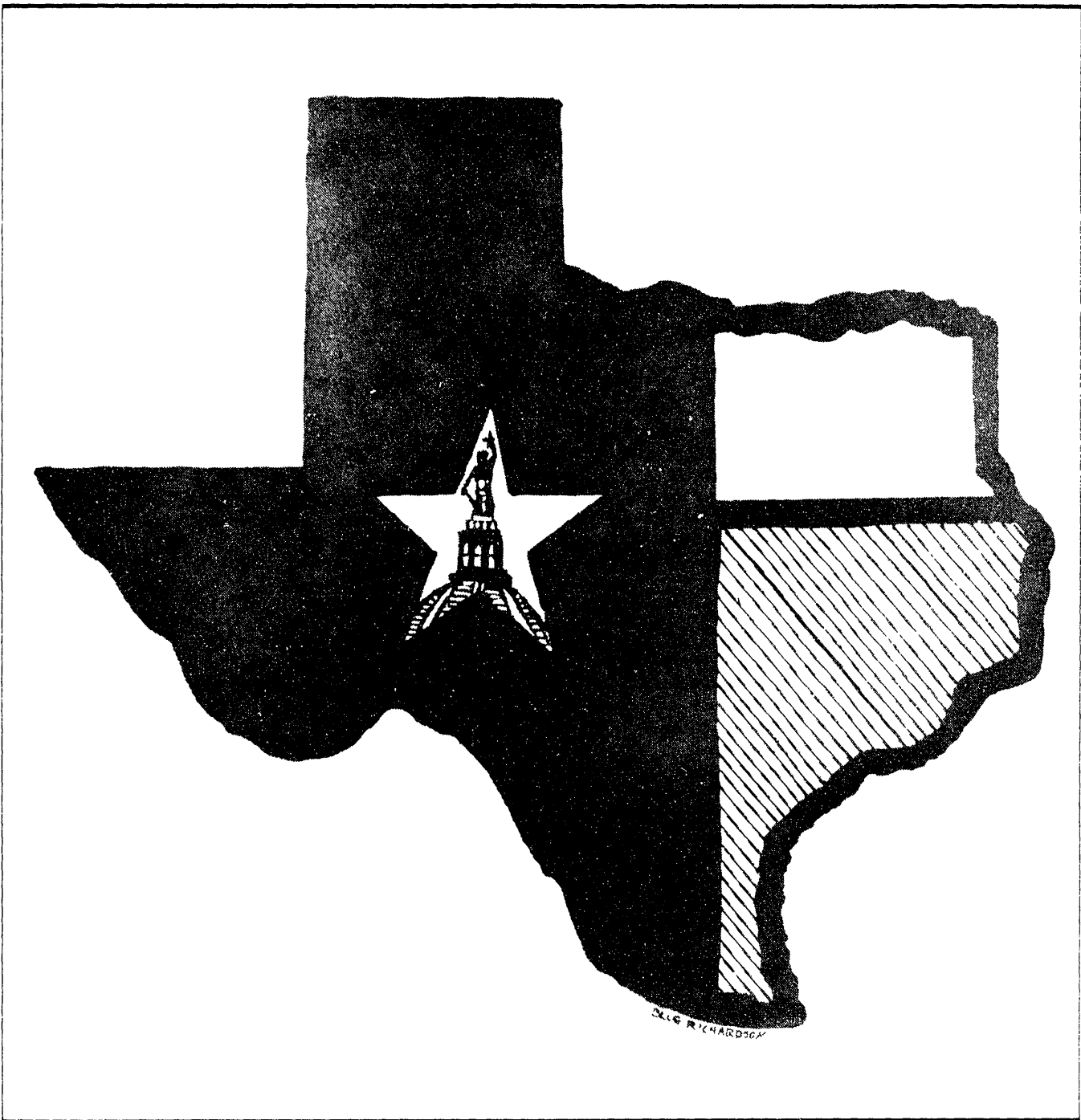


Texas Register

Volume 12, Number 46, June 19, 1987

Pages 1949-1989



Highlights

The **Texas Department of Mental Health and Mental Retardation** adopts on an emergency basis a new rule concerning admissions, transfers, furloughs, and discharges regarding state schools for the mentally retarded. Effective date - June 12 **page 1955**

The **Texas Animal Health Commission** proposes amendments to the Texas bovine brucellosis reg-

ulations concerning general requirements and special control area and county. Earliest possible date of adoption - July 20 **page 1958**

The **Texas Youth Commission** adopts a new rule expanding the scope of the agency responsibility and procedure for reporting, investigating, and remedying complaints. Effective date - June 29 **page 1978**

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 1987 with the exception of January 6, September 1, December 1, and December 29 by the Office of the Secretary of State.

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- Governor—appointments, executive orders, and proclamations
- Secretary of State—summaries of opinions based on election laws
- State Ethics Advisory Commission—summaries of requests for opinions and opinions
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- 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: "12 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 12 TexReg 3."

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

Texas Administrative Code

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

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

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

TAC stands for the *Texas Administrative Code*;

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



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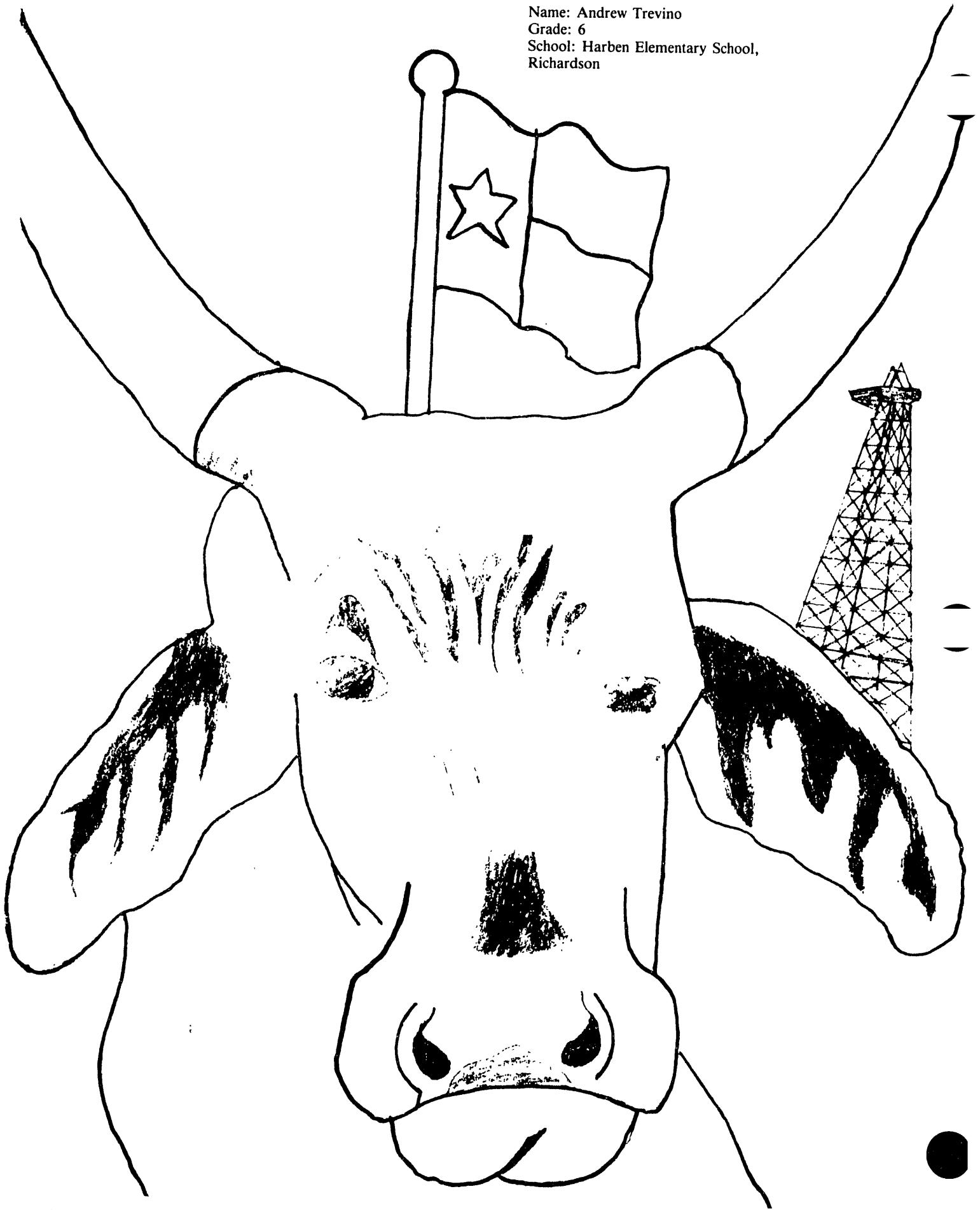
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Name: Andrew Trevino
Grade: 6
School: Harben Elementary School,
Richardson



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Emergency

Rules

An agency may adopt a new or amended rule, or repeal an existing rule on an emergency basis, if it determines that such action is necessary for the public health, safety, or welfare of this state. The rule may become effective immediately upon filing with the *Texas Register*, or on a stated date less than 20 days after filing, for no more than 120 days. The emergency action is renewable once for no more than 60 days.

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

TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 157. Emergency Medical Care

Emergency Medical Services

★ 25 TAC §157.63, §157.64

The Texas Department of Health is renewing the effectiveness of the emergency adoption of amended §157.63 and §157.64 for a 60-day period effective June 22, 1987. The text of amended §157.63 and §157.64 was originally published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 625).

Issued in Austin, Texas, on June 10, 1987.

TRD-8704840

Dan La Fleur
Liaison Officer
Texas Department of
Health

Effective date. June 22, 1987

Expiration date. August 22, 1987

For further information, please call
(512) 458-7236

★ ★ ★

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

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

★ 25 TAC §§405.726-405.728

The Texas Department of Mental Health and Mental Retardation adopts on an emergency basis new §§405.726-405.728, concerning administrative review procedures for trial community placement; community educational placement; and administrative review procedures for re-admission to state facility.

The emergency adoption is necessary to provide an appeals process for clients and families who object to placement out of state facilities or who desire that a client return from the community to a state facility.

These new sections will be superseded by the adoption of new Chapter 402, Subchapter H, which is proposed in this issue of the *Texas Register*.

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

§405.726. *Administrative Review Procedure for Trial Community Placement.*

(a) Furlough and discharge policy. It is the policy of the Texas Department of Mental Health and Mental Retardation to recognize and to provide for the diverse circumstances that surround the decision to furlough or discharge clients from mental retardation facilities into alternate residential settings in the community.

(1) Factors influencing placement decisions include:

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

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

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

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

(b) Participation in placement deci-

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

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

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

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

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

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

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

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

(2) The following additional information shall be provided to parents of minors and legal guardians: "If you object to the proposed placement and wish to request an administrative hearing in lieu of panel review of the case, you must notify me within 10 days of receipt of this letter."

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

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

(1) The panel will consist of:

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

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

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

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

(2) The panel should discuss the

case by phone or in person with the representative raising the objection and with a representative of the IDT team.

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

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

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

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

(e) Appealing the panel decision. If, upon receiving notice of the decision, the parent, guardian, or other representative further objects, he or she may appeal as follows.

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

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

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

(2) If the decision involves a furlough to an alternate residential placement in the community, a parent, guardian, or other representative may appeal, in writing, to the deputy commissioner for mental retar-

ation services within 10 calendar days of receipt of the notice of decision. The letter of appeal to the deputy commissioner for mental retardation services must be received by him within the 10 day period. The deputy commissioner will render a final decision in writing and send it to the parent, guardian, or other representative by registered mail, return receipt requested, within 14 calendar days of receipt of the letter of appeal.

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

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

§405.727. *Community Educational Placement.* Community educational placements for clients residing in state schools and centers are intended to comply with the provisions of Public Law 94-142. Such placements are not intended to change the residential placements of such clients from a state school or state center to the community; the purpose of such a placement is only to insure the individual free and appropriate education.

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

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

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

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

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

(b) Return pending internal review. When a request for return is made and not

resolved by the MRA, the head of the state facility will appoint a three-member panel to review all of the facts concerning the client's placement in the alternate residential setting in the community and make an objective recommendation for action to the head of the state facility.

(1) The panel will consist of:

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

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

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

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

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

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

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

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

(e) Appealing decision. A parent, guardian, or other representative may appeal the decision in writing to the deputy commissioner for mental retardation services within 10 calendar days of receipt of notice of a decision. The letter of appeal to the deputy commissioner for mental retardation services must be received by him within the 10-day period. The deputy commissioner will review all necessary information and render a final decision in writing and send it to the parent, guardian, or other representative by registered mail, return receipt requested, within 14 calendar days of the receipt of the letter of appeal.

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

for mental retardation services for good cause.

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

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

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

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

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

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

Issued in Austin, Texas, on June 12, 1987.

TRD-8704912 R. Coke Mills
Chairman
Texas Board of Mental
Health and Mental
Retardation

Effective date: June 12, 1987
Expiration date: October 11, 1987
For further information, please call
(512) 465-4670.

★ ★ ★

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 27. State Fire Marshal Subchapter D. Storage and Sale of Fireworks

★ 28 TAC §27.413

The State Board of Insurance adopts on an emergency basis an amendment to §27.413, concerning applications for license or permit for public display of fire-

works. Amendment of §27.413(c)(8) is necessary to provide for coverage of fireworks displays through surplus lines insurance. This insurance coverage is necessary to provide for protection of the public as contemplated under the Insurance Code, Article 5.43-4, §15 and §16. The State Board of Insurance has determined that, due to market conditions, the liability insurance coverage required by the Insurance Code, Article 5.43-4, §15, is unavailable to applicants for, and holders of, public display licenses or permits. This amendment provides authorization for the acceptance of surplus lines coverage for fireworks displays. At such time as the board may determine that market conditions no longer necessitate such authorization, the board would again amend §27.413(c)(8) and would no longer accept surplus lines coverage for fireworks displays. The State Board of Insurance finds that an imminent peril to the public health, safety, and welfare requires adoption of this amendment on an emergency basis in order to provide for effective insurance coverage before anticipated displays on July 4 of fireworks which will necessitate coverage for public liability and for risks of injuries.

This amendment is adopted on an emergency basis under the Insurance Code, Article 5.43-4, §16, which authorizes and requires the State Board of Insurance to adopt rules necessary for the protection, safety, and preservation of life and property by licensing and regulating public fireworks displays and other matters and activities concerning fireworks, and to accept surplus lines coverage for public liability insurance concerning fireworks.

§27.413. Applications for Licenses and Permits.

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

(c) Applications for a public display license or permit shall include the following information:

(1)-(7) (No change.)

(8) **evidence of public liability insurance, as required by the Insurance Code, Article 5.43-4, §15, or a certificate of insurance for surplus lines coverage in compliance with the Insurance Code, Article 1.14-2, as contemplated under the Insurance Code, Article 5.43-4, §16(c)** [proof of \$300,000 insurance coverage or \$100,000 surety bond by either a copy of the public liability insurance policy or an executed state fire marshal surety bond form adopted by the State Board of Insurance];

(9)-(10) (No change.)

(d)-(e) (No change.)

Issued in Austin, Texas, on June 12, 1987

TRD-8704897 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: June 12, 1987
Expiration date: October 10, 1987
For further information, please call
(512) 463-6327

Proposed Rules

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

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

TITLE 4. AGRICULTURE Part II. Texas Animal Health Commission Chapter 35. Brucellosis Subchapter A. Eradication of Brucellosis

★4 TAC §35.2, §35.5

The Texas Animal Health Commission proposes amendments to §35.2 and §35.5 of the Texas Bovine Brucellosis Regulations, concerning general requirements and special control area and county.

Section 35.2(b)(2) provides new wording for interpreting the Technicon Automated Complement Fixation Test and revises the interpretation for the Manual Complement Fixation Test to conform to the USDA's Brucellosis Eradication Uniform Methods and Rules (UM&R's).

Section 35.2(b)(3) has been amended to provide revised Rivanol test interpretations and interpretative test result codes to conform to the USDA Brucellosis Eradication UM&R's.

Section 35.2(b)(7) provides amended interpretations of the Standard Tube Agglutination Test (STT) or the Standard Plate Agglutination Test (SPT) to conform to the USDA Brucellosis Eradication UM&R's.

Section 35.2(k) has been amended by substituting a revised section for the one being deleted. The amended section reorganizes information and provides for quarantine and testing of herds where reactors or suspects are found as well as any other herds that are affected, adjacent, or high risk; it also provides for the development of herd plans, makes provisions for contents of the herd plan to include testing procedures, vaccination procedures, quarantine provisions, quarantine release, and postquarantine test.

All text in §35.2(k) has been deleted and is replaced with new language that provides procedures to protest an initial test or a herd plan.

Section 35.2(m) has been amended to provide more detail on identification of adult vaccinates. This information is being moved from subsection (k) and revised at the same time. A new paragraph previously shown under subsection (1) has been added to provide requirements for adult

vaccination of cattle in noninfected herds. It is changed in the transfer to accommodate amended test interpretations.

Section 35.2(u) has been amended to say that advisory committees of producers may be appointed to advise on the brucellosis program rather than making their existence mandatory as it is currently. Other changes delete references to the number of committees appointed.

Section 35.5(e) has been amended to strike the word "female" which had erroneously been included in the paragraph. This change will make the reference to all test-eligible cattle rather than just test-eligible female cattle. Added language further identifies these cattle as originating in the special control area. New language has also been added to provide two alternatives to the quarantine and retest of cattle changing ownership when they originate in the special control area. One alternative would allow this exception if they were tested negative within 30 days prior to change of ownership and if they originate from a herd which had been tested negative in the past 12 months. The other alternative would allow the exception if the cattle in question withstood two consecutive negative tests at least 60 days apart with the second test conducted within 30 days prior to the change of ownership.

Section 35.5(f) has been amended by adding language identifying cattle on which the restrictions are placed as those originating in the special control area. New language has also been added to provide two alternatives to the quarantine and retest of cattle for movement when they originate in the special control area. One alternative would allow this exception if they were tested negative within 30 days prior to movement and if they originate from a herd which had been tested negative in the past 12 months. The other alternative would allow the exception if the cattle in question withstood two consecutive negative tests at least 60 days apart with the second test conducted within 30 days prior to movement.

Section 35.5(g), requiring a permit accompany certain movements of test-eligible cattle, is amended only to change the reference since that reference was changed with the previous amendments.

Ken Welch, director of administration, has determined that for each year of the first five years the sections as proposed are 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. The public benefit anticipated as a result of enforcing the sections will be the provision of more detail on the requirements placed on herds that are infected, adjacent, or high risk. 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 Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

The amendments are proposed under the Texas Agriculture Code, Chapters 161 and 163, which provides the commission with authority to propose rules and sets forth the duties of the commission to protect domestic animals in the state from disease.

