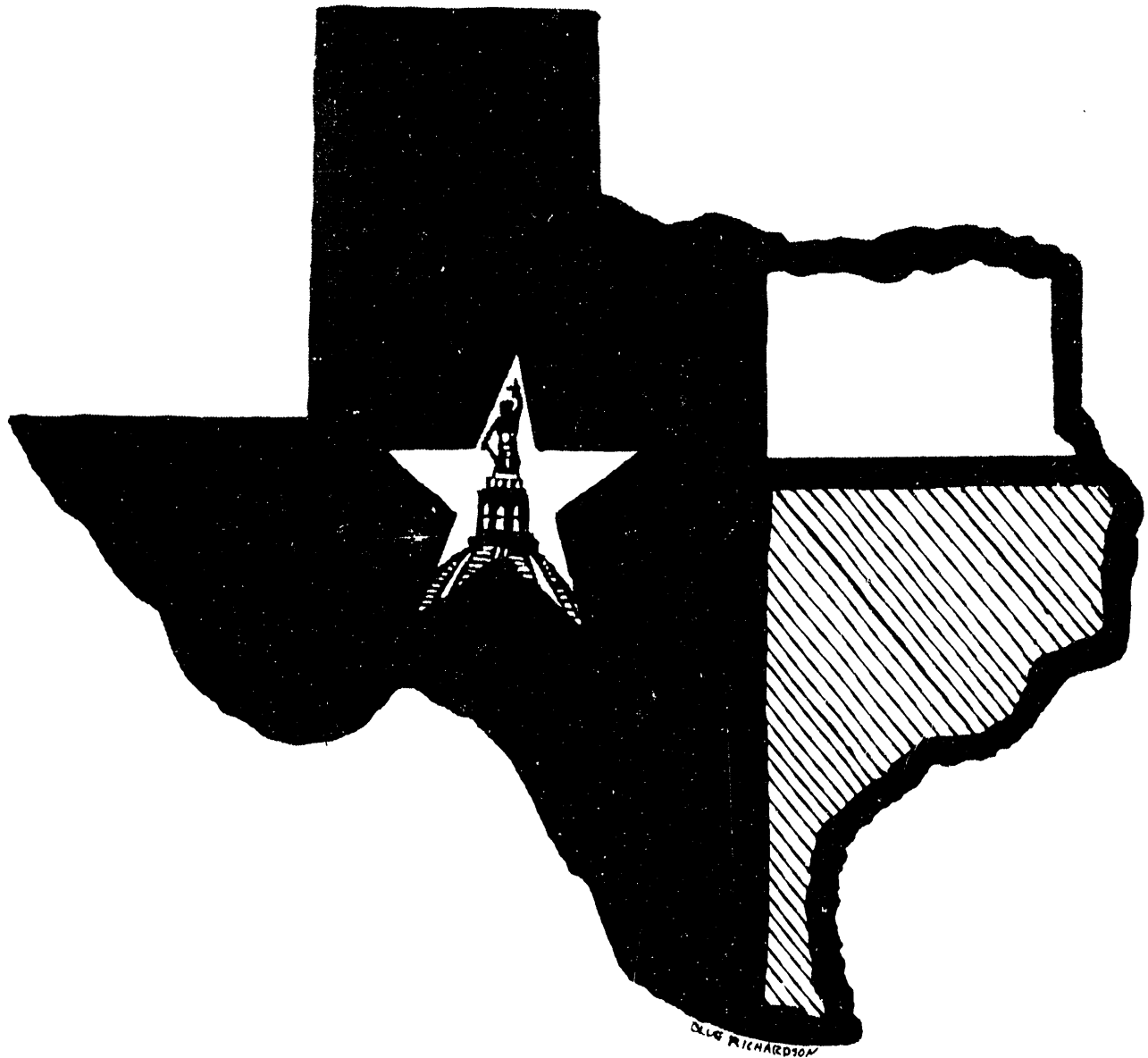


Texas Register

Volume 12, Number 53, July 14, 1987

Pages 2273-2316



Highlights

The **Texas Water Commission** adopts new rules providing definitions and general descriptions of underground water management areas. Effective date - July 27 **page 2298**

The **Texas Department of Human Services** proposes new rules clarifying and updating policies regarding eligibility, contracting, services, pay-

ment, and standards concerning family planning. Earliest possible date of adoption - August 14 **page 2287**

The **Texas Parks and Wildlife Department** proposes amendments concerning the late season for migratory game bird proclamation. Earliest possible date of adoption - August 14 **page 2282**

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

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In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2, in the lower left-hand corner of the page, would be written: "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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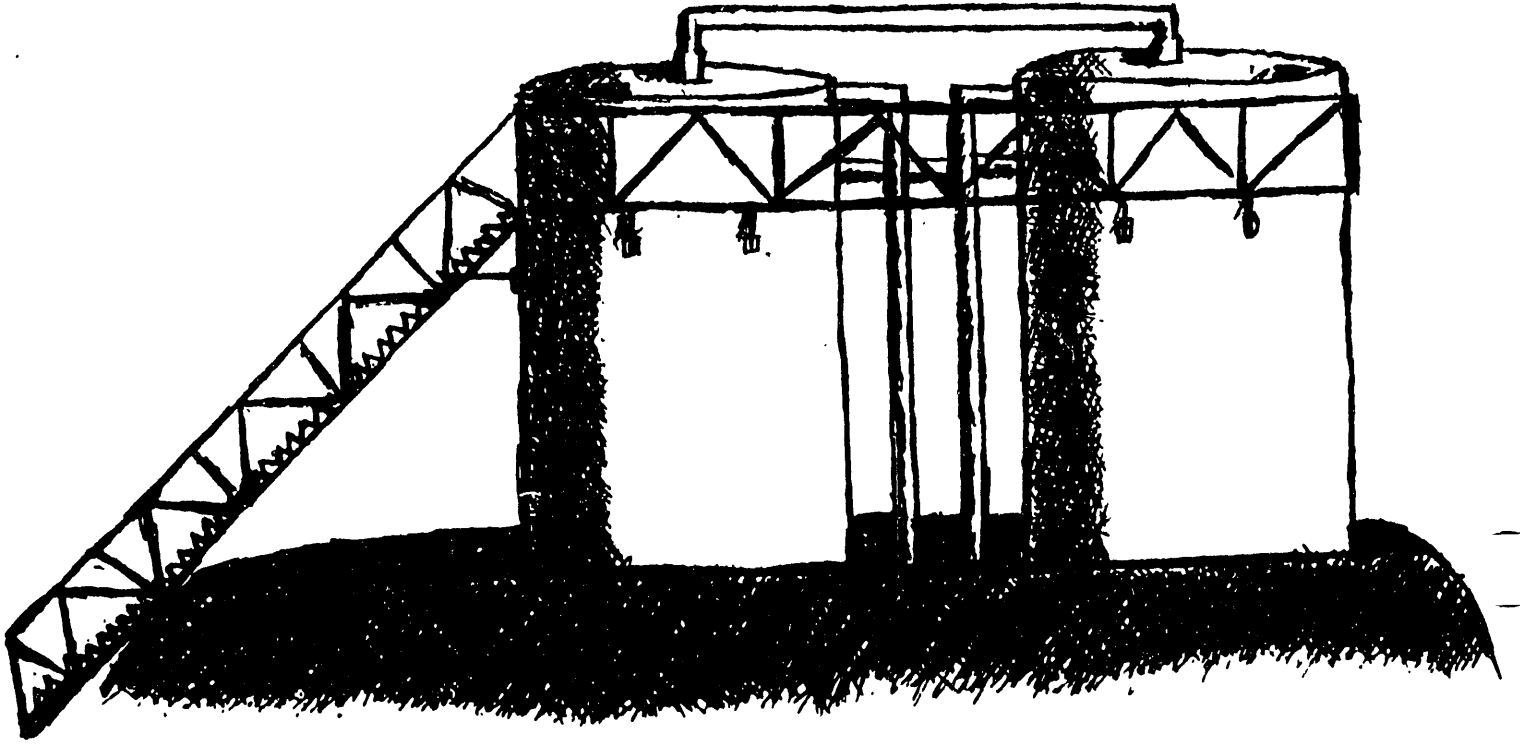
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Name: Jamie McConnell
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Attorney General

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

Opinions

JM-721 (RQ-1079). Request from John R. Hale, Commissioner, Credit Union Department, Austin, concerning the constitutionality of House Bill Numbers 1953 and 1531, which regulate the sale of motor vehicles.

Summary of Opinion. House Bill Numbers 1531 and 1953 of the 70th Legislature restrict the locations from which new and used cars may be sold. These proposed restrictions do not on their face violate the equal protection clause, the due process clause, or the commerce clause of the United States Constitution. Nor do they violate the Texas Antitrust and Free Enterprise Act of 1983, the Texas Business and Commerce Code, §15.01 et seq. nor the Sherman Act, 15 United States Code, §1 et seq. Scholarly authorities and cases from other states on due process requirements of state constitutions, if adopted by the Texas Supreme Court, suggest that these bills would violate the Texas Constitution, Article I, §19.

TRD-8705507



JM-722 (RQ-1037). Request from Robert E. Bell, Criminal District Attorney, Edna, concerning whether Jackson County is required to provide services under the Indigent Health Care Act where the county is encompassed within a hospital district.

Summary of Opinion. In a county in which a hospital district encompasses the entire county, the county is not liable for health care services to indigent residents of the county under any of the provisions of the Indigent Health Care and Treatment Act. Instead, the Act specifies that, for indigent persons who reside within a hospital district, the hospital district is liable for health care services as provided by the Texas Constitution and the statute creating the hospital district.

TRD-8705508



JM-723 (RQ-956). Request from Charles D. Penick, Criminal District Attorney, Bastrop, concerning funding responsibilities

of the City of Bastrop under the Indigent Health Care Act.

Summary of Opinion. As the city that created the hospital authority which owns the Bastrop Memorial Hospital, the City of Bastrop is liable for sufficient funding to the public hospital or to the hospital authority to provide the health care assistance required by the Indigent Health Care and Treatment Act, Title 3. Section 14.01 of the Act relates to the effect that a sale or lease of a public hospital after January 1, 1985, will have on eligibility standards for receiving health care assistance and on the health care services that are provided. It does not impliedly exempt the city from the funding requirements of Title 3 when the hospital has been leased to a private entity since 1983.

TRD-8705509



JM-724 (RQ-1109). Request from David Cain, Chairman, Transportation Committee, Texas House of Representatives, Austin, concerning whether surplus lines carriers under the Insurance Code, Article 1.14-2 are eligible to act as sureties on performance and payment bonds under Texas Civil Statutes, Article 5160.

Summary of Opinion. Texas Civil Statutes, Article 5160 requires contractors on certain public projects in certain circumstances to execute performance and payment bonds furnished by corporate sureties authorized to do business in the state. Surplus lines insurance carriers (including sureties), as defined in the Insurance Code, Article 1.14-2, are not authorized to engage in the act of furnishing insurance, such as surety bonds, in the state, and may not furnish the bonds required by Texas Civil Statutes, Article 5160.

TRD-8705510



JM-725 (RQ-1096). Request from Mark W. Stiles, Chairman, County Affairs Committee, Texas House of Representatives, Austin, concerning whether a county department is authorized to purchase its own supplies.

Summary of Opinion. A county officer, department, or institution may purchase its own supplies subject to the limitations imposed by Texas Civil Statutes, Article 2368a.5, §3, and subject to commissioners court approval. Before a county may purchase one or more items under a contract that will require an expenditure exceeding \$5,000, the commissioners court must comply with the competitive bidding requirements of this Act. The \$5,000 limitation applies to purchases by the county from the same supplier. Section 3 prohibits the intentional circumvention of the \$5,000 limitation by separate, sequential, and/or component purchases by the same county officers, departments, or institutions.

TRD-8705511



JM-726 (RQ-811). Request from Marvin J. Titzman, Executive Director, Texas Surplus Property Agency, San Antonio, concerning whether competitive bidding statutes apply to property obtained by a county through the Texas Surplus Property Agency.

Summary of Opinion. Texas Civil Statutes, Articles 1659 and 1659b were repealed in 1985 by the legislation enacting the County Purchasing Act, Texas Civil Statutes, Article 2368a.5. The county government may accept transfers of surplus personal property by the Texas Surplus Property Agency and pay the authorized service and handling charges incidental to such transfer without complying with the competitive bidding requirements of Texas Civil Statutes, Article 2368a.5. The payment of service and handling charges is within exemption to Texas Civil Statutes, Article 2368a.5, §4(a)(7).

TRD-8705512



JM-727 (RQ-971). Request from Mike Driscoll, Harris County Attorney, Houston, concerning the duty of a district clerk to file and docket improperly tendered documents.

Summary of Opinion. Documents are filed when they are tendered to the district clerk. *Arndt v. Arndt*, 709 S.W.2d 281 (Tex. App.—Houston [14th Dist.] 1986, no writ).

The clerk should file the pleading even though the signature of the attorney (or the party not represented by an attorney) is not on the pleadings. See *Frank v. Corbett*, 682 S.W.2d 587 (Tex. App.—Waco 1984, no writ). The district clerk should not add to or delete anything from the copies of documents furnished by a party except that the clerk should endorse the correct file number thereon. (Rules 101, 23, and 24 of the Texas Rules of Civil Procedure.) When no copies or insufficient copies of the petition are furnished by a party, the clerk may make the copies and make a charge therefor. (Texas Revised Civil Procedures 101.)

TRD-8705513

JM-728 (RQ-992). Request from Tom Maness, Criminal District Attorney, Beaumont, concerning whether a county may abandon a neighborhood road without replacing it.

Summary of Opinion. The statutory provision that a commissioners court may not discontinue a public road until a new road is ready to replace it is not applicable where the commissioners court does not intend to close a part of a neighborhood road to traffic but instead intends to discontinue county maintenance and supervision of the road in its entirety.

TRD-8705514

JM-729 (RQ-1048). Request from L. T. Des Champs, Llano County Attorney, Llano, concerning whether a commissioners court may make improvements on county school land from proceeds received from the lease of that land.

