the facility and available for licensing staff to review.

(b) The following types of serious incidents must be reported to licensing and the child's parent or managing conservator by the next workday: suicide attempts; abusive treatment, including alleged abuse; incidents that critically injure or permanently disable a child; and a child's death.

(c) The facility must have current written policies and procedures to follow when a child is absent without permission. These must include:

(1) timeframes for determining when a child is absent without permission;

(2) actions staff take to locate the child;

(3) procedures (including timeframes) staff must follow to notify the parents or managing conservator and the appropriate law enforcement agency.

(d) If a child is not found, the absence without permission must be reported to the parent or managing conservator and to the appropriate law enforcement agency.

(e) If a child is absent without permission, circumstances surrounding his absence, efforts to locate the child, and notification of the child's parent or managing conservator and the appropriate law enforcement agency must be documented. If the parents or managing conservator cannot be located, attempts to report the child's absence must be documented.

(f) Disasters or emergencies that require any living unit to close must be reported to licensing by the next workday.

(g) Licensing must be informed of any impending change of administrator and any impending change necessitating a change in the conditions of the license.

**§83.407. Requirements for New Facilities.**

(a) New facilities must submit with the application for an initial license a written statement that identifies the types of services to be provided and the characteristics of the population to be served. The following must be included in the statement:

(1) the procedures and techniques the facility will use;

(2) the assessment procedures for ensuring the appropriateness of the procedures and techniques.

(b) New facilities must submit with the application for an initial license a budget for the first year of operation.

(c) New facilities must submit documentation of reserve funds or available credit at least equal to the facility's operating costs for the first three months.

**§83.408. Personnel Policies and Practices.**

(a) The facility must have current written job descriptions that specify the staff members' duties. A copy of the job descriptions must be available to staff and to licensing.

(b) Staff must be informed in writing of their responsibility to report immediately any suspected incident of abuse or neglect of a child in care to the facility's administrator or a person the administrator designates.

(c) If children are allowed overnight visits with staff, the children must be properly fed, lodged, and supervised and their health, safety, and well-being protected. The person(s) responsible for the child must be given information about obtaining emergency medical care.

(d) People whose behavior or health endangers the children must not be allowed to remain at the facility.

(e) Staff caring for children must not be assigned tasks that conflict or interfere with child care responsibilities.

(f) Unless proof of rehabilitation has been established, no person may be hired or kept employed in a position requiring contact with children if that person has been convicted of the following:

(1) a felony classified as an offense against the person or family;

(2) a felony classified as public indecency;

(3) a felony violation of any law intended to control the possession or distribution of any substance classified as a controlled substance in the Texas Controlled Substances Act;

(4) a misdemeanor classified as an offense against the person or family or as public indecency.

(g) A staff or person living on campus against whom one of the following is returned must be removed from contact with children:

(1) an indictment alleging the person committed any felony classified as an offense against the person or family, public indecency, or violation of any statute intended to control the possession or distribution of any substance classified as a controlled substance in the Texas Controlled Substances Act;

(2) an indictment alleging the person committed any misdemeanor classified as an offense against the person or family or public indecency;

(3) an official criminal complaint accepted by a district or county attorney alleging the person committed a misdemeanor classified as an offense against the person or family or public indecency.

(A) The person must be removed from contact with children until the charges are resolved.

(B) Licensing must be notified of the indictment or complaint by the next workday.

(C) A person who has received deferred adjudication on any of these charges must be removed from contact with children for the duration of the deferment unless the director of licensing has ruled that proof of rehabilitation has been established.

(h) Within two weeks after a new person is at the facility, information needed to conduct a criminal background check must be submitted to licensing on a form(s) provided by the department. New people include:

(1) employees;

(2) adults living at the facility who are not employees or in care;

(3) volunteers who are counted in the staff-child ratio.

(i) Staff who have contact with children in care must be tested for tuberculosis.

(1) A report, including results, of tuberculosis testing must be obtained within 12 months before staff is assigned responsibility for the care of children.

(2) Re-examination reports must be obtained according to recommendations of local public health authorities or the regional office of the Texas Department of Health.

(3) If children of staff live at the facility, the tuberculosis test requirements for children in care must be met.

**§83.409. Personnel Records.** A personnel record must be kept for each staff. It must contain at least the following:

(1) an application and/or resume that documents qualifications for the position;

(2) tuberculosis test reports for staff having contact with children;

(3) any reports and notes relating to the person's employment with the facility;

(4) date of employment;

(5) date and reason for leaving employment.

**§83.411. General Staffing.**

(a) Sufficient qualified staff must be employed to protect the health, safety, and well-being of children in care and to perform adequately the following functions:

(1) caring for children;

(2) planning for and providing services;

(3) administering the facility.

(b) All staff and volunteers must be supervised:

(1) to protect children's health, safety, and well-being;

(2) to ensure that assigned duties are performed adequately.

**§83.412. Management Staff.**

(a) Overall administrative responsibility for the facility must be assigned to a child care administrator licensed by the department as required by the Human Resources Code, Chapter 43.

(b) The administrator must:

- (1) be a full-time staff;
- (2) manage the facility according to the policies adopted by the governing body;
- (3) ensure that the facility's operation complies with minimum standards.

(c) If the administrator's activities cause frequent or extended absences from the facility, a person must also be employed to be responsible for the program and administer the facility in the administrator's absence. This person also must be licensed as required by the Human Resources Code, Chapter 43

**§83.414. Staff-child Ratio.**

(a) The facility must have staff coverage throughout the 24-hour period.

(b) During sleeping hours if only one staff is at the facility, a designated person must be on call and able to be at the facility within 10 minutes in an emergency. If more than one campus is regulated under the same license and the campuses are noncontiguous, emergency arrangements must be made for each location.

(c) The required staff-child ratio must be maintained during facility-sponsored activities away from the facility

(d) Only staff working directly with children may be counted in the staff-child ratio.

**§83.415. Training and Orientation.**

(a) New staff who will work with children must have training and orientation before they are assigned as the only staff responsible for a group of children. Training and orientation must include:

(1) information on the facility's programs and services.

(2) measures to prevent, identify, treat, and report child abuse and neglect

(b) Child care staff who are not licensed/certified health professionals must have current first aid training. First aid training must be updated at least every three years.

(1) New child care staff must meet this requirement within 90 days of employment.

(2) First aid training must be conducted by a Red Cross instructor or a licensed/certified health professional.

(c) Staff with current training in cardiopulmonary resuscitation (CPR) must be available and accessible to children in care during all hours of operation. CPR training must be updated at least annually. Training must be conducted by a person certified to provide CPR training

(d) All training and orientation must be documented. Documentation must include the date, the subject, and the name of the person who conducted the training.

**§83.417. Admission Procedures**

(a) An admission assessment must be completed for each child indicating that the placement meets the child's needs and best interests.

(1) For nonemergency admissions,

the admission assessment must be completed before a child is accepted for care.

(2) For emergency admissions, the admission assessment must be completed within 30 days of admission

(b) The admission assessment must be in writing and must include specific information on each of the following:

(1) a description of the circumstances that led to the child's referral;

(2) the immediate and long-range goals of placement;

(3) a description of the child's family and his relationship with family members;

(4) a description of the child's relationships with other significant adults and children;

(5) a description of the child's behavior including both appropriate and maladaptive behavior;

(6) the child's medical history including any current medical problems;

(7) the child's developmental history and current level of functioning;

(8) the child's school history including current educational level, special achievements, and any school problems;

(9) history of any other placements outside the home including the reasons for placement.

(c) The admission assessment must include:

(1) an evaluation of the child's special needs and strengths in the following areas:

- (A) physical;
- (B) family;
- (C) educational;
- (D) social;
- (E) psychological;

(2) the parent's or managing conservator's expectations for placement, family involvement, and duration of the child's stay in care;

(3) the child's understanding of placement.

(d) Children must have a medical examination by a licensed physician within 30 days before or after admission. Children being transferred from an agency who have had a medical examination within the past year are exempt. A copy of the medical examination report and findings, signed and dated by the physician, must be in the child's record

(e) Children must have a dental examination by a licensed dentist within one year before admission or arrangements must be made for one after admission. If the dental examination is done after admission, a copy of the dental examination report and findings must be in the child's record within six months of admission

(f) Children must be tested for tuberculosis according to the recommendations of the local public health authorities or the regional office of the Texas Department of Health

(g) A written placement agreement be-

tween the facility and the child's parents or managing conservator must be completed at or before placement. A copy of the placement agreement must be in the child's record. The placement agreement must include:

(1) authorization to care for the child;

(2) a medical consent form signed by a person authorized to give consent by the Texas Family Code, Chapter 35.01.

(h) Information about the facility must be discussed with the child's parents or managing conservator at or before admission. Written material about the facility must be given to the child's parents or managing conservator. The following information must be included in the discussion and in the written material:

(1) rules about visits, mail, gifts, and telephone calls;

(2) the discipline policy;

(3) the facility's policy about or program of religious training;

(4) if the facility has a school program, information on its accreditation, approval, or lack of approval by the Texas Education Agency;

(5) the type and frequency of reports the facility will make to the parents or managing conservator;

(6) trips away from the facility;

(7) The facility's use of volunteers or sponsoring families, if any.

(i) Information on the child's immediate needs must be provided to staff responsible for the child's care by the date the child is admitted.

**§83.420 Plan of Service.**

(a) The requirements in this section do not apply to residential treatment centers. Residential treatment centers must meet the requirements for a treatment plan in §§83.520-83.537 of this title (relating to Program Director and Admission Staff-Residential Treatment Centers; Other Professional Staff-Residential Treatment Centers; Staff-Child Ratio-Residential Treatment Centers; Training-Residential Treatment Centers; Admission Policies-Residential Treatment Centers; Admission Procedures-Residential Treatment Centers; Emergency Admission-Residential Treatment Centers; Preliminary Treatment Plan-Residential Treatment Centers; Treatment Plan-Residential Treatment Centers; Treatment Plan Review-Residential Treatment Centers; Problem Management-Residential Treatment Centers; Restraining Measures-Residential Treatment Centers; Protective Devices-Residential Treatment Centers; Mechanical Restraint-Residential Treatment Centers; Seclusion-Residential Treatment Centers; Child Care-Residential Treatment Centers; Health and Safety-Residential Treatment Centers; and Environment-Residential Treatment Centers).

(b) A written plan of service must be developed and documented in the child's record within 30 days of admission for each child in care. The plan must be based on the

admission assessment.

(c) The plan of service must identify and include:

(1) the child's needs in addition to basic needs for food, shelter, clothing, routine care, and supervision;

(2) specific strategies to meet the child's needs, including instructions to staff;

(3) the estimated length of stay;

(4) goals and preliminary plans for discharge.

(d) A copy or summary of the plan of service must be given to the child, when appropriate, and the child's parents or managing conservator. If the plan is not shared with the child, the child's record must reflect justification for this decision.

(e) Staff who work with the child must implement and follow the plan of service.

#### §83.421. *Plan of Service Review.*

(a) The plan of service review must include:

(1) an evaluation of progress towards meeting identified needs;

(2) any new needs identified since the plan was developed or last reviewed and strategies to meet these needs, including instructions to staff;

(3) an update of the estimated length of stay and discharge plans, if changed.

(b) The plan of service review and the names of the persons participating in the review must be documented in the child's record.

#### §83.423. *Problem Management.*

(a) The facility must have current written policies and procedures to guide staff in disciplining and controlling children. Measures for positive responses to appropriate behavior must be included. A copy of the policies and procedures must be submitted to licensing with the initial application and when changes are made.

(b) Disciplinary measures used by the facility must:

(1) be consistent with the facility's policies and procedures;

(2) not be physically or emotionally damaging to the child;

(3) be individualized to meet each child's needs.

(c) Only staff may discipline a child. Discipline must not be delegated to a staff who is not known to and knowledgeable about the child.

(d) Children must not be subjected to any harsh, cruel, unusual, or unnecessary punishment.

(e) Children must not be subjected to remarks that belittle or ridicule them or their families.

(f) Children must not be denied food, mail, or visits with their families as punishment.

(g) The reasons for any punishment or restriction must be explained to the child when the measures are imposed.

#### §83.425. *Personal Restraint.*

(a) All staff working directly with children must be trained in crisis management and the use of personal restraint if the facility's policies permit its use. Training must be documented in staff records.