§35.2. General Requirements.

(a) (No change.)

(b) Classification of cattle. Cattle shall be classified by approved personnel by an evaluation of titer responses for all cattle to serological tests, or by identification of ***Brucella abortus*** in specimens taken from these cattle. The following serological tests may be used for the classification of cattle:

(1) (No change.)

(2) Complement fixation test (CF).

[The complement fixation test conducted by methods approved by National Veterinary Services Laboratories (NVS) is a test that may be used to classify cattle as suspects and reactors based on the following standards:]

(A) **Technicon Automated Complement Fixation Test. The Technicon Automated Complement Fixation Test is an official test when it is conducted at the Cooperative State-Federal Brucellosis Laboratory using recognized methods.** [Interpretation for all nonvaccinated test-eligible cattle:]

(i) **Interpretation of the Technicon CF Test Results.**

TEST

INTERPRETATION

TEST RESULTS

	<u>NONVACCINATED</u>	<u>OFFICIALLY VACCINATED</u> <u>(INCLUDES ADULTHOOD VACCI- NATES BEGINNING 2 MONTHS AFTER VACCINATION)</u>
<u>NEGATIVE</u>	<u>NEGATIVE AT 1:5</u>	<u>POSITIVE AT 1:5 BUT NEGATIVE AT 1:10</u>
<u>SUSPECT</u>	<u>POSITIVE AT 1:5 BUT NEGATIVE AT 1:10</u>	<u>POSITIVE AT 1:10 BUT NEGATIVE AT 1:20</u>
<u>REACTOR</u>	<u>POSITIVE AT 1:10 OR HIGHER</u>	<u>POSITIVE AT 1:20 OR HIGHER</u>

An epidemiologist may classify as a reactor an animal with a persistent suspect titer in an infected herd. [50% fixation (2 plus) in a dilution of 1:20 or higher-reactor.]

(ii) Interpretation of test result codes. The following codes are utilized by the laboratory to represent the corresponding test results:

COMPLEMENT FIXATION TEST

<u>CODE</u>	<u>TEST RESULT</u>
<u>05</u>	<u>NEGATIVE AT 1:5</u>
<u>01</u>	<u>POSITIVE AT 1:5</u>
<u>11</u>	<u>POSITIVE AT 1:10</u>
<u>21</u>	<u>POSITIVE AT 1:20</u>
<u>41</u>	<u>POSITIVE AT 1:40</u>
<u>81</u>	<u>POSITIVE AT 1:80</u>
<u>XI</u>	<u>POSITIVE AT 1:160</u>

[50% fixation (2 plus) in an dilution of 1:20 or higher-reactor.]

(iii) Less than 50% fixation (2 plus) in a dilution of 1:10-negative.]

(B) Manual complement fixation test. The manual complement fixation test is an official test when it is conducted at the Cooperative State-Federal Brucellosis Laboratory using recognized methods. [Interpretation for all test-eligible vaccinated cattle including adult vaccinated animals beginning two months postvaccination.]

(i) Interpretation of the Manual CF Test Results.

TEST

INTERPRETATION

TEST RESULTS

NONVACCINATED

OFFICIALLY

VACCINATED

(INCLUDES ADULTHOOD VACCI-
NATED CATTLE AND BISON
BEGINNING 2 MONTHS AFTER
VACCINATION)

NEGATIVE

1 + 1:10 OR LOWER

1 + 1:10 OR LOWER

SUSPECT

2 + 1:10 THROUGH

2 + 1:10 THROUGH 4 + 1:20

1 + 1:20

REACTOR

2 + 1:20 OR HIGHER

1 + 1:40 OR HIGHER

DEGREE OF FIXATION OF COMPLEMENT

1 + = 25%

3 + = 75%

2 + = 50%

4 + = 100%

An epidemiologist may classify as a reactor an animal with a persistent suspect titer in an infected herd. [25% fixation (1 plus) in a dilution of 1:40 or higher-reactor.]

(ii) Interpretation of test result codes. The following codes are utilized by the laboratory to represent the corresponding test results:

MANUAL CF TEST

<u>CODE</u>	<u>TLST RESULT</u>
<u>01</u>	<u>1 + at 1:5</u>
<u>02</u>	<u>2 + at 1:5</u>
<u>03</u>	<u>3 + at 1:5</u>
<u>04</u>	<u>4 + at 1:5</u>
<u>05</u>	<u>Neg at 1:5</u>
<u>10</u>	<u>Neg at 1:10</u>
<u>11</u>	<u>1 + at 1:10</u>
<u>12</u>	<u>2 + at 1:10</u>
<u>13</u>	<u>3 + at 1:10</u>
<u>14</u>	<u>4 + at 1:10</u>
<u>21</u>	<u>1 + at 1:20</u>

<u>22</u>	<u>2 + at 1:20</u>
<u>23</u>	<u>3 + at 1:20</u>
<u>24</u>	<u>4 + at 1:20</u>
<u>41</u>	<u>1 + at 1:40</u>
<u>42</u>	<u>2 + at 1:40</u>
<u>43</u>	<u>3 + at 1:40</u>
<u>44</u>	<u>4 + at 1:40</u>
<u>81</u>	<u>1 + at 1:80</u>
<u>82</u>	<u>2 + at 1:80</u>
<u>83</u>	<u>3 + at 1:80</u>
<u>84</u>	<u>4 + at 1:80</u>
<u>X1</u>	<u>1 + at 1:160</u>
<u>X2</u>	<u>2 + at 1:160</u>
<u>X3</u>	<u>3 + at 1:160</u>
<u>X4</u>	<u>4 + at 1:160</u>
<u>AC</u>	<u>Anticomplementary</u>

[50% fixation (2 plus) in a dilution of 1:10 but less than 25% fixation (1 plus) in a dilution of 1:40-suspect.

(iii) Less than 50% fixation (2 plus) in a dilution of 1:10-negative.]

(3) Rivanol test. **The rivanol test is an official test when conducted in Cooperative State-Federal Brucellosis Laboratories. Vaccinated cattle tested under the MCI program that show complete agglutination at dilutions of 1:25 or greater must be reported as MCI reactors for the purpose of state or area classification.** [The rivanol test, conducted by methods approved by National Veterinary Services Laboratories (NVSL), is a test that may be used to classify cattle as reactors. Complete agglutination at dilutions of 1:25 or more may be classified as a reactor to the rivanol test. Less than complete agglutination at 1:25 may be classified as negative to the rivanol test.]

(A) Interpretation of Rivanol Test Results.

<u>TEST</u>		
<u>INTERPRETATION</u>	<u>NONVACCINATED</u>	<u>TEST RESULTS</u>
		<u>OFFICIALLY</u>
		<u>VACCINATED</u>
<u>NEGATIVE</u>	<u>NEGATIVE AT 1:25</u>	<u>NEGATIVE AT 1:25, HOWEVER,</u>
		<u>WITHIN 5 MONTHS AFTER</u>

ADULTHOOD VACCINATION OF
CATTLE OR BISON, A POSITIVE
TITER AT 1:50 OR LOWER, IS
CONSIDERED TO BE NEGATIVE.

SUSPECT

NOT APPLICABLE

POSITIVE AT 1:25 TO POSI-
TIVE AT 1:50, PROVIDED THE
CF TEST IS PERFORMED AND IS
INTERPRETED AS NEGATIVE OR
SUSPECT.

REACTOR

POSITIVE AT 1:25
OR HIGHER

POSITIVE AT 1:25 OR HIGHER
PROVIDED THE CF TEST IS NOT
PERFORMED OR WHEN THE CF
TEST RESULT IS INTERPRETED
AS A REACTOR, OR POSITIVE
AT 1:100 OR HIGHER ON THE
RIVANOL TEST REGARDLESS OF
CF TEST RESULTS.

**(B) Interpretation of Test Result
Codes. The following codes are utilized by
the laboratory to represent the corresponding
test results:**

RIVANOL TEST

<u>CODE</u>	<u>TEST RESULT</u>
<u>0</u>	<u>NEGATIVE AT 1:25</u>
<u>2</u>	<u>POSITIVE AT 1:25</u>
<u>4</u>	<u>POSITIVE AT 1:50</u>
<u>6</u>	<u>POSITIVE AT 1:100</u>
<u>8</u>	<u>POSITIVE AT 1:200</u>

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

(7) **Standard Tube Agglutination
Test (STT) or Standard Plate Agglutination
Test (SPT). The blood titers of cattle and
bison tested by the STT or SPT methods are
interpreted in the following ways:**

INTERPRETATION OF STT AND SPT RESULTS

<u>TEST RESULTS</u>			<u>TEST INTERPRETATION</u>	
			<u>NONVACCINATED</u>	<u>OFFICIALLY VACCINATED</u>
1:50	1:100	1:200		
-	-	-	<u>NEGATIVE</u>	<u>NEGATIVE</u>
I	-	-	<u>SUSPECT</u>	<u>NEGATIVE</u>
+	-	-	<u>SUSPECT</u>	<u>NEGATIVE</u>
+	I	-	<u>SUSPECT</u>	<u>SUSPECT</u>
+	+	-	<u>REACTOR</u>	<u>SUSPECT</u>
+	+	I	<u>REACTOR</u>	<u>SUSPECT</u>
+	+	+	<u>REACTOR</u>	<u>REACTOR</u>

(- = NO AGGLUTINATION; I = INCOMPLETE AGGLUTINATION;
+ = COMPLETE AGGLUTINATION.)

(8)(7) New tests under research. Laboratory tests approved by the executive director are authorized to be used in conjunction with tests listed in this subsection for evaluation of their future usefulness in the program.

(c)-(j) (No change.)

(k) Requirements following classification of [cattle] a dairy or a beef animal or a bison as a reactor or a [suspects] suspect.

(1) **The herd of which the reactor or the suspect was a part shall be placed under quarantine.** A plan for prevention or elimination of brucellosis for each affected, adjacent, or high risk herd classified as such due to the reactor or suspect shall be developed by the herd owner (and his veterinarian, if so requested by the owner), and an epidemiologist of the Brucellosis Control Program. In the event agreement cannot be reached, the plan of the epidemiologist shall be final. The plan shall be formalized in writing, with the provision that the plan may be re-evaluated and changed when a change in circumstances is evident to the epidemiologist. All parties to the agreement must adhere to the plan throughout the period of the plan. The plan will consist of testing, vaccinating, and limited movement including, but not limited to, the minimum requirements of these regulations. The epidemiologist may waive vaccinating of cattle over 12 months of age in infected herds.]

(2) **An initial test of the herd which contained the reactor(s) or the suspect(s) and/or any other affected, adjacent or high risk herds will be conducted within a time set by state/federal personnel upon consultation with each herd owner. The consultation may identify epidemiological data for release**

of the quarantine without a herd test. [A person who objects entering into an initial test agreement or a herd plan for the prevention or elimination of brucellosis in each herd classified as affected, adjacent, or high risk due to a reactor or suspect animal, may protest the signing of an initial test agreement or the herd plan. To protest, the herd owner must:

[(A) request a meeting, in writing, with the executive director of the commission within 15 days of receipt of the herd plan or an initial test agreement, after which:

[(i) the meeting will be set by the executive director no later than 21 days from receipt of the request for a meeting;

[(ii) the meeting or meetings shall be held in Austin;

[(iii) the executive director shall render his decision within 14 days from date of the meeting.

[(B) Upon receipt of the written notice of an adverse decision or order by the executive director within 15 days after receipt of the notice the herd owner may file a written notice of appeal with the chairman of the commission. The administrative hearing of the appeal will be held in Austin before the commission.

[(C) The hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).]

(3) **The results of the initial herd test of the herd which contained the reactor(s) or the suspect(s) and/or any other affected, adjacent, or high risk herds will be used to determine the need for, and development of, an individual herd plan for preven-**

tion or elimination of brucellosis in that herd. The plan shall be developed by a State-Federal veterinarian of the brucellosis control program in consultation with the herd owner or caretaker and his veterinarian (if so requested by the owner). The plan developed by the commission shall be final and the owner or caretaker will be provided a copy. Any proposed herd plan which has identified special management requirements will be reviewed by a regional epidemiologist who will either support or modify the plan. A regional epidemiologist may waive vaccinating cattle over eight months of age in infected herds. The terms and conditions of a herd plan may be amended in writing by the commission upon good cause. [All beef heifers between four and eight months of age and dairy heifers between four and six months of age that are part of the herd shall be officially calfhood vaccinated.

[(A) All cattle in the infected herd, except steers and spayed heifers over six months of age, vaccinated dairy heifers less than six months of age and vaccinated beef heifers less than eight months of age shall be confined to the premise until the herd plan is completed or the herd is sold for slaughter. Nonvaccinated females over four months of age shall be "S" branded prior to leaving the herd. Vaccinated female cattle over six months of age for dairy and eight months for beef shall be "S" branded prior to leaving the herd.

[(B) The individual herd plan for these herds shall include the provision for negative herd tests with the first negative herd test occurring not less than 30 days after the removal and slaughter of all previous reactors and the second test not less than 180

days following removal of the last reactor provided all heifers over eight months of age are removed from the quarantined herd at the time of the last negative test. Herds with heifers over eight months of age remaining in the herd shall stay under quarantine until those heifers calve and the entire herd is tested negative. Heifers over eight months of age when removed from quarantined herds shall remain under quarantine until they pass a negative brucellosis test after all heifers have calved.

(C) Also, it is provided that the provision for official vaccinates positive on the card test or having a titer between +2 at 1:10 or +4 at 1:20 on the CF test in AV herds on an otherwise negative second test shall be classified as suspects and be held as an individual herd until they are card negative and less than +2 at 1:10 on the CF test.

(D) Movement of cattle from the herd following the second negative test will be permitted, except that following movement, adult vaccinated cattle shall be subject to a retest at destination between 120 and 180 days after arrival.

(E) Dairy herds shall be negative to the last milk ring test prior to completion of a herd plan. Individual adult vaccinated dairy cattle require less than a 1:16 titer on individual samples of all quarters for movement other than to slaughter.

(F) For all affected beef and dairy herds an additional herd test not less than 10 months nor more than 16 months from removal of the last reactor will be included in the test provision.]

(4) The plan will consist of:

(A) Testing procedures.

(i) All eligible cattle in the herd including all nonvaccinated heifers over six months of age shall be presented for testing or retesting at intervals stated in the herd plan until the quarantine is released.

(ii) All cattle to be added to the herd shall be tested prior to commingling with the herd.

(iii) All stray cattle found in the herd shall be presented for testing.

(iv) Cattle identified as reactors shall be removed in accordance with §35.2(j) of the Texas Bovine Brucellosis Regulations.

(v) All test-eligible cattle in the herd shall be presented for a postquarantine retest to be conducted not less than 10 months nor more than 16 months after the removal of the last reactor;

(B) Vaccination procedures.

(i) All nonvaccinated heifers shall be presented as soon as possible after they reach the age of four months and before the age of six months for dairy heifers and eight months for beef heifers to be vaccinated with Strain 19, B. abortus vaccine.

(ii) All female cattle over eight months of age in beef herds and six months of age in dairy herds shall be presented to be adult vaccinated within 10 days of their

negative serological test with Strain 19, B. abortus vaccine.

(iii) Replacement female cattle over eight months of age for beef or over six months of age for dairy shall be presented within 10 days after a negative test, to be adult vaccinated prior to their addition to an already vaccinated herd. The epidemiologist will determine if adult vaccination of replacements must continue if the quarantine extends past 18 months, or if only calthood vaccinates may be added.

(iv) Previously vaccinated negative female cattle shall be presented for revaccination with Strain 19, B. abortus vaccine as determined by the epidemiologist;

(C) Quarantine provisions.

(i) Officially vaccinated heifers under six months of age for dairy and under eight months of age for beef may move from the herd without restriction.

(ii) Bulls and nonvaccinated females over four months of age and official vaccinates over six months of age for dairy and over eight months of age for beef must be "S" branded and receive an "S" permit prior to movement.

(iii) Vaccinated heifers, over six months of age for dairy and eight months of age for beef, may be removed from the infected herd and kept separate under quarantine. Such heifers shall pass a negative brucellosis test after calving or be moved in accordance with subparagraph (B) of this paragraph. The parent herd will qualify for release under subparagraph (D)(i) of this paragraph.

(iv) Vaccinated heifers over six months of age for dairy and eight months of age for beef may be maintained with the parent herd. The herd will qualify for release under subparagraph (D)(iii) of this paragraph.

(v) Dairy herds shall be negative to the last milk ring test prior to completion of a herd plan;

(D) Quarantine release.

(i) Following removal of the heifers, the remainder of the herd may be eligible for quarantine release after two consecutive negative blood tests. The first negative herd test must occur not less than 30 days after removal of the last reactor cattle, and the second at least 180 days after removal of the last reactor cattle.

(ii) On the releasing test of an adult vaccinated herd, all official calthood vaccinates which test positive on the card test, or have suspect titers on the CF test, shall be classified as suspects and remain quarantined until they are card negative. All other cattle classified negative shall be released from quarantine.

(iii) When the owner/caretaker maintains vaccinated heifers over six months of age for dairy and over eight months of age for beef as part of the quarantined herd, the entire herd shall continue under quarantine until the heifers have calved and the entire herd is tested negative; and

(E) Postquarantine test. Upon release of quarantine the owner/caretaker shall retest all test-eligible cattle not less than 10 months nor more than 16 months from the removal of the last reactor. If brucellosis free herd certification is desired, the owner shall obtain the retest no later than 14 months after the date of the first negative herd test following the removal of the last reactor.

(F) Procedures to protest an initial test or a herd plan. [Requirements following adult vaccination of cattle in noninfected herds. Place a hold order only on these cattle in the herd which have been adult vaccinated. All eligible calves shall also be calthood vaccinated and identified. Such herds shall receive a test following the initial whole herd vaccination. Card test negative animals from herds may move provided they meet other requirements set out in these regulations. The herd will be eligible for release from hold order with a negative test 120 days or more following vaccination. Official vaccinates positive on the card test or having a titer between +2 at 1:10 and +4 at 1:20 on the CF test in AV herds on the otherwise negative second test shall be classified as suspect and be held as an individual herd until they are card negative and less than +2 at 1:10 on the CF test. Dairy herds shall be negative to the last milk ring test prior to completion of a herd plan. Individual adult vaccinated dairy cattle require less than a 1:16 titer on individual samples of all quarters for movement other than to slaughter.]

(1) If a person after consultation with the state/federal veterinarian of the brucellosis control program objects to an initial test or a herd plan for the prevention or elimination of brucellosis in each herd classified as affected, adjacent, or high risk due to a reactor or suspect animal, he may protest such initial test or a herd plan.