Summary of Opinion. The Commissioners Court of Llano County does not have the authority to make improvements on county school land with proceeds received from lease of that land. None of the lease proceeds shall be applied to any purpose other than that which is authorized in the Texas Education Code, §17.83; Texas Constitution, Article VII, §6, Texas Education Code, §17.83; Attorney General Opinion 0-211 (1940).

TRD-8705515

JM-730 (RQ-973). Request from Russell P. Brooks, Hunt County Attorney, Greenville, concerning responsibility for medical expenses incurred on behalf of an indigent prisoner transferred from a county jail to the Texas Department of Corrections on a bench warrant.

Summary of Opinion. A county is liable for the medial expenses of a prisoner confined in county jail who was transferred from the Texas Department of Corrections

to the county jail pursuant to a bench warrant.

TRD-8705516

JM-731 (RQ-459). Request from Clayton T. Garrison, Executive Director, Employees Retirement System of Texas, Austin, concerning whether benefits paid under Texas Civil Statutes, Article 6228f, on behalf of a minor child, cease upon the adoption of that child.

Summary of Opinion. A minor child of a covered employee, who is entitled to death benefits under Texas Civil Statutes, Article 6228f, does not cease upon subsequent adoption of the child.

TRD-8705517

JM-732 (RQ-481). Request from Lloyd Criss, Chairman, Committee on Labor and Employment Relations, Texas House of Representatives, Austin, concerning validity of Texas Civil Statutes, Article 5154a, §5, which requires labor union organizers to register with the secretary of state.

Summary of Opinion. Texas Civil Statutes, Article 5154a does not facially violate the First Amendment of the United States Constitution and is not preempted by the National Labor Relations Act.

TRD-8705518

JM-733 (RQ-917). Request from Charles D. Houston, District Attorney, Bellville, concerning payment of overtime compensation to county employees, and related questions.

Summary of Opinion. The federal Fair Labor Standards Act of 1938, 29 United States Code, §201 et seq., as amended, prohibits public employers, such as counties, from requiring or allowing employees to work more than 40 hours per workweek without compensating the employees for the overtime at 1½ times the employee's regular rate of pay. The Act authorizes public employers to give employees compensatory time off in lieu of overtime if (1) the employee agrees that he will receive compensatory time off in lieu of overtime compensation before the overtime is worked, and (2) the maximum number of overtime compensatory hours set forth in the Act has not already accrued. Although the county and an employee may agree that the employee will be allowed to take accrued compensatory time off just prior to leaving the employ of the county, the employee may not be nominally on the payroll. Under the Fair Labor Standards Act, an employee is either employed or not employed.

Article 689a-11 provides that expenditures of

county funds must be made in strict compliance with the budget adopted by the commissioners court. Thus, the line items in particular budgets govern the funds from which overtime compensation will be paid. Article 689a-11 authorizes budget amendments. Moreover, the fact that a particular line item lacks sufficient funds to cover overtime compensation due under the Fair Labor Standards Act will not relieve the county of its legal responsibility to comply with the Fair Labor Standards Act.

TRD-8705519

JM-734 (RQ-943). Request from Lyndon L. Olson, Jr., Chairman, State Board of Insurance, Austin, concerning whether an insurance carrier may consider completion of a defensive driving course under Texas Civil Statutes, Article 6701d, §143A.

Summary of Opinion. The Uniform Act Regulating Traffic on Highways, Texas Civil Statutes, Article 6701d, §143A, prohibits insurers from considering the completion of a defensive driving course under §143A for the dismissal of a traffic citation as part of a person's driving record for insurance purposes. The Texas Business and Commerce Code (the Deceptive Trade Practices—Consumer Protection Act), §17.46(b)(12), defines as unlawful an agreement that confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law. Consequently, because consideration of a defensive driving course is prohibited by Texas Civil Statutes, Article 6701d, §143A, it is prohibited by the Business and Commerce Code, §17.46(b)(12). Additionally, considering the completion of a defensive driving course under §143A as the equivalent of a conviction for insurance purposes raises discrimination questions which implicate other provisions of the Insurance Code.

TRD-8705520

Open Records Decision

ORD-465 (RQ-1007). Request from Gerald C. Carruth, Chief of Legal Services, Texas Department of Public Safety, Austin, concerning whether the Open Records Act, Texas Civil Statutes, Article 6252-17a, requires the Texas Department of Public Safety to release copies of DIC-26 form letters notifying people to appear for driver's license suspension hearings.

Summary of Decision. The Department of Public Safety must make DIC-26 form letters contained in driver's license files available under the Open Records Act.

TRD-8705521

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 10. COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs

Chapter 9. Texas Community Development Program

Subchapter A. Allocation of Program Funds

★10 TAC §9.8

(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 Department of Community Affairs, 8317 Cross Park Drive, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Community Affairs (TDCA) proposes the repeal of §9.8, concerning the statewide area revitalization fund under which a portion of federal fiscal years 1985 and 1986 community development block grant (CDBG) nonentitlement area funds were allocated to units of general local government. In accordance with the TDCA's federal fiscal year 1987 final statement submitted to the United States Department of Housing and Urban Development, the repeal deletes statewide area revitalization as a separate source of funding under the Texas Community Development Program.

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

Mr. Anderson 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 greater availability of money for economic development projects. 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 Bruce W. Anderson, General Counsel, P.O. Box 13166, Austin, Texas 78711, within 30 days after the date of this publication.

The repeal is proposed under Texas Civil Statutes, Article 4413(201), §4A which provide the Texas Department of Community Affairs with the authority to allocate community development block grant nonentitlement area funds to eligible counties and cities in accordance with rules and regulations adopted by the Texas Department of Community Affairs.

§9.8. *Statewide Area Revitalization Fund.*

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 July 6, 1987.

TRD-8705488

Bruce W. Anderson
General Counsel
Texas Department of
Community Affairs

Earliest possible date of adoption:

August 14, 1987
For further information, please call
(512) 834-6060.



TITLE 22. EXAMINING BOARDS

Part X. State Board of Morticians

Chapter 203. Licensing and Enforcement—Specific Substantive Rules

★22 TAC §§203.5, 203.10, 203.13

The State Board of Morticians proposes amendments to §§203.5, 203.10, and 203.13, concerning right of inspection on renewal, display of funeral merchandise, and minimum standards for embalming. These sections are amended to show the name change of the agency, effective September 1, 1987.

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

Mr. Farrow also has determined that for each year of the first five years the sec-

tions are in effect the public benefit anticipated as a result of enforcing the sections will be correctly showing of the agency's name change. 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 Larry A. Farrow, Executive Secretary, 8100 Cameron Road, Building B, Suite 550, Austin, Texas 78753.

The amendments are proposed under Texas Civil Statutes, Article 4582b, §5, which provide the State Board of Morticians with the authority to promulgate rules and regulations.

§203.5. *Right of Inspection on Renewal.*

The **commission** [board] shall have the right to inspect or investigate any circumstances involved with the renewal of any license provided for in Texas Civil Statutes, Article 4582b.

§203.10. *Display of Funeral Merchandise.*

The **commission** [board] will approve only those display rooms in funeral establishments which meet the requirements of Texas Civil Statutes, Article 4582b, §4(C)(5), that are designed and utilized to allow the public to make a private inspection and selection, if they so desire.

§203.13. *Minimum Standards for Embalming.*

(a) In order to insure the maximum inhibition of pathogenic organisms in the dead human body, the following minimum standards of performance shall be required of each licensed embalmer in the State of Texas in each instance in which he or she is authorized or required to embalm a dead human body.

(1) The embalming procedure shall be performed by personnel licensed by the **Texas Funeral Service Commission** [state board] to perform such procedures. Embalming shall be performed only in properly equipped and licensed establishments, or in such facilities as may be designated by the medical examiner, coroner, or by the state health officials in the event of a disaster of major proportions. the embalmer may be assisted by a registered embalmer apprentice or qualified embalming student, or he may supervise a registered apprentice or qualified embalming student as they perform the embalming procedure. This subsection does not

prevent authorized establishment personnel from entering the preparation room and performing duties other than the embalming procedure.

(2)-(17) (No change.)

(b) (No change.)

(c) A report form, approved by the **Texas Funeral Service Commission** [State Board of Morticians], shall be completed on each case of embalming. The completed form shall be retained for a two year period and be made available to the **Texas Funeral Service Commission** [State Board of Morticians], upon request, for inspection.

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 July 7, 1987.

TRD-8705551 Larry A. Farrow
Executive Secretary
State Board of
Morticians

Earliest possible date of adoption:

August 14, 1987

For further information, please call
(512) 834-9992.



TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 65. Wildlife

Subchapter O. Late Season Migratory Game Bird Proclamation

★31 TAC §65.331, §65.332

The Texas Parks and Wildlife Commission proposes amendments to §65.331 and §65.332, concerning the late season for migratory game birds. The proposed amendments add language to coincide with definitions published in the proposed early season proclamation.

The commission is responsible for establishing seasons, bag limits, means, methods, and devices for taking and possessing migratory game birds. Regulations for hunting migratory game birds may be set by the state only within a framework established by the U.S. Fish and Wildlife Service. The general framework issued by the Fish and Wildlife Service allows states within major flyway systems to adjust seasons and bag limits to take into consideration their localized circumstances.

The proposals for migratory species are based upon the most current data available. The seasons, bag limits, means, and methods are tentative and subject to mod-

ification. The proposed amendments may be modified by Parks and Wildlife Commission action as a result of changes in migratory game bird populations as determined by annual surveys, public hearings concerning regulation frameworks held by the Fish and Wildlife Service in Washington, D.C., public hearings held by the Parks and Wildlife Commission, and comments solicited from this proposal.

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

Mr. Dickinson 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 the taking of migratory wildlife resources consistent with their populations and the clarification of the migratory game bird rules. 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 Robert Jessen, Program Leader, Waterfowl, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Texas 78744, (512) 389-4578 or 1-800-792-1112, extension 4578.

The amendments are proposed under the authority of Texas Parks and Wildlife Code, Chapter 64, Subchapter C, which provides the commission with authority to regulate seasons, means, methods, and devices for taking and possessing migratory game bird wildlife resources.

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

Department—The Texas Parks and Wildlife Department (Texas Parks and Wildlife Code, §11.001(2)).

Final destination—The permanent residence of the hunter, the permanent residence of another person receiving a dead migratory game bird, or a commercial processing facility after the bird has been finally processed.

Waterfowl—Wild ducks of all species, wild geese and wild coot (Texas Parks and Wildlife Code, §43.301).

§65.332. *Means, Methods, and Special Requirements.*

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

(d) Tagging requirements.

(1) No person shall possess more than one daily bag limit of freshly killed migratory game birds while in the field or while returning from the field to one's hunting camp, automobile, or other motor-driven land conveyance, aircraft, temporary [commercial] lodging facility, permanent residence or [home] commercial processing facility.

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

(e) The following identification requirements must be met.

(1) One fully feathered wing must remain attached to all migratory game birds while being transported by any means from Mexico into Texas and must remain attached until reaching the final destination as defined in §65.331 of this title (relating to Definitions).

(2) One fully feathered wing must remain attached on dressed migratory game birds while being transported between the place where taken and the final destination as defined in §65.331 of this title (relating to Definitions) [one's abode or a commercial preservation facility].

(3) (No change.)

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

Issued in Austin, Texas, on July 7, 1987.

TRD-8705533 Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

Earliest possible date of adoption:

August 14, 1987

For further information, please call
(512) 389-4578.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 10. Family Self- Support Services

Family Planning Services

★40 TAC §§10.3201-10.3205, 10.3207-10.3210

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services proposes the repeal of §§10.3201-10.3205 and 10.3207-10.3210, concerning family planning services in its family self-support services chapter. The department is consolidating all its rules related to family planning services in a new Chapter 56, concerning family planning, which is simultaneously being proposed in this *Texas Register*.

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

Mr. Packard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater understanding of and efficiency in providing family planning services because of the consolidation of requirements. There is no economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-802, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769.

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§10.3201. *Eligibility and Freedom of Choice.*

§10.3202. *Priority Groups for Family Planning Services.*

§10.3203. *Obligation to Provide Scheduled Services.*

§10.3204. *Subcontracts and Physician Agreements.*

§10.3205. *Policies for DHR Reimbursement for Sterilization Under Title XIX or Title XX.*

§10.3207. *Eligibility Criteria for Genetic Services.*

§10.3208. *Provider Participation Criteria.*

§10.3209. *Confidentiality of Records.*

§10.3210. *Co-pay for Family Planning Services.*

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

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

TRD-8705570 Marlin W. Johnston
 Commissioner
 Texas Department of
 Human Services

Earliest possible date of adoption:

August 14, 1987

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

Chapter 16. ICF/SNF

The Texas Department of Human Services (DHS) proposes amendments to §§16.7101-16.7103, and §16.9801, concerning utilization review; periodic medical review and inspections; utilization review plan; and reimbursement methodology for skilled nursing and intermediate care facilities. The purpose of the amendment to §16.7101 is to delete the option for in-house (facility-based) utilization-review committees in intermediate-care and skilled-nursing (ICF/SNF) facilities. The purpose of the amendment to §16.7102 is to change the section title to more accurately reflect the section's content. The purpose of the amendment to §16.7103 is to delete the option for in-house utilization-review committees in ICF/SNF facilities, and to include material clarifying providers' responsibilities for maintaining private-pay residents' medical records in a manner that meets utilization-review requirements. The purpose of the amendment to §16.9801 is to delete references to in-house utilization-review committees.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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 governments or small businesses as a result of enforcing or administering the sections.

Mr. Packard has also 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 clearer and more concise department rules. 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 Cathy Rossberg, Administrator, Policy Development Support Division-026, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

Medical Review and Re-Evaluation

★ 40 TAC §§16.1701-16.7103

The amendments are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§16.7101. *Utilization Review.* The facility must have a written utilization-review (UR) plan that provides for a review of each Medicaid recipient's [recipient-patient's] services that are provided. The facility must ensure that the plan meets UR [utilization review] plan requirements.

(1) (No change.)