(b) Personal restraint may be used only when a child's behavior endangers himself or others.

(c) The child must be released from personal restraint as soon as he is no longer a danger to himself or others.

(d) The use of personal restraint must be documented in the child's record. Documentation must include:

(1) the date and time staff began using the restraint and the name of the staff using it;

(2) a description of the specific behaviors necessitating the use of the restraint;

(3) the type of restraint used and the length of time the child was restrained;

(4) any injury the child sustained as a result of the incident or the use of restraint.

(e) The use of personal restraint must be evaluated as part of the next treatment plan review. Program staff must consider alternative strategies to handle the behavior that required using personal restraint. This evaluation must be documented in the child's record.

#### §83.426. *Child Care.*

(a) Children must not be abused or neglected.

(b) The daily schedule and activities must meet children's needs.

(c) Each child must have personal clothing suitable to his age and size. Children must have some choice in selecting their clothing.

(d) Children must be given training in personal care, hygiene, and grooming. Each child must be supplied with equipment for personal care, hygiene, and grooming.

(e) Money a child earns or receives as a gift or allowance must be his personal property.

(f) A child's money must be accounted for separately from the facility's funds.

(g) A child must not be required to use his personal money to pay for room and board, unless it is a part of the plan of service and approved in writing by the parents or managing conservator.

(h) Children participating in facility-sponsored activities must be properly fed, lodged, and supervised.

(i) An appropriate education must be arranged for each child.

(j) Contacts between children and their parents must be allowed according to the facility's policies unless parental rights have been terminated or contacts are not in the child's best interest.

(l) Children must be allowed to send and receive mail and have telephone conversations with family members or managing or possessory conservators unless the child's

best interest or a court order necessitates restrictions.

(2) When either the child or his family requests contact, but that contact is not in the child's best interest, a person with at least the qualifications of the person doing the admission assessment must determine the communication restrictions. Reasons for the restrictions must be explained to the child and documented in his record.

(3) If restrictions continue longer than one month and the child or his family continues to request contact, a person with at least the qualifications of the person doing the admission assessment must evaluate these restrictions at least monthly. Reasons for the continued restrictions must be explained to the child and documented in his record.

(4) If communications or visits are limited for practical reasons, the limits must be determined with the child and his parents or managing conservator. The limits must be documented in the child's record.

(k) A child must be allowed to bring personal possessions to the facility and to acquire others. Any limits on the kinds of possessions a child may or may not receive must be discussed with the child and his parents or managing conservator.

(l) Tasks expected of a child as part of living with others must be distinguished from jobs to earn money and jobs for vocational training.

(m) Staff must allow each child privacy.

#### §83.427. *Medical and Dental Care.*

(a) The facility must have current written policies and procedures for routine and emergency diagnosis and treatment of medical and dental problems.

(1) Copies of the policies and procedures must be available for licensing staff to review.

(2) Policies and procedures must be made known to all staff, and copies must be available for staff to review.

(b) A licensed physician must determine the need and frequency for medical examinations.

(c) A licensed dentist must determine the need and frequency for dental examinations.

(d) Medical and dental examinations and treatment must be provided as indicated.

(e) The child's medical record must include documentation of medical and dental examinations, each visit to a physician or dentist, and treatment recommended and provided.

(f) Any known allergies must be documented in the child's medical record.

(g) Any seizures, injuries, and medically pertinent incidents must be recorded including the date and time the incident occurred, type of incident, action taken, and child's name.

(h) Children must be immunized against disease as required by the Texas Department of Health. Current immunization records

must be kept for each child at the facility.

(i) One or more of the following records must be maintained for each child:

(1) a record or machine copy of a record that the child has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. The record must include a rubber stamp or the physician's or health personnel's signature. If the copy of the record is handwritten, staff copying the information must sign the handwritten copy.

(2) a dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the diseases in paragraph (1) of this subsection have begun. The immunization cycle must be completed as soon as is medically feasible. A current immunization record must be on file;

(3) a certificate signed by a licensed physician stating that the required immunization would be injurious to the health and well-being of the child or a member of the child's family or household;

(4) an affidavit (notarized statement) signed by the parent or managing conservator that the immunization conflicts with the parent's or managing conservator's religious beliefs and practices,

(5) a dated statement signed by the parent or managing conservator that the child's immunization record is current and is on file at the school the child attends. The name of the school must be included in the statement.

(j) Each child's immunization record must include:

(1) the child's birth date;

(2) the type and number of doses of each immunization;

(3) the dates (month, day, and year) the child received each immunization.

(k) A child's medication must be administered by staff except when the child is participating in an approved self-medication program.

(l) Medications must be administered according to the instructions on the label or according to a physician's subsequent orders, written and signed by the physician within 72 hours

(1) Legend medications must be administered only when a licensed physician has prescribed them.

(2) Staff must prepare medications immediately before administering them.

(m) If a physician authorizes a child to participate in a self-medication program, the authorization and instructions must be included in the physician's written orders for medication

(n) A medication record must be maintained for each child receiving medication. This record must include:

(1) the child's name;

(2) the prescribing practitioner's name, if applicable;

(3) the name and strength of the drug and dosage;

(4) the date (day, month, and year) and time administered and initials of the person administering the medication;

(5) the child's refusal to accept medication, if applicable.

(o) Medication errors must be reported to the prescribing physician. Errors must be documented in the child's medical record.

(p) Any adverse drug reactions must be reported immediately to the prescribing physician. The reactions must be documented in the child's medical record.

(q) Staff working with the child must be informed about possible side effects of medication administered to the child. Any side effects observed must be reported to the prescribing physician. The side effects and the report to the physician must be documented in the child's medical record.

(r) Medications must be stored in a locked area or cabinet

(1) The medication storage area must have a cabinet, drawer, box, or other container where drugs for external use only are stored separately from other medications.

(2) Medications covered by the Controlled Substances Act, §II, must be stored under double lock.

(s) Provisions must be made for storing medications that require refrigeration

(t) The medication storage area(s) must be kept clean and orderly

(u) First aid supplies must be readily available to staff in a designated location(s).

(v) Medication labels must be legible, clean, and complete. Prescription medication labels must include the following information:

(1) the patient's name,

(2) the physician's name;

(3) the pharmacy prescription file number;

(4) the name and strength of the medication;

(5) the date the prescription was filled or refilled;

(6) the expiration date of time-dated medications;

(7) warning labels as applicable;

(8) the pharmacy's name, address, and telephone number

(w) Labeling errors must be reported immediately to the pharmacist

(x) Medications must be properly stored in the original containers

(y) Discontinued medications must be removed from the medication area within 90 days of the discontinuance date and disposed of properly.

(z) Medications with an expiration date must be removed from the medication area on or before the expiration date and disposed of properly.

#### §83.428. Nutrition

(a) Children must be offered food that supplies the nutrients needed for growth and development according to the United States Department of Agriculture guidelines.

(b) Children must be served three

meals and one or more snacks daily.

(c) Children must not be forced to eat.

(d) Menus must be kept on file for one month after use. Any substitutions must be noted on the menu.

(e) Milk and milk products must be Grade-A pasteurized or from sources approved by the Texas Department of Health.

#### §83.429. Health and Safety.

(a) Documentation of current approved fire, health, and safety inspections must be on file at the facility. Copies of fire, health, and safety inspection reports must be submitted to licensing with each application for a license. The requirements for annual inspections are as follows.

(1) Fire inspections must be made by the local certified fire inspector and must meet regulations set by local ordinances or the state fire marshal's office.

(2) Health inspections must meet regulations set by the local health ordinances and the Texas Department of Health.

(3) Gas pipes must be pressure tested by the local gas company or a licensed plumber. The test report must document that a pressure test was performed and no leaks were found.

(4) Liquefied petroleum gas systems must be inspected by an inspector certified by the Liquefied Petroleum Gas Division of the Railroad Commission

(b) The facility must have current written plans and procedures for meeting disasters and emergencies. Staff must know the procedures for meeting disasters and emergencies. A copy of these plans and procedures must be available for licensing staff to review

(c) A certified lifeguard must be on duty during facility-sponsored swimming activities. Certification must be documented in the personnel record of facility staff used as lifeguards.

(d) Outdoor swimming pools must be enclosed by a fence. Entrances and exits to swimming pools must be locked when not in use. Machinery rooms must be locked.

(e) If exit doors or windows are locked and require a key to open from the inside, the fire marshal's written approval must be obtained.

(f) Exits must not be blocked.

#### §83.430. Environment.

(a) The requirements in this section do not apply to therapeutic camps. Therapeutic camps must meet the requirements in §83.572 of this title (relating to Minimum Standards of Environmental Health for Texas Department of Human Services Licensed Therapeutic Camps-Permanent Camps).

(b) Buildings and grounds must be maintained, cleaned, and repaired so that they are not hazardous to health and safety.

(1) Outdoor areas must be well drained.

(2) Windows and doors used for ventilation must be screened.

(3) Equipment and furniture must



be safe, sturdy, and kept in good repair.

(c) Access to flammable and poisonous substances must be permitted only to children whom facility staff have evaluated as capable and likely to use such substances responsibly.

(d) Poisonous substances must be stored separately from food and medications.

(e) All animals on the premises, including pets and livestock, must be vaccinated and treated according to a licensed veterinarian's recommendations to protect the children's health. Documentation of vaccinations and treatment for animals must be on file at the facility.

(f) Appropriate measures must be taken to keep the facility free of rodents, insects, and stray animals.

(g) Indoor areas where children can go for quiet, reading, study, relaxation, entertainment, or recreation must be provided. A minimum area of 40 square feet per child, not including bedrooms, halls, kitchens, bathrooms, and any rooms not available to the children, must be provided. The square footage of these areas may be averaged if accessible to all children.

(h) Bedrooms must have at least 60 square feet per child. Single bedrooms must have at least 90 square feet of floor space. Bedroom floor space may not be averaged.

(i) Sketches of floor plans showing dimensions and purposes of rooms must be submitted to licensing with the initial application for a license and when changes are made.

(j) Personal storage space must be provided for each child's clothing and possessions. Children who are able to look after their own needs must have individual storage space in their bedrooms for clothing and possessions.

(k) Staff and nonresident adults must not share a bedroom with children.

(l) No child six years old or older may share a bedroom with a person of the opposite sex.

(m) Each child must have his own bed, mattress, and linens. Beds must be kept clean and comfortable.

(1) Nonambulatory children and those subject to seizures must not use top bunks.

(2) Linens must be changed as often as needed for cleanliness and sanitation or at least once a week.

(n) The facility must have one lavatory, one tub or shower with hot and cold running water, and one toilet for every eight children.

(1) Bathrooms must be near the sleeping area.

(2) Separate toilet and bath facilities must be provided for boys and girls six years old and older unless the plan of use is documented and the department has approved.

#### **§83.432. Food Preparation, Storage, and Equipment.**

(a) This section is not applicable to therapeutic camps. Therapeutic camps must meet the requirements in §83.573 of this title (relating to Minimum Standards of Environmental Health for Texas Department of Human Services Licensed Therapeutic Camps-Primitive or Wilderness Camps).

(b) Food and drink must be of safe quality and prepared and served in a sanitary manner.

(1) Food preparation, dining, and storage areas; equipment; and furniture must be kept clean and well-repaired.

(2) All food items must be stored off the floor.

(3) All food items must be protected from contamination.

(4) One-time use paper and plastic dishes, utensils, and containers must not be reused.

(c) Cleaning supplies must be clearly marked and stored separately from food.

#### **§83.442. Training—Institutions Providing Basic Child Care.**

(a) All staff working with children must receive at least 15 hours annually of inservice training related to children's services exclusive of orientation and first aid training.

(b) If the institution's policy permits physical punishment of children in care, orientation and annual inservice training for staff must include alternatives to physical punishment.

#### **§83.443. Admission Policies—Institutions Providing Basic Child Care.**

(a) A child whose behavior or history indicates that he may be a danger to himself or others must be evaluated by a psychiatrist or psychologist before admission. The evaluation must be documented in the child's record and include:

(1) an assessment of the child's needs;

(2) an assessment of the potential danger to the child or others;

(3) recommendations for care, treatment, and further evaluation, if any, if the child is admitted for care.