(A) To protest, the herd owner must request a meeting, in writing, with the executive director of the commission within 15 days of receipt of the herd plan or notice of an initial test, after which:

(i) the meeting will be set by the executive director no later than 21 days from receipt of the request for a meeting;

(ii) the meeting or meetings shall be held in Austin; and

(iii) the executive director shall render his decision in writing within 14 days from date of the meeting.

(B) Upon receipt of a decision or order by the executive director which the herd owner wishes to appeal, the herd owner may file an appeal within 15 days in writing with the chairman of the commission.

(C) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(m) Official vaccination requirements.

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

(3) Adult vaccinated cattle shall be permanently identified as vaccinates by tattoo or by hot "V" brand and by either [official eartag.] **dual eartags, at least one of which to be an official eartag, the other to be a plastic or metal bangle tag; or an official metal eartag and a legible numbered fire brand.** Tattoos will be applied to the right ear. The tattoo will include the letters AV, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Hot "V" brands will be applied to the right jaw, open end of the "V" up. An official eartag will be placed in the right ear.

(4) **Following adult vaccination of cattle in noninfected herds, place a hold order only on those cattle in the herd which have been adult vaccinated. All eligible calves shall also be calfhood vaccinated and identified. Such herds shall receive a test following the initial whole herd vaccination. Card test negative animals from herd may move provided they meet other requirements set out in these regulations. The herd will be eligible for release from hold order with a negative test 120 days or more following vaccination. Official vaccinates, positive on the card test or having suspect titers on the CF test in AV herds on an otherwise negative releasing test, shall be classified as suspects. Negative cattle may be released from quarantine. Individual suspect cattle shall continue under quarantine until they are card negative.**

(n)-(t) (No change.)

(u) **Brucellosis advisory committees.** There may [shall] be one or more committees [a committee] of cattle owners in the state, appointed by the chairman of the commission, to serve at the pleasure of the commission, for the purposes of advising the commission on matters pertaining to the brucellosis program. [each of the fifteen TAHC designated areas of the State. The committees shall be composed of not more than twelve cattle owners appointed by the commission from a list proposed by cattle owners in each area. The area committees shall be informed regularly of the general plans for surveillance, vaccination, and testing of cattle and the progress or lack of progress of the program within each area. Members of the committees shall serve six year staggered terms of two year intervals to be determined by lot from the first twelve appointed.]

(v) (No change.)

§35.5. *Special Control Area and County.*

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

(e) All test-eligible [female] cattle originating in the special control area and not from certified free herds and changing ownership within a special control area or county:

(1) shall be tested **negative** within 30 days prior to change of ownership and

shall be held at destination for retest within 45-120 days after sale at the new owner's expense; or

(2) the 45-120 day retest after change of ownership will not be required when:

(A) the cattle are from a herd with a negative herd blood test within one year prior to change of ownership, provided no cattle are added to the herd for at least 120 days before the herd blood test or between the time of the herd blood test and change of ownership. If the herd blood test is not conducted within 30 days prior to change of ownership, such cattle must be negative to an official test within 30 days prior to change of ownership. Proof of the herd test must be provided at the time the cattle are offered for sale; or

(B) the cattle are tested negative twice at least 60 days apart with the second negative test within 30 days prior to change of ownership. The cattle must be kept separate and apart from all other cattle during the period between tests. A certificate shall be required containing the owner's statement certifying that the cattle have been kept separate.

(f) All test-eligible cattle originating in the special control area and not from certified free herds and moving from a special control area or county with or without change of ownership:

(1) shall be tested **negative** within 30 days prior to movement and shall be held at destination for retest within 45-120 days after movement at the owner's expense; or

(2) the 45-120 day retest after movement will not be required when:

(A) the cattle are from a herd with a negative herd blood test within one year prior to movement, provided no cattle are added to the herd for at least 120 days before the herd blood test or between the time of the herd blood test and movement. If the herd blood test is not conducted within 30 days prior to movement, such cattle must be negative to an official test within 30 days prior to movement. Proof of the herd test must be provided at the time the cattle are offered for sale; or

(B) the cattle are tested negative twice at least 60 days apart with the second negative test within 30 days prior to movement. The cattle must be kept separate and apart from all other cattle during the period between tests. A certificate shall be required containing the owner's statement certifying that the cattle have been kept separate.

(g) A permit that gives the animal identification and name and address of the owner is required for all movements stated in subsection (e)(1) and subsection (f)(1) of this section [above].

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 June 8, 1987.

TRD-8704854

John W. Holcombe,
DVM
Executive Director
Texas Animal Health
Commission

Earliest possible date of adoption,
July 20, 1987
For further information, please call
(512) 479-6697

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TITLE 22. EXAMINING BOARDS Part IV. Texas Cosmetology Commission Chapter 83. Sanitary Rulings

★ 22 TAC §83.3

The Texas Cosmetology Commission proposes an amendment to §83.3, concerning proper quarters. The amendment provides for the enforcement of how to maintain proper quarters required in all cosmetology establishments.

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

Ms. Reeves also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the statutes, thereby saving confusion due to misinterpretation. 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 Jo Ann Reeves, Executive Director, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

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

§83.3. *Proper Quarters.*

(a) (No change.)

(b) Linoleum or tile floors must be tight with no broken areas or badly worn spots. Walls and fixtures shall be of a sanitary nature. There must be evidence of routine cleaning and proper maintenance. Hair cuttings must be immediately swept up and deposited in a disposal receptacle when the haircut is finished. On or after March 1, 1984, carpeting is not allowed in shampoo and working areas, but is allowed in reception, [and] dryer, **manicuring, and facial** areas, provided that it is cleaned on a regular basis and kept in a sanitary condition. Those establishments that currently have carpeting in the shampoo and work areas are not required to remove said carpeting until such

time as it can no longer be maintained in a sanitary condition. Floors shall be constructed of smooth, hard finished materials, such as quarry tile, terrazzo, ceramic tile, etc., or covered with washable composition materials such as rubber base greaseless asphalt tile, or commercial grade linoleum or tile may be used. All of the floors in the establishment shall be graded. No carpet shall be permitted closer than six feet from the outermost edge of the working station. No carpet shall be permitted in the dispensary area, as it is part of the clinic floor, and no carpet shall be permitted from the shampoo bowl to the extended end of the shampoo chair.

(c)-(j) (No change.)

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

Issued in Austin, Texas, on June 10, 1987

TRD-8704859

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption

July 20, 1987

For further information, please call

(512) 463-5542

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Chapter 89. General Provisions

★ **22 TAC §§89.4, 89.10, 89.14, 89.15, 89.20, 89.28, 89.30, 89.31, 89.40, 89.51, 89.52, 89.55, 89.75**

The Texas Cosmetology Commission proposes amendments to §§89.4, 89.10, 89.14, 89.15, 89.20, 89.28, 89.30, 89.31, 89.40, 89.51, 89.52, 89.55, and 89.75, concerning the requirements that must be met by all cosmetology licensees and establishments. These amendments better clarify the statutes.

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

Ms. Reeves also has determined that for each year of the first five years the sections are in effect the public benefit anticipated as a result of enforcing the sections will be clarification of the statutes, thereby saving confusion due to misinterpretation. 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 Jo Ann Reeves, Executive Director, Texas Cosmetology Commission, 1111 Rio Grande, Austin, Texas 78701. (512) 463-5542.

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

§89.4. *Instructor on Duty.*

(a) (No change.)

(b) Private beauty culture schools shall maintain on staff and on duty during normal business hours, not less than two full-time [licensed] instructors to a maximum of 50 students in attendance. One instructor is sufficient **whenever student enrollment drops** [should the attendance of students fall] below 15. One instructor will be required for each additional 25 students, or part thereof, in attendance over 50.

(c)-(g) (No change.)

§89.10. *Monthly Hour Report.* On a form prescribed by the commission, the school will post in a conspicuous place, no later than the 10th day of the month following, a record of hours acquired by each student during the preceding month. Each student enrolled must be given the opportunity to sign or initial the report. The report will be kept available for inspection by the student or a representative of the Texas Cosmetology Commission. One copy of the monthly hour report will be given to the commission inspector each month. The copy must be signed by the school official. **Students enrolled in a cosmetology or specialty course are prohibited from preparing hour reports or supporting documents.** [Students are not allowed to prepare hour reports.] Student instructors may prepare hour reports.

§89.14. *Concurrent Enrollments and Make-Up Hours.*

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

(c) **A school wishing to open outside of the normal school day or school calendar must notify the commission office by telephone no later than 48 hours prior to the day or days the facility will be open. In case of a weather related emergency necessitating the school to open in less than 48 hours, or a Monday opening, the school must telephone the commission office on the morning of the opening. Within five working days after the opening, the school will submit written verification of the opening to the commission. A copy of the verification letter will be attached to the monthly hour report.**

§89.15. *Definitions of License Authorizations:*

(a)-(i) (No change.)

(j) Exemption. Persons licensed in this state to practice medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or nursing who practiced any phase of cosmetology prior to August 31, 1985, as authorized in Texas Civil Statutes, Article 8451a, §39(2) of this title (relating to Exemptions), may no longer continue this practice without a current license from the Texas Cosmetology

Commission unless they are operating within the scope of their license. (Texas Civil Statutes, Article 8451a, §39(2), revised August 31, 1985). [Persons in this category may apply to take a Texas Cosmetology Commission certification examination one time prior to January 31, 1987, after which time formal training in a licensed beauty culture school will be required.]

§89.20. *Length of Courses.*

(a) Instructor. An instructor course shall be for 750 hours in an approved school in not less than six months **or more than 60 months** from date of enrollment.

(b) Operator. The operator course shall be for 1,500 hours in an approved school in not less than nine months **or more than 60 months** from date of enrollment.

(c) Wig specialist. A wig specialist course shall be for 300 hours in an approved school in not less than eight weeks **or more than 60 months** from date of enrollment.

(d) Shampoo-conditioning specialist. The shampoo specialist course shall be for 150 hours in an approved school in not less than four weeks **or more than 60 months** from date of enrollment.

(e) Facial specialist. A facial specialist course shall be for 300 hours in an approved school in not less than eight weeks **or more than 60 months** from date of enrollment.

(f) Hairweaving specialist. A hairweaving specialist course shall be for 300 hours in an approved school in not less than eight weeks **or more than 60 months** from date of enrollment.

(g) Manicurist. The manicuring course shall be for 150 hours in an approved school in not less than four weeks **or more than 60 months** from date of enrollment.

§89.28. *Withdrawal From School.* Within 10 days of withdrawal or graduation of a student, the school must notify the commission. Effective as of this date of the adoption of this section, a record of **verified** hours completed in a school in this state will be retained by the commission **for a period of five years from the date of withdrawal or completion of the course.** [Prior to the adoption of this section, records were destroyed after 36 months.] If a student withdraws from school prior to completion of the required course of instruction, and wishes to re-enroll **within the five-year period an official** [at a later date, a certified] transcript of the **verified hours must be requested** from the commission [must be requested] and furnished to the re-enrolling school.

§89.30. *Examination Applications.* Application for examination must be filed 10 days prior to the first date set by law for examination and verify the applicant has completed the total hours required in the particular course of instruction at that time. The examination application consists of the front portion of the permit with a photograph, the second portion labeled application, and a

health certificate not over one year old which includes a tuberculosis test. A copy of the student permit and photograph must be posted in the school should the student continue to attend and accrue hours between the time of application and date scheduled for exam. The applicant will be required to furnish valid proof of identification prior to admittance for examination. [The examination application may not be withheld for the purpose of tuition collection.] Students holding dates scheduled for exam who do not appear without a seven-day notice to the commission of cancellation may be denied scheduling for at least 60 days.

§89.31. Examination. The examination will be conducted in the English language. Exceptions will be made when English is not the native or first language of the applicant. **Applicants with learning disabilities, dyslexia, and those who are emotionally disturbed will be extended the service of oral, tape recorded, or reader services exam with valid proof of condition.** The applicant will be responsible for any fee or consideration to be paid to an acceptable interpreter and/or translator whose services are necessary for the examination. If the applicant can make arrangements that are acceptable, the examination [examinations] will be given at the first time available. The commission staff will make every attempt to minimize delays. The evaluation of an applicant's performance on any examination by the examining staff of the commission shall be final. No request for reevaluation will be acted upon by the staff or the commission.

§89.40. Cosmetology Establishment Transfer. Whenever a cosmetology establishment changes ownership, the establishment shall be officially closed and the new owner shall apply for an original license **within 45 days of the change of ownership** and meet all necessary current requirements. In the case of school ownership transfers, all facilities must be inspected and approved prior to a student's hours being accepted for credit. Notwithstanding the provisions of this section, the next of kin of a cosmetology establishment owner who is deceased may operate that salon or school without further licensing requirements until that license is up for renewal.

§89.51. Cosmetology Services for the Incapacitated. Cosmetology services may be performed on incapacitated persons provided that the licensee is operating out of a licensed salon, and the appointment made through the salon. **Licensees** [Licensee] must have **their** [her] operator's license in **their** [her] possession while performing the service.

§89.52. Definition of a Complaint. In order for the commission to act on complaints against cosmetologists or cosmetology establishments filed with the commission by persons other than the commission's [licensed] inspectors or the commission's enforcement staff, the complaint shall

be submitted in writing [, and acknowledged before a notary public].

§89.55. Refresher Course. Schools of cosmetology may enroll applicants for the refresher course. However, a person who holds a valid Texas license may not service patrons **for compensation and no school may receive compensation for services performed by a student holding a valid Texas license.**

§89.75. Field Trips. Field trips are permitted under the following conditions for students enrolled in the operator course. The following guidelines are strictly adhered to.

(1) A maximum of **40** [32] hours out of the 1,500 hours is permitted per student.

(2) The activities of field trips are limited to hands-on learning experiences, except that up to eight hours of the 32 hours may be used for attendance at shows, trips to salons, and supply houses, at the discretion of the school official.]

(2)[3] Students must be under the supervision of their own instructor at all times during the field trip. The instructor-student ratio required in a school is required on a field trip.

(3)[4] Complete documentation is required, including student names, instructor names, activity, place of activity, date, and time frame.

(4)[5] No hours are allowed for travel.

(5)[6] Prior approval from the commission is not required. The report of hours earned and the documentation will be attached to the monthly hour report for the inspector to audit.

(6)[7] Allowable activities are limited to:

(A)-(C) (No change.)

(D) attendance at shows, trips to salons, and supply houses, **and commission meetings** [(maximum of eight hours)].

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 June 10, 1987.

TRD-8704858

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:

July 20, 1987

For further information, please call

(512) 463-5542.

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★ **22 TAC §89.33**

(Editor's note: The text of the following section proposed for repeal will not be published. The section may be examined in the offices of the Texas Cosmetology Commission, 1111 Rio Grande, Austin, or in the

Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Cosmetology Commission proposes the repeal of §89.33, concerning the instructor exam. This section is deleted in an effort to better clarify the statutes.

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

Ms. Reeves also has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of enforcing the repeal will be clarification of the statutes, thereby saving confusion due to misrepresentation. 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 Jo Ann Reeves, Executive Director, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

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

§89.33. Instructor Exam.

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 June 10, 1987.

TRD-8704861

Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:

July 20, 1987

For further information, please call

(512) 463-5542.

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The Texas Cosmetology Commission proposes new §89.33, concerning the operator and instructor exam and notification of exam results. This new section is created in an effort to better clarify the statutes.

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

Ms. Reeves also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of the statutes, there-

by saving confusion due to misinterpretation. 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 Jo Ann Reeves, Executive Director, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

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

§89.33. *Operator and Instructor Examination.*

(a) Operator exam. The operator exam consists of two parts, written and practical. An applicant who fails to make a passing grade on any part must retake and pass the part failed within one year of the date of examination in order to receive credit for the part passed. If the applicant does not pass the entire examination within the one-year period, a new application must be submitted and the entire examination retaken. An evaluation of the applicant's performance on the unsuccessful portion of the exam will be sent to the applicant. The evaluation of an applicant's performance by the examining staff shall be final. No requests for reevaluation will be acted upon by the staff or the commission. This section becomes effective September 1, 1987, and shall not be retroactively applied.

(b) Instructor exam. The instructor exam consists of three parts, written, practical, and oral. An applicant who fails to make a passing grade on any part must retake and pass the part or parts failed within one year of date of examination in order to receive credit for the part or parts previously passed. If the applicant does not pass the entire examination within the one-year period, a new application must be submitted and the entire examination retaken. An evaluation of the applicant's performance on the unsuccessful portion of the exam will be sent to the applicant. The evaluation of an applicant's performance by the examining staff shall be final. No requests for reevaluation will be acted upon by the staff of the commission. This section becomes effective September 1, 1987, and shall not be retroactively applied.

(c) Examination results. Unless otherwise requested by the applicant, the results of the performance on all examinations will be sent to the applicant's school. It is the school's responsibility to notify the applicant.

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 June 10, 1987.

TRD-8704862 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:
July 20, 1987
For further information, please call
(512) 463-5542.



★ 22 TAC §89.35

The Texas Cosmetology Commission proposes an amendment to §89.35, concerning uniforms. This amendment better clarifies what type of uniform is required of applicants taking the state board exam.

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

Ms. Reeves also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be clarification of what type of uniform is required of applicants taking the state board exam, thereby saving confusion due to misinterpretation. 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 Jo Ann Reeves, Executive Director, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

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

§89.35. *Uniforms.*

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

(c) Applicants for a commission examination must appear in **dark colored dress slacks or dark colored knee length skirt (no jeans), dark colored shoes, a clean white shirt or blouse, and a clean white professional type three-quarter length lab coat with either short or long sleeves.** The [a professional uniform of washable material with the armpits covered, providd that such] attire shall not bear any writing or other identifying marks. **Applicants not in the prescribed uniform will not be admitted to the exam floor.** Tank tops and bare feet are not allowed.

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 June 10, 1987.

TRD-8704863 Jo Ann Reeves
Executive Director
Texas Cosmetology
Commission

Earliest possible date of adoption:
July 20, 1987
For further information, please call
(512) 463-5542.

Part XIII. Texas Board of Licensure for Nursing Home Administrators Chapter 249. License Certificates

★ 22 TAC §249.3

The Texas Board of Licensure for Nursing Home Administrators proposes an amendment to §249.3, concerning license renewals. The amendment clarifies the acronym used by licensed nursing home administrators from NHA to LNHA

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

Mr. Bishop also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be that the general public will be able to distinguish licensed nursing home administrators from hospital administrators who are not required to be licensed by the State of Texas. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Karl E. Bishop, Ph.D., Executive Director, Texas Board of Licensure for Nursing Home Administrators, 4800 North Lamar Boulevard, Suite 355, Austin, Texas 78756, (512) 458-1955.