(2) Utilization reviews may be performed by a facility utilization review com-

mittee or an independent professional group representing the medical care or service to be reviewed. Determination of the facility utilization review committee composition and selection of members are made by the facility.]

(2)(3) The utilization review plans and procedures are in accordance with the policies of the Department of Health and Human Services as required by 42 Code of Federal Regulations 456.

(3)(4) Utilization review encompasses patterns of care and services within a nursing facility. This review is within the context of medical necessity, appropriateness, and availability of facilities and services.

(5) The Department of Human Resources is responsible for approving utilization review plans and procedures under Title XIX for participating nursing facilities which use their own utilization review committees.]

(4)(6) The long-term care units of the Texas Department of Health, acting as independent professional review units, [may] perform utilization review functions [if necessary].

(7) Independent medical reviews, as a utilization review function, are performed by medical review teams composed of health and social service personnel. The medical reviews are under the direct supervision of a Texas Department of Health, long-term care unit physician.]

§16.7102. *Periodic Medical Review and Inspections of Care.*

(a)-(f) (No change.)

§16.7103. *Utilization Review Plan.*

(a) Each Title XIX nursing facility may choose whether an approved utilization review committee or the Texas Department of Health, long-term care units will conduct utilization review activities for the Title XIX Medicaid recipient-patients.

(b) The facility must obtain approval of the utilization review committee from the single state agency before being reimbursed for the services.]

(a)(c) Professionally developed written criteria are used to evaluate the necessity for continued stay. Criteria are based on current regional health care delivery norms and are developed and maintained by the single state agency.

(b)(d) Plan objectives:

(1) To promote high quality recipient [recipient-patient] care that [which] meets the recipient's needs [of the recipient-patient].

(2)-(5) (No change.)

(c) Facility utilization review committee.

(1) The facility determines committee membership in accordance with by-laws of the facility and rules and regulations of the Title XIX program including:

(A) Appointment authority for committee membership.

[(B) The committee must have at least two physicians currently licensed to practice medicine or osteopathy in Texas, as members.

[(C) Committee membership also must include other professional representatives such as staff from medical, administrative, nursing, medical records, social, and pharmacy services. The number of participants and a description of the nature and extent of their participation is included in the plan.

[(D) Members of the review committee must certify that they have no financial interest in this or any other nursing facility and will accept responsibilities as outlined in this plan.

[(E) A member of the committee may not participate in the review of care for any recipient-patient with which he is professionally involved.

[(F) The committee may select non-physician reviewers who are qualified to carry out the duties of patient care coordinator. The patient care coordinator must be educated and trained in medical terminology to evaluate medical care against established criteria.

[(G) A physician committee member is available for consultation about utilization review committee activities.

[(H) The committee chairman must report any changes in the composition of the utilization review committee, such as resignations, to the Texas Department of Human Resources.

[(I) All contracts are negotiated with the utilization review committee. The negotiated rate is based either on an hourly basis or on a per patient basis at the discretion of the Texas Department of Human Resources.

[(2) The utilization review committee as a whole must meet:

[(A) monthly (not less than 21-day interval between regular meetings);

[(B) special meetings may be called any time the chairman of the committee finds it necessary. Subcommittee meetings of the utilization review committee may be called any time the chairman of the committee finds it necessary.

[(3) Internal records and reports. The secretary of the utilization review committee must maintain information and data required to ensure confidentiality and compliance with applicable regulations.

[(A) The facility must ensure that minutes, worksheets, or records of each committee or subcommittee meeting, including actions recommended and their reasons, are maintained. The proceedings and minutes of the utilization review committee are open for review by fiscal intermediaries, state agencies, and the Department of Health and Human Services, as necessary for the administration of the Medical Assistance program.

[(B) Records are maintained on problem areas requiring special committee

considerations.

[(C) Utilization review committee reports are distributed only to the administrator and the specific department involved.

[(4) External records and reports. The secretary of the utilization review committee must maintain information and data as required to ensure confidentiality and compliance with applicable regulations.

[(A) Copies of reports from utilization review committee continued stay reviews are forwarded to the long-term care unit of the Texas Department of Health on the prescribed forms.

[(B) Ideas, procedures, and techniques for health care delivery that may be recommended for use in other areas are forwarded to the long-term care unit of the Texas Department of Health. This is not limited to medical care evaluation studies.]

[(c) [(f)] Long-term care unit, utilization review committee.

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

[(d) [(g)] Requirements of the review process. A continued-stay review is the determination of the need for continuing nursing facility care and a re-evaluation of the established level of care.

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

(3) Continued-stay reviews are the responsibility of the long-term care unit [if the facility has not been approved for the facility-based utilization review option]. Reviews are based on facility documentation required by the Department of Human Services. The continued-stay review is done every 30 days for the first 90 days and every 90 days thereafter for skilled-care recipients [recipient-patients] and every 180 days for intermediate-care recipients [recipient-patients].

[(4) For facility-based utilization review committees, the patient care coordinator may be delegated the responsibility of the review of patient care activities and establishment of continued stay in accordance with professionally developed written criteria. The patient care coordinator must ensure that the plan of care shown on the required forms conforms to criteria for the diagnosis of the problem involved. For conditions not listed in the criteria, a physician member of the utilization review committee must determine the continued stay.

[(5) All utilization review committee continued-stay reviews must be accomplished by using forms required by the Texas Department of Human Resources. The committee must send the completed forms to the long-term care unit before the expiration of the continued stay date.]

[(4) [(6) For] Long-term care unit utilization reviews:

(A)-(D) (No change.)

(5) [(7)] Continued-stay reviews are initiated by facility staff [or the long-term care unit staff during a visit to the facility,] if the recipient's [recipient-patient's] condition has significantly improved or worsened. If a substantial change in the medical plan

of care is indicated, a new level of care is required, based on an evaluation of the recipient's [recipient-patient's] current medical needs. This level of care establishes a new continued-stay date.

(6) [(8)] Continued-stay reviews are submitted by facility staff to the long-term care unit no later than the day after the expiration of the current level of care, and these reviews establish a new continued-stay effective date [accomplished not later than the established continued-stay date and establish a new continued-stay date].

(7) [(9)] If the recipient [recipient-patient] is discharged or transferred to another section of the facility, the administrator of the facility must submit, within 72 hours, a patient transaction notice showing the change to the long-term care unit. The administrator must include the recipient's [recipient-patient's] post-discharge address, if known, on the patient transaction notice. If the recipient [recipient-patient] moves to another Title XIX facility or is readmitted to the same Title XIX facility (ICF II, ICF, SNF, or ICF-MR); the administrator of the admitting facility must initiate a level-of-care assessment for admission (which includes current certification by a physician) when:

(A)-(E) (No change.)

(8) [(10)] The Texas Department of Human Services (DHS) does not make vendor payment when a level of care expires. A provider is not entitled to payment for services rendered between [from] the expiration date and [to] the new effective date of a recipient's [recipient-patient's] level of care. Vendor payment made by DHS for that period is subject to recoupment.

(9) [(11)] If more than 30 days elapse between the effective dates of a facility's contract cancellation and new contract, the facility must initiate a level-of-care assessment for admission for recipients [recipient-patients] who have remained in the facility during the noncontracted period.

[(h) If a determination is made that criteria for continued stay are not met:

[(1) Facility-based utilization review:

[(A) If a non-physician representative determines that the written criteria for continued stay are not met, the case must be referred to the committee, or a sub-group thereof, which contains at least one physician. If, after review, the committee or subgroup agrees that continued stay is not medically necessary or appropriate, the attending physician is notified within two working days and allowed an opportunity to present his views and any additional information about the recipient-patient's need for continued stay. This notification must be documented. If a physician member of the committee does the continued-stay review, instead of a non-physician reviewer, and he finds that continued stay is not necessary, no referral to the committee or sub-group is necessary, and the physician may notify the attending physician directly.

(B) If, after referral of a questioned case to the committee or sub-group thereof, the physician determines that continued stay is justified, the attending physician is notified, and a continued-stay review date is established.

(C) During the continued-stay review process, the utilization review committee should determine those cases in which treatment and service are ineffective. Steps should be taken to ensure that those cases receive closer professional scrutiny by the physician reviewer.

(2) Long-term care unit utilization review.]

(10)(A) If the long-term care unit nurse determines that the written criteria for continued stay are not met, the nurse's decision is reviewed by the long-term care unit physician.

(A) If the physician agrees with the decision, the attending physician is notified within two workdays [working days] and allowed an opportunity to present his views and any additional information about the recipient's [recipient-patient's] need for continued stay. This notification must be documented. If the long-term care unit physician performs the continued-stay review instead of the long-term care unit nurse and finds that the continued stay is not necessary, he may notify the attending physician directly.

(B) (No change.)

(C) If the attending physician contests the findings of the committee or sub-group, or those of the physician who performed the continued-stay review, or if he presents additional information about the need for continued stay, at least one additional physician member of the long-term care unit [utilization review committee] must review the case. If [the] two physician members determine that the recipient's [recipient-patient's] stay is not medically necessary or appropriate after considering all [of] the evidence, their determination becomes final. Written notification of this decision must be sent to the attending physician, recipient [recipient-patient] (or next of kin), facility administrator, and the state office of DHS [the Texas Department of Human Services] no later than two days after the decision, and in no event later than three workdays [working days] after the end of the assigned continued-stay period.

(D)-(F) (No change.)

(i) Confidentiality. If the facility-based utilization review option is selected, all information that contains personal identification or descriptions which would identify a recipient-patient or provider of health care is personal and private and must be kept confidential.

(1) Personal identifying information (except for PCN numbers) must be deleted from all records, reports, and minutes of formal studies or utilization review meetings which are forwarded to the Texas Department of Human Resources.

(2) Records, reports, and minutes which have been de-identified must still be treated as confidential.

(3) All confidential material will be mailed to the Texas Department of Human Resources in a sealed envelope marked "Confidential."

(e) **Retroactive Level-of-care (LOC) Determination. Private-pay individuals living in Medicaid-certified nursing facilities who do not receive SSI cash benefits may be eligible for three months prior vendor payments. To ensure that vendor payments begin on the date that an individual's financial resources are exhausted, the potential recipient must have a valid level of care and the nursing facility staff should maintain his medical records in compliance with the Medicaid Utilization Review (UR) requirements.**

(1) To be in compliance with UR requirements, potential recipients' medical records must be maintained and reviewed as follows.

(A) The physician's plan of care must be dated no more than 30 days before the date that the facility administrator learned about the patient's application for Medicaid assistance, or before authorization for vendor payment.

(B) The physician's recertifications and plans of care must be maintained and reviewed according to the requirements described in subsection (d)(1) and (2) of this section; §§16.2904-16.2906 of this title (relating to Visit Schedules in SNFs, Visit Schedules in ICFs, and Recertification Requirements); and §16.3903(b) of this title (relating to Cont).

(2) If a patient is found to be otherwise eligible for vendor payments for all or part of the three months prior to the date of his application for Medicaid assistance, facility staff may use either of the options described in subparagraphs (A) and (B) of this paragraph.

(A) When the facility administrator learns about the patient's need for Medicaid assistance, facility staff submit a level-of-care (LOC) assessment form to the local Texas Department of Health/Long Term Care Unit (TDH/LTCU) requesting a preadmission LOC evaluation. The preadmission LOC must be updated every 30 days until the patient's financial eligibility is established.

(B) If a patient's preadmission LOC has not been maintained as described in subparagraph (A) of this paragraph and DHS Medicaid Eligibility staff notify the facility about an applicant's potential eligibility for all or part of the three-month-prior coverage, facility staff must review the applicant's medical record to ensure that it meets the UR requirements and submit a LOC assessment form for the retroactive period. This form must:

(i) indicate potential eligibility for Medicaid;

(ii) clearly identify, in the

form's comment section, the applicable retroactive period(s) for which payment is requested; and

(iii) include, in the form's comment section, a statement of certification that the applicant required ICF or SNF services during the applicable period(s). This statement must be initialed by the attending physician.

(3) If an applicant meets all other eligibility criteria for three-months-prior coverage, DHS makes retroactive vendor payments according to the section of the facility in which the recipient is physically located and according to:

(A) the assigned LOC on the preadmission LOC assessment form submitted by the facility as described in paragraph (2)(A) of this subsection; or

(B) the assigned LOC for the period indicated on the second LOC assessment form submitted by the facility as described in paragraph (2)(B) of this subsection.

(4) DHS makes retroactive vendor payments for only those months during which physician-certification, plan-of-care, and level-of-care requirements are met. The LTCU nurse verifies, during the first on-site visit after establishment of any retroactive level of care, that the applicant's record includes the physician's certification, recertification, and plans of care, and that the plans were reviewed as required during the applicable period(s).

(5) The effective date of the new level of care for the retroactive period of eligibility is the first day of the earliest month in which the applicant qualified for a level of care.

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 July 7, 1987.

TRD-8705549

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 14, 1987

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

Support Documents

★ 40 TAC §16.9801

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

§16.9801. *Reimbursement Methodology for Skilled Nursing Facilities and Intermediate Care Facilities.*

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

(d) List of allowable costs. The following list of allowable costs is not comprehensive, but serves as a general guide and clarifies certain key expense areas. The absence of a particular cost does not necessarily mean that it is not an allowable cost. Except where specific exceptions are noted, the allowability of all costs is subject to the general principles as specified in subsection (c)(1) of this section.

(1)-(5) (No change.)

(6) Utilization review committee. This includes professional fees.]

(6)(7) Materials and supplies. This includes food and nonalcoholic beverages; dietary supplements; food service supplies; cooking utensils; laundry and housekeeping supplies; office supplies; and materials and supplies for the operation, maintenance, and repair of buildings, grounds, and equipment.

(7)(8) Utilities. This includes electricity, natural gas, fuel oil, water, waste water, garbage collection, telephone, and telegraph.

(8)(9) Buildings, equipment, and capital expenses. It is generally expected that buildings, equipment, and capital are used by a SNF or ICF solely in the course of normal operations in the provision of patient care, and not for personal business. Whenever this is not the case, the portion of the costs relating directly to the provision of SNF or ICF patient care may be allowed on a pro-rata basis, if the proportion of use for patient care is documented.