(b) Before admitting a child whose behavior or history indicates that he may be a danger to himself or others, the facility must evaluate the child's needs (as identified in the psychiatrist's or psychologist's assessment) in relation to the facility's admission policies and criteria, and evaluate the potential danger to the child or others (as identified in the psychiatrist's or psychologist's assessment) in relation to the safeguards and services the facility is able to provide.

(1) The facility must not admit the child for care unless the evaluation indicates that the facility's program can meet the child's needs.

(2) If the child is admitted, the psychiatrist's or psychologist's recommendations for care, treatment, and further evaluation

must become part of the child's plan of service and must be implemented.

(3) The evaluation must be documented in the child's record.

**§83.449. Environment—Institutions Providing Basic Child Care.** Adults knowledgeable about safety precautions must supervise any use of explosive materials, firearms, other weapons, hunting equipment, and projectiles by children in care.

(1) Before children are allowed access to firearms, a person knowledgeable about firearm safety must instruct children on proper use and safety precautions. Documentation must be on file at the facility.

(2) Explosive materials, firearms, other weapons, hunting equipment, and projectiles must be in locked storage while not in use, and security measures must be taken to prevent children from having unsupervised access to them.

#### **§83.502. Staff-child Ratio—Institutions Serving Mentally Retarded Children.**

(a) During waking hours, at least one child-care staff for every four children under the age five, and one child-care staff for every eight children five years old and older must be on duty.

(b) During sleeping hours, one child-care staff for every 16 children must be in the living unit. If night staff is awake, however, one child-care worker for every 24 children must be in the living unit.

(c) If children requiring constant supervision are admitted, one awake staff for every 16 children must be in the living unit during sleeping hours.

(d) When children of different ages, developmental levels, or social needs are grouped together for any purpose, there must be sufficient staff to protect their health, safety, and well-being.

#### **§83.503. Training—Institutions Serving Mentally Retarded Children.**

(a) All staff working with children must receive at least 15 hours annually of training related to services for mentally retarded children exclusive of orientation and first aid training.

(b) Annual inservice training must include instruction in carrying out a daily training and treatment program designed to preserve and improve self-help skills and independent functioning and to prevent functioning from deteriorating.

#### **§83.506. Plan of Service—Institutions Serving Mentally Retarded Children.**

(a) A psychologist as defined by the Psychologist's Certification and Licensing Act must determine the need and frequency for re-evaluation of each child's intellectual functioning. The evaluation and recommendations must be documented in the child's record.

(b) Facilities that provide care for mentally retarded children whose needs are

primarily medical must meet the standards in §83.574 of this title (relating to Additional Minimum Standards for Institutions Serving Mentally Retarded Children with Primary Medical Needs).

(c) As a part of normalization, each child must be provided with a minimum of 1 hour per day of visual, auditory, and tactile stimulation to enhance his physical, neurological, and emotional development.

(d) Career planning must be included in setting objectives for older adolescents (except those who are profoundly and severely retarded). The adolescent must be involved in setting these objectives. The career planning must be documented in the child's record.

**§83.507. Plan of Service Review—Institutions Serving Mentally Retarded Children.**

(a) Each child's plan of service must be reviewed and updated at least every six months in a conference. The following people must participate.

(1) Facility staff. Facility staff must include a person qualified to develop the admission assessment, the comprehensive plan of service, and the plan of service updates.

(2) The child, if able.

(3) The child's parents or managing conservator, if they are willing and able to attend.

(b) The child's parents or managing conservator must receive at least two weeks advance notice of the plan of service review. The notice must be documented in the child's record.

(c) If a child's parents or managing conservator does not participate in the plan of service review, a copy or summary of the updated plan must be sent to them for their response. This must be documented in the child's record.

(d) The review and update of the service plan must be documented in the child's record.

(e) Each child's educational progress and continuing educational needs must be appraised annually in writing. The appraisal, including the school's evaluation and recommendation, must be documented in the child's record.

**§83.508. Problem Management—Institutions Serving Mentally Retarded Children.**

(a) No type of physical punishment may be inflicted in any manner upon any part of a child's body.

(b) The facility must have current written policies and procedures for using any form of restraint

**§83.510. Protective Devices—Institutions Serving Mentally Retarded Children.** Protective devices may be used to prevent a child from injuring or mutilating himself. A licensed physician or licensed psychologist must give signed written authorization for their use.

(1) Use of protective devices must be documented in the child's record.

(2) Use of protective devices must be evaluated as part of the regular review of the plan of service.

**§83.511. Mechanical Restraint—Institutions Serving Mentally Retarded Children.**

(a) Mechanical restraint may be used only with a licensed physician's or licensed psychologist's signed written authorization to prevent the child from injuring himself or others. Verbal authorization must be noted. The physician or psychologist must review and sign the verbal authorization within 24 hours.

(b) The physician's or psychologist's instructions, including verbal instructions, must be followed. They must include:

(1) the circumstances under which mechanical restraint may be used;

(2) the type of restraint that may be used;

(3) the maximum length of time mechanical restraint may be used;

(4) instructions for observing the child while in restraint, if different from the facility's written procedures.

(c) If a child is in restraint for as long as 12 hours, the physician or psychologist must see the child, determine the need for continued restraint, and sign the written instructions each 12 hours.

(d) Children placed in mechanical restraint must be:

(1) checked for adequate circulation and comfortable position at least every 15 minutes;

(2) given medication as prescribed, unless otherwise ordered by the physician;

(3) given an opportunity for motion and exercise for no less than five minutes during each hour the child is in mechanical restraint;

(4) given bathroom privileges at least every two hours.

(e) The use of mechanical restraint must be documented in the child's record. Documentation must include:

(1) the date and time mechanical restraint was used and the name of the staff applying the restraint;

(2) a description of the specific behaviors that necessitated using mechanical restraint;

(3) the type of mechanical restraint used and the length of time the child was restrained;

(4) observations of the child while in restraint, including the time of observation and the child's behavior;

(5) any injury the child sustained resulting from the incident or the use of restraint.

(f) The use of mechanical restraint must be evaluated as part of the next plan of service review. Program staff must consider alternative strategies to handle the behavior that necessitated the use of the

restraint.

**§83.512. Child Care—Institutions Serving Mentally Retarded Children.**

(a) A record of significant occurrences must be kept for each child. This record must be available for licensing staff to review.

(b) Supervised indoor and outdoor recreation and equipment must be available so that every child may participate.

(c) Training programs for nonambulatory children must include physical fitness development that prescribes a variety of body positions and changes in environment unless a child has medical orders to the contrary.

(d) Children must have outside activities daily, weather permitting, unless a child has medical orders to the contrary.

(e) Arrangements to participate in community functions and recreational activities must be made for children who are capable. Children who are capable must be encouraged to form friendships outside the facility.

(f) Professional consultation and treatment must be provided to meet the children's needs. Any specialized testing or treatment must be documented in the child's record.

(g) Infants must be held during feedings, unless a child has medical orders to the contrary.

(h) Food service practices for children, including nonmobile children, must encourage self-help and development.

(i) Children must eat or be fed in the dining areas, unless a child has medical orders to the contrary.

(j) Special provisions must be made for transporting nonambulatory children. When necessary, these provisions must include locks for wheelchairs and hydraulic lifts.

**§83.514. Health and Safety—Institutions Serving Mentally Retarded Children.**

(a) When nonambulatory children are swimming, at least one child care staff or volunteer for each such child must be in the swimming area in addition to the lifeguard on duty.

(b) When children subject to seizures are swimming, at least one staff or volunteer for each such child, in addition to the lifeguard on duty, must be in the swimming area. Exceptions may be made based on the physician's written orders in the following circumstances:

(1) the physician determines that the child is at low risk of seizures and that special precautions are not needed;

(2) the physician determines that the child should wear an approved life jacket while swimming and that further special precautions are not needed.

**§83.520. Program Director and Admission Assessment Staff—Residential Treatment Centers.**

(a) The person responsible for the

overall treatment program must be full-time staff with at least the following minimum qualifications:

(1) a master's degree in a mental health field from an accredited college or university or certification by the department as a certified social worker; and

(2) three years of experience providing treatment services to emotionally disturbed persons; one year of this experience must have been in a residential setting.

(b) Staff responsible for evaluating potential admissions on the basis of data collected as part of the admission assessment must have at least the following minimum qualifications:

(1) a master's degree in a mental health field from an accredited college or university or certification by the department as a certified social worker; and

(2) one year of experience in a residential treatment setting.

(c) Staff responsible for developing the admission assessment must have at least the following minimum qualifications:

(1) a bachelor's degree from an accredited college or university; and

(2) one year of experience in a residential treatment setting.

(d) Staff responsible for developing a preliminary treatment plan for each child must have at least the following minimum qualifications:

(1) a master's degree in a mental health field from an accredited college or university or certification by the department as a certified social worker; and

(2) one year of experience in a residential treatment setting.

#### **§83.521. Other Professional Staff—Residential Treatment Centers.**

(a) The residential treatment center must have sufficient appropriately qualified professional staff available on a full-time, part-time, and/or continuing consultative basis to assess and address the needs of children in care.

(b) The professional staffing plan must be in writing and implemented by the facility.

(c) The professional staffing plan must document that the number, qualifications, and responsibilities of professional staff are appropriate to the facility's size and the scope of its program.

(d) The professional staffing plan must include a detailed description of the qualifications, duties, responsibilities, and authority of professional positions. For each position, the plan must show whether employment is on a full-time, part-time, or continuing consultative basis. For part-time and consulting positions, the number of hours and/or frequency of services must be specified.

(e) The professional staffing plan must address responsibilities for diagnostic assessment, development and review of the treatment plan, and provision of treatment

services.

#### **§83.523. Training—Residential Treatment Centers.**

(a) New child care staff who have no previous experience working with emotionally disturbed persons in a residential setting must have at least 40 hours of supervised child care experience in the facility before they are assigned as the only staff responsible for a group of children. Until they have completed the supervised experience, an experienced child care staff must be physically available to the new staff at all times. Supervised child care experience must be documented.

(b) All staff working with children must receive at least 50 hours annually of in-service training related to children's services, exclusive of orientation and first aid training.

(c) Training must include information on the center's treatment methods, program, and behavior management.

**§83.524. Admission Policies—Residential Treatment Centers.** The facility must have current written admission policies and criteria describing the behavioral and/or emotional disturbance that the facility's program is designed to treat.

#### **§83.525. Admission Procedures—Residential Treatment Centers.**

(a) A written psychiatric or psychological diagnostic evaluation, done within six months before admission and including diagnosis and prognosis, must be obtained and considered part of the admission assessment.

(b) The admission assessment must include the reason(s) for choosing residential treatment.

(c) The admission assessment must document consideration given to any history of inpatient or outpatient treatment.

(d) If children whose behavior and/or history indicates a serious risk of suicide or serious physical injury to others are admitted:

(1) the physical plant or setting must permit staff to observe these children directly and continuously; and

(2) medical treatment and psychiatric consultation from a licensed physician must be available 24 hours a day.

#### **§83.526. Emergency Admission—Residential Treatment Centers.**

(a) Before a child is admitted on an emergency basis, the following information must be obtained and documented in the child's record:

(1) a brief description of the child's history;

(2) the child's current behavior;

(3) a brief description of the circumstances warranting an emergency admission.

(b) The probability of the placement meeting the child's needs and best interests must be evaluated before emergency admission. The evaluation must be documented in the child's record.

(c) A psychiatric or psychological diagnostic evaluation must be obtained within 10 workdays of an emergency admission.

#### **§83.528. Treatment Plan—Residential Treatment Centers.**

(a) A diagnostic assessment and a treatment plan based on the diagnostic assessment must be developed for each child and documented in the child's record within 40 days of admission.

(b) The assessment must include an evaluation of the child in the following areas;

(1) physical;

(2) familial;

(3) educational;

(4) social;

(5) emotional/psychological;

(6) behavioral.

(c) Specific strategies and techniques to meet the needs identified in the diagnostic assessment must be identified in the treatment plan. The estimated length of stay, goals for treatment, and discharge plans must also be included.

(1) The plan must include specific instructions for staff.

(2) Staff must implement and follow the plan.

(3) Appropriate information about the treatment plan must be given to the child and the child's parents or managing conservator.

#### **§83.529. Treatment Plan Review—Residential Treatment Centers.**

(a) Each child's treatment plan must be reviewed and updated at least every three months.