The amendment is proposed under Texas Civil Statutes, Article 44442d., §8, which provide the Texas Board of Licensure for Nursing Home Administrators with the authority to make rules and regulations not inconsistent with law as may be necessary or proper for the performance of its duties, and to take such other actions as may be necessary to enable the state to meet the requirements set forth in the Social Security Act, §1908, the Federal rules and regulations promulgated thereunder, and other pertinent Federal authority; provided, however, that no rule shall be promulgated, altered, or abolished without the approval of a two-thirds majority of the board.

§249.3. *License Renewals.*

(a)-(c) (No change.)

(d) Only an individual who has qualified as a licensed nursing home administrator and who holds a valid current renewal card pursuant to the provisions of these sections for the current biennial registration period will have the right and the privilege of using the title "**Licensed Nursing Home Administrator**" and have the right and privilege of using the abbreviation "**LNHA**" ["NHA"] after his or her name.

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 June 11, 1987.

TRD-8704895 Dottie Mathieson
Administrative
Technician II
Texas Board of
Licensure for Nursing
Home Administrators

Earliest possible date of adoption:

July 20, 1987

For further information, please call
(512) 458-1955.

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TITLE 25. HEALTH SERVICES

Part II. Mental Health and Mental Retardation

Chapter 402. Client Assignment and Continuity of Services

Subchapter H. Placement Appeals Procedures—Mental Retardation Services

★ 25 TAC §§402.281-402.301

The Texas Department of Mental Health and Mental Retardation proposes new §§402.281-402.301, concerning placement appeals procedures for clients receiving mental retardation services. The new subchapter affords an appeals process for clients and their parents to object to the interdisciplinary team's recommendation for assignment to an alternative residential placement or to object to the recommendation for continued assignment to the mental retardation residential facility.

Sue Dillard, director, Office of Standards and Quality Assurance, has determined that for the first five-year period the proposed sections will be in effect there will be no fiscal implications for state or local government or small businesses as a result of enforcing or administering the sections.

Ms. Dillard also has determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of enforcing the sections will be use of procedures that ensure that client placements are appropriate, as well as satisfactory to clients and their families. The anticipated economic cost to individuals who are required to comply with the proposed sections could include travel expense, cost of copies, legal fees, and other costs at the discretion of the individual.

Comments on the proposal may be submitted to Linda Logan, Rules Coordinator, Texas Department of Mental Health and Mental Retardation, P.O. Box 12668, Austin, Texas 78711.

These new sections are proposed under Texas Civil Statutes, Article 5547-202,

§2.11, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

§402.281. *Purpose.* The purpose of this subchapter is:

(1) to provide a simple, efficient, and uniform set of standards, practices, and procedures for clients and/or their parents to object to the interdisciplinary team's recommendation regarding placement at the annual staffing, to a recommendation for assignment to a specific alternative residential placement, and/or to a change in the interdisciplinary team's recommendation regarding placement made at any staffing; and

(2) to provide procedures which will effect fair and expeditious determinations in special interdisciplinary team reviews and administrative hearings governed by this subchapter and which will adequately protect the procedural rights of all participants.

§402.282. *Application.*

(a) The provisions of this subchapter shall apply to all special interdisciplinary team reviews, administrative hearings, and abbreviated letter reviews conducted as a result of the interdisciplinary team's recommendation regarding placement at the annual staffing, a recommendation for assignment to a specific alternative residential placement, or a change in the interdisciplinary team's recommendation regarding placement made at any staffing. This subchapter does not apply to administrative hearings held pursuant to Chapter 405, Subchapter AA of this title (relating to Practice and Procedure with Respect to Administrative Hearings of the Department Arising under the Mentally Retarded Persons Act of 1977).

(b) The provisions of this subchapter shall not be construed so as to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the department or the substantive rights of any person.

(c) No review by a special interdisciplinary team, administrative hearing, or abbreviated letter review to object to a recommendation for assignment to an alternative residential placement will be available when the client is on a respite or an emergency admission.

(d) The provisions of this subchapter shall not apply when a competent client requests assignment to an alternative residential placement and does not want the parent to have the opportunity for a special interdisciplinary team review and/or for an administrative hearing or abbreviated letter review to object to the recommendation for assignment to an alternative residential placement.

(e) The provisions of this subchapter shall not apply when a competent client agrees with the determination of the interdisciplinary team that the current facility residence is the least restrictive alternative and the client does not want the parent to have the opportunity for a special inter-

disciplinary team review and/or for an administrative hearing or abbreviated letter review to object to the interdisciplinary team determination.

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

Assignment to an alternative residential placement—The placement of a client into another residential setting, usually community-based, for the purpose of providing a setting that constitutes the least restrictive environment.

Commissioner—The commissioner of the Texas Department of Mental Health and Mental Retardation.

Competent—As determined by the interdisciplinary team, and consistent with the Mentally Retarded Persons' Act of 1977, a term used to designate the ability to give legally adequate consent, which means consent given by a person when each of the following conditions has been met:

(A) legal capacity: the person giving the consent is of the minimum legal age and has not been adjudicated incompetent to manage his personal affairs by an appropriate court of law;

(B) comprehension of information: the person giving the consent has been informed of and comprehends the nature, purpose, consequences, risks, and benefits of and alternatives to the procedure, and the fact that withholding or withdrawal of consent shall not prejudice the future provision of care and services to the client; and

(C) voluntariness: the consent has been given voluntarily and free from coercion and undue influence.

Deputy commissioner—The deputy commissioner for mental retardation services of the Texas Department of Mental Health and Mental Retardation.

Guardian of a client or proposed client—

(A) A plenary guardian of the person of a client or proposed client; or

(B) A limited guardian of the client or proposed client who is authorized to request a comprehensive diagnosis and evaluation of his or her ward or who is authorized to consent to the admission or withdrawal of his or her ward from mental retardation services of the department.

Head of the facility—The superintendent or director of a facility of the Texas Department of Mental Health and Mental Retardation, which provides mental retardation services, or designee.

Hearing officer—Any person designated or appointed by the deputy commissioner for mental retardation services of the Texas Department of Mental Health and Mental Retardation to conduct hearings pursuant to this subchapter.

Interdisciplinary team—A group of persons functioning as a team to include:

(1) the client, client's family, and/or parent, as appropriate;

(2) persons who are professionally qualified, certified, or both, in various professions with special training and experience in the diagnosis, management, needs, and treatment of persons with mental retardation;

(3) persons who are involved in the delivery of mental retardation services to the client;

(4) representative(s) of the MRA; and

(5) at the request of the public responsibility committee (PRC), members of the MR residential facility's PRC.

Mental retardation authority (MRA)—The entity designated by the commissioner of the department to direct, operate, facilitate, and/or coordinate services to mentally retarded persons in the various service areas of the state as are required to be performed at the local level by state law and the department.

Mental retardation residential facility—The campus program of any state school or state center. This excludes community-based outreach programs.

Parent—For the purpose of this subchapter, parent includes:

(A) the natural or adoptive mother and father of a client, but does not include a parent as to whom the parent-child relationship has been legally terminated, and does not include the parent of a client who is competent;

(B) a family member or friend who acts in behalf of the client instead of the mother or father and is listed as the primary correspondent for the client;

(C) a legally appointed guardian of the client;

(D) a legally appointed managing conservator of the client.

Pleadings—Written statements filed by participants concerning their respective positions, claims, and rights in administrative hearings.

§402.284. Recommendation for Residential Placement.

(a) Interdisciplinary team staffings will be conducted in accord with departmental guidelines for mental retardation services staffings. During the interdisciplinary team staffing, a decision regarding placement will be made, to include either a recommendation for continued assignment to the MR residential facility or for assignment to an alternative residential placement following the determination of the least restrictive environment as outlined in §405.725 of this title (relating to Determination of the Least Restrictive Environment).

(b) If any member of the interdisciplinary team other than the client or parent objects to the recommendation, the objection shall be considered in accord with departmental guidelines governing mental retardation services staffings.

(c) At the conclusion of a staffing in which the interdisciplinary team recommends assignment to a specific alternative residen-

tial placement, an annual staffing, or a staffing in which the placement recommendation changes, a written notice of the interdisciplinary team's recommendation will be given to the competent client or parent. Within 10 calendar days of the interdisciplinary team recommendation, the head of the facility will give notice of the recommendation in writing, by certified mail, return receipt requested. A copy of the notice will also be sent or hand delivered to the client, with notification documented in the client record. Competent clients will also be informed of their right to include or exclude their parents in the process of objection. The notice will be written in the primary language of the recipient.

(1) Recommendation for continued assignment to MR residential facility. The written notice, an example of which is in Exhibit A, in §402.299 of this title (relating to Exhibits) will include the following:

(A) the recommendation of the interdisciplinary team;

(B) the date of the staffing at which the interdisciplinary team recommendation was made;

(C) a statement that the recommendation was based on the determination of the least restrictive environment;

(D) the name and phone number of facility staff to whom the parents and client may direct questions;

(E) instructions for filing an objection with the head of the facility within 14 calendar days of receipt of notification of recommendation; and

(F) an explanation that the decision of the special interdisciplinary team may be appealed through an administrative hearing, as set out in §402.287 of this title (relating to Residential Placement Appeals Process—Administrative Hearing), or through an abbreviated letter review, as set out in §402.298 of this title (relating to Residential Placement Appeals Process—Abbreviated Letter Review);

(G) an offer to assist in the formulation of the objection, either through the office of the head of the facility or the Office of Client Services and Rights Protection; and

(H) the form by which the right to request a special interdisciplinary team review may be waived.

(2) Recommendation for assignment to an alternative residential placement. The written notice, an example of which is exhibit B, in §402.299 of this title (relating to Exhibits) will include the following:

(A) the recommendation of the interdisciplinary team;

(B) the date of the staffing at which the interdisciplinary team recommendation was made;

(C) a statement that the recommendation was based on the determination of the least restrictive environment;

(D) the name and phone number of facility staff to whom client and parents

may direct questions;

(E) instructions for filing an objection with the head of the facility within 14 calendar days of receipt of notification of recommendation;

(F) an offer to assist in the formulation of the objection, either through the office of the head of the facility or the Office of Client Services and Rights Protection; and

(G) an explanation that at the time a specific placement location is proposed, it may be appealed through an administrative hearing as set out in §402.287 of this title (relating to Residential Placement Appeals Process—Administrative Hearing), or through an abbreviated letter review, as set out in §402.298 of this title (relating to Residential Placement Appeals Process—Abbreviated Letter Review);

(H) an explanation that without regard to whether the client or parents of the client object to the proposal to seek alternative placement and request special interdisciplinary team review, the right to request an administrative hearing or an abbreviated letter review at the time that a specific placement is recommended is retained; and

(I) the form by which the right to request a special interdisciplinary team review may be waived.

§402.285. Recommendation for Residential Placement Appeals Process—Special Interdisciplinary Team.

(a) Upon receipt of a request for appeal of the interdisciplinary team recommendation for placement, the head of the facility will initiate the special interdisciplinary team review. The review will be accomplished as outlined in departmental guidelines governing mental retardation services staffings.

(b) The special interdisciplinary team will be composed of the representatives of the professional disciplines (medical, psychology, social work, and nursing), a community services specialist, and a member of the human rights committee and/or the public responsibility committee. The head of the facility will designate a staffing coordinator for this special review team. Members of the interdisciplinary team whose recommendation is being appealed shall not serve on the special interdisciplinary team.

(c) Within 14 calendar days of the receipt of a request by the head of the facility, the special interdisciplinary team will review the client's interdisciplinary team staffing and the recommendation for placement.

(d) Within five calendar days of completing the review, the staffing coordinator of the special interdisciplinary team will report to the head of the facility whether the appeal has been upheld or denied, and the reasons therefor.

(e) Within five calendar days of notification of the disposition of the appeal, the head of the facility will notify the appellant and the interdisciplinary team of the client whether the appeal has been upheld or denied and the reasons therefor.

(f) If the special interdisciplinary team concurs with the interdisciplinary team's placement recommendation for continued assignment to the MR residential facility, the client will continue in the current placement. If the client or parent is dissatisfied with the special interdisciplinary team's recommendations, an administrative hearing, as outlined in §402.287 of this title (relating to Residential Placement Appeals Process-Administrative Hearing), or an abbreviated letter review, as outlined in §402.298 of this title (relating to Residential Placement Appeals Process—Abbreviated Letter Review) may be requested.

(g) If the special interdisciplinary team concurs with the interdisciplinary team's recommendation for assignment for alternative residential placement, a referral for alternative residential placement will ensue, and activities will be initiated to find an appropriate placement as defined through the determination of the least restrictive environment in the staffing process. If the client or parent is dissatisfied with the special interdisciplinary team's recommendation, then at the time that a specific placement is proposed, client or parent may request an administrative hearing as outlined in §402.287 of this title (relating to Residential Placement Appeals Process-Administrative Hearing), or the abbreviated letter review, as outlined in §402.298 of this title (relating to Residential Placement Appeals Process-Abbreviated Letter Review).

§402.286. *Alternative Community Residential Placement Staffing Process.*

(a) A community placement staffing will be held when a specific alternative residential placement which represents the least restrictive environment for the client is located.

(b) The client and the client's family will be notified 14 calendar days prior to the date of the community placement staffing. Family attendance and participation in this staffing will be encouraged. Attempts will be made to schedule staffings at times convenient for the family.

(c) During the community placement staffing by the interdisciplinary team, a determination will be made regarding the appropriateness of the proposed placement.

(d) At the conclusion of a staffing in which assignment to a specific alternative residential placement is recommended, a written notice of the IDT recommendation will be given to the competent client or parent. For parents not in attendance at the staffing, within five calendar days following the community placement staffing, the head of the facility will give notice in writing, by certified mail, return receipt requested. The notice may contain more than one proposed alternative residential setting in the community.

(1) The written notice, an example of which is in Exhibit C, in §402.299 of this title (relating to Exhibits) will include the following information:

(A) the date of the community placement staffing;

(B) the name and address of proposed alternative residential facility or facilities;

(C) the earliest possible date of proposed placement;

(D) a statement that placement will not alter current legal rights and responsibilities or level of parental involvement;

(E) the name and phone number of facility staff to whom the parents and client may direct questions;

(F) instructions for approving the recommendation.

(G) instructions for filing a request for an administrative hearing as outlined in §402.287 of this title (relating to Residential Placement Appeals Process-Administrative Hearing), or for an abbreviated letter review, as outlined in §402.298 of this title (relating to Residential Placement Appeals Process-Abbreviated Letter Review);

(H) an offer to assist in the formulation of the objection, either through the office of the head of the facility or the Office of Client Services and Rights Protection; and

(I) the form by which the right to request an administrative hearing or abbreviated letter review may be waived and the proposed placement of the client expedited.

(2) A copy of the notice will be sent or hand delivered to the client, with notification documented in the client record.

(3) The written notice will be written in the primary language of the recipient.

(e) If there are no requests for appeal of the specific alternative residential placement setting, activities will be initiated to complete the placement.

(f) If an objection is filed by the parents or client, the administrative hearing processes described in this subchapter will be followed.

§402.287. *Residential Placement Appeals Process-Administrative Hearing.*

(a) A request for an administrative hearing pursuant to this subchapter shall be in writing; however, no particular form or style of request shall be required. The request may be submitted on a form provided by the department. The request shall be submitted to the head of the facility within 14 calendar days after the written notice is received by the client or parent, who shall transmit the request to the deputy commissioner within five calendar days of its receipt.

(b) Notwithstanding subsection (a) of this section, a client may make an oral request for an administrative hearing to an employee of the facility. If an employee of the facility receives such an oral request, the employee shall, within 48 hours, reduce the request to writing and shall submit the request to the head of the facility, who shall transmit the request to the deputy commissioner within five calendar days.

(c) The written request for hearing shall be submitted as follows.

(1) The written request for an administrative hearing should include:

(A) the names and addresses of the parents of the client;

(B) a short and plain statement of the action the person requesting the administrative hearing wants the facility to take;

(C) a short and plain statement of the factual reasons why the requested action should be taken by the facility;

(D) any statute or rule upon which the person requesting the administrative hearing is relying; and

(E) the name and address of the person requesting the administrative hearing and his or her relationship to the client.

(2) If the person requesting the administrative hearing is unable to state these matters in detail at the time the request is made, the request may be limited to a statement of the action requested of the facility and the name and address of the person making the request and his or her relationship to the client. Upon receipt of such a request for an administrative hearing, the head of the facility must notify the requestor that a more definite statement must be furnished not less than five days prior to the date set for the hearing. The head of the facility must offer to assist in the formulation of the objection, either through the office of the head of the facility or the Office of Client Services and Rights Protection. Upon good cause, the hearing officer may render a final decision in favor of the facility if the person who requested the administrative hearing fails, after receiving a timely written request, to furnish a more definite statement not less than five days prior to the date set for the hearing.

(d) No administrative hearing shall be held on a request received by the head of the facility after the time periods specified in this subchapter have expired.

(e) If a request for an administrative hearing is filed, the placement in the proposed alternative residential setting will not be made until a final decision is rendered by the hearing officer.

§402.288. *Appointment of a Hearing Officer.*

(a) Within five calendar days of receipt of the request for an administrative hearing, the deputy commissioner shall appoint a hearing officer to conduct an administrative hearing that has been requested in accordance with this subchapter. The hearing officer will be selected in the manner most economical to the department, with consideration being given to the distance which the hearing officer must travel and the amount of time required for the hearing officer to be absent from his place of permanent employment.

(b) No hearing officer will be appointed to conduct an administrative hearing at the facility where he or she is

permanently employed.

(c) A hearing officer shall be disqualified from serving if he or she has participated in any aspect of the care and treatment of the person with mental retardation who is to be subject of the administrative hearing.

(d) If the hearing officer dies, becomes disabled, or withdraws, or is removed from employment or the proceeding at any time before a final judgment is rendered in the proceeding, the deputy commissioner shall appoint another hearing officer who may perform any function remaining to be performed without the necessity of repeating the previous proceedings in the case.

(e) The hearing officer may designate one or more employees of the department with particular expertise and experience who are knowledgeable in the subject matter of the hearing to assist the hearing officer in the evaluation of evidence presented at the hearing.

(f) The hearing officer shall have the authority to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence and amendments to pleadings, and shall have all other authority granted under the Mentally Retarded Persons Act of 1977.

§402.289. Access to Records.

(a) A person who has requested an administrative hearing pursuant to this subchapter, the client, and the legal representatives of such persons shall have reasonable access at a reasonable time prior to the hearing to any records concerning the client or the proposed client who is the subject of the proposed action. Copies of such records will be provided in accord with Chapter 403, Subchapter F of this title (relating to Rules Governing the Inspection of Department Records).

(b) access to the records referred to in subsection (a) of this section shall be authorized by the head of the facility upon the request of a parent or client entitled under this subchapter to access or upon the request of such parent's or client's legal representative. The hearing officer shall have the authority, if necessary, to order the head of the facility to provide access to such records.