(A)-(F) (No change.)

(9)(10) Contract services provided by outside vendors. This includes daily direct care services, food service, laundry and linen service, housekeeping service, and professional services such as those of accountants and attorneys.

(10)(11) Business and professional association dues. Limited to associations devoted primarily to issues of patient care.

(11)(12) Outside training costs. Limited to direct costs (transportation, meals, lodging, and registration fees) for training provided to personnel rendering services directly to the patients or staff of individual SNFs or ICFs. To qualify as an allowable cost, the training must be:

(A)-(B) (No change.)

(12)(13) Nonlegend drugs. This includes alcoholic beverages only when prescribed by a physician for treatment of a specific medical condition.

(e)-(g) (No change.)

(h) Chart of accounts. A chart of accounts is a listing of account titles indicating the method of classifying financial and other statistical data in accounting records. Each participating provider must maintain records according to the department's chart of accounts for long-term care providers. The detailed items are:

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

(4) Expense accounts:

(A)-(J) (No change.)

(K) General administrative ex-

pense:

(i)-(xvii) (No change.)

(xviii) [utilization review com-

mittee;

[(xix)] central office overhead:

(I)-(XIX) (No change.)

(L) (No change.)

(5)-(6) (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 July 7, 1987.

TRD-8705546

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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August 14, 1987

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

Chapter 29. Purchased Health Services

Subchapter C. Medicaid Family Planning Program

★ 40 TAC §§29.201-29.206

(Editor's note: The text of the following sections proposed for repeal will not be published. The section may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services proposes the repeal of §§29.201-29.206, concerning the Medicaid Family Planning program, in its purchased health services chapter. The department is consolidating all its rules related to family planning services in a new Chapter 56, concerning family planning, which is simultaneously being proposed in this *Texas Register*.

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

Mr. Packard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater understanding of and efficiency in providing family planning services because of the consolidation of requirements. There is no economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator,

Policy Development Support Division-802,
Texas Department of Human Services
222-E, P.O. Box 2960, Austin, Texas 78769.

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§29.201. *Payment for Family Planning Services.*

§29.202. *Additional Claim Information Requirements.*

§29.203. *Authorized Family Planning Benefits.*

§29.204. *Provider Certification for Family Planning Services.*

§29.205. *Family Planning Fees.*

§29.206. *Genetic Services.*

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

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

TRD-8705571

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:

August 14, 1987

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

Chapter 41. Utilization Review Level-of-Care Criteria

★ 40 TAC §41.803

(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 Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services (DHS) proposes the repeal of §41.803, concerning retroactive level-of-care determination. The repeal deletes material no longer applicable because of the recent separation of the continued-stay review and inspection-of-care functions as performed by staff of the Texas Department of Health/long term care unit.

Brian Packard, associate commissioner for budget, planning, and economic analysis, 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 governments or small businesses as a result of enforcing or administering the repeal.

Mr. Packard has also 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 clearer and more concise department rules. There is no anticipated economic cost to individuals who are required to comply with the proposed repeal.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-026, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§41.803. Retroactive Level-of-Care Determination.

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

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



Chapter 55. Family Services

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services proposes the repeal of §§55.6101-55.6116 and 55.7901-55.7904, concerning family planning services and standards for purchased Title XX family planning services, in its family services chapter. The department is consolidating all its rules relating to family planning services in a new Chapter 56, concerning, family planning, which is simultaneously being proposed in this *Texas Register*.

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

Mr. Packard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater understanding of and efficiency in providing family planning services because of the consolidation of requirements. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-802, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769.

Subchapter B. Family Planning Services

★40 TAC §§55.601-55.6116

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§55.6101. Authorized Family Planning Benefits.

§55.6102. Natural Family Planning.

§55.6103. Medical Malpractice Liability.

§55.6104. Complaints Against Providers.

§55.6105. Record Retention.

§55.6106. Eligibility Determination Procedures.

§55.6107. Qualifications of Providers.

§55.6108. Waiver for Natural Family Planning Providers.

§55.6109. Definition.

§55.6110. Statutory References.

§55.6111. Eligibility.

§55.6112. Contracted Provider Services.

§55.6113. Medical Services.

§55.6114. Description of Purchased Social/Educational Services.

§55.6115. Responsibility of the Worker.

§55.6116. Family Planning Contract Agreement.

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

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Subchapter H. Standards for Purchased Title XX Family Planning Services

★40 TAC §§55.7901-55.7904

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§55.7901. Standards for Administration of the Provision of Purchased Family Planning Services.

§55.7902. Standards for Education/Counseling Services.

§55.7903. Standards for Medical Assessment and Treatment of Diagnosed Problems.

§55.7904. Standards for Provision of a Contraceptive Method.

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

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Chapter 56. Family Planning

The Texas Department of Human Services (DHS) proposes new §§56.101-56.103, 56.201-56.209, 56.301-56.307, 56.401-56.404, 56.501-56.524, 56.601-56.607, 56.701-56.703, and 56.801; concerning program information; client rights and eligibility; provider program requirements; purchased services; joint TDH/DHS family planning agency provider standards (Titles V, X, XIX, and XX); administrative requirements for agency providers; genetic services; and DHS direct delivery of family planning services; respectively, in a new rule Chapter 56, Family Planning. The department is consolidating all its rules about family planning into one chapter. The proposed sections clarify and update policies regarding eligibility, contracting, services, payment, and standards. The sections in subchapter E of this chapter

and title (relating to Joint TDH/DHS Family Planning Agency Provider Standards) are standards that have been jointly developed by the Texas Department of Health (TDH) and DHS to achieve compliance with state law. DHS is responsible for enforcement of the standards for Title XX and Title XIX agency providers. It is DHS' understanding that TDH will also apply common standards. DHS is simultaneously proposing the repeal of sections relating to family planning within several chapters of this title to be published in this issue of the *Texas Register*.

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

Mr. Packard also has determined that for each year of the first five years the new sections are in effect, the public benefit anticipated as a result of enforcing the sections will be greater understanding and efficiency of the department's family planning services because of the consolidation of requirements.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-802, Texas Department of Human Services, Mail Code 222-E, P.O. Box 2960, Austin, Texas 78769. DHS is requesting that commenters respond to this proposal within 15 to 20 days after publication in this *Texas Register*.

Subchapter A. Program Information

★ 40 TAC §§56.101-56.103

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

§56.101. Applicability of Family Planning Requirements. For the purposes of this chapter, the requirements in each section apply to both the Title XIX and Title XX Family Planning programs unless otherwise specified within the section.

§56.102. Definition. Family planning services include counseling, educational, and medical services to enable people of child-bearing age (including minors who can be considered to be sexually active) to voluntarily limit their family size or to space their children. Services also include outreach, information, referrals, follow-up, and Title XIX medical transportation.

§56.103. Purposes. The purposes of family planning services are:

(1) to enable people to voluntarily limit their family size or to space their children; and

(2) to prevent or reduce the incidence of birth out of wedlock.

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

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Subchapter B. Client Rights and Eligibility

★ 40 TAC §§56.201-56.209

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

§56.201. Prompt Service.

(a) The department and contracted providers are responsible for promptly offering and providing family planning services to AFDC households and former AFDC applicants and recipients. Federal regulations require that family planning services must be offered within 31 days after the first assistance payment (and at least annually thereafter) and must be arranged within 30 days after the client's request for services. Federal regulations further stipulate a penalty for failure to meet these requirements. Services are offered in writing with the first assistance check. Arrangements for family planning services are the responsibility of the DHS worker who receives the request.

(b) Clients who believe they have not received prompt services may register complaints with DHS without affecting their eligibility or benefits.

(c) Clients should notify DHS about providers that do not provide requested services within a reasonable time frame.

§56.202. Freedom of Choice. Clients have the right to freely choose family planning methods and sources for services.

§56.203. Priorities. Services are provided and clients are selected from waiting lists based on the following priority groups:

(1) current recipients of AFDC, refugee or entrant cash assistance, or SSI;

(2) minors who live in conditions conducive to giving birth out of wedlock and who are medical assistance only (MAO) recipients, food stamp recipients, or eligible for family self-support services based on their own income only and family size;

(3) mothers who gave birth to chil-

dren out of wedlock within the last two years and who are MAO or food stamp recipients or eligible for family self-support services based on their income and family size;

(4) all other MAO or food stamp recipients or people eligible for family self-support services based on their income and family size.

§56.204. Confidentiality. DHS and providers must ensure that information about family planning clients is safeguarded. Clients must give written permission for release of any pertinent information before client information can be released, and confidentiality must be maintained in all other respects. This does not limit access to client records by department staff or their authorized representatives.

§56.205. Eligibility.

(a) The following are eligible for family planning services.

(1) People age 19 and younger are eligible without regard to income for group presentations and discussions about family planning provided under Title XX.

(2) Medicaid recipients and refugee or entrant medical assistance recipients are eligible for family planning medical services provided under Title XIX.

(3) Nonpublic assistance food stamp recipients and people who are eligible for family self-support services based on their income and family size are eligible for family planning medical services and family planning counseling and educational services provided under Title XX. Eligibility requirements in §§10.1001-10.1014 of this title (relating to Eligibility Determination) govern eligibility of people age 19 and younger and not married for family self-support purchased services. These people, however, are eligible for Title XX family planning services based on their own income only, not their family's income.

(b) To receive Title XIX genetic services, clients must be Medicaid recipients and present a suspected genetic condition that has implications for reproductive decisions.

§56.206. Voluntary Services. DHS and providers must ensure that clients are free to accept or reject family planning services. Acceptance or rejection is not a condition for the receipt of other services.

§56.207. Consent. DHS and providers must not require clients who request contraceptive services to obtain consent from:

(1) a parent, if the client is a minor; or

(2) a spouse, if the client is married.

§56.208. Civil Rights. DHS and providers make family planning and genetic services available without regard to marital status, parenthood, handicap, age, color, religion, sex, ethnicity, or national origin. Minors and people who have been sterilized or are post-menopausal who request family planning services must be served. Although family planning services may be limited to

people of child-bearing age, services are available to minors who are considered to be sexually active and others for whom the services facilitate decisions about reproduction. Genetic family planning services may be provided to all eligible persons for the purpose of planning their families.

§56.209. Client Contributions or Donations. For the Title XX Family Planning program, DHS will not reduce billings for genuine contributions made by clients. Contributions may be made by clients under the following circumstances.

(1) There is no overt or implied suggestion made to the client regarding the amount to be contributed.

(2) There is no overt or implied suggestion made to the client that future services would be reduced or terminated if the contribution were not made.

(3) Receipts for client contributions are available to be given to contributing clients.

(4) Significant efforts are made to obtain contributions from the general public, through direct solicitation, United Way membership, or other fund raising effort.

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

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Subchapter C. Provider Program Requirements

★ 40 TAC §56.301-56.307

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

§56.301. Qualifications of Agency Providers.

(a) Agencies whose family planning services are provided under the direction of a licensed physician or osteopath may qualify as agency providers of family planning services; those not directed by physicians do not qualify.

(b) To contract with DHS for Title XIX family planning services, the agency provider must agree to:

(1) comply with the Texas Civil Practice and Remedies Code, Chapter 106, as amended; the Rehabilitation Act of 1973,

§504; and the Federal Civil Rights Act of 1964, as amended. Compliance includes but is not limited to, giving equal opportunity to those seeking employment and those seeking services without regard to age, race, color, religion, sex, or national origin. The agency provider also agrees not to discriminate against any qualified person seeking employment or services based on disability;

(2) comply with the Immigration Reform and Control Act of 1986 regarding employment verification of persons hired on or after 1986;

(3) designate and file with DHS the name of the agency provider's current medical director. The medical director must be either a licensed physician or osteopath.

(c) The agency provider must be certified for Title XIX reimbursement by submitting the enrollment application to DHS' health insuring agent. Certified agency providers obtaining the services of additional physicians must submit a physician's agreement for each new physician added to the agency provider's staff. The physician may not personally bill the family planning program for the services provided in the agency provider's facility.

§56.302. Types of Providers.

(a) Eligible clients under Title XIX may receive family planning medical services from the following providers:

(1) hospital family planning clinics;

(2) private physicians; and

(3) agency clinics such as Planned Parenthood, Community Action Agencies, public health service grantees, including health departments with family planning clinics and mobile teams.

(b) Individual private physician's offices are not covered under Title XX; only services by contracted hospitals and agencies are covered under Title XX.

(c) If a family planning service cannot be purchased by DHS, department staff refers the clients needing and wanting the service to other possible resources.

§56.303. Family Planning Agency Provider Contract.

(a) Family planning providers that meet the criteria in §56.301 of this title (relating to Qualifications of Agency Providers) and that want to contract with DHS must provide the following information:

(1) the provider number assigned by DHS' health insuring agent;

(2) the legal name of the agency provider;

(3) the agency provider's social security number or Internal Revenue Service Code employer number;

(4) the agency provider's mailing address;

(5) the agency provider director's name and title;

(6) a list of the counties the agency provider serves, a list of clinic sites (mailing address and telephone number), and a list of counties in which the agency provider ac-

cepts responsibility for services;

(7) an estimate of the number of eligible clients the agency provider expects to serve in one year. If approved, an allocation will be given that represents the upper billing limit for that fiscal year;

(8) two copies of a resolution, passed by the agency provider's governing body, authorizing a person by name or title to enter into a family planning services provider contract with DHS. One copy must be a notarized original. The second may be a photocopy; and

(9) ownership or control, past business transactions, and certain other information specified in 42 Code of Federal Regulations 455.100-106.

(b) The regional administrator or the administrator's authorized representative must approve the contract.

(c) The contract document consists of a standardized human services contract document describing the terms of agreement and a standardized program plan of operation, including the program description and a reimbursement rate schedule as approved by DHS.

§56.304. Obligation to Provide Services.

(a) For the Title XX Family Planning Program, agency providers, other, than natural family planning agency providers, must provide all services scheduled in the plan of operation, subject to applicable laws and regulations. Natural family planning agency providers are required only to refer clients who want temporary contraceptive methods not offered by the agency provider to other providers that offer the requested service in the same geographic area. Natural family planning agency providers are not required to refer inquiries for sterilization.