(b) If a child shows no progress toward achieving the goals and objectives in the treatment plan since the plan was developed or last reviewed, the reasons for continuing the child in the facility's program must be included in the child's record.

(c) Appropriate information about the updated treatment plan must be given to the child and the child's parents or managing conservator. This must be documented in the child's record.

#### **§83.530. Problem Management—Residential Treatment Centers.**

(a) No type of physical punishment may be inflicted in any manner upon any part of a child's body.

(b) The facility must have current written policies and procedures for using seclusion or any form of restraint.

**§83.532. Protective Devices—Residential Treatment Centers.** Protective devices may be used to prevent a child from injuring or mutilating himself. A psychiatrist or a licensed psychologist must give signed written authorization for their use.

(1) Use of protective devices must be documented in the child's record.

(2) Use of protective devices must be evaluated as part of the regular review of the treatment plan.

**§83.533. Mechanical Restraint—Residential Treatment Centers.**

(a) Mechanical restraint may be used only with a psychiatrist's or licensed psychologist's signed written authorization to prevent the child from injuring himself or others. Verbal authorization must be noted. The psychiatrist or psychologist must review and sign the verbal authorization within 24 hours.

(b) The psychiatrist's or psychologist's instructions, including verbal instructions, must be followed. They must include:

(1) the circumstances under which mechanical restraint may be used;

(2) the type of restraint that may be used;

(3) the maximum time the restraint may be used;

(4) instructions for observing the child while in restraint, if different from the facility's written procedures.

(c) If a child is in restraint for as long as 12 hours, the psychiatrist or psychologist must see the child, determine the need for continued restraint, and sign the written instructions each 12 hours.

(d) Children placed in mechanical restraint must be:

(1) checked for adequate circulation and comfortable position at least every 15 minutes;

(2) given medications as prescribed, unless otherwise ordered by the physician;

(3) given an opportunity for motion and exercise for a period of not less than five minutes during each hour the child is in mechanical restraint;

(4) Given bathroom privileges at least every two hours.

(e) The use of mechanical restraint must be documented in the child's record. Documentation must include:

(1) the date and time the restraint was begun and the name of the staff applying the restraint;

(2) a description of the specific behaviors that necessitated using the restraint;

(3) the type of restraint used and the length of time the child was restrained;

(4) observations of the child while in restraint, including the time of observation and the child's behavior;

(5) any injury the child sustains as a result of the incident or the use of restraint.

(f) The use of mechanical restraint must be evaluated as part of the next treatment plan review. Program staff must consider alternative strategies to handle the behavior that necessitated the use of the restraint. Consideration must be documented in the child's record.

**§83.534. Seclusion—Residential Treatment Centers.**

(a) Seclusion must not be used as punishment, for staff's convenience, or as a substitute for treatment or program.

(b) Seclusion may be used only with a psychiatrist's or licensed psychologist's

signed written authorization. Verbal authorization must be noted. The psychiatrist or psychologist must review and sign the verbal authorization within 24 hours.

(c) The psychiatrist's or psychologist's instructions, including verbal instructions, must be followed. They must include:

(1) the circumstances under which the child may be secluded;

(2) the maximum time seclusion may be used;

(3) instructions for observing the child while in seclusion, if different from the facility's written procedures.

(d) If a child is in seclusion for as long as 12 hours, the psychiatrist or psychologist must see the child, determine the need for continued seclusion, and sign the written instructions each 12 hours.

(e) If the child's behavior is self-destructive while in seclusion, staff must intervene.

(f) Children placed in seclusion must be:

(1) checked at least every 15 minutes;

(2) given regularly prescribed medications, unless otherwise ordered by the physician;

(3) given bathroom privileges at least every two hours.

(g) A room used for seclusion must have at least 40 square feet of floor space and be free of safety hazards, adequately ventilated during warm weather, adequately heated during cold weather, and appropriately lighted.

(h) All items or articles that a child might use to injure himself must be removed from a room used for seclusion.

(i) At least a mat and bedding must be provided in the seclusion room, except when a psychiatrist's or psychologist's orders are to the contrary.

(j) The use of seclusion must be documented in the child's record. Documentation must include:

(1) the date and time the child was secluded, the length of seclusion, and the name of the staff using seclusion;

(2) the specific behaviors that necessitated using seclusion;

(3) observations of the child while in seclusion, including the time of observation and the child's behavior;

(4) any injury the child sustains as a result of the incident or the use of seclusion.

(k) The use of seclusion must be evaluated as part of the next treatment plan review. Program staff must consider alternative strategies to handle the behavior that necessitated using seclusion. Consideration must be documented in the child's record.

**§83.536. Health and Safety—Residential Treatment Centers.** When children subject to seizures are swimming, at least one staff or volunteer for each such child, in addition to the lifeguard on duty, must be in the swimming area. Exceptions may be made

based on the physician's written orders in the following circumstances:

(1) the physician determines that the child is at low risk of seizures and that special precautions are not needed;

(2) the physician determines that the child should wear an approved life jacket while swimming and that further special precautions are not needed.

**§83.542. Training—Halfway Houses.** All staff working with children must receive at least 15 hours annually of inservice training related to children's services, exclusive of orientation and first aid training.

**§83.544. Plan of Service—Halfway Houses.**

(a) The plan of service must include plans for encouraging the child to participate in community life and to form friendships outside the halfway house.

(b) The plan of service must provide for the child's needs in:

(1) consumer education;

(2) career planning.

**§83.545. Plan of Service Review—Halfway Houses.**

(a) Each child's plan of service must be reviewed and updated at least every three months in a conference. The following persons must participate:

(1) facility staff—facility staff must include a person qualified to develop the admission assessment, the plan of service, and the plan of service updates;

(2) the child;

(3) the child's parents or managing conservator, if they are willing and able to attend.

(b) The child's parents or managing conservator must receive at least two weeks advance notice of the plan of service review. The notice must be documented in the child's record.

(c) If a child's parents or managing conservator does not participate in the plan of service review, a copy or summary of the updated plan must be sent to them for their response. This must be documented in the child's record.

(d) The review and update of the service plan must be documented in the child's record.

**§83.549. Environment—Halfway Houses.**

(a) No more than four children may occupy a bedroom.

(b) Adults knowledgeable about safety precautions must supervise any use of explosive materials, firearms, other weapons, hunting equipment, and projectiles by children in care.

(1) Before children are allowed access to firearms, a person knowledgeable about firearm safety must instruct children on proper use and safety precautions. Documentation must be on file at the facility.

(2) Explosive materials, firearms, other weapons, hunting equipment, and projectiles must be in locked storage while not

in use, and security measures must be taken to prevent children from having unsupervised access to them.

**§83.552. Training—Therapeutic Camps.** All staff working with children must receive at least 15 hours annually of in-service training related to children's services, exclusive of orientation and first aid training.

**§83.555. Plan of Service Review—Therapeutic Camps.**

(a) Each child's plan of service must be reviewed and updated at least every four months in a conference. The following persons must participate:

(1) facility staff—facility staff must include a person qualified to develop the admission assessment, the comprehensive plan of service, and the plan of service updates;

(2) the child;

(3) the child's parents or managing conservator, if they are willing and able to attend.

(b) The child's parents or managing conservator must receive at least two weeks advance notice of the plan of service review. The notice must be documented in the child's record.

(c) If a child's parents or managing conservator does not participate in the plan of service review, a copy or summary of the updated plan must be sent to them for their response. This must be documented in the child's record.

(d) The review and update of the service plan must be documented in the child's record.

**§83.560. Environment—Therapeutic Camps.**

(a) Adults knowledgeable about safety precautions must supervise any use of explosive materials, firearms, other weapons, hunting equipment, and projectiles by children in care.

(1) Before children are allowed access to firearms, a person knowledgeable about firearm safety must instruct children in proper use and safety precautions. Documentation must be on file at the facility.

(2) Explosive materials, firearms, other weapons, hunting equipment, and projectiles must be in locked storage while not in use, and security measures must be taken to prevent children from having unsupervised access to them.

(b) Therapeutic camps must meet the requirements in §83.572 and §83.573 of this title (relating to Texas Department of Health—Minimum Standards of Environmental Health for Texas Department of Human Services Licensed Therapeutic Camps—Permanent Camps and Texas Department of Health Minimum Standards of Environmental Health for Texas Department of Human Services Licensed Therapeutic Camps—Primitive and Wilderness Camps).

**§83.570. Definitions.** The following words and terms, when used in this subchapter, shall have the following meanings,

unless the context clearly indicates otherwise.

**Abuse—**Nonaccidental infliction, or threat of infliction, of physical, emotional, or mental harm to a child.

**Adaptive behavior—**The effectiveness or degree with which a person meets the standards of personal independence and social responsibility expected of his age and cultural group.

**Ambulatory—**The ability to walk independently and without assistance.

**Behavior endangering self or others—**Behavior capable of causing physical harm to self or others; may include running away; physical holding may be used to prevent a child from running away because it is directly linked to protecting him from potential injury; may include destruction of property; however, physical holding to prevent destruction of property is permitted only after less restrictive interventions have been attempted and failed. Attempts to use less restrictive interventions must be documented in the child's record as part of documenting the need for restraint if destruction of property is defined as behavior endangering self or others.

**Child care facility—**A facility providing care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the facility's owner or operator for all or part of the 24-hour day whether or not the facility is operated for profit and whether or not the facility charges for its service.

**Children's or family services—**Services designed to:

(A) support or reinforce the ability of parents to meet children's needs;

(B) supplement the care children receive from parents or to compensate for certain inadequacies in parental care; and

(C) substitute for parental care either in whole or in part.

**Emergency admission—**An emergency exists if:

(A) a child is in danger;

(B) a child is a danger to others;

or

(C) a child is abandoned and does not have a place to stay.

**External drug—**A drug that, if administered orally or by injection, may harm or kill the patient.

**First aid supplies—**Required supplies include multisize adhesive bandages, gauze pads, tweezers, cotton balls, hydrogen peroxide, syrup of ipecac, and a thermometer.

**Fultime—**At least 30 hours per week.

**Governing body—**The entity with ultimate authority and responsibility for the facility's overall operation. All governing bodies are one of the following types:

(A) sole proprietorship—Personal ownership with the legal right and responsibility to possess, operate, sell, and otherwise deal with the facility; may include a facility owned in common by husband and wife;

(B) partnership—A combination

by contract of two or more people who use their money, labor, and skill to carry on a continuing business, dividing the profits and sharing the losses in an agreed manner; includes general and limited partnerships;

(C) corporation—An intangible entity created by individuals to operate for profit but to limit individual liability; organized according to the Texas Business Corporation Act or similar act of another state as evidenced by its articles of incorporation.

(D) nonprofit corporation—The equivalent of not for profit corporation. None of the income is distributed to members, directors, or officers; organized under the Texas Nonprofit Corporation Act or similar act of another state;

(E) nonprofit corporation with religious affiliation—An entity with nonprofit corporation status operated by, responsible to, or associated with an organization of individuals devoted to religious purposes. Those whose relationship with a religious organization is only for business, such as those who only lease space, are not included;

(F) association—A combination of individuals and interests of some kind without IRS tax-exempt status; not organized under the Texas Business Corporation Act.

(G) nonprofit association—A combination of individuals and interests of some kind, synonymous with society, with operations devoted to charitable, benevolent, religious, patriotic, or educational purposes; not organized under the Texas Business Corporation Act;

(H) nonprofit association with religious affiliation—A combination of individuals and interests of some kind, synonymous with society, with operations devoted to religious purposes; not organized under the Texas Business Corporation Act; operated by, responsible to, or associated with an organization of individuals devoted to religious purposes. Those whose relationship with a religious organization is only for business, such as those who only lease space, are not included.

**Hospital—**Refers only to a licensed or accredited facility.

**Legend drug—**A drug that bears the following caution on its label: "Federal law prohibits dispensing without a prescription." A prescription from a licensed physician is required for purchase.

**Living unit—**A building or part of a building where a group of children live.

**Mechanical restraint—**Any physical device used to restrict the movement of the whole or a portion of a child's body, except when such restriction is primarily used to prevent self-injury or permit wounds to heal.

**Mental health field—**A major field of study focusing on normal and abnormal human development and personal and interpersonal relationship skills. A degree in a mental health field must be from an ac-

credited college or university and include a clinical internship or field placement.