§402.290. Prehearing Conference.

(a) The hearing officer may, upon his or her own motion or upon the motion of any participant, direct the parent, client, and facility participants and their legal representatives to appear at a specified time and place for a conference prior to the hearing for the purpose of formulating issues and considering the following:

- (1) the simplification of issues;
- (2) the possibility of admissions of certain assertions of fact or of stipulations concerning the use in evidence by any person of matters of public record;
- (3) the procedures to be used in the

hearing;

(4) the limitation, where appropriate, on the number of witnesses;

(5) such other matters as may aid in the simplification of the proceedings and disposition of the matters in controversy.

(b) At the prehearing conference, the hearing officer shall determine whether the client is represented and may assist an unrepresented client or proposed client in obtaining representation. The hearing officer shall also inform the participants of the nature of the proceedings and the manner in which the administrative hearing will be conducted.

(c) With the consent of all participants, the prehearing conference may be conducted by conference telephone call.

(d) Actions taken at the prehearing conference shall be recorded in writing by the hearing officer.

§402.291. Standard and Burden of Proof.

The parent or client requesting the administrative hearing shall have the burden to prove, by the preponderance of the evidence, that the recommended assignment for a specific alternative residential placement or the recommendation for continued assignment to the MR residential facility does not offer the client a better opportunity for personal development and a more suitable living environment consistent with the client's particular circumstances, including age, degree of mental retardation, and handicapping condition.

§402.292. Notice of Filing; Service of Notices; Certificate of Service.

(a) Whenever any person or the facility or department files any pleading or motion other than the initial request for an administrative hearing, the person or the facility or department shall serve a copy of such pleading or motion on the other participants or their representatives.

(b) All notices required by this subchapter shall be served personally or by certified mail, return receipt requested. The willful failure of any party to make such service shall be grounds for the entry of an order by the hearing officer striking the pleadings of such party.

(c) A certificate by the party or his or her representative who is required to serve a notice or copy of a pleading or motion stating that it has been served on the other parties shall be prima facie evidence of such service. The following form of certificate will be sufficient for this purpose: "I certify that I have this ___ day of _____, 19____, served copies of the foregoing upon all other parties to this proceeding by (here state the manner of service). (signature of party or representative)".

§402.293. Representation of Parties.

(a) The client and/or the parent who has requested the administrative hearing shall have the right to be present at the hearing and to be accompanied and represented by any person of their choosing, including legal

counsel and lay representatives. Regardless of whether the client requested the hearing, the client shall always have the right to be present at the hearing and may be represented independently of his or her parent or guardian.

(b) The department and the head of the facility may be represented by a departmental attorney.

(c) The hearing officer may request a different departmental attorney to advise him or her in the proper conduct of the administrative hearing.

(d) Designation of representatives shall be communicated to the hearing officer at least five days before the hearing date and shall be recorded and filed with the pleadings and other documents pertaining to the administrative hearing.

(e) The facility may assist the client or proposed client in obtaining representation.

§402.294. Notice of Hearing.

(a) The hearing officer shall serve written notice of the administrative hearing on all parties not less than 14 calendar days before the hearing is to be held.

(b) The notice of the administrative hearing shall include:

- (1) a statement of the time, place, and nature of the hearing;
- (2) a statement of the board rules under which the hearing is to be held;
- (3) a short and plain statement of the matters asserted;
- (4) a copy of the request for the hearing; and
- (5) a copy of this subchapter.

(c) The written notice of the administrative hearing shall be served upon each participant personally or by certified mail, return receipt requested.

§402.295. Setting a Time and Place for the Administrative Hearing.

(a) The hearing officer shall set a time and place for the administrative hearing. The hearing shall be held not less than 14 calendar days nor more than 30 calendar days from the date the request for the hearing is received by the head of the facility.

(b) The hearing officer shall set a time and place for the hearing that is convenient for all participants. The hearing officer may set a time outside regular business hours and a place away from the facility where the client resides if a timely request is made by the parent and the hearing officer determines that good cause exists for such a determination.

(c) The location selected must be accessible to the handicapped. The department shall provide an interpreter for the hearing-impaired and language interpreters upon timely request made by a parent, client, legal representative, or upon order of the hearing officer.

(d) The hearing officer may subsequently postpone or continue the hearing date until a later date if, in his sound judgment and discretion, good cause requires a

EXHIBIT A: EXAMPLE OF PARENT NOTIFICATION OF INTERDISCIPLINARY TEAM DECISION

Recommendation for Continued MR Residential Facility Placement

At the staffing on (date), (client name)'s interdisciplinary team determined that the (name of state facility where client currently resides) is the least restrictive environment possible given (client name)'s particular needs. The team therefore recommended that (client's name) should remain here.

If you have questions about this recommendation, please call (facility staff member) at (number).

If you object to the recommendation and wish to request a special interdisciplinary team review, contact me within 14 calendar days in writing or by phone (phone number).

The decision made by the special interdisciplinary team may be appealed through an administrative hearing or through an abbreviated letter review.

Your letter should be delivered to my office or mailed so that I receive it within the 14 days. If you need assistance in writing the letter, please contact me by phone (phone number) and I will find someone to assist you, or you may wish to contact the Office of Client Services and Rights Protection, Central Office, (800) 252-8154, for this assistance.

A copy of the rules for this procedure is attached for your information.

Name, Title

TO: Superintendent, Name of School or Center

In the Matter of the	X
proposed placement of	X WAIVER OF RIGHT TO SPECIAL
(Name of Client) _____	X INTERDISCIPLINARY TEAM REVIEW
	X

I received a Notification of Interdisciplinary Team Decision dated _____ concerning the recommendation for continued MR residential facility placement.

I have read the Notice and I understand that I have a right to request a special interdisciplinary team review of the placement recommendation for (name of client).

I do not wish to request such a hearing. By making this waiver of my right to request a special interdisciplinary team review, I understand that (name of client) will continue to be placed at the (name of school or center).

My name and address are:

My relationship to the client is: _____

DATE

Signature of person who is waiving his/
her right to a special interdisciplinary
team review

later date. Good cause includes, but is not limited to, a finding that a later date would result in a more just determination of the issues involved in the administrative hearing and that the welfare of any client or proposed client will not be endangered by reason of the postponement or continuance.

(e) The administrative hearing shall be closed to the public unless a competent client requests a hearing open to the public.

§402.296. Rules of Evidence; Official Notice; Witnesses; Transcription.

(a) In administrative hearings held pursuant to this subchapter, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All evidence may be admitted if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The hearing officer shall give effect to the rules of the privilege recognized by law. The hearing officer shall rule upon the admissibility of evidence and shall have the power to put witnesses under oath and may examine witnesses. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(b) In connection with any administrative hearing held pursuant to this subchapter, the hearing officer may take official notice of all facts judicially cognizable. In addition, notice may be taken of generally recognized facts within the area of the department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including staff memoranda or data, and they must be afforded an opportunity to contest the material so noticed.

(c) The hearing officer shall have the authority to limit the number of witnesses whose testimony is merely cumulative.

(d) The proceedings shall be tape recorded. Any part of them shall be transcribed on the written request of any participant and copies shall be distributed in accord with Chapter 403, Subchapter F of this title (relating to Rules Governing the Inspection of Department Records), and Chapter 403, Subchapter K of this title (relating to Client-Identifying Information).

§402.297. Final Decisions.

(a) A final decision must be in writing

and stated in the record of the proceedings and in the client record. It must include separately stated findings of fact and conclusions involved.

(b) The hearing officer shall render the final decision. The final decision must be rendered within 14 calendar days after the date the administrative hearing is concluded. There is no appeal from the final decision; however, this does not preclude the exercise of rights to appeal granted under the Mentally Retarded Persons Act of 1977.

(c) Parents, clients, and the head of the facility shall be notified either personally or by certified mail, return receipt requested, within five calendar days of any decision. A copy of the decision shall be personally delivered or mailed by certified mail, return receipt requested, to all participants or their legal representatives.

§402.298. Residential Placement Appeals Process-Abbreviated Letter Review.

(a) A competent client or parent may choose to file a request for an abbreviated letter review under the provisions of this section instead of requesting an administrative hearing as set forth in §§402.287-402.297 of this title (relating to Residential Placement Appeals Process-Administrative Hearing; Appointment of a Hearing Officer; Access to Records; Prehearing Conference; Standard and Burden of Proof; Notice of Filing; Services of Notices; Certificate of Service; Representation of Parties; Notice of Hearing; Setting a Time and Place for the Administrative Hearing; Rules of Evidence; Official Notice; Witnesses; Transcription; and Final Decisions). Such a request constitutes the final level of appeal.

(b) The head of the facility will send the written notice as described in §402.286 of this title (relating to Alternative Community Residential Placement Staffing Process).

(c) A request for a letter review pursuant to this section shall be in writing and sent to the head of the facility within 14 calendar days after the written notice is received by the parent or client.

(d) Notwithstanding subsection (c) of this section, a client may make an oral request for a letter review. If an employee of the facility receives such an oral request, the employee shall, within 48 hours, reduce the request to writing and shall submit the request to the head of the facility within five calendar days.

(e) The written request for letter review does not need to be in any particular form or style, but must include the following:

(1) a request for letter review rather than an administrative hearing;

(2) the names and addresses of the parents of the client;

(3) the reasons why the parent or client objects to the recommendation regarding residential placement;

(4) a short and plain statement of the action the person requesting the letter review wants the facility to take;

(5) any statute or rule upon which the person requesting the letter review is relying; and

(6) the name, address, and telephone number of the person requesting the letter review and his or her relationship to the client.

(f) After receipt of the request for letter review, the head of the facility will investigate and review the information related to the request which will include, but not be limited to:

(1) documentation related to the residential placement recommendation;

(2) relevant information concerning the client;

(3) relevant information concerning the proposed alternative residential placement, if applicable; and

(4) other information deemed relevant by the head of the facility.

(g) The head of the facility will render a final decision, in writing, within 14 calendar days of receipt of the request for letter review. Such decision will respond specifically to the concerns raised by the person who requested the letter review. The decision will be sent to the person requesting the letter review and the client, if applicable, by certified mail, return request requested.

§402.299. Exhibits. The following exhibits are referred to in this subchapter:

(1) Exhibit A—Example of Parent Notification of Interdisciplinary Team Decision: Recommendation for Continued MR Residential Facility Placement.

(2) Exhibit B—Example of Parent Notification of Interdisciplinary Team Decision: Recommendation for Community Placement.

(3) Exhibit C—Example of Parent Notification of Interdisciplinary Team Decision: Recommendation for Specific Community Placement.

EXHIBIT B: EXAMPLE OF PARENT NOTIFICATION OF INTERDISCIPLINARY TEAM DECISION

Recommendation for Community Placement

At the staffing on (date), community placement was recommended as the least restrictive environment for (client's name). If you have questions about this recommendation, you may wish to call (client's name)'s QMRP, (name), at (phone number). This person will answer your questions and keep you informed of progress in finding a suitable placement.

If you object to the proposal to seek community placement, notify me in writing of your concerns. Your objections should be delivered to my office or mailed so that I receive them within 14 calendar days of your receipt of this letter.

If you would like assistance in writing the letter, please contact me and I will find someone to assist you, or you may wish to contact the Office of Client Services and Rights Protection, Central Office, at (800) 252-8154, for this assistance.

When a specific place is proposed, you will be contacted. Should you object at that time, you may request an administrative hearing or an abbreviated letter review.

A copy of the rules for this procedure is attached for your information.

Name, Title

TO: Superintendent, Name of School or Center

In the Matter of the
proposed placement of

(Name of Client)

X
X WAIVER OF RIGHT TO SPECIAL
X INTERDISCIPLINARY TEAM REVIEW
X

I received a Notification of Interdisciplinary Team Decision dated _____ concerning the recommendation for community placement.

I have read the Notice and I understand that I have a right to request a special interdisciplinary team review of the placement recommendation for (name of client).

I do not wish to request such a hearing. By making this waiver of my right to request a special interdisciplinary team review, I understand that (name of client) will be recommended for a specific placement when one is found.

My name and address are:

My relationship to the client is: _____

DATE

Signature of person who is waiving his/
her right to a special interdisciplinary
team review

EXHIBIT C: EXAMPLE OF PARENT NOTIFICATION OF INTERDISCIPLINARY TEAM DECISION

Recommendation for Specific Community Placement

At a community placement staffing on (date), (client name)'s interdisciplinary team recommended placement at (alternative residential facility) on (date) or (second alternative residential facility) on (date). This recommended placement will not alter your current legal rights and responsibilities and will not affect the level of involvement you wish to continue with (name).

If you have questions about the proposed community placement, please call (staff) at (number).

If you do not object to the proposed community placement, please contact me as soon as possible so that we begin (client name)'s transition to the new placement.

If you object to this proposed placement, contact me within 14 calendar days in writing. I will need to know the reasons for your objection and whether you are requesting an administrative hearing or an abbreviated letter review.

If you need assistance in writing the letter, please contact me by phone (phone number), and I will find someone to assist you, or you may wish to contact the Office of Client Services and Rights Protection, Central Office, (800) 252-8154, for this assistance.

A copy of the rules for this procedure is attached for your information.

Name, Title

TO: Superintendent, Name of School or Center

In the Matter of the
proposed placement of

(Name of Client)

X WAIVER OF RIGHT TO
X ADMINISTRATIVE HEARING AND
X LETTER REVIEW
X

I received a Notification of Interdisciplinary Team Decision dated _____ concerning the recommendation for community placement.

I have read the Notice and I understand that I have a right to request administrative hearing or an abbreviated letter review to contest the placement recommendation for (name of client).

I do not wish to request such a hearing or letter review. By making this waiver of my right to request an administrative hearing and abbreviated letter review, I understand that (name of client) will be transferred to a community-based residential placement.

My name and address are:

My relationship to the client is: _____

DATE

Signature of person who is waiving his/
her right to a special interdisciplinary
team review

§402.300. *Distribution*

(a) The provisions of this subchapter shall be distributed to members of the Texas Board of Mental Health and Mental Retardation, deputy commissioners, assistant deputy commissioners, directors and section chiefs of central office, superintendents and directors of all department facilities, and board chairpersons and executive directors of all community mental health and mental retardation centers.

(b) The superintendent, director, or executive director shall ensure distribution of this subchapter to appropriate staff.

(c) A copy of this subchapter shall be made available upon request to any staff member; client, parent, or legal guardian; counsel of record of any client; or to any interested party.

§402.301. *References.* Reference is made to the following statutes and rules of the department:

(1) Texas Civil Statutes, Article 5547-300;

(2) Chapter 405, Subchapter BB of this title, (relating to Admissions, Transfers, Furloughs, and Discharges-State Schools for the Retarded).

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 June 12, 1987.

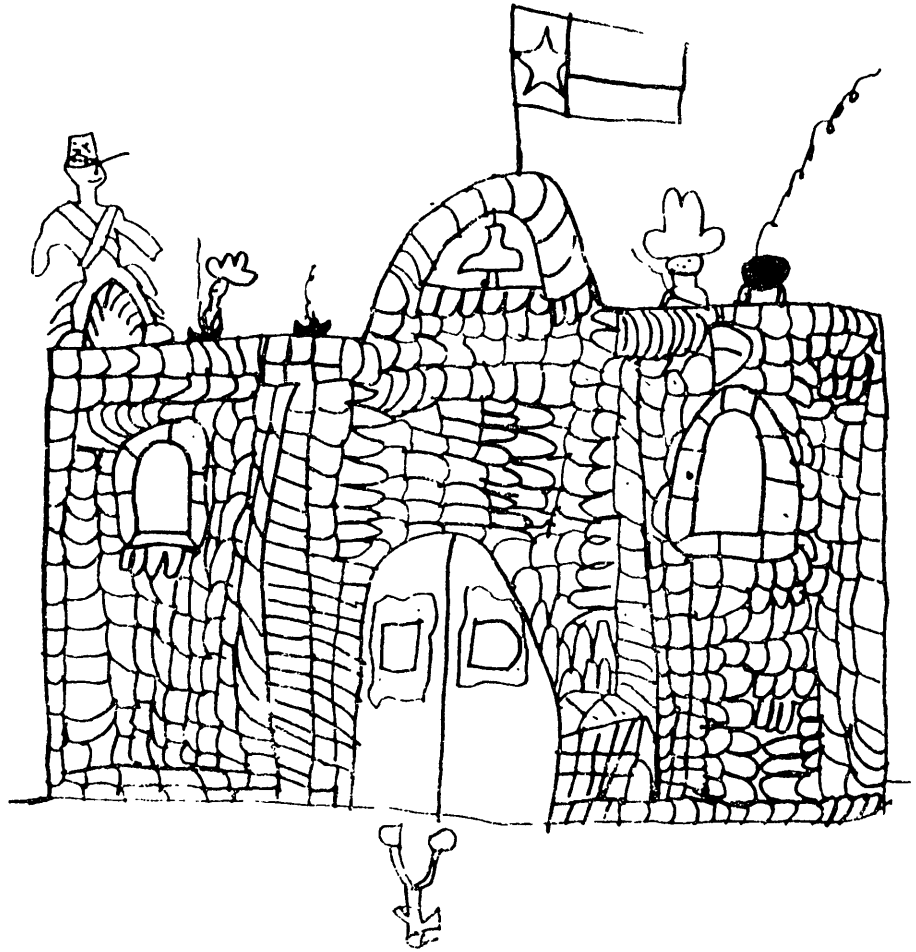
TRD-8704911 R. Coke Mills
Chairman
Texas Board of Mental
Health and Mental
Retardation

Earliest possible date of adoption:

July 20, 1987

For further information, please call
(512) 465-4670.

★ ★ ★



Name: Jeff Brewer
Grade: 3
School: Harben Elementary School,
Richardson

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 25. HEALTH SERVICES

Part II. Texas Department of Mental Health and Mental Retardation

Chapter 405. Client (Patient) Care

Subchapter A. Employment of Independent Contractors (Consultants)

★ 25 TAC §§405.4, 405.5, 405.7

The Texas Department of Mental Health and Mental Retardation adopts amendments to §§405.4, 405.5, and 405.7, without changes to the proposed text published in the March 17, 1987, issue of the *Texas Register* (12 TexReg 884).

The amendments change the effective date of the contract (Form P-11), and provide additional instructions for completing Form P-11 (A), the independent contractor log.

The new effective date of the contract reflects the addition of a provision related to the new federal Immigration Act, which prohibits employers from contracting with illegal aliens.

No comments were received regarding adoption of the amendments.

These amendments are adopted under Texas Civil Statutes, Article 5547-202, which provide the Texas Board of Mental Health and Mental Retardation with rulemaking powers.

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 June 12, 1987.