(b) Natural family planning agency provider contracts may specifically waive requirements to provide all services other than natural family planning methods.

(c) Agency providers must also treat complications from sterilization or IUD insertion even if DHS' payment is exceeded. Under Title XX, an agency provider should establish a contingency fund to cover the costs of treating complications that exceed DHS' reimbursements.

§56.305. Subcontracts and Physician Agreements.

(a) For the Title XX Family Planning Program, agency providers must have physician's agreements or subcontracts for direct client services that the agency providers do not deliver. Subcontracts and agreements with pharmacies, hospitals, clinics, or laboratories must be in writing and must include the following statements.

(1) All billings for services to eligible clients must be sent to the prime contractor responsible for reimbursement from DHS.

(2) Entities who perform the subcontracted service must meet all requirements specified in the prime contract.

(b) DHS waives the right of prior approval of subcontracts and physician's agreements if the prime contractor:

(1) subcontracts only with pharmacies, hospitals, clinics, or laboratories qualified to deliver services according to the specifications in the family planning services contract; and

(2) maintains the written subcontracts for DHS to review and provides a copy of each subcontract to DHS upon request.

(c) The prime contractor must notify DHS within 30 days if deleting or adding a subcontract or physician's agreement. Billings for services provided through subcontracts and physician's agreements must be sent only to the provider with whom DHS contracts.

(d) The prime contractor must be certified as a Title XIX family planning agency vendor by DHS' Title XIX health insuring or fiscal agent.

(e) Services offered to recipients of AFDC, refugee or entrant cash assistance, SSI, MAO, food stamps, and to income eligible clients must be fully integrated with those offered to clients not subsidized by DHS.

§56.306. *Client Copayment.*

(a) Clients eligible for Title XIX services may receive family planning services at no charge from providers if the providers are participating in the Title XIX Program. Clients eligible for Title XX services, except Medicaid recipients and unmarried adolescents 19 years of age and younger, must be assessed a copayment amount by providers.

(b) For the Title XX Family Planning Program, agency providers must charge income eligible clients a copayment amount not to exceed 25% of the authorized reimbursement amount. Agency providers must establish their own sliding scale copayment schedule. The sliding scale must have at least two levels, one of which may indicate 0% of the reimbursement amount and one of which may indicate 25%. Agency providers must not assess a copayment amount for unmarried clients age 19 and younger or for Medicaid clients.

(c) The agency provider's board or advisory group must establish policies about waiving or reducing copayment amounts for clients on an individual basis.

(d) Title XX agency providers who receive funding from Title X of the Public Health Act may waive copayment for income eligible clients if the clients' income is at or below 100% of the poverty level and they are unable to pay any copayment amount.

(e) Agency providers must not deny family planning services to eligible clients because of their inability to pay for services.

(f) Agency providers must use the established criteria in their policies about waiver or reduction of copayment to evaluate the circumstances of each Title XX income eligible client to determine the need to waive or reduce the copayment amount. This

does not apply for adolescent clients who are unmarried and 19 years of age and younger.

(g) Agency providers must deny services to income eligible clients who are capable of paying a full or reduced copayment but who have not done so. Before denying a client, agency providers must send the client at least two notices that the payment is overdue. The second notice must be sent at least 60 days after the first notice. The method used to notify clients must safeguard their confidentiality. With the second notice, agency providers must send clients a notification of denial, reduction, or termination of services form that informs them of their right to request a fair hearing. Agency providers must wait 10 days from the date on the notification form before terminating the services. If clients were eligible and request a fair hearing within 10 days, services must continue according to §10.1013 of this title (relating to Adverse Actions—Denial, Reduction, Termination of Services).

(h) Client copayment collected by the agency provider must be included in the level of certified local resources negotiated with the agency provider.

§56.307. *Certified Local Resources.*

(a) For the Title XX Family Planning program, agency providers may be required to certify their use of local resources.

(b) DHS reduces the amount paid to agency providers by the certified local resources amount.

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

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Subchapter D. Purchased Services

★ 40 TAC §§56.401-56.404

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

§56.401. *Counseling and Educational Services.* Counseling and educational services DHS purchases include but are not limited to:

(1) initial education and counseling for clients concerning the various contraceptive methods and elementary reproductive anatomy to facilitate effective use of the method chosen. This service is reimbursable

once for new clients of the agency or for clients whose agency records have been closed for at least one year;

(2) method-specific education and counseling for Title XX clients that provides information about the specific methods chosen by clients including proper use, possible side effects, reliability, and reversibility of the methods. This is reimbursable if provided in conjunction with the initial or annual examination, or when the client changes contraceptive methods or has difficulty with a method;

(3) problem counseling for Title XX clients about problems that are not related to contraceptive methods such as pregnancy, sexually transmitted infections, social and marital problems, health disorders, and sexuality concerns of the disabled and adolescents. This service is reimbursable as often as a physician deems it necessary;

(4) introduction to family planning in a hospital setting for Title XX clients that consists of an overview of family planning benefits to clients in a hospital or in a clinic under the auspices of a hospital to recruit post-partum women to use family planning services following a delivery or pregnancy termination;

(5) natural family planning instruction provided in two sessions to instruct a couple or an individual in natural family planning methods; and

(6) group presentations and discussions with adolescents age 19 and younger to include aspects of human sexuality, personal physical care and hygiene, and methods of family planning. This service is reimbursable once for each type of presentation for a client as part of a group by any one agency provider. The presentations and discussions must comply with policies of the organization under whose auspices the presentations occur. This service is considered outreach and may be billed without determining eligibility of the participants.

§56.402. *Medical Services.* DHS pays for the following medical services according to diagnosis codes and procedure codes specified by DHS:

(1) health history and physical examination;

(2) follow-up office visit, when medically necessary. If the follow-up visit is for the purpose of refilling contraceptive supplies, the provider must make a comprehensive inquiry into the client's health related to the client's use of the contraceptive supplies and must check the client's blood pressure, at a minimum;

(3) laboratory services, both routine and special, as determined by DHS. Providers must document the medical necessity for performing special laboratory tests;

(4) contraceptive devices, supplies, and surgical procedures and the diagnosis and treatment of the reproductive system or tract that are performed solely for family planning purposes. If a clinic employs a

registered pharmacist or if a physician who serves the clinic dispenses oral contraceptives or authorizes staff to dispense them at the clinic, DHS considers that the clinic dispenses the oral contraceptives. In this circumstance, a fee determined by DHS may be billed for dispensing three or more cycles to a client eligible under Title XX. If a clinic uses a pharmacist in the community to dispense the oral contraceptives, a fee determined by DHS may be billed for dispensing three or more cycles;

(5) postoperative, inpatient hospital care for vasectomy; and

(6) treatment of complications related to family planning surgical procedures (sterilization and insertion of IUD).

§56.403. *Elective Sterilization.*

(a) Elective sterilization is reimbursable by DHS if federal regulations are followed (42 Code of Federal Regulations §441.250, Subpart F). Sterilization is a medical procedure, treatment, or operation that makes a person permanently unable to reproduce. Hysterectomy is not a family planning benefit under either Title XIX or Title XX. Hysterectomy is covered under the regular Medicaid program.

(b) To bill for sterilization, providers must ensure that all of the following conditions have been met.

(1) The client to be sterilized is legally and mentally competent. The client is presumed to be mentally competent unless the client is adjudicated by a court of law to be mentally incompetent. Sterilization may not be performed on a client adjudicated to be mentally incompetent, unless the court has declared him competent for purposes of consenting to sterilization.

(2) The client is not institutionalized.

(3) The client to be sterilized is 21 years old or older at the time of consent. Under Titles XIX and XX, federal financial participation is not allowed for family planning sterilization of people less than 21 years old regardless of whether they are legally emancipated, were married, or required sterilization for prevention of a probable health impairment with another pregnancy.

(4) The client voluntarily requests the services.

(5) The client to be sterilized gives written consent before the sterilization. The spouse, parent, managing conservator, or guardian may not give legally effective informed consent for the client. It is not legal to require any consent other than the client's. The Department of Health and Human Services' (HHS) consent document found in the federal sterilization regulations or the department's consent document is required unless the Secretary of HHS gives written approval to waive this required form. The informed consent document is valid for 180 days after the client signs it.

(6) The client consenting to sterilization must not be in labor or childbirth, under the influence of alcohol or other

drugs, or seeking or obtaining an abortion.

(7) The client is advised of the following before he consents to sterilization:

(A) the freedom to withhold or withdraw consent at any time before the sterilization. The client must be advised that this decision does not affect the right to future care or treatment or entitlement to any other program benefits;

(B) the available, alternative methods of family planning and birth control. Alternative procedures must be described;

(C) that sterilization is considered irreversible;

(D) the specific sterilization method to be performed and a thorough explanation of the procedure;

(E) discomforts and risks that may accompany or follow the procedure including the type and possible effects of any anesthetic to be used;

(F) the benefits or advantages the client may expect as a result of the sterilization; and

(G) that the sterilization will not be performed for at least 30 days after written consent is given.

(8) Interpreters are provided if there are language barriers, and special arrangements are made for clients who have disabilities.

(9) The client to be sterilized is allowed to have a witness of his choice present when giving consent.

(10) Sterilization cannot be performed earlier than 30 days after the client gives written consent. The agency must give the client a copy of the signed consent document to review on the day consent is given. Exceptions to the 30-day waiting period are premature delivery and emergency abdominal surgery. In these cases, at least 72 hours must elapse between the time the client signs the consent form and the time sterilization surgery is performed. Cesarean delivery, itself, is not emergency abdominal surgery. If a postpartum sterilization is performed after a Cesarean delivery, the physician must classify the delivery as either a term or premature delivery for purposes of determining the applicability of the 30-day or 72-hour waiting period before sterilization. In the case of a premature delivery, the informed consent must have been given at least 30 days before the expected date of delivery.

§56.404. *Maximum Rates and Specific Codes.* For payment of purchased counseling, educational, medical, and sterilization family planning services, maximum rates are established by DHS according to specific diagnosis and procedure codes.

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

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Subchapter E. Joint TDH/DHS Family Planning Agency Provider Standards (Titles V, X, XIX, and XX)

★40 TAC §§56.501-56.524

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

§56.501. *Standards for Eligibility and Client Payments.*

(a) Only the client requesting family planning services may sign the eligibility form.

(b) In determining income eligibility for clients who are not married and are age 19 and younger, the client's own income must be used instead of family income.

(c) The agency provider must charge nonpublic assistance food stamp recipients and income eligible clients (Title XX) a copayment that does not exceed 25% of the authorized reimbursement amount. Agency providers must not assess a copayment for unmarried clients age 19 and younger.

(d) The agency provider must not deny family planning services to eligible clients because of their inability to pay for services.

§56.502. *Distinction Between Service Delivery Standards and Requirements for Reimbursement of Family Planning Services.*

(a) Reimbursement requirements involve the required program policies and procedures that agencies must follow to be reimbursed for the specific services. Audit exceptions and other fiscal sanctions may be used if agencies receive reimbursement but did not provide the services to eligible clients or did not follow the correct procedures. The services addressed in this subchapter are not necessarily reimbursable under each of the titles specified.

(b) Service delivery standards are statements of the minimum program expectations for quality services. The assumption is that the desired results for clients will be achieved if prescribed service steps are followed. Service improvement plans are developed for agencies when service control evaluation findings show that they have not complied with the standards. Contract cancellation is an available option for agencies that continue noncompliance with the joint standards or with the service improvement plans.

§56.503. Health History, Laboratory Tests, and Examination.

(a) Every client requesting family planning medical services or a surgical or prescriptive contraceptive method must be provided an assessment.

(b) For female clients, the assessment must include the following.

(1) Health history. The following information must be obtained initially and annually as prescribed in detail in the appendix section of the standards provided to agency providers:

- (A) gynecologic history;
- (B) obstetric history;
- (C) previous contraceptive history;
- (D) medical and surgical history;
- (E) family history; and
- (F) personal history.

(2) Laboratory tests. The following laboratory tests must be provided initially and annually:

(A) hemoglobin or hematocrit (initially for all patients; annually only for IUD patients);

(B) pap smear; and
(C) culture for *N. gonorrhoea* for patients requesting IUD insertion.

(3) Additional laboratory tests. The following tests must be provided if indicated by results of positive history or if medically necessary:

- (A) culture for, but not limited to, *N. gonorrhoea*, herpes, and chlamydia from endocervix, rectum, or oropharynx;
- (B) microscopic examination or culture and sensitivity of urine;
- (C) syphilis serology;
- (D) rubella titer (if unknown).

Not required if records show a positive titer, immunizations, or a history of rubella infection diagnosed by a physician;

(E) triglycerides and either cholesterol or glucose fasting confirmation level tests;

(F) pregnancy test;
(G) microscopic examination of vaginal smear and wet mount for diagnosis of vaginitis;

(H) sickle-cell screening;
(I) TB skin test;
(J) urinalysis for sugar and protein;

(K) any of the tests included in paragraph (2) of this subsection.

(4) Physical examination. The following physical examination procedures must be performed initially and annually:

- (A) height (annually for clients until they reach age 18);
- (B) weight;
- (C) blood pressure;
- (D) head, neck (including thyroid);
- (E) heart;
- (F) lungs;
- (G) breasts and instruction in self-examination;
- (H) abdomen;

- (I) external genitalia;
- (J) pelvic examination, including visualization of cervix and bimanual exam;
- (K) extremities; and
- (L) oropharynx and rectal exam, as indicated.

(c) For male clients, the assessment must include the following.

(1) Health history. The following information must be obtained initially and annually (for vasectomy clients only initially) as prescribed in detail in the appendix section of the standards provided to agencies:

- (A) fertility history;
- (B) medical/surgical history;
- (C) family history; and
- (D) personal history.