**Mobile nonambulatory**—The inability to walk without assistance, but ability to move from place to place using devices such as walkers, crutches, wheel chairs, wheeled platforms, and so on.

**Neglect**—Nonaccidental failure or threatened failure to provide a child with the physical and emotional requirements for life, growth, and development.

**New facility**—A child care facility that is not yet in operation.

**Nonambulatory**—The inability to walk independently and without assistance; applies to both mobile nonambulatory and nonmobile individuals.

**Nonmobile**—The inability to move from place to place.

**Nonlegend Drug**—A drug that does not require a prescription from a licensed practitioner for purchase; may also be called an over-the-counter (OTC) drug. A written prescription for a nonlegend drug does not make the drug legend.

**Normalization principle**—The principle of helping the developmentally disabled to live as normally as possible; making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society; specifically, the use of means that are as culturally normative as possible to elicit and maintain behavior that is as culturally normative as possible.

**Personal restraint**—Any contact of a staff member's body to restrict the movement of the whole or a portion of a child's body.

**Physician**—A person registered and licensed under the Medical Practice Act or practicing on a U. S. Military Installation.

**Professional staff**—People include:

(A) **psychiatrist**—a licensed physician with advanced training in the diagnosis and treatment of mental and emotional disorders;

(B) **psychologist**—a person qualified according to the Psychologists' Certification and Licensing Act;

(C) **social worker**—a person certified by the department as a certified social worker;

(D) **person qualified to provide social work services**—a person with a master's degree in social work from an accredited college or university; and

(E) **professional counsellors** licensed by the Texas Department of Health. Other professional staff in fields such as nursing, special education, vocational counselling, and so on may be included in the professional staffing plan for residential treatment centers if their responsibilities are appropriate to the scope of the facility's program description. These professionals must have the minimum qualifications generally recognized in their area of specialization.

**Protective device**—Devices used to prevent self-injury or self-mutilation.

**Psychologist**—Psychologist as defined by the Psychologists' Certification and Licensing Act (Texas Civil Statutes, Article 4512c).

**Sample drug**—A drug given without charge to a licensed practitioner that may be prescribed in the treatment regimen.

**Schedule II drug**—A drug classified under the Dangerous Drugs and Controlled Substances Act of 1970 that has a high potential for abuse with severe psychic or physical dependence possible.

**Seclusion**—Confinement, without staff present, in a locked room or in another isolated area from which the child is prevented from exiting.

**Serious incident**—Any nonroutine occurrence that has an impact on the care, supervision, and/or treatment of a child or children. This includes, but is not limited to, suicide attempts, injuries requiring medical treatment, runaways, commission of a crime, allegations of abuse and/or neglect, or abusive treatment.

**Significantly below average intellectual functioning**—Performance that is two or more standard deviations from the mean or average of the tests (usually 68 on Stanford-Binet or Cattell and 70 on the Wechsler).

**Staff-child ratio**—The ratio applies to the total facility and includes children of staff who live in child care units. Persons counted in the staff-child ratio must: (A) be engaged in child care activity; and (B) meet at least the qualifications for child care staff.

**Suicide attempts**—Child's attempt to take his own life using means or methods capable of causing serious injury or means or method that the child believes capable of causing serious injury.

**Supervise (children)**—Awareness of and responsibility for a child's on-going activity. Supervision requires staff to have knowledge of program and children's needs and to be accountable for service delivery. The facility is responsible for providing the degree of supervision indicated by a child's age, developmental level, and physical, emotional, and social needs.

**Volunteer**—A person who provides services to a facility without monetary compensation; includes sponsoring families. When a child in care is invited by another child in the community to participate in family, community, church, school, or other activities, this is not considered volunteer services and the family is not considered a sponsoring family.

**Volunteer, short-term services through an organization or agency**—Volunteer services provided through a church, civic, fraternal, or other organization or agency where individuals providing services have only occasional short-term contact with children in care. The facility must be aware of and approve the organization or agency's policies on volunteers who have contact with children.

**Volunteer, used as child care staff**—A volunteer who provides child care services to a group of children without direct supervision by paid staff and/or whose presence must be counted for the facility to meet the staff-child ratio.

*§83.574. Additional Minimum Standards for Institutions Serving Mentally Retarded Children with Primary Medical Needs.*

(a) **Definition of care.** Institutions serving mentally retarded children whose needs are primarily medical must ensure that medical supervision and nursing care are available to children admitted for care. Children whose need for care is primarily medical in nature include:

(1) those children who are unable to swallow secretions sufficient to maintain an open airway;

(2) those children who require feeding tubes or parenteral route to sustain life;

(3) those children who have other life-threatening conditions, making them dependent on the services of others and/or mechanical supports to sustain life; and

(4) those children who require sterile techniques or specialized procedures to promote healing to prevent infection, cross-infection, or contamination and to prevent breakdown of tissues.

(b) **Admission policies.**

(1) Institutions offering care to children with primary medical needs must outline in writing their available services and their plan for providing licensed medical personnel to perform the prescribed medical services.

(2) Admissions must be made upon the written orders of a licensed physician.

(c) **Medical care.**

(1) Each child must be evaluated by the attending physician within 72 hours before or after admission. This evaluation must be documented in the child's medical record.

(2) Each child must have written orders that meet his medical needs. The written orders must include orders for all medications, treatments, diet, range-of-motion program at stated intervals, habilitation as appropriate, and any special medical procedures.

(3) Nonmobile children must be turned every two hours to increase circulation and to prevent bedsores or contractures unless medical orders are to the contrary. This procedure must be documented in the child's medical record.

(4) Each child must have his medical needs reviewed by the treating physician as often as necessary or at least every 90 days. The review must be documented.

(d) **Nursing services.**

(1) Nursing services must be under the direction of a registered nurse, currently licensed to practice in Texas.

(2) The director of nursing services must be employed fulltime and must work during the day. The person in this position may be relieved on days off by a licensed vocational nurse.

(3) Awake nursing personnel must be available at the facility on a 24-hour basis. Nursing personnel must include a licensed vocational nurse or registered nurse.

(4) All specialized nursing procedures must be done by nurses who are licensed for such skills. Specialized nursing procedures include using sterile techniques, irrigating openings, using injectables, suctioning patients, inserting naso-gastric tubes, or making clinical observations.

(e) Nutrition services.

(1) Children must eat in an upright position unless a physician's orders are to the contrary.

(2) Children must eat or be fed according to their medical and developmental needs.

(3) Tube feeding must be used only when prescribed by a licensed physician.

(A) The staff responsible for formula preparation must be under the supervision of a licensed physician, dietician consultant, or registered nurse.

(B) Tube feeding formulas must supply the recommended dietary allowance for each child.

(C) Unless each tube-feeding formula is prepared immediately before administration, the formula must be prepared no more than 24 hours before feeding and must be stored in bacteriologically safe, sanitized, and covered containers; it must be maintained at less than 40° Fahrenheit.

(4) Only a licensed physician or registered nurse may insert a tube for feeding. The date of each insertion must be documented.

(5) Tubes for feeding must not be left in place longer than seven days.

(6) Staff assigned to administer tube-feeding formulas must be trained by a licensed physician or registered nurse. The licensed physician or registered nurse must document that staff assigned to administer tube-feeding formulas have been trained and have demonstrated competence in administering tube-feeding formulas.

(7) Each child must be weighed monthly and his height measured quarterly. Weight and height must be recorded in the child's medical records.

(8) A consultant dietician must plan diets prescribed by the physician.

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 December 2, 1986.

TRD-8611264 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: June 1, 1987  
Proposal publication date: June 6, 1986  
For further information, please call  
(512) 450-3766.

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### Subchapter I. Standards for Institutions Serving Mentally Retarded Children

★ 40 TAC §§83.501-83.530

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

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

Issued in Austin, Texas, on December 2, 1986

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Commissioner  
Texas Department of  
Human Services

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

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### Subchapter J. Standards for Institutions Providing Basic Child Care

★ 40 TAC §§83.601-83.619,  
83.621-83.628

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

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

Issued in Austin, Texas, on December 2, 1986.

TRD-8611261 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: June 1, 1987  
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(512) 450-3766.

### Subchapter K. Standards for Therapeutic Camps

★ 40 TAC §§83.703-83.726

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

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

Issued in Austin, Texas, on December 2, 1986.

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Commissioner  
Texas Department of  
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(512) 450-3766.

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### Subchapter L. Standards for Residential Treatment Centers

★ 40 TAC §§83.801-83.829

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

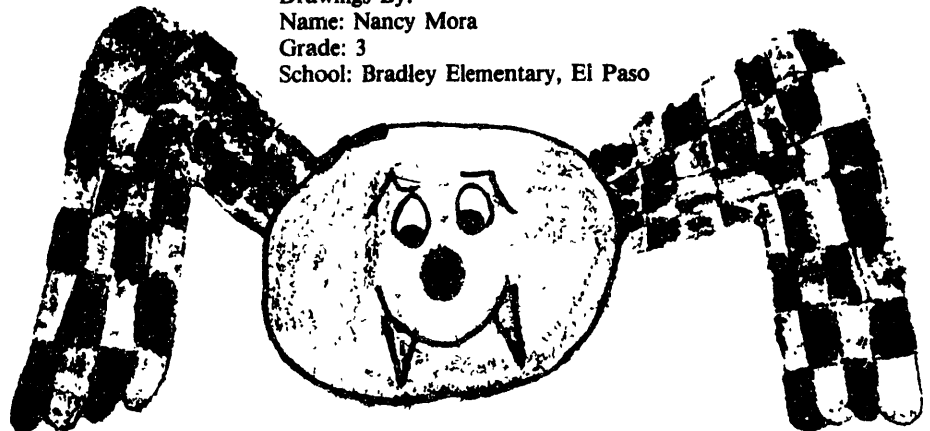
This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on December 2, 1986.

TRD-8611263 Marlin W. Johnston  
Commissioner  
Texas Department of  
Human Services

Effective date: June 1, 1987  
Proposal publication date: June 6, 1986  
For further information, please call  
(512) 450-3766.

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



# 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*.

## State Banking Board

**Wednesday, December 10, 1986, 1:30 p.m.** The State Banking Board will meet at 2601 North Lamar Boulevard, Austin. According to the agenda summary, the board will consider applications for charter, interim charter applications, the change of domicile applications, the request to rescind charter; review applications approved, but not yet open; and consider rules relating to branch banking. The board also will meet in executive session to discuss pending litigation.

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

**Filed:** December 2, 1986, 3:41 p.m.  
TRD-8611276

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## State Bar of Texas

**Thursday, December 11, 1986, 9 a.m.** The Executive Committee of the State Bar of Texas will meet in Rooms 206 and 207, Texas Law Center, 1414 Colorado, Austin. According to the agenda summary, the committee will hear reports from Bill Whitehurst, president; Larry Montgomery, executive director; Steve Peterson, general counsel; Ken Raney, TYLA president; Joe Nagy, president-elect; Charles L. Smith, immediate past-president; and Justice Franklin Spears, supreme court liaison; discuss legislative update, considerations, approvals, discussions, and appointments.

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

**Filed:** December 3, 1986, 3:37  
TRD-8611302

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## Texas Commission for the Blind

**Friday, December 12, 1986, 10 a.m.** The Board of the Texas Commission for the Blind will meet at the Criss Cole Rehabilitation Center, 4800 North Lamar Boulevard,

Austin. According to the agenda, the board will hear presentations by LULAC, Phillip Miller of the Governor's Committee on Disabled Persons, hear reports concerning policy, council on disabilities, and the executive director's report; consider action on the older blind Part C grant, year-end performance statistics, the 1986 amendments to the Rehabilitation Act of 1973, and the resolution in honor of "employee of the year." The board also will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g), and §2(e), to discuss personnel and pending legal matters.

**Contact:** Jean Wakefield, P. O. Box 12866, Austin, Texas 78711, (512) 459-2600.

**Filed:** December 3, 1986, 2:02 p.m.  
TRD-8611292

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## Texas Economic Development Commission

**Wednesday, December 3, 1986, 1:30 p.m.** The Texas World Trade Development Authority of the Texas Economic Development Commission made a revised agenda to the meeting held at Room 220, State Capitol, Austin. According to the agenda, the authority considered possible action on selection of bond counsel, selection of financial advisor, selection of financial underwriter, and discussed new business. The emergency revision was necessary due to an error in first submission.