TRD-8704913 R. Coke Mills
Chairman
Texas Board of Mental
and Mental
Retardation

Effective date: July 3, 1987
Proposal publication date: March 17, 1987
For further information, please call
(512) 465-4670.

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part III. Texas Youth Commission

Chapter 103. Student Remedies

Complaints Regarding Abuse or Neglect

★ 37 TAC §103.41

The Texas Youth Commission adopts the repeal of §103.41, without changes to the proposed text published in the February 27, 1987, issue of the *Texas Register* (12 TexReg 651).

Repeal of this section allows for adoption of new §103.41, entitled "Suspected Mistreatment," published concurrently, to replace and update the existing section.

The adoption of the repeal will allow for adoption of a new section concerning suspected mistreatment which provides procedures for reporting and investigating abuse and neglect complaints.

No comments were received regarding adoption of the repeal.

The repeal is proposed under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to accomplish its functions.

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 June 8, 1987

TRD-8704771 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: June 29, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 452-8111, ext 390

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★ 37 TAC §103.41

The Texas Youth Commission adopts new §103.41, without changes to the proposed text published in the February 27, 1987,

issue of the *Texas Register* (12 TexReg 651).

The new section expands the scope of Texas Youth Commission responsibility and procedure for reporting, investigating, and remedying complaints of abuse, neglect, and improper child care practices.

The new section establishes procedures including time requirements to be followed by all Texas Youth Commission staff in all programs in reporting and investigating complaints of abuse, neglect, and improper child care practices.

No comments were received regarding adoption of the new section

The new section is adopted under the Human Resources Code, §61.034, which provides the Texas Youth Commission with the authority to make rules appropriate to accomplish its function by providing a safe environment for TYC wards.

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 June 8, 1987.

TRD-8704770 Ron Jackson
Executive Director
Texas Youth Commission

Effective date: June 29, 1987
Proposal publication date: February 27, 1987
For further information, please call
(512) 452-8111 ext 390

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Open Meetings

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

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

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

Texas Department of Agriculture

Tuesday, June 23, 1987. The Texas Department of Agriculture will meet in the District Office, Expressway 83, two blocks west of Morningside Road, San Juan. Times and agendas follow.

10:30 a.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code §103.001 by Gerald E. Mann and Gerald E. Mann Produce as petitioned by Abdiel Cuevas Farms, Inc.

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

Filed: June 11, 1987, 1:32 p.m.
TRD-8704878

2:30 p.m. The department will hold an administrative hearing to review alleged violation of Texas Agriculture Code; §103.001 by Gordon R. Todd, C.R. Snyder, Lynn Thomas and Sun Valley Foods, Inc. as petitioned by Alberto Ortega.

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

Filed: June 11, 1987, 1:32 p.m.
TRD-8704879

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Tuesday, June 30, 1987, 10 a.m. The Texas Department of Agriculture will meet in the District Office, Suite 301, 2800 Northeast Loop 410, San Antonio. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Prater and Pal's Produce Company, Inc., Troy Hamilton, Nita G. Prater, and John R. Prater, as petitioned by Peter L. Naegelin.

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

Filed: June 12, 1987, 1:27 p.m.
TRD-8704898

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Wednesday, July 29, 1987, 10 a.m. The Texas Department of Agriculture will meet in the District Office, 2935 Westhollow Drive, Houston. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001 by Frankie Luprete and Frankie Luprete Produce, as petitioned by Kalil Fruit and Vegetable Company, Inc.

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

Filed: June 15, 1987, 10:57 a.m.
TRD-8704931

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Texas Air Control Board

Wednesday, June 17, 1987, 10:30 a.m. The Budget and Finance Committee of the Texas Air Control Board met in emergency session at 6330 Highway 290 East, Austin. According to the agenda, the committee will discuss use of available funds for this fiscal year. The emergency status was necessary because federal funds just released must be considered in allocation of remaining agency funds by June 26, 1987, expenditure deadline.

Contact: Bill Ehret, 6330 Highway 290 East, Austin, Texas 78723, (512) 451-5711, ext. 354.

Filed: June 15, 1987, 4:51 p.m.
TRD-8704951

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State Bar of Texas

Saturday, June 13, 1987, 2 p.m. The Board of Directors of the State Bar of Texas made an emergency addition to the agenda of a meeting held in the Nueces Ballroom, Hershey Hotel, Corpus Christi. The addition concerned adoption of resolution regarding reporting of potential criminal activities in

case solicitation matters. The emergency status was necessary because the matter did not arise prior to June 11, 1987, therefore it was unable to be previously post.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1415.

Filed: June 11, 1987, 3:09 p.m.
TRD-8704882

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Texas School for the Deaf

Tuesday, June 22, 1987, 8 a.m. The Governing Board of the Texas School for the Deaf will meet at 1102 South Congress Avenue, Austin. According to the agenda summary, the board will consider business requiring board action.

Contact: Susan R. Nixon, P.O. Box 3538, Austin, Texas 78764, (512) 440-5335.

Filed: June 12, 1987, 10:27 a.m.
TRD-8704896

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Texas Education Agency

Friday, June 12, 1987, 11 a.m. The Committee for Students of the State Board of Education made an emergency revision to the agenda of a meeting held in Room 1-111, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee discussed evaluation of bilingual education programs. The emergency status was necessary to enable the board to review preliminary evaluation materials on selected bilingual education programs and give direction to the staff for further data collection efforts in order that evaluation materials may be brought before the board in July.

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

Filed: June 12, 1987, 8:08 a.m.
TRD-8704890

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Employees Retirement System of Texas

Tuesday, June 23, 1987, 9 a.m. The Board of Trustees of the Employees Retirement System of Texas will meet in the ERS Building, 18th and Brazos Streets, Austin. According to the agenda summary, the board will approve minutes of the previous meeting, consider investment advisor recommendations and act on investment of the system's funds, act on additions to approved broker/dealer list, act on selection of bank for security clearance banking services, hear a status report on state auditor's management letter, and executive director's report. The board will also meet in executive session.

Contact: James T. Herod, 18th and Brazos Streets, Austin, Texas 78701, (512) 476-6431, ext. 178.

Filed: June 12, 1987, 9:03 a.m.
TRD-8704891

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Finance Commission

Friday, June 19, 1987, 9:30 a.m. The Banking Section of the Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the section will approve minutes of the previous meeting, consider legislative update, discuss statutory provisions relating to financial institutions and trust companies, consider proposed rules relating to other real estate, legal lending limits, insurance and courier service, discuss Chilton Private Bank (unincorporated) in liquidation, review departmental operations including budget, personnel, litigation, appeals of administrative orders, and examination fee formula.

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

Filed: June 11, 1987, 1:35 p.m.
TRD-8704877

Friday, June 19, 1987, 1:30 p.m. The Consumer Credit Section of the Finance Commission will meet at 2601 North Lamar Boulevard, Austin. According to the agenda, the section will hear a report on legislation, discuss budget, appropriations, and personnel, and consider possible adoption of rule.

Contact: Al Endsley, 2601 North Lamar Boulevard, Austin, Texas 78705, (512) 479-1280.

Filed: June 11, 1987, 3:36 p.m.
TRD-8704884

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Texas Industrial Accident Board

Tuesday, June 16, 1987, 1 p.m. The Texas Industrial Accident Board met in Room 107, First Floor, Bevington A. Reed Building, 200 East Riverside Drive, Austin. According to

the agenda, the board will approve minutes of the previous meeting, consider expedited awards processing, discuss and consider budgetary matters, and review and discuss board activities. The board will also meet in closed session to review board files pursuant to workers' compensation statute.

Contact: Inez "Tippy" Foster, 200 East Riverside Drive, Austin, Texas 78704, (512) 448-7960.

Filed: June 11, 1987, 3:24 p.m.
TRD-8704883

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State Board of Insurance

The State Board of Insurance will meet at 1110 San Jacinto Street, Austin. Dates, times, rooms, and agendas follow.

Monday, June 22, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9613—Application of Southwest Service Life Insurance Company, North Richland Hills, to acquire control of Knighton Life Insurance Company, Beaumont.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704900

Monday, June 22, 1987, 10 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9614—Application of Southwest Service Life Insurance Company, North Richland Hills, to acquire control of Boren Life Insurance Company, Jacksonville.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704901

Tuesday, June 23, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9528—Whether American Surety Company, Grand Turk, B.W.I., has complied with Commissioner's Order 87-0416, dated April 24, 1987.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704902

Tuesday, June 23, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9599—Whether disciplinary action should be taken against James D. Morgan, Mesquite, who holds a group I, legal reserve life insurance agent's license and a group II, health and accident insurance agent's license issued by the State Board of Insurance.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704903

Wednesday, June 24, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9609—Proposed plan of merger of National Public Service Insurance Company, Seattle, Washington, into NPS Life Insurance Company, Waco.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704904

Wednesday, June 24, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9615—Application of Cigna Dental Health of Texas, Inc., Houston, for a certificate of authority to operate a health maintenance organization offering a single health care service plan.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704905

Wednesday, June 24, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9605—Application of J. Carl Brown to acquire control of Preferred Bankers Life Insurance Company, Dallas.

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

Filed: June 12, 1987, 2:33 p.m.
TRD-8704906

Thursday, June 25, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9616—Application of Glen Allen Hefner to acquire control of RMS Life Insurance Company, Houston.

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

Filed: June 15, 1987, 12:48 p.m.
TRD-8704934

Thursday, June 25, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9606—Application for amendments to the articles of incorporation of State National Insurance Company, Inc., Arlington, increasing the authorized capital.

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

Filed: June 15, 1987, 12:48 p.m.
TRD-8704935

Friday, June 26, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 353, to consider Docket 9601—Application for amendments to the articles of incorporation of Insurance Company of the Prairie States, Austin, increasing the authorized capital.

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

Filed: June 15, 1987, 12:49 p.m.
TRD-8704936

Friday, June 26, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9596—Application of Old Surety Life Insurance Company, Oklahoma City, Oklahoma, to acquire control of Mid-Western Life Insurance Company of Texas, Dallas.

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

Filed: June 15, 1987, 12:49 p.m.
TRD-8704937

Friday, June 26, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9610—Application of Furr's, Inc. to acquire control of Montfort Insurance Company, Dallas.

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

Filed: June 15, 1987, 12:49 p.m.
TRD-8704938

Monday, June 29, 1987, 9 a.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9612—Total assumption reinsurance agreement whereby Travis Life Insurance Company, Austin, will be reinsured by First Fidelity Life Insurance Company, Houston.

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

Filed: June 15, 1987, 12:49 p.m.
TRD-8704939

Monday, June 29, 1987, 1:30 p.m. The Commissioner's Hearing Section will meet in Room 342, to consider Docket 9607—Approval of articles of agreement of Montfort Lloyd's Insurance Company, Dallas.

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

Filed: June 15, 1987, 12:49 p.m.
TRD-8704940

Wednesday, July 1, 1987, 9:30 a.m. The board will meet in Room 414, to consider final action on amendments and new sections to the Texas Administrative Code, Title 28, Chapter 11, and public hearing thereon concerning health maintenance organizations.

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

Filed: June 15, 1987, 9:51 a.m.
TRD-8704920

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Texas Department of Labor and Standards

Thursday, June 18, 1987, 9 a.m. The Labor/Licensing and Enforcement Division of the Texas Department of Labor and Standards met in Room 105, E.O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will consider suspension or revocation of the auctioneer license of Mark Blechman for violation of the department's auctioneer rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: June 11, 1987, 3:43 p.m.
TRD-8704886

Friday, July 3, 1987, 10 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will consider suspension or revocation of the manufactured housing registration of Ebert's Mobile Homes and Lancer Homes for violations of the department's manufactured housing rules and regulations.

Contact: Craig F. Sandling, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: June 11, 1987, 3:43 p.m.
TRD-8704887

Tuesday, July 7, 1987, 9 a.m. The Labor/Licensing and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will consider the denial of the boxer's license for Dennis W. Black.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: June 11, 1987, 3:43 p.m.
TRD-8704885

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Tuesday, July 21, 1987, 10 a.m. The Labor/Licensing and Enforcement Division of the Texas Department of Labor and Standards will meet in Room 105, E.O. Thompson Building, 920 Colorado, Austin. According to the agenda, the division will consider the suspension, denial, or revocation

of the auctioneer's license for Asher Wainer for violation of the department's auctioneer rules and regulations.

Contact: Orlando S. Mata, P.O. Box 12157, Austin, Texas 78711, (512) 463-3127.

Filed: June 12, 1987, 2:46 p.m.
TRD-8704907

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Texas State Board of Medical Examiners

Tuesday, June 16, 1987, 1 p.m.

The Texas State Board of Medical Examiners met at 1101 Camino LaCosta, Austin. Agendas follow.

The Long Range Planning Committee rescheduled a meeting concerning a workshop and orientation for new board members. The committee also met in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, H-484. The meeting was originally scheduled for 5 p.m.

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

Filed: June 16, 1987, 8:14 a.m.
TRD-8704952

The Disciplinary Process Review Committee rescheduled a meeting concerning discussion of procedures and files. The committee also met in executive session under authority of Texas Civil Statutes, Article 6252-17, as related to Article 4495b, 2.07, 3.05(d), 4.05(d), 5.06(e)(1), and Attorney General Opinion 1974, H-484. The meeting was originally scheduled for Wednesday, June 17, 1987, at 8 a.m.

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

Filed: June 16, 1987, 8:14 a.m.
TRD-8704953

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Board of Nurse Examiners

Tuesday, June 30, 1987, 10 a.m. The Board of Nurse examiners will meet in Room 3.102, Joe C. Thompson Conference Center, 26th and Red River, Austin. According to the agenda, the board will receive additional testimony regarding \$218 regarding delegation of selected nursing tasks by registered nurses to unlicensed personnel. Oral testimony will be limited to five minutes, written testimony is encouraged in addition to the oral testimony. All comments must be received by June 30, 1987, in order to be considered by the task force.

Contact: Louise Sanders, 510 South Congress Avenue, Austin, Texas 78704, (512) 835-4880

Filed: June 11, 1987, 10:30 a.m.
TRD-8704873

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Board of Pardons and Paroles

Monday-Friday, June 22-25, 1987, 1:30 p.m. daily, Monday-Thursday and 11 a.m. Friday. A three-member panel of the Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda summary, the panel will receive, review, and consider information and reports concerning prisoners and inmates and administrative releases subject to the board's jurisdiction and initiate and carry through with appropriate action.

Contact: Mike Roach, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2713.

Filed: June 12, 1987, 10:22 a.m.
TRD-8704893

Tuesday, June 23, 1987, 1:30 p.m. The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. According to the agenda, the board will consider executive clemency recommendations and related actions, other than out-of-country conditional pardons, including full pardons and restoration of civil rights of citizenship; emergency medical reprieves; commutations of sentence; and other reprieves, remissions, and executive clemency actions.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas, (512) 459-2704.

Filed: June 12, 1987, 10:21 a.m.
TRD-8704894

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Department of Public Safety

Wednesday, June 24, 1987, 9 a.m. The State Emergency Council of the Division of Emergency Management of the Department of Public Safety will meet in the Emergency Operations Center, DPS Headquarters, 5805 North Lamar Boulevard, Austin. According to the agenda summary, the council will review state and federal requirements of the Superfund Amendments and Reauthorization Act, Title III, of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

Contact: Mike L. Scott, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2138.

Filed: June 15, 1987, 1:27 p.m.
TRD-8704941

Thursday, June 25, 1987, 10 a.m. The Public Safety Commission of the Texas Department of Public Safety will meet in the DPS

Regional Office, 2405 South Loop 250 West, Midland. According to the agenda, the commission will approve minutes of the previous meeting, consider budget matters, personnel matters, and miscellaneous and other unfinished business.

Contact: Leo E. Gossett, 5805 North Lamar Boulevard, Austin, Texas 78773, (512) 465-2000 ext. 3700.

Filed: June 15, 1987, 1:39 p.m.
TRD-8704942

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Public Utility Commission of Texas

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

Monday, June 22, 1987, 10 a.m. The Hearings Division will consider Docket 7536—Application of Southwestern Bell Telephone Company for amendment of information delivery service dial 976 tariff to offer blocking option.

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

Filed: June 12, 1987, 3:14 p.m.
TRD-8704908

Wednesday, July 1, 1987, 10:30 a.m. The Hearings Division will consider Docket 7127—Petition of Joe Bryan et al. for service area exception within Rusk County.

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

Filed: June 15, 1987, 2:48 p.m.
TRD-8704948

Friday, July 3, 1987, 10 a.m. The Hearings Division will consider Docket 7127—Petition of Joe Bryan, et al. for service area exception within Rusk County.

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

Filed: June 15, 1987, 3 p.m.
TRD-8704949

Monday, July 13, 1987, 10 a.m. The Hearings Division will consider Docket 7500—Application of Central Power and Light Company for a certificate of convenience and necessity for proposed transmission lines and associated substations within Nueces, San Patricio, Bee, and Goliad Counties.

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

Filed: June 11, 1987, 2:42 p.m.
TRD-8704800

Tuesday, August 11, 1987, 10 a.m. The Hearings Division will consider Docket 6609

—Request of the colony for extended area service to the Dallas metro calling area.

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

Filed: June 12, 1987, 3:13 p.m.
TRD-8704909

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Railroad Commission of Texas

Monday, June 15, 1987, 9 a.m. The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the 12th Floor Conference Room, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the division considered the application of Valero Transmission Company, for relief under 16 TAC §3.34 from Mitchell Energy Corporation, various fields, various counties, Docket 7C-9,100; considered Docket 20-90,145, Railroad Commission statewide—Whether to initiate rulemaking proceedings to adopt amendments to statewide rules 34 (16 TAC §3.34) for the State of Texas. The emergency status was necessary because these items must be taken on less than seven days notice as a matter of urgent public necessity. These items were properly noticed for the meeting of June 8, 1987, and were passed.

Contact: Susan Cory, P.O. Drawer 12967, Austin, Texas 78711, (512) 463-6923.

Filed: June 12, 1987, 2:11 p.m.
TRD-8704899

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State Purchasing and General Services Commission

Thursday, June 25, 1987, 1:30 p.m. The Texas School Bus Committee of the State Purchasing and General Services Commission will meet in Room 1103, L.B.J. Building, 111 East 17th Street, Austin. According to the agenda, the committee will discuss specifications for school bus bodies, chassis, optional equipment, approved products list, and addendum to the school bus specification.

Contact: Troy Martin, P.O. Box 13047, Austin, Texas 78711-3047, (512) 463-3415.

Filed: June 15, 1987, 10:06 a.m.
TRD-8704921

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Texas Savings and Loan Department

The Texas Savings and Loan Department will meet in Suite 201, 2601 North Lamar Boulevard, Austin. Dates, times, and agendas follow.