(2) Laboratory tests. The following laboratory tests must be performed initially and annually (for vasectomy clients only initially) or the client must be referred for these tests:

- (A) culture for, but not limited to, *N. gonorrhoea*, herpes, and chlamydia from oropharynx, rectum, and urethra, as indicated;
- (B) urinalysis;
- (C) sickle-cell screening;
- (D) hemoglobin or hematocrit;
- (E) syphilis serology;
- (F) preoperative semen analysis for vasectomy clients only (if client has never caused a conception); and
- (G) blood type and clotting time.

(3) Physical examination. The following physical examination procedures must be performed initially and annually for clients requesting medical services or temporary contraception:

- (A) height (only initially for vasectomy clients);
- (B) weight;
- (C) blood pressure;
- (D) genital exam;
- (E) rectal exam, if indicated; and
- (F) oropharynx exam, if indicated.

§56.504. Plan of Care. A plan of care must be developed for each client based on the client's need.

§56.505. Education and Counseling.

(a) Initial patient education. Every new client requesting contraceptive services or family planning medical services must be provided initial patient education before the client receives a contraceptive method. Over the counter contraceptive methods may be provided before the client receives the initial patient education but must be accompanied by written instructions on correct use. Initial patient education includes at least the following:

- (1) general benefits of family planning services and contraception;
- (2) information on male and female reproductive anatomy and physiology as it applies to contraceptive methods;
- (3) information regarding particular benefits and potential side effects and com-

plications of all contraceptive methods available;

(4) for methods in which the client expresses interest, information specifically concerning the methods' safety, effectiveness, potential side effects, complications, risks, particular benefits, potential use problems, and danger signs; and

(5) information concerning all of the clinic's available services and the purpose and sequence of clinic procedures.

(b) Method-specific education and counseling. When the client selects a prescriptive or surgical contraceptive method, method-specific education and counseling must be provided and must include the following:

(1) findings from the client's history, lab tests, and examination and any contraindications noted if available;

(2) verbal and written instructions for correct use of the method;

(3) information regarding potential side effects and complications of the method chosen and what to do if they occur;

(4) information regarding the recommended schedule for routine return visits; and

(5) verbal and written instructions about obtaining medical care in a medical emergency involving the contraceptive, including a 24-hour telephone number of a facility providing emergency services.

§56.506. Written Informed Consent The client's general consent must be obtained for receipt of medical services and an informed consent must be obtained for receipt of a prescriptive or surgical contraceptive method. The following standards apply.

(1) Only the client's consent may be requested.

(2) The client's consent must be voluntary.

(3) The client's consent must be in writing.

(4) The client's consent for a prescriptive or surgical method must be obtained before provision of the method.

(5) If the client does not understand the language of the consent form, it must be interpreted and signed by the interpreter certifying that the information was translated and understood.

(6) The consent form for medical services must address all procedures to be provided.

(7) The consent form for contraception must contain a statement that the client has been counseled, has read the informational material about the chosen method, and understands the content. The information must be effectively communicated to every client, including those who are blind, deaf, or otherwise disabled.

(8) The consent form for contraception must be renewed and updated if there is a major change in the client's health status or a change in contraceptive methods.

(9) If sterilization services using

federal funds are provided or arranged, the federal sterilization consent guidelines must be followed.

§56.507. Office or Medical Clinic Visits.

(a) During any follow-up visit or visit for a medical problem, the following must occur:

(1) reinforcement of proper use of the method and a check for possible side effects;

(2) update of weight and blood pressure for oral contraceptive users;

(3) update of the client's history, especially regarding relative contraindications and sexually transmitted infections;

(4) physical exam, if indicated;

(5) laboratory tests, if indicated; and

(6) treatment and referral, if indicated.

(b) The schedule for the first routine follow-up visit after a contraceptive method is provided must be based on the following:

(1) within three months for oral contraceptive users;

(2) after the next normal menses or no more than eight weeks after an IUD is inserted for IUD users; and

(3) within 10 days for diaphragm users unless the client demonstrates correct insertion when the diaphragm is provided.

(c) Subsequent routine visits must not be more frequent than semi-annually unless specially indicated.

(d) Visits for supplies must not be more frequent than every three months.

(e) More frequent follow-up visits may be scheduled for reasons other than medical indicators such as for adolescents, high-risk clients, and clients with poor compliance records.

§56.508. Management and Referral for Abnormal Findings.

(a) The agency must have a system for:

(1) informing the client or making at least three attempts within 30 days after diagnosis to inform the client of a diagnosed or suspected disorder as listed in the appendix section of the joint standards provided to agency providers;

(2) counseling the client about diagnosed or suspected abnormalities;

(3) offering the client treatment or referral for treatment when counseled about diagnosed or suspected abnormalities; and

(4) explaining prescribed or recommended treatment to a client and documenting this in the client's record.

(b) Clients must be offered treatment or referral for treatment of sexually transmitted infections when suspected or diagnosed.

§56.509. Provision of Contraceptive Method.

(a) Contraceptives must not be provided to the client if an absolute contraindication exists for that client.

(b) If a contraceptive method is provided for a client for whom a relative con-

traindication exists, a specific inquiry and evaluation regarding the relative contraindication must be made each time the client is seen.

§56.510. Family Planning Services for Adolescents.

(a) Adolescents age 19 and younger must be provided counseling and medical services that meet their special needs.

(b) The agency provider must ensure that:

(1) appointment schedules are flexible enough to accommodate immediate access for adolescents requesting services;

(2) counseling informs adolescents regarding effective use of all medically approved birth control methods, including abstinence and postponement of sexual activity and prescriptive and nonprescriptive methods;

(3) counseling also prepares them to discuss their reproductive needs with family members if they choose to do so;

(4) for the adolescent electing a nonprescriptive method, full participation in medical procedures is encouraged but may be deferred by the client;

(5) the adolescent is assured that all services are confidential and that any necessary follow-up contact will protect the client's privacy.

§56.511. Clients Requesting Pregnancy Testing.

(a) Clients requesting pregnancy tests must be provided an assessment, counseling, and referrals.

(b) For clients requesting a pregnancy test only, the following information must be obtained:

(1) gynecologic history; and

(2) previous contraceptive history.

(c) For other clients requesting a pregnancy test, the test as well as a pelvic examination or a referral for a pelvic examination must be provided. The clients must be advised of the following:

(1) that the laboratory test for pregnancy cannot be considered 100% accurate; and

(2) to have a pelvic examination within 15 days to confirm the results of the lab test.

(d) If assessment results indicate that the client is pregnant, the client must be offered information and counseling regarding her pregnancy. The client requesting information about options for an unintended pregnancy must be provided objective counseling about and a referral for the following alternatives:

(1) prenatal care and delivery;

(2) infant care;

(3) foster care;

(4) adoption; and

(5) pregnancy termination.

(e) If assessment results indicate that the client is not pregnant, the client must be offered information about contraception.

(f) If the results of the pregnancy test

or examination are inconclusive, the client must be instructed to return to the clinic for another assessment within two weeks.

§56.512. Range of Methods. All family planning services and medically approved methods of contraception must be made available to the client, either directly or by referral to a subcontractor. This does not mean that all brands of the different contraceptive methods need to be available.

§56.513. Confidentiality.

(a) The agency provider must ensure client confidentiality and provide safeguards for clients against the invasion of personal privacy.

(b) All personnel (both paid and volunteer) must be informed during orientation of the importance of keeping information about a client confidential.

(c) Client's records must be secured during hours when the facility is closed, either in locked file cabinets or in a locked room. During facility hours, client's records must be under supervision.

(d) The agency provider must obtain the client's written consent to release information to a specific entity or entities when it is requested.

(e) The client's preference of methods of follow-up contact must be documented in the client's record.

(f) Each client must receive verbal assurance of confidentiality and an explanation of what confidentiality means.

§56.514. Privacy.

(a) The design of the facility must ensure privacy for clients, and staff must provide services in a manner that protects the client's dignity.

(b) There must be private offices, rooms, or areas for interviewing, counseling, informing, and referring clients.

(c) There must be individual, private dressing areas for clients adjacent to the examining rooms, or clients must be allowed to undress and dress in privacy in the examining rooms.

(d) The examining rooms or areas must permit complete privacy for the examination and any discussion between the client and the physician or nurse.

§56.515. Timeliness.

(a) Clients requesting services must be provided the services in a timely manner.

(b) Persons who request family planning services by telephone or mail must receive information immediately regarding how to secure a nonprescription birth control method or services without delay, pending an eligibility determination and a formal health evaluation.

(c) Family planning services must be provided within 30 calendar days after the client's request, except for sterilization.

(d) Sterilization must be provided to clients within 180 calendar days after the client's request.

§56.516. Protection Against Discrimination.

(a) Services must be provided without discrimination.

(b) The agency provider must have a written policy statement that prohibits discrimination on the basis of marital status, parenthood, handicap, age, color, religion, sex, ethnicity, national origin, or contraceptive preference. This statement must be displayed in a public viewing area.

(c) During the orientation of paid staff and volunteers, the agency provider must stress the importance of prohibiting discrimination.

§56.517. Voluntary Participation.

(a) Clients must not be subjected to any coercion to receive services. Also, acceptance of services must not be a requisite for eligibility for any other service or program.

(b) The agency provider must have a policy statement that prohibits coercion of clients to receive services or to use any particular method of contraception. During the orientation of paid staff and volunteers, the agency provider must stress this policy.

§56.518. Client Understanding.

(a) All services must be provided in such a way that they can be understood by the client regardless of any disabilities or language barriers that may exist.

(b) Bilingual staff must be made available for clients who do not speak English.

(c) Written communication must be available in the language that the client understands.

(d) Services must be provided directly or through referral to a subcontractor for clients who do not speak English or who have communication disabilities.

(e) Services must be accessible to clients who have disabilities.

(f) During staff orientation, the agency provider must stress sensitivity to client differences in cultural expectations or disabling conditions.

§56.519. Staff Qualifications.

(a) Medical director. The agency provider's medical care services must be provided under the supervision, direction, and responsibility of a qualified medical director.

(1) At all times, the agency provider must have a medical director who is a physician licensed to practice in Texas. The medical director must have special training or experience in family planning, be responsible for the overall direction, supervision, and coordination of medical services provided by the agency provider, and assume final responsibility for the content of all medical information and services given to clients.

(2) The medical director assumes responsibility for all of the agency provider's medically related operations. When health professionals other than physicians perform delegated medical functions, they do so under protocols or orders approved by the medical director.

(3) Medically related duties of staff must be defined by the medical director based upon the director's evaluation of their education, experience, and clinical skills.

(4) The medical director or delegate must participate fully in all quality assurance activities, including data collection and service improvement planning.

(b) Other staff. The agency provider must ensure that medical, educational, and counseling staff are qualified as follows.

(1) Medical staff, including physicians, clinical nurse specialists, advanced nurse practitioners, and physician assistants must be properly licensed or otherwise meet professional qualifications according to state laws and regulations. The agency provider must keep documentation of staff qualifications in their personnel records.

(2) Health care, laboratory, and medical records staff must demonstrate an acceptable level of proficiency as evaluated by the medical director or delegate. Documentation of proficiency must be kept in the agency provider's personnel records.

(3) Staff who provide counseling or educational services must receive specific training related to this job function and must demonstrate an acceptable level of proficiency as evaluated by the medical director or delegate. Documentation of training and proficiency must be kept in the agency provider's personnel records.

§56.520. Staff Development.

(a) The agency provider must have a documented plan of organized staff development based on an assessment of training needs.

(b) The agency provider's plan for a staff development program must include orientation and inservice training for all personnel, including volunteers.

§56.521. Emergencies.

(a) The agency provider must be adequately prepared to handle emergency situations.

(b) Each site must have a written plan for the management of onsite medical emergencies, for emergencies requiring ambulance services and hospital admission, and for emergencies requiring evacuation of the premises.

(c) Each site where sterilization procedures are performed must have an arrangement with a licensed facility for emergency treatment of any surgical complication.

(d) Each site must have at least one staff trained in CPR and emergency medical action.

(e) Each site must maintain emergency resuscitative drugs, supplies, and equipment, appropriate to the services provided at that site.

(f) If sterilization procedures are performed in a free-standing surgical care center or on an in-patient basis in a hospital, standards of the Joint Commission for the Accreditation of Hospitals (JCAH) or Medicare standards applicable to the facility and staff

must be met.

§56.522. Community Participation.

(a) The agency provider must involve the community in the development, implementation, and promotion of the agency's services.

(b) The agency provider must have a community participation committee that includes representatives of all significant elements of the population to be served (especially teens). The committee members should be knowledgeable about the community's need for family planning services.

(c) The community participation committee must meet at least twice a year.

(d) All informational and educational materials developed by or made available by the agency provider must be reviewed by an advisory committee of at least five members of the community before distribution. This may be done by the community participation committee.

(e) The agency provider must inform the community of the availability and accessibility of services.

§56.523. Client Education Component.

(a) Every agency provider must have a client education component that includes written goals, content outlines, and a plan to evaluate the effectiveness of the education component.

(b) The educational approach used must be appropriate for the client's age, situation, and previously acquired information about various methods.

(c) Agency providers must be able to determine that clients understand the information imparted.

§56.524. Accessibility to Services.

(a) Services must be accessible and available to the population to be served.

(b) Sites must be located in areas convenient to the population served.

(c) Services must be available on the days and during the hours that are convenient to the population served.

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

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(512) 450-3766.

Subchapter F. Administrative Requirements for Agency Providers

★40 TAC §§56.601-56.607

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

§56.601. Eligibility Determination. Agency providers have the following eligibility determination responsibilities.

(1) Eligibility must be determined initially and every six months or when changes occur that affect eligibility.

(2) Clients must be informed that eligibility determination is based only on the information they provide and that they are liable for any false information. Agency providers are not required to verify information provided. Agency providers must inform DHS if information received is contrary to a client's statements.

(3) Clients must be instructed to inform agency providers about any changes in eligibility status. If agency providers receive notification of changes from DHS, they must immediately redetermine eligibility based on the changes reported.

(4) Clients eligible for Medicaid must be asked for their current medical care identification card signifying Medicaid eligibility at each visit or monthly, whichever is appropriate.