**Contact:** Wardaleen F. Belvin, 410 East Fifth Street, Austin, Texas 78711, (512) 472-5059.

**Filed:** December 3, 1986, 9:20 a.m.  
TRD-8611284

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## Texas Education Agency

**Friday, December 12, 1986, 10 a.m.** The Committee on Certification Programs and

Requirements of the Commission on Standards for the Teaching Profession of the Texas Education Agency will meet in Conference Room 4, Administration Building, Carrollton-Farmers Branch ISD, 1445 North Perry Road, Carrollton. According to the agenda, the committee will review Rule 19 TAC §141.481, Alternative Teacher Certification, and programs for certification of persons already holding baccalaureate degrees (deficiency plans).

**Contact:** Edward M. Vodicka, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9337.

**Filed:** December 2, 1986, 4:24 p.m.  
TRD-8611277

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## Texas Employment Commission

**Wednesday, December 10, 1986, 8:30 a.m.** The Texas Employment Commission (TEC) will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda summary, the commission will consider prior meeting notes, internal procedures of commission appeals, consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 49; and set the date of next meeting.

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

**Filed:** December 2, 1986, 2:20 p.m.  
TRD-8611270

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## Office of the Governor

**Wednesday, December 10, 1986, 7 p.m.** The Texas Crime Stoppers Advisory Council of the Criminal Justice Division, Office of the Governor, will meet in emergency session at the Holiday Inn, 1051 IH 35 East, New Braunfels. According to the agenda, the



council will hear reports on local crime stoppers programs, current operations, discuss survey of local programs, training programs. The council also will meet in executive session to consider personnel matters and coordinators resignation. The emergency status is necessary due to shortage of council staff members, resulting from the resignation of the program coordinator, which creates an emergency whereby council objective and goals must be re-evaluated.

**Contact:** Donald S. Dillard, P.O. Box 12428, Austin, Texas 78701 (512) 463-1784.

**Filed:** December 3, 1986, 3:43 p.m.  
TRD-8611303

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

**Friday, December 12, 1986, 8 a.m.** The Examination Committee of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at IH 35 at Woodward Street, Austin. According to the agenda, the committee will review the state examination.

**Contact:** Wanda F. Steward, 4800 North Lamar, Suite 150, Austin, Texas 78756, (512) 459-1488.

**Filed:** December 4, 1986, 8:55 a.m.  
TRD-8611306

**Saturday, December 13, 1986.** Committees of the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids will meet at the Howard Johnson's Plaza South, IH 35 at Woodward Street, Austin. Times, committees, and agendas follow.

**8 a.m.** The Organization Committee will clarify the meaning of correcting defective hearing; discuss the assistive listening devices and the Rule and Regulation §141.37, Definition of Fitting and Dispensing of Hearing Aids.

**Contact:** Wanda F. Steward, 4800 North Lamar, Suite 150, Austin, Texas 78756, (512) 459-1488.

**Filed:** December 4, 1986, 8:55 a.m.  
TRD-8611307

**9 a.m.** The Continuing Education Committee will discuss guidelines for continuing education.

**Contact:** Wanda F. Steward, 4800 North Lamar, Suite 150, Austin, Texas 78756, (512) 459-1488.

**Filed:** December 4, 1986, 8:55 a.m.  
TRD-8611308

**10 a.m.** The Board will hear reports of the Examination, Organization, and Continuing Education Committees.

**Contact:** Wanda F. Steward, 4800 North Lamar, Suite 150, Austin, Texas 78756, (512) 459-1488.

**Filed:** December 4, 1986, 8:58 a.m.  
TRD-8611309

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### University of Houston System

**Tuesday and Friday, December 9 and 12, 1986, 8:30 a.m. daily.** The Board of Regents of the University of Houston System will meet in the second floor lobby, Conrad N. Hilton College Building, University of Houston. According to the agenda summary, the board will meet in executive session pursuant to Texas Civil Statutes, Article 6252-17, §2(g), to consider the possible appointment and employment of an officer for the University of Houston. No formal action will result from this executive session.

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

**Filed:** December 3, 1986, 9 a.m.  
TRD-8611288

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### Texas Industrial Accident Board

**Monday, December 8, 1986, 9:30 a.m.** The Texas Industrial Accident Board met in Room 107, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to the agenda, the board considered the staff request regarding the medical changes for unlicensed physical therapist. The board also met in executive session to review board files pursuant to the workers' compensation statute.

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

**Filed:** December 4, 1986, 9:17 a.m.  
TRD-8611310

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### State Board of Insurance

**Friday, December 5, 1986, 9 a.m.** The State Board of Insurance made an emergency revision to the agenda for a meeting held in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. The revision concerned the workers' compensation and employers' liability insurance rates considered in a public hearing on November 18 and 19, 1986. The emergency status was necessary to provide as much notice as practicable to insurers because of the large percentage of renewals of policies which occur on January 1, of each year.

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

**Filed:** December 2, 1986, 4:56 p.m.  
TRD-8611279

**Friday, December 19, 1986, 10 a.m.** The State Board of Insurance will meet in Room 414, State Insurance Building, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider adoption of an amendment to 28 TAC §5.6104, concerning filing of certificates of compliance with standards for accident prevention services at the time of filing of annual statements by insurers writing workers' compensation insurance.

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

**Filed:** December 2, 1986, 4:56 p.m.  
TRD-8611278

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### Texas Commission on Jail Standards

**Wednesday, December 3, 1986, noon.** The Texas Commission on Jail Standards made an emergency revision to the agenda for a meeting held in Room 100, Employees Retirement Building, 18th and Brazos Streets, Austin. The revision concerned the discussion of the fourth degree felony and election of officer. The emergency status was necessary because of the chairman's desire to discuss these items at this time since next meeting is not scheduled until March 1986 and resolution is required prior to that time.

**Contact:** Robert O. Viera, 611 South Congress Avenue, Suite 200, Austin, Texas 78711, (512) 463-5505.

**Filed:** December 3, 1986, 9:45 a.m.  
TRD-8611285

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### Texas State Board of Medical Examiners

**Tuesday, December 2, 1986, 5 p.m.** The Finance Committee of the Texas State Board of Medical Examiners met in emergency session at 1101 Camino LaCosta, Austin. According to the agenda, the committee discussed personnel and financial matters. The committee also met in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Texas Civil Statutes, 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 due to personnel and financial matters needing attention before the February regular board meeting.

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

**Filed:** December 2, 1986, 12:19 p.m.  
TRD-8611266

### Texas Music Commission

**Thursday, December 11, 1986, 10 a.m.** The Texas Music Commission will meet at the Speaker's Committee Room, State Capitol, Austin. According to the agenda summary, the commission will hear committee reports and public comments.

**Contact:** Bekki Lammert, P.O. Box 2910, Austin, Texas 78769, (512) 463-1100.

**Filed:** December 3, 1986, 4:10 p.m.  
TRD-8611304

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### Texas Board of Pardons and Paroles

**Wednesday, December 17, 1986, 10 a.m.** The Texas Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will conduct full board interviews, and meet with interested parties in connection with cases subject to the board's jurisdiction as follows: James R. Reece, probation.

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

**Filed:** December 3, 1986, 2:04 p.m.  
TRD-8611293

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### Texas State Board of Public Accountancy

**Monday, December 8, 1986, 9 a.m.** The Long-Range Planning Committee of the Texas State Board of Public Accountancy made an emergency addition to the agenda for a meeting held in Suite 340, 1033 La Posada, Austin. The addition concerned the granting of continuing education credits for board members attending functions of the board. The emergency status was necessary due to the item added to the agenda.

**Contact:** Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** December 2, 1986, 12:11 p.m.  
TRD-8611267

Committees of the Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Days, times, committees, and agendas follow.

**Wednesday, December 10, 1986, 9 a.m.** The Committee on Technical Standards Review will conduct informal conferences in the matter of Complaints 86-05-02L, 86-02-10L, 86-02-09L, 86-02-08L, 85-12-08L, 86-07-02L, 86-03-06L, and develop recommendations as to disposition thereof.

**Contact:** Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** December 2, 1986, 3:15 p.m.  
TRD-8611268

**Thursday, December 11, 1986, 9:30 a.m.** The Panel Hearings on Examination Candidates will be conducted regarding unusual similarities on May 1986 uniform CPA exam.

**Contact:** Bob E. Bradley, Suite 340, 1033 La Posada, Austin, Texas 78752-3892, (512) 451-0241.

**Filed:** December 2, 1986, 12:10 p.m.  
TRD-8611269

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### Texas Public Building Authority

**Wednesday, December 10, 1986, 10 a.m.** The Texas Public Building Authority will meet in emergency session at Underwood, Neuhaus and Company, 909 Fannin, Houston. According to the agenda, the authority will hear reports on budget, buildings, annual report, TRL study, executive development program, Leedom study, approval of contract with McCall, Parkhurst, and Horton, approval of resolution authorizing TPBA advanced refunding bonds, a first supplement to the funds management agreement, a trust indenture, an escrow deposit agreement with Allied Bank, trust indenture-building projects, (first refunding) MBank Austin, a bond purchase agreement, an official statement and other matters. The authority will also meet in executive session to discuss personnel matters and reconvene to discuss decisions made in executive session. The emergency status was necessary to approve documents and authorize sale of advanced refunding bonds under current favorable market conditions.

**Contact:** Gayle Colby, 201 East 14th Street, Austin, Texas 78711, (512) 463-5544.

**Filed:** December 3, 1986, 11:04 a.m.  
TRD-8611286

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### Public Utility Commission of Texas

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

**Thursday, December 11, 1986, 10 a.m.** Hear comments and consider permanent adoption of Substantive Rule §23.25 (relating to Long Distance Rates).

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

**Filed:** December 3, 1986, 2:39 p.m.  
TRD-8611295

**Friday, December 12, 1986 9 a.m.** A prehearing conference in Docket 7145—application of Kerrville Telephone Company to detariff paging and mobile telephone service.

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

**Filed:** December 3, 1986, 2:41 p.m.  
TRD-8611296

**Thursday, December 18, 1986, 9 a.m.** A prehearing conference in Docket 7205—petition of general counsel for an inquiry into a flat rate plan for the interexchange carrier access charge.

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

**Filed:** December 2, 1986, 2:45 p.m.  
TRD-8611272

**Friday, December 19, 1986, 10 a.m.** A prehearing conference in Docket 7209—petition of the Office of Public Utility Counsel to establish an interim fixed fuel factor for Texas Utilities Electric Company and application of Texas Utilities Electric Company for authority to reduce its interim fixed fuel factors.

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

**Filed:** December 3, 1986, 2:41 p.m.  
TRD-8611297

**Thursday, January 15, 1987, 10 a.m.** A hearing on the merits in Docket 7209—petition of the Office of Public Utility Counsel to establish an interim fixed fuel factor for Texas Utilities Electric Company and application of Texas Utilities Electric Company for authority to reduce its interim fixed fuel factors.

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

**Filed:** December 3, 1986, 2:39 p.m.  
TRD-8611298

**Friday, February 6, 1987, 9 a.m.** A hearing on the merits in Docket 7185—application of Hunt-Collin Electric Cooperative, Inc. to change rates.

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

**Filed:** December 3, 1986, 2:41 p.m.  
TRD-8611299

**Tuesday, April 21, 1987, 9 a.m.** A hearing on the merits in Docket 6922—complaint of Houston Cellular Company *et al.*, against Southwestern Bell Telephone Company.

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

**Filed:** December 3, 1986, 2:41 p.m.  
TRD-8611300

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### Texas Sesquicentennial Commission

**Tuesday, December 16, 1986, 10 a.m.** The Texas Sesquicentennial Commission will conduct its Fourth Quarter Commission Meeting at the Marriott at the Capitol, 701 East 11th Street, Austin. According to the agenda, the commission will apply for sanctioning communities and associations, hear the director's report, and consider other business. The commission also will meet in executive session if needed.