Tuesday, June 23, 1987, 9 a.m. The department will accumulate a record of evidence

in regard to the application of First American Savings Banc A Savings Association, North Richland Hills, Tarrant County, to relocate the home office from 4808 Oakridge Terrace, North Richland Hills, to 8555 Airport Freeway, North Richland Hills, from which record the commissioner will determine whether to grant or deny the application.

Contact: Nancy O. Ricketts, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250

Filed: June 11, 1987, 10:27 a.m.
TRD-8704870

Wednesday, June 24, 1987, 9 a.m. The department will accumulate a record of evidence in regard to the application of Allegiance Savings and Loan Association, Farmers Branch, Dallas, Dallas County, to relocate the home office from 14330 Josey Lane, Farmers Branch, to 2001 Beltline Carrollton, Dallas County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Nancy O. Ricketts, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250.

Filed: June 11, 1987, 10:27 a.m.
TRD 8704871

Thursday, June 25, 1987, 9 a.m. The department will accumulate a record of evidence in regard to the application of The Savings Banc, A Savings and Loan Association, Arlington, Tarrant County, to relocate the home office from 2000 Lamar Boulevard East, Arlington, to 2221 Lamar Boulevard East, Arlington, Tarrant County, from which record the commissioner will determine whether to grant or deny the application.

Contact: Nancy O. Ricketts, 2601 North Lamar Boulevard, Suite 201, Austin, Texas 78705, (512) 479-1250

Filed: June 11, 1987, 10:27 a.m.
TRD-8704872

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State Securities Board

Tuesday, June 23, 1987, 10 a.m. The Securities Commissioner of the State Securities Board has rescheduled a meeting in Suite 114, 3100 West Alabama, Houston. According to the agenda summary, the commissioner will determine whether a cease and desist order should be issued prohibiting the sale of securities issued, offered for sale or sold by James R. Paugh also known as Jim Paugh, Robert Guy, Williams Brazell, and American Business Exchange, its employees, agents, and salesmen.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78701, (512) 474-2233

Filed: June 11, 1987, 4:10 p.m.
TRD-8704888

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Wednesday, June 24, 1987, 10 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the commissioner will determine whether the registration of Torregon Securities, Incorporated, as a securities dealer should be revoked or suspended.

Contact: Sue B. Roberts, 1800 San Jacinto Street, Austin, Texas 78711, (512) 474-2233.

Filed: June 12, 1987, 3:46 p.m.
TRD-8704910

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Select Committee on Tax Equity

Thursday, June 18, 1987, 10 a.m. The Select Committee on Tax Equity met in emergency session in Room 2.115, Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee discussed administrative issues. The emergency status was necessary due to a change in location of the meeting as better facilities were available.

Contact: Dale K. Craymer, 105 West 15th Street, Austin, Texas 78711, (512) 463-0822.

Filed: June 15, 1987, 4:50 p.m.
TRD-8704950

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University Interscholastic League

Thursday, June 18, 1987, 10 a.m. The Standing Committee on Academics of the University Interscholastic League met in Room 2.122, Joe C. Thompson Conference Center, University of Texas Campus, Austin. According to the agenda summary, the committee considered amendments to the University Interscholastic League constitution and contest rules.

Contact: Janet Wiman, 2622 Wichita, Austin, Texas 78765, (512) 471-5883.

Filed: June 11, 1987, 1:18 p.m.
TRD-8704876

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Texas Water Commission

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

Tuesday, June 23, 1987, 10 a.m. The commission will consider water district bond issues, release from escrow, fire protection plans, dismissal of Docket 6598 of Dwight L. Zemp, proposed water quality permits, amendments, renewals, water use application, certificate of adjudication amendment, and consideration to initiate rulemaking proceedings regarding water quality in the South Fork San Gabriel watershed.

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

Filed: June 12, 1987, 4:04 p.m.
TRD-8704914

Tuesday, July 7, 1987, 2 p.m. The commissioner will consider enforcement order for Cameron County Santa Rosa Water Control and Improvement District (Permit 10330-01), application by NRS Southlake Joint Venture for proposed water quality Permit 13315-01, Trinity River Basin, and application by Robert J. Tate for proposed water quality Permit 13309-01, Grayson County, Red River Basin.

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

Filed: June 12, 1987, 4:04 p.m.
TRD-8704915

Tuesday, August 11, 1987, 10 a.m. The commission will consider application on S.B. Hayter Trust #5134, seeking a permit to divert and use water per annum from an existing reservoir created by a dam on an unnamed tributary of Mill Creek, a tributary of Morral Bayou, a tributary of Angelina River, tributary of Neches River, Neches River Basin, for irrigation in Nacogdoches County.

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

Filed: June 12, 1987, 4:05 p.m.
TRD-8704916

Tuesday, August 11, 1987, 10 a.m. The commission will consider Application 5136—City of Irving seeking a permit to authorize construction of an off channel reservoir to divert thereto water per annum from the West Fork Trinity River, tributary of the Trinity River, Trinity River Basin, for storage and irrigation purposes in Dallas County.

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

Filed: June 12, 1987, 4:06 p.m.
TRD-8704917

Thursday, August 20, 1987, 10 a.m. The Office of Hearings Examiner will meet in Room 512 to consider application by Monte Alto Water and Sewer Company for a rate/tariff change in Hidalgo County, Docket 7248-R.

Contact: Claire Patterson, P.O. Box 13087, Austin, Texas 78711, (512) 463-7875.

Filed: June 15, 1987, 11:30 a.m.
TRD-8704932

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Regional Agencies Meetings Filed June 11

The Bastrop County Appraisal District, Board of Directors, met at 1200 Cedar Street, Bastrop, on June 18, 1987, at 7:30 p.m. Information may be obtained from Lorraine Perry, P.O. Drawer 578, Bastrop, Texas 78602, (512) 321-3925.

The Bexar Appraisal District, Board of Directors, met at 535 South Main, San Antonio, on June 15, 1987, at 5 p.m. Information may be obtained from Bill Burnette, 535 South Main, San Antonio, Texas 78204, (512) 224-8511.

The Deep East Texas Council of Governments, Board of Directors, will meet at the La Hacienda Restaurant, Nacogdoches, on June 25, 1987, at 11 a.m. Information may be obtained from Katie Bayliss, 274 East Lamar Street, Jasper, Texas 75951, (409) 384-5704.

The Hays County Central Appraisal District, Board of Directors, met on the First Floor, Hays County Courthouse Annex, 102 LBJ Drive, San Marcos, on June 17, 1987, at 7 p.m. Information may be obtained from Lynnell Sedlar, 102 LBJ Drive, San Marcos, Texas 78666, (512) 396-4777.

The Mills County Appraisal District, met in the Courthouse, Goldthwaite, on June 18, 1987, at 6:30 p.m. and June 22-26, 1987, at 8 a.m. daily. Information may be obtained from Doran E. Lemke, P.O. Box 565, Goldthwaite, Texas 76844, (915) 648-2253.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, met in the Pecan Valley Mental Health and Mental Retardation Region Clinical Office, 104 Charles Street, Granbury, on June 17, 1987, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Plateau Region Outer Parkway Corporation, Board of Directors, met in Suite 1800, 515 Congress Avenue, Austin, on June 17, 1987, at 9 a.m. Information may be obtained from Thomas H. Hill, 515 Congress Avenue, Suite 1800, Austin, Texas 78701, (512) 499-8200.

The Swisher County Appraisal District, Board of Directors, met at 130 North Armstrong, Tulia, on June 18, 1987, at 7:30 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

TRD-8704874

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Meetings Filed June 12

The Austin-Travis County Mental Health and Mental Retardation, Board of Trustees Personnel Committee, met at 7858 Shoal Creek Boulevard, Austin, on June 15, 1987, at 11:30 a.m. Information may be obtained from Sharon Taylor, 611 South Congress Avenue, Austin, Texas 78704, (512) 447-4141, ext. 6955.

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on June 25, 1987, at 12:45

p.m. Information may be obtained from Walton B. Reedy, P.O. Box 729, Belton, Texas 76513, (817) 939-1801.

The Dallas Area Rapid Transit, Audit Committee, met at 601 Pacific Avenue, Dallas, on June 15, 1987, at 3:30 p.m. Information may be obtained from Nancy McKethan, 601 Pacific Avenue, Dallas, Texas 75202, (214) 658-6237.

The Dallas Central Appraisal District, Appraisal Review Board, will meet in Suite 500, 1420 West Mockingbird Lane, Dallas, on June 19, 1987, at 2 p.m. Information may be obtained from Rick L. Kuehler, 1420 West Mockingbird Lane, Suite 500, Dallas, Texas 75248, (214) 631-0520.

The Dawson County Appraisal Review Board, will meet at the Lamesa Branch of Howard College, 1810 Lubbock Highway, Lamesa, on June 22-23, 1987, at 9 a.m. daily. Information may be obtained from Tom Anderson, P.O. Box 797, Lamesa, Texas 79331, (806) 872-7060.

The Gillespie County Appraisal District, Board of Review, will meet in Room 101-B, Gillespie County Courthouse, Fredericksburg, on June 22, 1987, at 9 a.m. Information may be obtained from Mary Lou Smith, P.O. Box 429, Fredericksburg, Texas 76824, (512) 997-9807.

The Grayson Appraisal District, Appraisal Review Board, will meet at 205 North Travis, Sherman, on June 19, 1987, at 9:30 a.m. Information may be obtained from Deborah Reneau, 205 North Travis, Sherman, Texas 75090, (214) 893-9673.

The Lampasas County Appraisal District, met at 109 East Fifth Street, Lampasas, on June 17, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76550, (512) 556-8058

The Lower Colorado River Authority, Audit and Budget Committee, Energy Operations Committee, Finance and Administration Committee, Natural Resources Committee, and Planning and Public Policy Committee met at 3700 Lake Austin Boulevard, Austin, on June 17, 1987, at 9 a.m. The Board of Directors met at the same location, on June 18, 1987, at 9 a.m. Information may be obtained from John E. Bagalay, Jr., 3700 Lake Austin Boulevard, Austin, Texas 78767, (512) 473-3200.

The Mental Health and Mental Retardation Authority of Brazos Valley, Board of Trustees, met at the Brazos Center, 3232 Briarcrest Drive, Bryan, on June 18, 1987, at 1:30 p.m. Information may be obtained from David Dromnes, 302 East 24th Street, Bryan, Texas 77803, (409) 822-6467.

The North Central Texas Council of Governments for North Central Texas Job Training, Consortium Private Industry Council, met at Centerpoint Two, 616 Six Flags Drive, Arlington, on June 18, 1987, at 10 a.m. Information may be obtained from Mike Gilmore, P.O. Drawer COG, Arlington, Texas 76005-5888, (817) 570-3300.

The Tarrant Appraisal District, Board of Directors, met in Suite 505, 1701 River Run, Fort Worth, on June 18, 1987, at 10 a.m. Information may be obtained from Christine Salinas, 1701 River Run, Suite 505, Fort Worth, Texas 76107, (817) 332-3151.

The West Central Texas Council of Governments, Ombudsman Task Force and public hearing, will meet at 1025 East North 10th Street, Abilene, on June 19, 1987, at 2 p.m. and June 24, 1987, at 3 p.m., respectively. Information may be obtained from Jimmy Walls or Brad Helbert, 1025 East North 10th Street, Abilene, Texas 79604, (915) 672-8544. TRD-8704892

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Meetings Filed June 15

The Coryell County Appraisal District, Board of Directors and Appraisal Review Board, met at 113 North Seventh Street, Gatesville, on June 18, 1987, at 7 p.m. and June 19, 1987, at 10 a.m., respectively. Information may be obtained from Darrell Lisenbe, P.O. Box 142, Gatesville, Texas 76528, (817) 865-6593.

The Education Service Center, Region I, Board of Directors, met at 2900 West Schunior, Edinburg, on June 18, 1987, at 6 p.m. Information may be obtained from Lauro R. Guerra, 1900 West Schunior, Edinburg, Texas 78539, (512) 383-5611.

The Gray County Appraisal District, Board of Directors, met at 815 North Sumner, Pampa, on June 18, 1987, at 5 p.m. Information may be obtained from Charles Buzard, P.O. Box 836, Pampa, Texas 79065, (806) 665-0791.

The Hood County Central Appraisal District, Appraisal Review Board, will meet at 1902 West Pearl Street, Granbury, on June 19, 1987, at 10 a.m. Information may be obtained from Bill Pennington, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lamb County Appraisal District, Board of Directors, will meet in the Boardroom, 330 Phelps Avenue, Littlefield, on June 23, 1987, at 7:30 p.m. Information may be obtained from Murlene J. Bilbrey, P.O. Box 552, Littlefield, Texas 79339, (806) 385-6474.

The Middle Rio Grande Development Council, Texas Review and Comment System Committee, will meet in the Commissioner's Courtroom, Maverick County Courthouse,

Eagle Pass, on July 1, 1987, at 10 a.m. Information may be obtained from Oralia Saldua, 213 Canal, Del Rio, Texas 78840, (512) 775-4160.

The San Jacinto River Authority, Board of Directors, will meet in the Terrace Room, Woodlands Inn and Country Club, 2301 North Millbend Drive, The Woodlands, on June 23, 1987, at noon. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas 77305, (409) 588-1111.

The Swisher County Appraisal District, Board of Directors, will meet at 130 North Armstrong, Tullia, on June 25, 1987, at 7:30

p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tullia, Texas 79088, (806) 995-4118.

The Trinity River Authority of Texas, Utility Services Committee, met at Lake Livingston Dam, FM Road 1988, Livingston, on June 15, 1987, at 10:30 a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the General Office of the Filter Plant, Proctor Lake, Comanche County, on June 25, 1987, at 6:30 p.m. Information may be obtained

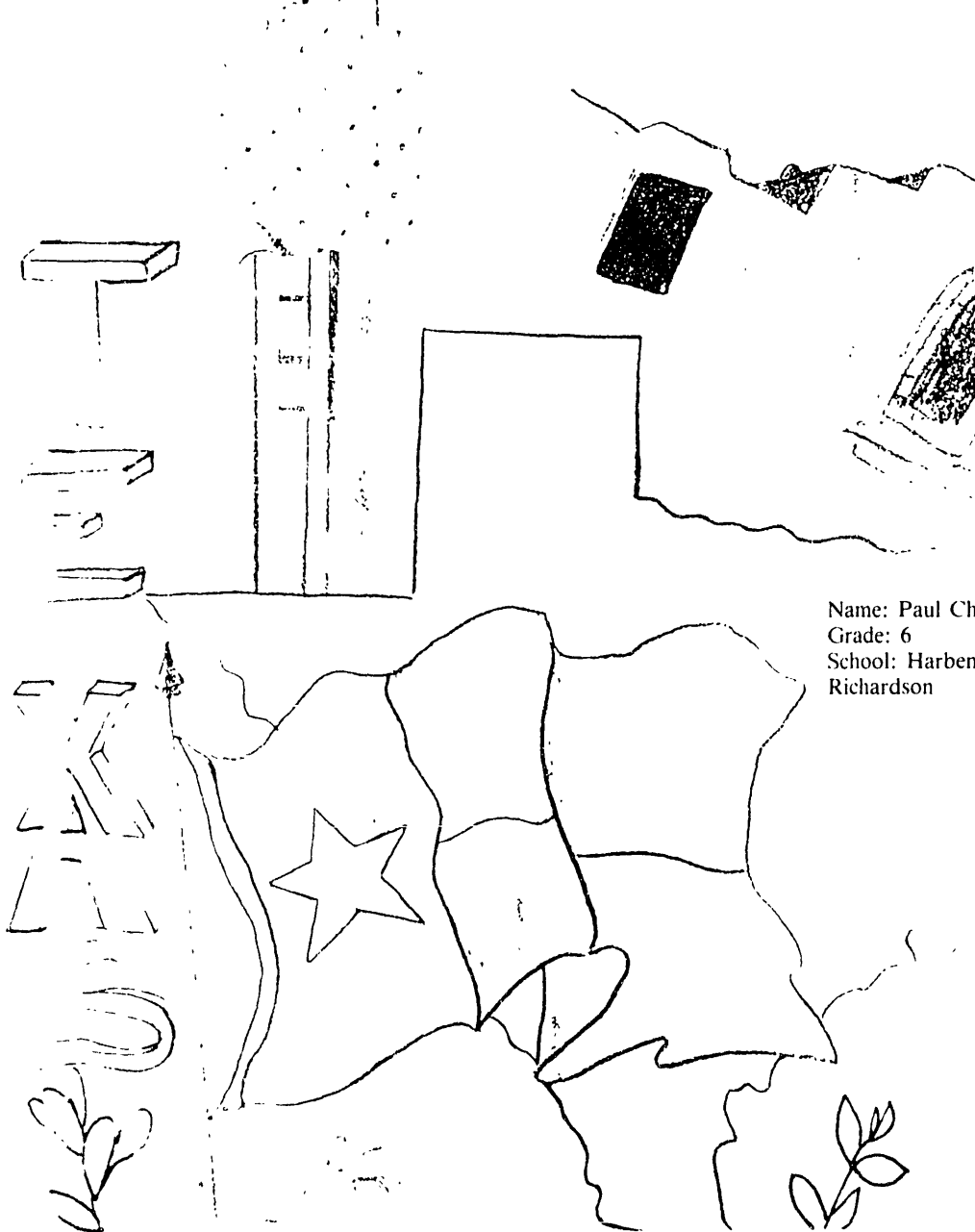
from Garry W. Godfrey, P.O. Box 67, Comanche, Texas 76442, (817) 879-2258.
TRD-8704919

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Meeting Filed June 16

The Lubbock Regional Mental Health and Mental Retardation Center, Board of Trustees, will meet at 3800 Avenue J, Lubbock, on June 22, 1987, at 11:30 a.m. Information may be obtained from Gene Menefee, 1210 Texas Avenue, Lubbock, Texas 79401, (806) 766-0202.
TRD-8704955

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Name: Paul Chang
Grade: 6
School: Harben Elementary School,
Richardson

In **Addition**

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

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

Texas Air Control Board Applications for Construction Permits

The Texas Air Control Board gives notice of applications for construction permits received during the period of May 18-22, 1987.

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.

International Business Machines, Austin; PC board protective coating facility; Austin, Travis County; 18126; new source

Monsanto Chemical Company, Alvin; detergent builders facilities; Alvin, Brazoria County; 18130; new source

Monsanto Chemical Company, Freeport; bulk liquid terminal; Freeport, Brazoria County; 18132; new source

Issued in Austin, Texas, on June 9, 1987.

TRD-8704847 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed, June 10, 1987
For further information, please call (512) 451-5711, ext. 354.

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The Texas Air Control Board gives notice of applications for construction permits received during the period of May 25-29, 1987.

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.