§54.602. Billing. Agency providers must comply with the billing instructions and use standardized billing forms as specified by DHS or its health insuring agent in handbooks or other procedural documents.

§56.603. Billing Deadlines.

(a) Title XX agency providers must submit billings and statistical documentation required by DHS by the 90th day after the last day of the month in which services are provided. If the billing and statistical documentation have not been received by the 120th day after the last day of the month in which services are provided, this will be considered failure to comply with the contract and is justification for immediate termination of the contract or nonpayment of the billings or any part of the billings that are not submitted within the time limits. These time limits do not apply in either of the following circumstances.

(1) The services billed were previously filed with the client's insurance company. Claims to the client's insurance company must be filed by the 90th day after the last day of the month in which services are provided. Billing to DHS must be submitted by the 90th day after the last day in the month in which the agency provider receives notice of the insurance claim decision.

(2) The billing is an adjustment or resubmittal of a bill for service previously submitted within required time frames. A Ti-

tle XX resubmittal may be processed up to 180 days after the date of service without special permission. If the bill is resubmitted more than 180 days after the date of service, the approval of the DHS state office director of family planning services is required.

(b) Title XIX billings must be submitted within 90 days from the date of service.

§56.604. Use of Reimbursements. For the Title XX Family Planning Program, agency providers must use the reimbursement received by DHS for family planning services. Uses may include renovating and constructing facilities that will be used for delivering family planning services.

§56.605. Donated Services Billed. Title XX agency providers are entitled to bill DHS at the maximum scheduled reimbursement rate for services to eligible clients even if the agency provider incurred only some of the costs of providing the services or had other revenues offsetting the costs.

§56.606. Payment Limited to Private Pay Amount.

(a) DHS does not pay more for services provided to Title XIX and Title XX clients than would be charged to full-pay unsubsidized patients for the same services. For agency providers that contribute or certify funds to DHS for matching, the net Title XX reimbursement expected for any set of services (the net amount expected after deducting the amount of the matching funds) is compared to the charges to a full-pay patient in determining the maximum amount to be billed.

(b) Agency providers charging DHS' clients must document their schedule of charges with DHS' auditors to substantiate their charges for services to full-pay, unsubsidized patients. Agency providers that charge DHS' clients for services but that subsidize all clients to some extent (providers that do not have full-pay, unsubsidized patients) should project charges for the patient that would normally be full-pay. Maximum claims for reimbursement to DHS must be calculated against these projected reimbursement rates for full-pay patients.

§56.607. Records Retention.

(a) DHS requires that agency providers keep a copy of the client's physical examination in the client's folder if a client is examined in a location other than the agency clinic, such as in the physician's private office.

(b) The agency must maintain all records that reflect performance. Records must be kept for the time period specified in §69.202 of this title (relating to Contractors' Records). All records relating to services must be accessible for examining or copying at any reasonable time to representatives of DHS, the United States Department of Health and Human Services, and the attorney general of Texas.

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

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Subchapter G. Genetic Services

★40 TAC §§56.701-56.703

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

§56.701. Contract Requirements for the Title XIX Family Planning Program.

(a) A genetic service agency provider may contract with DHS for Title XIX reimbursement for genetic diagnostic and counseling services under the following conditions.

(1) The medical director of the genetic services agency provider is a clinical geneticist (M.D. or D.O.). The clinical geneticist must meet the criteria established by the American Board of Medical Geneticists (ABMG).

(2) A team of professionals provides the genetic diagnostic and counseling services. The team must consist of at least a clinical geneticist and at least one of the following: a nurse (R.N.), a genetic associate (M.S.), a social worker (M.S.W.), a medical geneticist (Ph.D.), or a genetic counselor (M.S.). The members of the team must meet the criteria established by ABMG or work under the direct supervision of a clinical geneticist. Administrative and support staff may also be involved.

(3) The agency provider's records must contain multiple indexing for easy retrieval of information (by client name, by client number, and by syndrome, according to the International Classification of Diseases (9th revision) with Clinical Modifications), and must comply with DHS' records requirements.

(4) The agency provider must arrange for full medical referral services since genetic disorders often encompass several health problems. Independent consultant, laboratory, and radiology services must be billed through the genetic services agency provider under contract with DHS.

(5) Genetic counseling must be provided face-to-face by a clinical geneticist or under the direct supervision of a clinical geneticist.

(6) Services provided by a specialized genetics agency provider must be under a written subcontractual agreement with the prime contractor. The department has the right to approve all subcontractual agreements.

(7) Any applicable state licensure or certification requirements must be met.

(b) Clinical laboratories that are part of the genetic services agency provider and external clinical laboratories used by genetic services agency providers must be directed by a clinical laboratory geneticist as defined by the ABMG. In some cases, the department may approve selected laboratory tests to be conducted by regular clinical laboratories if these laboratories demonstrate the ability to perform these tests. All clinical laboratories must be certified by Title XVIII for services provided and further approved for participation in the Title XIX Program.

§56.702. Services Provided. Genetic services must be prescribed by a physician (M.D. or D.O.) and have implications for reproductive decisions. Services may include the following, based on the client's needs:

- (1) health history and detailed family genetic history;
- (2) medical genetics physical examination;
- (3) psychosocial assessment;
- (4) medical genetics counseling;
- (5) psychosocial genetic counseling;
- (6) follow-up counseling;
- (7) amniocentesis; and
- (8) laboratory services.

§56.703. Limitations of Services. For the Title XIX Family Planning Program, the following types of services are not allowed:

- (1) genetic services for conditions that usually do not have serious psychosocial or medical implications for the client; and
- (2) prenatal diagnosis for sex determination of the fetus alone without implications for genetic diseases.

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

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Subchapter H. DHS Direct Delivery of Family Planning Services

★ 40 TAC §56.801

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

§56.801. Direct Services Provided by DHS Staff.

(a) DHS staff provides family planning outreach, information and education, referrals, supportive counseling, and follow-up services.

(b) DHS staff offers and provides outreach to ensure that people who need and want family planning services are aware of the availability of these services. Outreach includes:

- (1) informing people about the availability of family planning services;
- (2) attending group meetings to inform interested people about the availability of family planning services; and
- (3) referring people to family planning educational services.

(c) DHS staff provides educational services to present correct information about birth control and family planning, to alleviate fears and misunderstandings about use of contraceptive methods, and to help clients who elect to accept contraception to choose a method. Client education includes:

- (1) informing clients, including minors and disabled individuals who may be considered to be sexually active, about family planning benefits, the reproductive process, contraceptive methods, and how to gain access to family planning services;
- (2) selecting organizations that are appropriate for the education sessions and contacting community leaders to promote interest in holding educational meetings; and
- (3) distributing printed materials and leading discussions about family planning services at various sites.

(d) DHS staff helps clients use family planning services by making effective referrals. This service includes:

- (1) knowing about available sources for family planning medical services and other related services;
- (2) explaining eligibility and screening for eligibility for clients who want family planning services so appropriate referrals can be made;
- (3) informing clients of what to expect in a family planning clinic or facility;
- (4) making prompt arrangements for family planning services within 30 days after clients request services (mandatory). This includes contacting the clients' chosen resources and making an appointment;
- (5) accompanying clients to and from the family planning facility, if necessary, to enable them to participate;
- (6) ensuring that clients have transportation and child care services, if available, to enable them to attend family planning appointments; and
- (7) sharing, with the clients' permission, pertinent information with resources to which clients are referred.

(e) DHS staff offers and provides supportive counseling services to help clients deal with feelings that may interfere with appropriate choices and use of family planning services. This includes counseling about:

- (1) fears and anxieties concerning family planning methods;

(2) solutions for family problems, including counseling with the spouse to ensure effective use of the contraceptive method;

(3) human sexuality concerns;

(4) religious and cultural value conflicts, with special attention to members of groups with high need of supportive counseling services; and

(5) problem pregnancy (including referrals for pregnancy termination, prenatal care, and adoption), sexually transmitted infections, rhythm or natural family planning, sterilization, and genetic problems.

(f) DHS staff follows-up on family planning services to ensure the quality of services delivered to clients. Follow-up includes:

- (1) contacting clients regarding missed appointments;
- (2) counseling clients about any difficulties encountered in using contraceptive methods;
- (3) assessing the care delivered to clients by contracted providers and working with providers and clients to resolve obstacles and differences. If problems are insolvable, staff arranges for referrals of clients to other providers. If several clients have problems with a single provider, department staff requests a program review of the provider; and
- (4) periodically checking with clients to see if they are still receiving family planning services.

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

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Chapter 69. Purchased Social Services

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Department of Human Services, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Department of Human Services proposes the repeal of §§69.4 and 69.131-69.145, concerning family planning provider applications and billing procedures in its purchased social services chapter. The department is consolidating all its rules related to family planning services

in a new Chapter 56, concerning family planning, which is simultaneously being proposed in this *Texas Register*.

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

Mr. Packard also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be greater understanding of and efficiency in providing family planning services because of the consolidation of requirements. There is no anticipated economic cost to individuals who are required to comply with the repeals as proposed.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-802, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769.

Subchapter A. Provider Applications

★40 TAC §69.4

The repeal is proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§69.4. Family Planning Applications.

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

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

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Subchapter H. Billing Procedures

★40 TAC §§69.131-69.145

(Editor's note: The text of the following sections proposed for repeal will not be published. The sections may be examined in the offices of the Texas Department of Human Service, 701 West 51st Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The repeals are proposed under the Human Resources Code, Title 2, Chapters 22 and 32, which provides the department with the authority to administer public and medical assistance programs.

§69.131. Family Planning Providers Billing Deadlines.

§69.132. Billing for Donated Services.

§69.133. Billing for Initial Patient Education and Counseling.

§69.134. Billing for Pregnancy Tests Under Title XIX.

§69.135. Billing for Contraceptive Dispensing Fees.

§69.136. Plan Change for Family Planning Billing Under Title XX.

§69.137. Billing Forms.

§69.138. Patient Contributions.

§69.139. Use of Reimbursements.

§69.140. Reimbursement for Treatments.

§69.141. Reimbursement for Natural Family Planning Instruction.

§69.142. Compliance with the Texas Health Planning and Development Act.

§69.143. Reimbursement Methods.

§69.144. Billing Limitations.

§69.145. Billing for Follow-up Office Visits.

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 July 8, 1987.

TRD-8705575

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Earliest possible date of adoption:
August 14, 1987
For further information, please call
(512) 450-3766.



Name: Tommy Cuiksa
Grade: 9
School: Pemberton High, Marshall

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 31. NATURAL RESOURCES AND CONSERVATION

Part IX. Texas Water Commission

Chapter 294. Underground Water Management Areas

Subchapter A. Carrizo-Wilcox Aquifer

★31 TAC §§294.1—294.4

The Texas Water Commission adopts new §§294.1-294.4. Sections 294.2-294.4 are adopted with changes to the proposed text published in the February 13, 1987, issue of the *Texas Register* (12 TexReg 591). Section 294.1 is adopted without changes and will not be republished.

A petition for designation of Bastrop County as an underground water management area in the Carrizo-Wilcox Aquifer, pursuant to the Texas Water Code, Chapter 52, was received by the commission. The executive director of the commission, having received technical assistance from the Texas Water Development Board, determined that Bastrop County was not an appropriate underground water management area. Based upon the technical data, the commission determined that two management areas be designated and that the boundaries be as described in these sections. Section 294.1 defines underground water management area and Carrizo-Wilcox Aquifer.

Section 294.2 contains a general definition of Management Area 3 of the Carrizo-Wilcox Aquifer.

Section 294.3 contains a general description of Management Area 4 of the Carrizo-Wilcox Aquifer. Section 294.2 and §294.3 are adopted with changes respecting references to the originally proposed §294.4. Section 294.4 is changed to designate two separate management areas with more specific on-the-ground descriptions of Management Areas 3 and 4 of the Carrizo-Wilcox Aquifer. The changes to §294.4 resolve any void for vagueness problems of the originally proposed sections.

The purpose of these sections is to designate the boundaries of subdivisions of underground water within the state. These sections do not create an underground water conservation district.

A hearing to receive public comments on these sections was held on March 13, 1987, in Austin. Written comments were received through March 26, 1987. Most of the comments were in opposition to the proposed sections. The primary controversy was over the size of the proposed management areas and was also attributable to confusion between the designation of a management area and the creation of a district.

The Bastrop County petitioners, who petitioned for the designation of an underground water management area in Bastrop County, were in opposition to the sections as proposed. The petitioners did not present any independent geohydrologic data, but contended that the evaluations in the record, primarily those submitted on behalf of Alcoa by Mr. Harden, were in conflict with previous studies and should not be relied upon. It was also the position of the petitioners that the designation of the underground water management areas as proposed would preclude the creation of an underground water conservation district. Also taking that position was John R. Prager, an individual petitioner who also suggested that the Carrizo-Wilcox should be divided by river basins rather than into the two areas proposed. Also in opposition was the Citizens Action Program, the Bastrop County Water Conservation District, the Burleson-Lee Soil and Water Conservation District Number 313, and the County of Burleson. Individuals in opposition included Kathleen Wolfington, Linda Louis Williams, and Susan Guinn. The City of Bryan, favors conservation of groundwater resources but felt that the areas proposed were too large. The city manager's position was that the commission should start with a smaller area, although one was not proposed by the city. The Hickory Underground Water Conservation District Number 1 gave general comments concerning the need for boundaries for underground water conservation districts being larger than one county due to the financial requirement of such districts. Aluminum

Company of America (Alcoa) supported the proposed sections and supplied on-the-ground descriptions which have been slightly modified by the staff of the Texas Water Commission to more closely reflect the boundaries originally proposed.

The Bryan-College Station area advocated the adoption of the sections, but with the inclusion of all of College Station, which is outside Underground Water Management Area Number 4 as originally proposed. The City of College Station is in basic agreement with the proposed sections and would also like to see all of College Station and the Texas A&M University included in Management Area Number 4. The Lower Colorado River Authority supported the sections and suggested that the boundary lines be delineated to avoid the void for a vagueness problem, and that the northwestern boundary begin at the line of outcrop of the base of the lowermost Willcox geologic unit. The designation of these underground water management areas is appropriate since the geohydrologic data in evidence support their designation; the persons in opposition did not present persuasive or comprehensive geohydrologic data to the contrary of that proposed by the staff and Alcoa; and the Texas Water Code currently does not limit the boundaries of a water management area.