**Contact:** Patrick Terry, P. O. Box 1986, Austin, Texas 78767, (512) 463-1986.

**Filed:** December 2, 1986, 11:33 a.m.  
TRD-8611265

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### Texas Water Commission

**Wednesday, December 3, 1986, 2 p.m.** The Texas Water Commission made an emergency revision to the agenda for a meeting held at Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission considered examiner's proposal for decision on applications by United Resources Recovery, Inc., for proposed permits, considered a motion for extension of time in which to file exceptions to the proposal for decision on a motion for continuance of the December 17, 1986, meeting scheduled for commission consideration of the examiner's proposal filed on behalf of Wharton and Fort Bend Counties. The emergency status was necessary in order to resolve the issues concerning pertinent deadlines, the commission is considering the referenced requests as soon as possible.

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

**Filed:** December 3, 1986, 11:43 a.m.  
TRD-8611287

**Tuesday, December 16, 1986, 2 p.m.** The Texas Water Commission will meet at Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider orders for City of Goree, Permit 10102-01, Smith

County WCID No. 1, Permit 10285-01, Riverside Country Club, Permit 11602-01, Dallas County WCID No. 6, Permit 10061-01, Tyler Pipe Industries, Solid Waste Registration 30140, and Union Oil of California, Solid Waste Registration 32637.

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

**Filed:** December 3, 1986, 11:44 a.m.  
TRD-8611289

**Wednesday, December 17, 1986, 2 p.m.** The Texas Water Commission will meet at Room 118, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the commission will consider applications by United Resources Recovery, Inc., for Permits WDW-233-1, WDW-233-2, WDW-233-3, and WDW-233-4, proposed Permit HW-50135-001 and proposed Permit WQ-02784, Brazos-Colorado Coastal Basin.

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

**Filed:** December 3, 1986, 11:44 a.m.  
TRD-8611288

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### Regional Agencies

#### Meetings Filed December 2

**The Austin-Travis County Mental Health/Mental Retardation Center, Operation and Planning Committee,** met in an emergency session in Suite 501, Executive Director's Office, 611 South Congress, Austin, on December 5, 1986, at 7:30 a.m. Information may be obtained from Sharon Taylor, 1430 Collier Street, Austin, Texas 78704, (512) 447-4141.

**The Texas Municipal League, Workers Compensation and Joint Board of Trustees,** met at TML Offices, 211 East Seventh Street, Austin, on December 8, 1986, at 1 p.m. Information may be obtained from Allen F. Hyman, 211 East Seventh Street, Austin, Texas 78701, (512) 478-6601.

TRD-8611258

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#### Meetings Filed December 3

**The Ark-Tex Council of Governments, Board of Directors,** will meet at the Holiday Inn, IH 30, Sulphur Springs, on December 11, 1986, at 5:30 p.m. Information may be obtained from Susan J. Rice, P.O. Box 5307, Texarkana, Texas, (214) 832-8636.

**The Blanco County Appraisal District, Board of Directors,** will meet in the Courthouse Annex, Johnson City, on December 9, 1986, at 6 p.m. Information may be ob-

tained from Hollis Petri, P.O. Box 338, Johnson City, Texas, (512) 868-4624.

**The Deep East Texas Council of Governments, Board of Directors,** will meet in the Schofield Room, First National Bank of Jasper, Jasper, on December 18, 1986, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

**The Education Service Center, Region XVII, Board of Directors,** will meet at 4000 22nd Place, Lubbock, on December 19, 1986, at 10:00 a.m. Information may be obtained from Weldon E. Day, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000, ext. 200.

**The Ellis County Tax Appraisal District,** will meet at 406 Sycamore Street, Waxahachie, on December 11, 1986, at 7 p.m. Information may be obtained from Gray Chamberlain, P.O. Box 878, Waxahachie, Texas 75165, (214) 937-3552.

**The Garza County Appraisal District, Board of Directors,** will meet at the Courthouse, Post, on December 9, 1986, at 9 a.m. Information may be obtained from Jean M. Westfall, P.O. Drawer F, Post, Texas 79356, (806) 495-3518.

**The Gregg Appraisal District, Board of Directors,** will meet at 2010 Gilmer Road, Longview, on December 11, 1986, at 10:30 a.m. Information may be obtained from William T. Carroll, P.O. Box 6700, Longview, Texas 75608, (214) 759-0015.

**The Hockley County Appraisal District, Board of Directors,** met at K-Bob's Steak House, 106 College Avenue, Levelland, on December 8, 1986, at 6:30 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

**The Lamar County Appraisal District,** met in emergency session at 1523 Lamar Avenue, Paris, on December 3, 1986, at 6 p.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

**The Liberty County Central Appraisal District, Board of Directors,** will meet at 1820 Sam Houston, Liberty, on December 17, 1986, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 712, Liberty, Texas 77575, (409) 336-6771.

**The Nueces River Authority, Board of Directors,** will meet in the Sheraton Marina Hotel, 3600 North Shoreline Blvd., Corpus Christi, on December 10, 1986, at 11:00 a.m. Information may be obtained from Con Mims, P.O. Box 349, Uvalde, Texas 78802, (512) 278-6810.

**The Panhandle Ground Water Conservation District Number 3, Board of Directors, will meet at 300 South Omohundro, White Deer, on December 15, 1986, at 7 p.m. Information may be obtained from Richard S. Bowers, P.O. Box 637, White Deer, Texas 79097, (806) 883-2501.**

**The San Patricio County Appraisal District, Board of Directors, will meet in the Courthouse Annex, on December 11, 1986, at**

**9:30 a.m. Information may be obtained from Kathryn Vermillion, P.O. Box 938, Sinton, Texas 78387, (512) 364-5402.. TRD-8611282**

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**Meeting Filed December 4**

**The Dallas Central Appraisal District, Audit Committee will meet at 420 Glen Lakes Tower, 9400 North Central Expressway,**

**Dallas, on December 9, 1986, at 9 a.m. The Board of Directors, will meet at 1420 West Mockingbird Lane, Suite 500, on December 10, 1986, at 7:30 a.m. Information may be obtained from Rick L. Keuhler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75247, (214) 631-0520.**

**TRD-8611305**

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Name: Michelle Rizzo  
Grade: 7  
School: Wilson Middle School, Plano

# In Addition

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

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

## Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the week ending November 21, 1986.

Information relative to the following applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the previously mentioned address, and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

Panda Energy Corporation, Dallas; gas turbine cogeneration facility; Dallas County; 1711; new source

Berwind Railway Service Company, Scottsville; railcar painting facility, Verhalen Industrial Road; 17714; new source

Phillips 66 Natural Gas, Midland; gas sweetening plant; 17719; new source

Issued in Austin, Texas, on December 1, 1986.

TRD-8611257 Bill Ehret  
Hearings Examiner  
Texas Air Control Board

Filed: December 2, 1986

For further information, please call (512) 451-5711, ext. 353.

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## Texas Department of Health Radioactive Material License

Notice is hereby given by the Texas Department of Health that it has granted an amendment to the following radioactive material license: Radioactive Material License number 6-1825, issued to Texas Nuclear Corporation, for their facility located in Austin, Travis County, (mailing address: Texas Nuclear Corporation, Ramsey Engineering Company, P.O. Box 9267, Austin, Texas 78766-9990).

The amendment to this license authorizes the licensee to sort and crush radioactive waste received from other persons, and to subsequently transfer that waste to licensed radioactive waste disposal sites.

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

This notice affords the opportunity for a public hearing upon written request within thirty days of the date of publication of this notice by a person affected as required by Texas Civil Statutes, Article 4590f, §11B(b), and as set out in TRCR 13.6. A person affected is defined as a person who is resident of a county, or a county adjacent to a county, in which the radioactive materials are or will be located, including any person who is doing business or who has a legal interest in land in the county or adjacent county, and any local government in the county; and who can demonstrate that he has suffered or will suffer actual injury or economic damage due to emissions of radiation. A person affected may request a hearing by writing Mr. David K. Lacker, Chief, Bureau of Radiation Control (Director, Radiation Control Program), 1100 West 49th Street, Austin, Texas 78756. Any request for a hearing must: contain the name and address of the person who considers himself affected by agency action; identify the subject license; specify the reasons why the person considers himself affected; and state the relief sought. If the person is represented by an agent, the name and address of the agent must be stated. Should no request for a public hearing be timely filed, the amendment will remain in effect.

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

Issued in Austin, Texas, on November 26, 1986

TRD-8611252 Robert A MacLean  
Deputy Commissioner for Professional  
Services  
Texas Department of Health

Filed: December 2, 1986

For further information, please call (512) 458-7236.

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## State Department of Highways and Public Transportation Contract Amendment Notice

The State Department of Highways and Public Transportation intends to amend its consultant contract with Ernst and Whinney for services it is performing in connection with the study of the use of consultant for project development by the department. The total contract dollar amount will be increased from \$77,196.52 to \$133,277.95, and the termination date extended from the amended date of December 15, 1986, to April 1, 1987.

The consultant proposal request appeared in the January 7, 1986, issue of the *Texas Register* (11 TexReg 110) and the award notice appeared in the May 16, 1986, issue of the *Texas Register* (11 TexReg 2368).

Issued in Austin, Texas, on December 2, 1986.

TRD-8611280 Diane L. Northam  
Administrative Technician  
State Department of Highways and  
Public Transportation

Filed: December 3, 1986  
For further information, please call (512) 483-8830.

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## Texas Department of Mental Health and Mental Retardation Consultant Proposal Request

Pursuant to Texas Civil Statutes, Article 6252-11c, the Texas Department of Mental Health and Mental Retardation is requesting offers from prospective consultants for the project described in the following paragraphs.

This invitation for offers is for a continuation of services currently performed by B. R. Blackmarr and Associates, Management Consultants, Dallas, Texas. The Texas Department of Mental Health and Mental Retardation intends to award the contract to the present contractor unless a better offer is submitted.

The consultant will be responsible for developing a paper based system for apportioning staff based on patient acuity at a selected state hospital in the Texas Department of Mental Health and Mental Retardation (TDMHMR) system. The consultant will also provide written documentation of methodology used and develop a plan for installing a patient classification system at the seven remaining state hospitals in the TDMHMR system. Major components of the task are as follows.

In conjunction with TDMHMR staff, the consultant shall identify the patient care indicators to be used in the classification system.

The consultant shall review the patient classification data to determine the specific staffing needs of TDMHMR for each element in the patient classification system. The staffing system procedures will be validated on existing patient care units in a selected hospital.

Once the first two components have been completed, the consultant, in conjunction with TDMHMR staff, will be required to complete the following tasks: adjustment of the patient classification and staffing system as required by the validation test; completion of reporting procedures for the staffing system; installation of the modified system for major service areas of the test hospital; and develop-

ment of methods to administer the program manually and independently in each hospital within the TDMHMR system.

Reports prepared pursuant to this contract shall be due as the consultant completes each of the described tasks, but no later than April 1, 1987.

Selection of the consultant shall be on a competitive basis taking into consideration the quality of services to be provided and the consultant's knowledge of the TDMHMR system. The consultant with the most relevant experience and background, and having the greatest and most expert knowledge of the service to be performed, will be awarded the contract.

The closing date for receipt of offers is January 12, 1987.

Prospective offerors should contact Cynthia Scaglione, R.A.J. Coordinator of the Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711.

Issued in Austin, Texas, on December 1, 1986.

TRD-8611246 Garry E. Miller, M.D.  
Commissioner  
Texas Department of Mental Health  
and Mental Retardation

Filed: December 1, 1986  
For further information, please call (512) 485-4591.

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## North Central Texas Council of Governments Request for Proposals

This request by the North Central Texas Council of Governments (NCTCOG) for consultant services is filed under the provisions of Texas Civil Statutes, Article 6252-11c.

The North Central Texas Council of Governments is requesting proposals for a mode choice component of a regional travel forecasting model package to be used by NCTCOG, the Texas State Department of Highways and Public Transportation, and Dallas Area Rapid Transit (DART). The participating agencies want a mode choice model that is based upon a model already developed and successfully used for at least one other major metropolitan area that is similar to Dallas-Fort Worth. The agencies are not interested in developing a new model which purports to make progress in advancing the theoretical state of the art but rather a model which represents acceptable standard practice. Selection of a proposer for this project will be based upon selection of the model (i.e., the model will be selected based upon its characteristics), the proposed methodology for calibration, the methodology chosen for validation, and the capabilities, experience, and amount of time the consultant proposes for work with DART and NCTCOG staffs on this project.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d to 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, disadvantaged business enterprises

will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, age, or national origin in consideration of an award.