Exxon Corporation, Friendswood; I-C compressor engine; Friendswood, Harris County; 18135; new source

Kohler Company, Brownwood; ceramic batch kiln; Brownwood, Brown County; 18136; new source

Williamson Printing Corporation, Dallas; commercial printing facility; Dallas, Dallas County; 18137; new source

Brandt and Lawson, Incorporated, Houston; heat set printing facility; Houston, Harris County; 18139; new source

Delta Engineering Corporation, Channelview; sandblasting and painting facility; Channelview, Harris County; 18140; new source

Issued in Austin, Texas, on June 9, 1987.

TRD-8704848 Bill Ehret
Director of Hearings
Texas Air Control Board

Filed, June 10, 1987
For further information, please call (512) 451-5711, ext. 354.

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

Texas Civil Statutes, Article 342-401a, require any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On June 10, 1987, the banking commissioner received an application to acquire control of **Bloomburg State Bank**, Bloomburg, by Vernon Camp, Daingerfield; Ray Dowdle and William David Reynolds, of White Oak; James M. Laney, George W. Moody, and Travis E. Stanley of Longview; Kelly D. Pieratt, Ore City; and G. P. Smith, Jr., Kilgore.

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

Issued in Austin, Texas, on June 10, 1987.

TRD-8704881 William F. Aldridge
Director of Corporate Activities
Banking Department of Texas

Filed: June 11, 1987
For further information, please call (512) 479-1200

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The consumer credit commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in Texas Civil Statutes, Title 79, Articles 1.04, 1.05, 1.11, and 15.02, as amended (Texas Civil Statutes, Articles 5069-1.04, 1.05, 1.11, and 15.02).

Type of Rate Ceilings Effective Period (Dates are Inclusive)	Consumer ⁽³⁾ Agricul- tural/Commercial ⁽⁴⁾ thru \$250,000	Commercial ⁽⁴⁾ over \$250,000
Indicated (Weekly) Rate—Article 1.04(a)(1) 06/15/87-06/21/87	18.00%	18.00%
Monthly Rate— Article 1.04(c) ⁽¹⁾ 06/01/87-06/30/87	18.00%	18.00%
Standard Quarterly Rate—Article 1.04(a)(2) 07/01/87-09/30/87	18.00%	18.00%
Retail Credit Card Quarterly Rate— Article 1.11 ⁽³⁾ 07/01/87-09/30/87	18.00%	N/A
Lender Credit Card Quarterly Rate— Article 15.02(d) ⁽¹⁾ 07/01/87-09/30/87	14.00%	N/A
Standard Annual Rate—Article 1.04(a)(2) ⁽²⁾ 07/01/87-09/30/87	18.00%	18.00%
Retail Credit Card Annual Rate— Article 1.11 ⁽³⁾ 07/01/87-09/30/87	18.00%	N/A
Annual Rate Applicable to Pre-July 1, 1983, Retail Credit Card and Lender Credit Card Balances with Annual Implementation Dates from 07/01/87-09/30/87	18.00%	N/A
Judgment Rate—Article 1.05, §2 06/01/87-06/30/87	10.00%	10.00%

(1) For variable rate commercial transactions only
(2) Only for open-end credit as defined in Texas Civil Statutes, Article 5069.10(1)
(3) Credit for personal, family, or household use
(4) Credit for business, commercial, investment, or other similar purpose

Issued in Austin, Texas, on June 8, 1987.

TRD-8704875 Al Endsley
Consumer Credit
Commissioner

Filed: June 11, 1987
For further information, please call (512) 479-1280.

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Texas Education Agency Consultant Contract Awards

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of a consultant proposal request in the February 10, 1987, issue of the *Texas Register* (12 TexReg 477), the Texas Education Agency on June 3, 1987, executed a contract with Andrews Associates, 904 East Bay Drive, #B408, Olympia, Washington 98506, to conduct research on the Texas Teacher Appraisal System, specifically investigation of differential results for various teaching fields as required by Senate Bill 1, Acts of the 69th Legislature, 1986 Third Called Session.

Costs and Dates. The total amount of the contract is \$18,887. The beginning date of the contract is April 29, 1987, and the ending date is August 31, 1987.

Due Dates of Documents. The delivery date of the final report is August 31, 1987.

Issued in Austin, Texas, on June 10, 1987.

TRD-8704865 W. N. Kirby
Commissioner of Education

Filed: June 11, 1987
For further information, please call (512) 463-9212.

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This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of a consultant proposal request in the February 10, 1987, issue of the *Texas Register* (12 TexReg 477), the Texas Education Agency on June 2, 1987, executed a contract with Humble Independent School District, 611 Higgins, Humble, Texas 77347, to conduct research on the Texas Teacher Appraisal System (TTAS), specifically investigation of the relationship between teacher scores on the TTAS and student achievement in reading as required by Senate Bill 1, Acts of the 69th Legislature, 1986, Third Called Session.

Costs and Dates: The total amount of the contract is \$17,635. The beginning date of the contract is May 1, 1987, and the ending date is August 31, 1987.

Due Dates of Documents: The delivery date of the final report is August 31, 1987.

Issued in Austin, Texas, on June 10, 1987.

TRD-8704866 W N Kirby
Commissioner of Education

Filed: June 11, 1987
For further information, please call (512) 463-9212.

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Consultant Proposal Request

This consultant proposal request is filed in compliance with provisions of Texas Civil Statutes, Article 6252-11c.

Description. The Texas Education Agency is requesting proposals to assist the agency's Division of Services for the Deaf, which is charged with the responsibility to develop and administer a statewide program of educational services for deaf students, in the refinement and continued implementation of an objective data-based accountability system for measuring educational outcomes within the regional day school programs for the deaf. The system must include the revision or design of data collection instruments which will, when data so collected has been entered on computer, provide ready access to individual and composite pupil profiles. Pupil data to be collected may include, but shall not necessarily be limited to the following: name, sex, date of birth, address, audiological findings, cause of hearing loss, age at onset of hearing loss, additional handicapping conditions, ethnic background, results of standardized achievement tests. A plan for output products and data analyses appropriate to local, regional, state, and national levels will be required.

Continuation of Service Previously Performed. This is a continuation of a service previously performed by the Center for Assessment and Demographic Studies, Gallaudet University, Washington, D.C. This agency intends to award a contract to Gallaudet University unless a better offer is submitted.

Procedure for Selecting Consultant. The organization demonstrating the broadest and deepest knowledge of demographic and educational performance data analysis of the deaf will be selected for cost and contract negotiations.

Dates of Contract. The beginning date of the contract is September 1, 1987, and the ending date of the contract is August 31, 1988.

Amount of Contract. The amount of the contract shall not exceed \$38,500.

Contact. Further information may be obtained by writing or calling Gary A. Curtis, Director, Division of Services for the Deaf, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 463-9424.

Deadline. Proposals must be received in the agency no later than July 15, 1987.

Issued in Austin, Texas, on June 9, 1987

TRD-8704867 W N Kirby
Commissioner of Education

Filed: June 11, 1987
For further information, please call (512) 463-9212.

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Texas Water Commission Enforcement Orders

Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Hempstead, on June 10, 1987, assessing \$8,400 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ramon Dasch, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on June 11, 1987.

TRD-8704889 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: June 11, 1987
For further information, please call (512) 463-7898.

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Pursuant to the Texas Water Code, which states that if the commission finds that a violation has occurred and a civil penalty is assessed, the commission shall file notice of its decision in the *Texas Register* not later than the 10th day after the date on which the decision is adopted, the following information is submitted.

An enforcement order was issued to City of Granger, on June 11, 1987, assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ramon Dasch, Staff Attorney, Texas Water Commission, P.O. Box 13087, Austin, Texas, 78711-3087, (512) 463-8069.

Issued in Austin, Texas, on June 11, 1987.

TRD-8704918 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: June 12, 1987
For further information, please call (512) 463-7898.

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Texas Water Development Board Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the board.

Brazos River Authority, P.O. Box 7555, Waco, Texas 76714-7555, received on April 28, 1987, a loan application from the Water Loan Assistance Fund in the amount of \$137,500. The loan will provide matching funds for a \$275,000 water quality planning grant approved at the February 26, 1987, meeting.

Polk County Fresh Water Supply District Number 2, P.O. Box 333, Onalaska, Texas 77360, received on April 16, 1987, a financial assistance in the amount of \$250,000 from the Water Quality Enhancement Account of the Water Development Fund.

The City of Bridge City (Orange County), P.O. Box 846, Bridge City, Texas 77611, received on May 20, 1987, financial assistance in the amount of \$3,000,000 from the Water Quality Enhancement Account of the Water Development Fund.

Maverick County Water Control and Improvement District Number 1, 2252 East Garrison Street, Eagle Pass, Texas 78852-5099, received application for a grant in the amount of \$6,866.25 from the Agriculture Soil and Water Conservation Fund.

Additional information concerning this matter may be obtained from M. Reginald Arnold II, Executive Administrator, P.O. Box 13231, Austin, Texas 78711.

Issued in Austin, Texas, on June 10, 1987

TRD-8704845

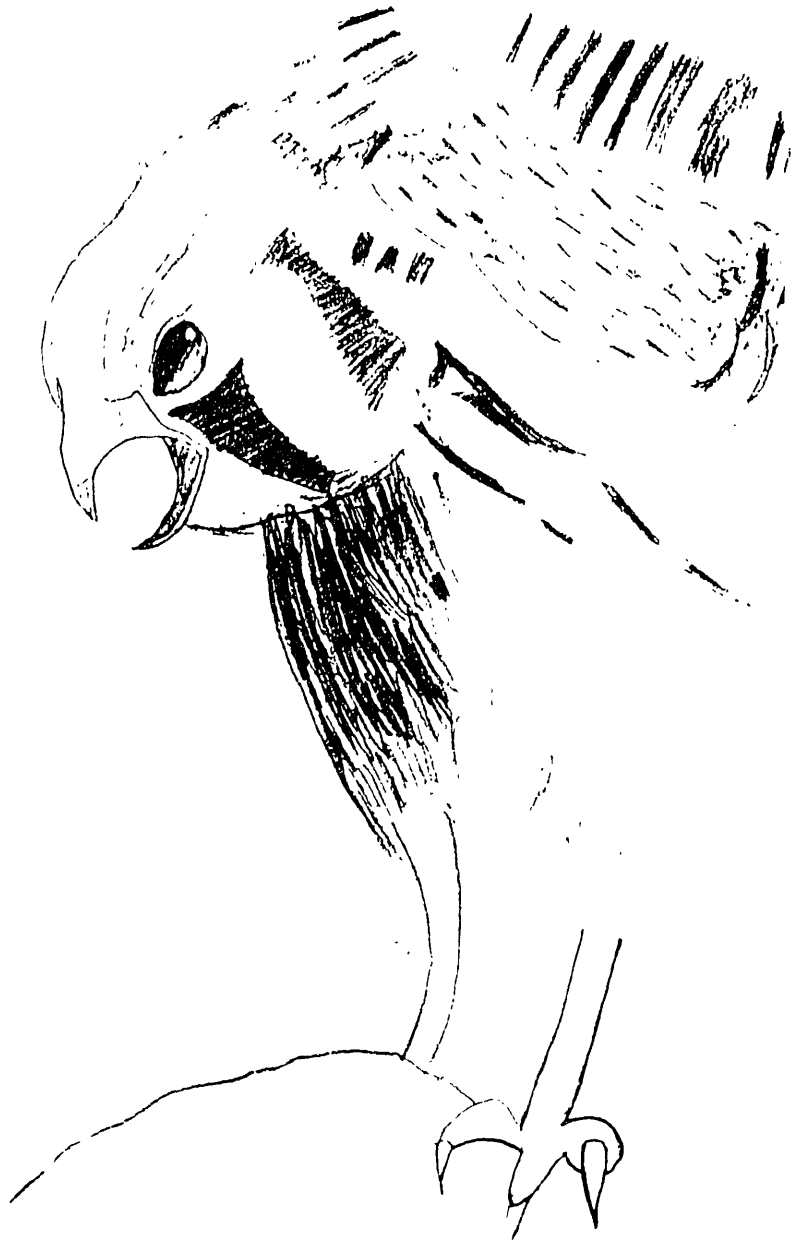
M. Reginald Arnold II
Executive Administrator
Texas Water Development Board

Filed, June 10, 1987

For further information, please call (512) 463-7850.

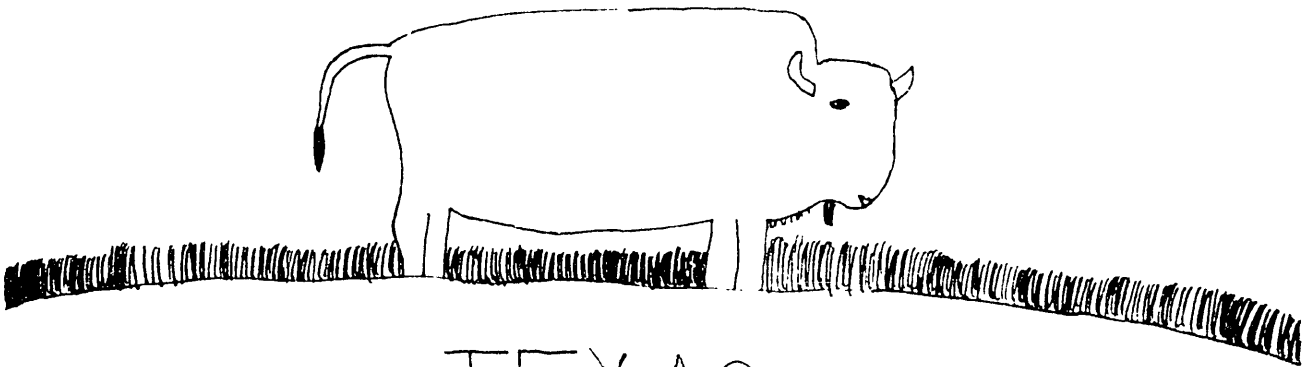
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Name: Mark Abel
Grade: 6
School: Harben Elementary School,
Richardson



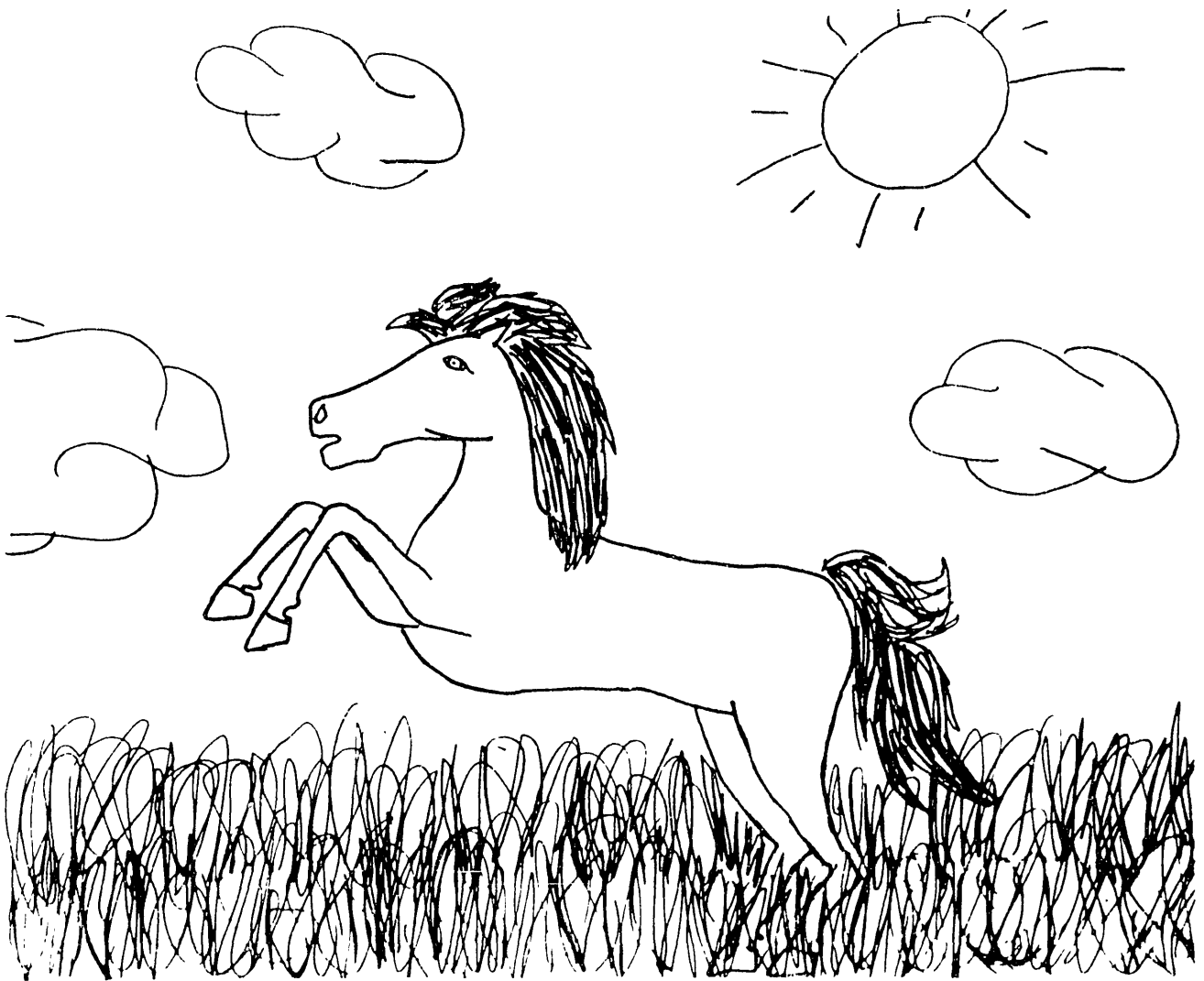


Name: Jackie Carr
Grade: 5
School: Harben Elementary School,
Richardson



TEXAS

Name: Jessica Fardrick
Grade: 6
School: Harben Elementary School,
Richardson



Name: Nicole Covington
Grade: 6
School: Harben Elementary School,
Richardson



Name: Raksha Jain
Grade: 6
School: Harben Elementary School,
Richardson



The
Sheriff's Association of
Texas

*the state's oldest Law Enforcement Association
is holding its*

109th Annual Conference

in Fort Worth on July 19-22, 1987.





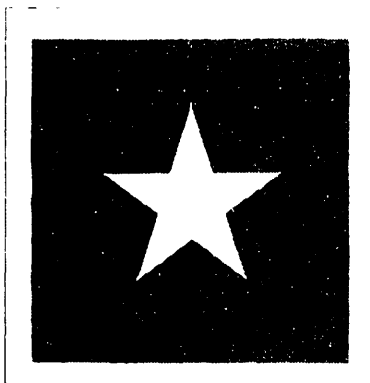
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