The contract will comply with all federal and state laws and regulations applicable to subcontractors, including but not limited to, equal employment opportunity, Davis-Bacon Act, and records management.

Additional information may be obtained by contacting Shirley Henry, Administrative Aide, North Central Texas Council of Governments, 616 Six Flags Drive, Suite 200, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 640-3300. The due date for submission of proposals is Monday, December 29, 1986, noon, in the office of the indicated contact person.

Issued in Austin, Texas, on November 26, 1986.

TRD-8611234 William J. Pitstick  
Executive Director  
North Central Texas Council of  
Governments

Filed: December 1, 1986  
For further information, please call (817) 640-3300.

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### Texas Parks and Wildlife Department Consultant Proposal Request

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas Parks and Wildlife Department is requesting proposals from interested parties to provide assistance to this agency in acquiring land for outdoor recreation purposes and managing the department's varied real estate transactions. The party will provide on-going counsel and advice to the Texas Parks and Wildlife Department in all land acquisition matters, and other real estate transactions such as easement, mineral royalties, and leases.

Selection of a consultant will be based upon the person's qualifications and experience in the areas noted previously. Proposals will be reviewed by, and final selection will be made, by the executive director of the Texas Parks and Wildlife Department.

It is the intent of the Texas Parks and Wildlife Department to continue using the services of a consultant who is presently being retained by this agency, unless a better offer is received from a person possessing the necessary qualifications and experience to provide the requested services.

Additional information regarding this request for services may be obtained by contacting Roy L. Hogan, Director of Administrative Services, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744. To be considered, all proposals for service must be received on or by January 12, 1987.

Issued in Austin, Texas, on December 1, 1986.

TRD-8611233 Charles D. Travis  
Executive Director  
Texas Parks and Wildlife Department

Filed: December 1, 1986  
For further information, please call (512) 479-4805.

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### Public Utility Commission of Texas Public Notice

On Monday, December 1, 1986, the Public Utility Commission of Texas convened an open meeting at its offices for the purposes of setting interest rates for customer deposits for calendar year 1987 pursuant to Texas Civil Statutes, Article 1440a. The interest rate on deposits for installing service applies to every person, firm, company, corporation, receiver, or trustee engaged in the furnishing of water, light, gas, or telephone service which requires the payment on the part of the user for such service a deposit of money as a condition precedent to furnishing of any such service.

At that meeting, the commission established an interest rate of 6.0% for calendar year 1987.

Issued in Austin, Texas, on December 1, 1986.

TRD-8611271 Phillip A. Holder  
Secretary  
Public Utility Commission of Texas

Filed: December 2, 1986  
For further information, please call (512) 458-0100.

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### Texas Savings and Loan Department Application for Change of Control of Interstate Savings Association

Texas Civil Statutes, Article 852a, §11.20, requires any person who intends to acquire control of a state-chartered savings and loan association to file an application with the savings and loan commissioner for approval of the transaction. A hearing may be held if the application is denied by the commissioner.

On December 1, 1986, the savings and loan commissioner received an application for approval of the acquisition of control of Interstate Savings Association, Perryton, by H. C. Brillhart, Jr., Perryton.

Any inquiries may be directed to the Texas Savings and Loan Department.

Issued in Austin, Texas, on December 2, 1986.

TRD-8611273 Russell R. Oliver  
General Counsel  
Texas Savings and Loan Department

Filed: December 2, 1986  
For further information, please call (512) 479-1250.

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### Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of November 17-26, 1986.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the applica-

tion. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

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

#### Period of November 17-26, 1986

Rex-Hide Industries, Inc., Tyler; wastewater treatment plant; at 705 South Lyons Street in the City of Tyler, Smith County; 01452; amendment

Hi-Plains Service Corporation, Hereford, wastewater treatment plant; on the west side of State Highway 71, approximately 1.5 miles northwest of the intersection of U.S. Highway 71 in Travis County; 11434-01; renewal

Southwestern Electric Power Company, Jefferson; steam electric power plant; adjacent to Johnson Creek Reservoir approximately 1½ miles southwest of State Highway 49 and 12 miles northwest of the City of Jefferson in Marion County; 01331; renewal

Delta Distributors, Inc., Houston, Longview; chemicals storage, blending, and packaging facility; 14826 Hooper Road, approximately 1,000 feet south of Riley Road and 2,000 feet north of Clear Creek in Harris County; 02883; new

Jerald A. Turboff, doing business as Mid Capital Investment Company, Houston; wastewater treatment facilities; at 4800 Southerland Road, approximately ½ mile south of the intersection of Southerland Road and U.S. Highway 290 in the City of Houston, in Harris County; 12409-01; renewal

White Oak Bend MUD, Houston; wastewater treatment facilities; at 10200 Autumn Meadow Lane in Harris County; 11979-01; renewal

KMCO, Inc., Crosby; industrial organic chemical plant; at 16503 Ramsey Road at the intersection with Crosby-Dayton Road, 1.2 miles northeast of the Town of Crosby, Harris County; 02712; renewal

Thousand Trails, Inc., sewage treatment plant; approximately 3.1 miles west of the intersection of FM Road 830 and IH 45, 1.3 miles west-southwest of the intersection of FM Road 830 and Old Willis-Montgomery Road and 1,000 feet northwest of the intersection of Old Willis-Montgomery Road with the shoreline of Lake Conroe of Montgomery County; 12349-01; renewal

Texaco Chemical Company, A subsidiary of Texaco, Inc., Sour Lake; salt dome caverns ethylene and propylene storage facility; north of Highway 105 and west of Highway 326 near the City of Sour Lake, Hardin County; 02211; renewal

Southwestern Electric Power Company, Easton; steam electric power station; on the north side of Lake Cherokee, 1,200 feet south of State Highway 149, approx-

imately 12 miles east of Longview toward Tatum and three miles west of the City of Easton in Gregg County; 01307; renewal

F&S Hamilton Builders, Inc., doing Hunter Hill Water Supply Company, Longview; sewage treatment plant; approximately 400 feet west of State Highway 110 and three miles north-northwest of the intersection of State Highway 110 and FM Road 346 in Smith County; 12894-01; renewal

Pyramid International, Inc., Houston; wastewater treatment facilities; approximately 750 feet southwest of the intersection of Chippewa Boulevard and North Houston-Rosslyn Road and one mile south of FM Road 149 (West Montgomery Road) in Harris County; 11797-01; renewal

Con-Dor Pipe Line Company, Greenville Station, Caddo Mills; petroleum product storage and transfer facility; adjacent to FM Road 36 approximately 1¼ miles north of the intersection of U.S. Highway 30 and FM Road 36, and approximately two miles southeast of the City of Caddo Millas, Hunt County; 02875; new

River Plantation Municipal Utility District, Conroe; wastewater treatment facilities; approximately 1½ miles downstream from IH 45 bridge, on the north bank of the West Fork of the San Jacinto River in Montgomery County, 10978-01; renewal

Texas Pipe Threaders, Inc., Houston; plant that threads and coats couplings; 4511 Brittmore Road in the City of Houston, Harris County; 02528; renewal

Houston Belt and Terminal Railway Company, Houston; railroad terminal with maintenance facilities; at the intersection of McKinney Avenue and Milby Street in the City of Houston, Harris County; 02039; renewal

Harris County Municipal Utility District No. 189, Houston; wastewater treatment facilities; approximately 1,300 feet north of the point where Kuykendahl Road crosses Harris County Flood Control Ditch P145-03-00 in Harris County; 12237-01; renewal

City of Kingsville, Kingsville; wastewater treatment facilities; approximately ½ mile east of U.S. Highway 77 on the south side of FM Road 2045 in Kleberg County; 10696-01; renewal

American Cyanamid Company, Fort Worth; catalyst manufacturing operation; at 600 North Jones in the City of Fort Worth, in Tarrant County; 02459; renewal

Mirado I, Ltd. and Mirado II, Ltd., Houston; wastewater treatment facilities; at 5830 South Lake Houston Parkway, two miles south of the intersection of FM 526 and U.S. Highway 90, on the east side of FM Road 526 in Harris County; Houston; 11066-01; renewal

Manvel Energy, Inc., Manvel; plant that processes petroleum waste at 7715 Masters Road in the City of Manvel, Brazoria County; 02426; renewal

Chemical Waste Management, Inc., Corpus Christi; surface storage and processing facilities; on a 38-acre tract of land at 6901 Greenwood Drive (County Road 33) approximately ½ mile south of State Highway 357 in the City of Corpus Christi, Nueces County; WDW-70; amendment

Texasgulf, Inc., Newgulf Mine Facility, Newgulf; sulfur mining facility; at Newgulf, Wharton County; 00993; renewal



Grayson County Junior College, Denison; wastewater treatment facilities; approximately three miles west of U.S. Highway 75 adjacent to FM Road 691, at a point approximately five miles southwest of Denison in Grayson County; 10689-01; renewal

Hunt County Oil Company, Greenville; sewage treatment plant; approximately 500 feet southeast of the intersection of IH 30 and FM Road 1903 and five miles southwest of Greenville in Hunt County; 11721-01; renewal

North Mission Glen MUD, Houston; wastewater treatment facilities; approximately ¼ mile South of the intersection of Addicks Clodine Road with Beechnut Street at point approximately ½ mile west of Gaines Road in Fort Bend County; 12379-01; renewal

Oscar Mayer Foods Corporation, Sherman; meat processing facility; at 4726 Highway 75 south of the City of Sherman, Grayson County; 01991; renewal

The City of Paris; wastewater treatment facilities; approximately six miles north of the City of Paris, 1.7 miles northeast of the intersection of FM 1499 with U.S. Highway 271 and ½ mile east of U.S. Highway 271, Lamar County, 10479-02; renewal

Kietex, Inc., doing business as Sheraton Harlingen Inn, Harlingen; wastewater treatment facilities; on the south side of U.S. Highway 83 and adjacent to Stuart Place Road, approximately three miles west of Harlingen in Cameron County; 11490-01; renewal

Whiting Oilfield Rental, Inc, Pearland; oilfield equipment rental and maintenance facility; at 3808 Magnolia Street in the City of Pearland, Brazoria County; 02491; renewal

Crystal Oil Company, Clover Church Station, Henderson; petroleum product storage and distribution facility; one mile south of FM Road 850 on the west side of FM 2276 (approximately seven miles north of the City of Henderson), Rusk County; 02522; renewal

Atchison, Topeka, and Santa Fe Railway Company, Brownwood Facility, Brownwood; facility to service and repair railroad equipment; north of the intersection of Jeff Davis Street and Avenue C in the City of Brownwood; Brown County; 007391; renewal

Fruitvale Independent School District, Fruitvale; wastewater treatment facilities; approximately 2.1 miles east of State Highway 19, and 600 feet north of U.S. Highway 80 in Van Zandt County; 12369-01; renewal

City of Willis; wastewater treatment facilities; approximately two miles south of the City of Willis and 200 yards west of the U.S. Highway 75 crossing of the East Fork of Crystal Creek in Montgomery County; 10315-01; renewal

Lamar Water Supply Corporation, Fulton; wastewater treatment facilities; approximately five miles north of the City of Fulton new the north end of the Copano Bay Causeway (State Highway 35) in Aransas County; 10669-01; renewal

Issued in Austin, Texas, on November 26, 1986.

TRD-8811239 Mary Ann Hefner  
Chief Clerk  
Texas Water Commission

Filed: December 1, 1986  
For further information, please call (512) 463-7898.

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## 1987 Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the 1987 issues of the *Texas Register*. For reference, monthly deadline schedules will also be published during the year. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Monday and Tuesday of the week of publication. A star beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that issues published on February 3, May 1, August 4, and November 3 are indexes; no other material will be published in these issues. The *Texas Register* will not be published on January 6, September 1, December 1, and December 29.

FOR ISSUE PUBLISHED ON	ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY 10 A.M.	ALL NOTICES OF OPEN MEETINGS BY 10 A.M.
Friday, January 2	Monday, December 29	Tuesday, December 30
Tuesday January 6	NO ISSUE PUBLISHED	Tuesday, January 6
Friday, January 9	Monday, January 5	Thursday, January 8
Tuesday, January 13	Wednesday, January 7	Tuesday, January 13
Friday, January 16	Monday, January 12	Thursday, January 15
Tuesday, January 20	Wednesday, January 14	Tuesday, January 20
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