These new sections are adopted under the Texas Water Code, §5.103 and §5.105, which provides the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Texas Water Code and other laws of this state, and to establish and approve all general policy of the commission. Specifically, the Texas Water Code, §52.024, grants the commission the authority to designate underground water management areas.

§294.2. *Designation of Management Area 3 of the Carrizo-Wilcox Aquifer.* Management Area 3 of the Carrizo-Wilcox Aquifer, as identified in §294.4(a) of this title (relating to Description of Boundaries), is designated as an underground water management area. The surface boundaries of Management Area 3 are described generally as follows: The northwest boundary is slightly down dip of the northwest line of the Carrizo-Wilcox

Aquifer and extends from the Wilson-Guadalupe county line to the Colorado River; the southeast boundary is concurrent with the southeast boundary of the aquifer and extends from the Karnes-Gonzales county line to the Colorado River; the southern lateral boundary runs along the Wilson-Guadalupe, Wilson-Gonzales, Karnes-Gonzales county lines; and the northern lateral boundary is the Colorado River. Management Area 3 includes portions of DeWitt, Guadalupe, Gonzales, Lavaca, Caldwell, Bastrop, and Fayette Counties.

§294.3. Designation of Management Area 4 of the Carrizo-Wilcox Aquifer. Management Area 4 of the Carrizo-Wilcox Aquifer, as identified in \times 294.4(b) of this title (relating to Description of Boundaries), is designated as an underground water management area. The surface boundaries of Management Area 4 are described generally as follows: The northwest boundary is slightly down dip of the northwest line of the Carrizo-Wilcox Aquifer and extends from the Colorado River to the Trinity River; the southeast boundary is concurrent with the southeast boundary of the aquifer and extends from the Colorado River to the Trinity River; the southern lateral boundary is the Colorado River; and the northeastern lateral boundary is the Trinity River. Management Area 4 includes all or portions of Bastrop, Brazos, Burlson, Falls, Fayette, Freestone, Grimes, Lee, Leon, Limestone, Madison, Milam, Navarro, Robertson, Walker, and Williamson Counties.

§294.4. Description of Boundaries.

(a) The description of boundaries of Management Area 3 of the Carrizo-Wilcox Aquifer is as follows:

(1) beginning at the boundary line between Bastrop and Caldwell Counties at a point of intersection with the eastern right-of-way line of a gravel or soil road approximately 4.5 miles east of the boundary line between Travis and Bastrop Counties;

(2) thence in a northeasterly direction along the eastern right-of-way line of said gravel or soil road to a point of intersection with the southern right-of-way line of State Highway 21;

(3) thence in an easterly direction along the southern right-of-way line of said State Highway 21 approximately two miles to a point of intersection with the eastern right-of-way line of a gravel or soil road;

(4) thence northerly approximately .75 mile along the eastern right-of-way line of said gravel or soil road to a point of intersection with the eastern right-of-way line of a gravel or soil road;

(5) thence in a northeasterly direction approximately 1.5 miles along the eastern right-of-way line of said gravel or soil road to a point of intersection with the eastern right-of-way line of a gravel or soil road;

(6) thence in a northwesterly direction approximately .25 mile along the eastern

right-of-way line of said gravel or soil road to a point of intersection with the eastern right-of-way line of a gravel or soil road;

(7) thence in a northeasterly direction approximately .5 mile along said gravel or soil road to a point of intersection with the eastern right-of-way line of a gravel or soil road;

(8) thence northeasterly, northwesterly, and northeasterly approximately 1.5 miles along the eastern right-of-way line of said gravel or soil road to a point of intersection with the eastern right-of-way line of a paved road, at a point at which the two roads intersect with State Highway 71;

(9) thence northeasterly along the eastern right-of-way line of said paved road to a point on the western bank of the Colorado River, which is approximately .5 mile from the end of said paved road;

(10) thence in a southeasterly direction along the meanders of the western bank of the Colorado River to a point of intersection with the northern right-of-way line of a private gravel road, which is approximately 2.25 miles west of the northernmost corporate limits of the City of LaGrange in Fayette County;

(11) thence southwesterly along the northern right-of-way line of said private gravel road approximately .5 mile to a point of intersection with the western right-of-way line of a paved road;

(12) thence in a southeasterly direction approximately one mile along the western right-of-way line of said paved road to a point of intersection with the northern right-of-way line of a paved road;

(13) thence in a southwesterly direction approximately .75 mile to a point at which said paved road becomes a gravel road;

(14) thence southwesterly approximately .25 mile to a point of intersection with the western right-of-way line of a gravel road;

(15) thence in a southeasterly direction approximately 1.75 miles along the western right-of-way line of said gravel road to a point of intersection with the western right-of-way line of FM Road 609;

(16) thence in a southwesterly direction approximately 8.5 miles along the western right-of-way line of said FM Road 609 to a point of intersection with the western right-of-way line of a gravel road;

(17) thence southerly and easterly along the western and southern right-of-way lines of said gravel road to a point of intersection with the western right-of-way line of FM Road 956;

(18) thence southerly along the western right-of-way line of said FM Road 956 approximately .5 mile to a point of intersection with the northern right-of-way line of a gravel road;

(19) thence in a westerly and southerly direction along the northern and western right-of-way lines of said gravel road to a point of intersection with the northern

right-of-way line of FM Road 2238;

(20) thence in a westerly and southerly direction along the northern and western right-of-way lines of said FM Road 2238 to a point of intersection with the northern right-of-way line of Interstate Highway 10;

(21) thence westerly along the northern right-of-way line of said Interstate Highway 10 approximately one mile to a point of intersection with the western right-of-way line of a gravel road;

(22) thence southerly along the western right-of-way line of said gravel road to a point of intersection with the northern right-of-way line of U.S. Highway 90;

(23) thence in a westerly direction along the northern right-of-way line of said U.S. Highway 90 approximately two miles to a point of intersection with the western right-of-way line of a gravel road;

(24) thence in a southerly direction approximately one mile along the western right-of-way line of said gravel road to a point adjacent to the Criswell Cemetery;

(25) thence in a westerly direction along the northern right-of-way line of said gravel road to a point of intersection with the western right-of-way line of FM Road 1295;

(26) thence in a southerly direction along the western right-of-way line of said FM Road 1295 approximately one mile to a point of intersection with the northern right-of-way line of a gravel road;

(27) thence southwesterly approximately 1.25 miles and southerly approximately two miles along the northern and western right-of-way lines of said gravel road, which becomes a soil road and again a gravel road as it crosses the boundary line between Fayette and Lavaca Counties, to a point of intersection with the southern right-of-way line of a gravel road;

(28) thence easterly approximately .75 mile and southerly approximately 4.25 miles along the southern and western right-of-way lines of said gravel road to a point of intersection with the northern right-of-way line of a gravel road;

(29) thence westerly, southerly, and westerly approximately two miles along the northern and western right-of-way lines of said gravel road to a point of intersection with the western right-of-way line of a bladed earth road;

(30) thence in a southerly direction approximately .5 mile along the western right-of-way line of said bladed earth road to the point at which said road ends at a cattle guard;

(31) thence in a due westerly direction across the Lavaca River approximately .75 mile to a point of intersection with the northern right-of-way line of a gravel road;

(32) thence in a westerly direction approximately 1.75 miles along the northern right-of-way line of said gravel road to a point of intersection with the western right-of-way line of U.S. Highway 95;

(33) thence southerly along the western right-of-way line of said U.S. Highway 95 approximately .75 mile to a point of intersection with the northern right-of-way line of a gravel road;

(34) thence in a westerly and northerly direction along the northern and eastern right-of-way lines of said gravel road to a point of intersection with the northern right-of-way line of a paved road;

(35) thence in a westerly and southerly direction along the northern and western right-of-way lines of said paved road approximately 1.5 miles to a point of intersection with a gravel road;

(36) thence westerly approximately 2.5 miles along the northern right-of-way line of said gravel road to a point of intersection with the boundary line between Lavaca and Gonzales Counties, at which point said gravel road becomes a graded and drained road;

(37) thence westerly and northerly approximately two miles along the northern and eastern right-of-way lines of said graded and drained road to a point of intersection with the western right-of-way line of a gravel road;

(38) thence southwesterly approximately three miles, westerly approximately 5.75 miles and southeasterly approximately 1.75 miles along the northern and western right-of-way lines of said gravel road to a point of intersection with the northern right-of-way line of U.S. Highway 90A;

(39) thence in a northwesterly direction along the northern right-of-way line of U.S. Highway 90A approximately one mile to a point of intersection with the western right-of-way line of a gravel road;

(40) thence in a southwesterly direction along the western right-of-way line of said gravel road approximately two miles to a point of intersection with the northern right-of-way line of a private gravel road;

(41) thence in a southeasterly direction along the northern right-of-way line of said private gravel road, which becomes a graded and drained road, to its end;

(42) thence southerly, across the Guadalupe River, to a point of intersection with the western right-of-way line of U.S. Highway 183 (State Highway 111);

(43) thence approximately 1.75 miles in a southerly direction along the western right-of-way line of U.S. Highway 183 (State Highway 111) to a point of intersection with the northern right-of-way line of a gravel road;

(44) thence southwesterly approximately 4.25 miles, northwesterly approximately .5 mile, southwesterly approximately two miles, and northwesterly approximately one mile along the northern and eastern right-of-way lines of said gravel road to a point of intersection with the northern right-of-way line of a graded and drained road;

(45) thence northwesterly approximately four miles along the northern right-of-way line of said graded and drained road,

which becomes a gravel road, to a point of intersection with the western right-of-way line of FM Road 1116;

(46) thence in a southwesterly direction along the western right-of-way line of said FM Road 1116 approximately five miles to a point of intersection with a gravel road;

(47) thence in a southeasterly and southerly direction along the eastern right-of-way line of said gravel road to a point of intersection with the northern right-of-way line of State Highway 87;

(48) thence in a southeasterly direction along the northern right-of-way line of said State Highway 87 to a point of intersection with the boundary line between Gonzales and DeWitt Counties;

(49) thence southwesterly following the boundary line between Gonzales and DeWitt Counties to a point of intersection with the boundary line between Gonzales and Karnes Counties;

(50) thence northwesterly following the boundary line between Gonzales and Karnes Counties to a point of intersection with the boundary line between Gonzales and Wilson Counties;

(51) thence northwesterly following the boundary line between Gonzales and Wilson Counties to a point of intersection with Guadalupe County boundary line;

(52) thence in a westerly direction along the boundary line between Wilson and Guadalupe Counties to a point of intersection with the eastern bank of Cibolo Creek;

(53) thence in a northerly direction along the meanders of the eastern bank of Cibolo Creek to a point of intersection with the southeastern right-of-way line of FM Road 2538;

(54) thence in a northeasterly direction along the southeastern right-of-way line of said FM Road to a point of intersection with the southeastern right-of-way line of FM Road 775;

(55) thence in an easterly and northerly direction along the southeastern and eastern right-of-way lines of said FM Road 775 about 5.3 miles to a point of intersection with the southeastern right-of-way line of a gravel road;

(56) thence in a northeasterly direction along the southeastern right-of-way line of said gravel road about 2.3 miles to a point of intersection with the southwestern right-of-way line of a paved road;

(57) thence in a southeasterly direction along the southwestern right-of-way line of said paved road about 2.9 miles to a point of intersection with the southeastern right-of-way line of FM Road 467;

(58) thence in a northeasterly direction along the southeastern right of way of said FM Road 467 about 2.9 miles to a point of intersection with the southwestern right-of-way line of a paved road;

(59) thence in a southeasterly direction along the southwestern right-of-way line of said paved road about 0.45 mile to a point of intersection with the southeastern right-

of-way line of another paved road;

(60) thence in a northeasterly direction along the southeastern right-of-way line of said paved road, which becomes a gravel road, about 1.2 miles to a point of intersection with the eastern right-of-way line of State Highway 123;

(61) thence in a northerly direction along the eastern right-of-way line of State Highway 123 to a point of intersection with the southern right-of-way line of U.S. Highway 90A;

(62) thence in an easterly direction along the southern right-of-way line of U.S. Highway 90A about 1.7 miles to a point of intersection with the eastern right-of-way line of a paved road;

(63) thence in a northerly and easterly direction along the eastern right-of-way line of said paved road about 1.9 miles to a point of intersection with the southern access road of Interstate Highway 10;

(64) thence in a northerly direction across Interstate Highway 10 about 0.1 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(65) thence in a northerly and westerly direction along the eastern and northern right-of-way line of said gravel road about 0.4 mile to a point of intersection with the southeastern right-of-way line of U. S. Highway 90;

(66) thence in a northeasterly direction along the southeastern right-of-way line of U.S. Highway 90 about 6.1 miles to a point of intersection with the eastern right-of-way line of a paved road in the community of Kingsbury;

(67) thence in a northerly direction along the eastern right-of-way line of said paved road about 0.35 mile to a point of intersection with the southeastern right-of-way line of another paved road;

(68) thence in a northeasterly direction along the southeastern right-of-way line of said paved road about 3.8 miles to a point of intersection with the southwestern right-of-way line of a gravel road;

(69) thence in a southeasterly and northeasterly direction along the southwestern and southeastern right-of-way lines of said gravel road about 3.25 miles to a point of intersection with the eastern right-of-way line of a paved road at the Guadalupe-Caldwell County line;

(70) thence in a northerly direction along the eastern right-of-way line of said paved road in Caldwell County about 1.1 miles to a point of intersection with the northeastern right-of-way line of State Highway 80 in the Prairie Lea Community;

(71) thence in a northwesterly direction along the northeastern right-of-way line of State Highway 80 about 0.8 mile to a point of intersection with the southeastern right-of-way line of a paved road;

(72) thence in a northeasterly and northwesterly direction along the southeastern and northeastern right-of-way lines of said paved road about 3.9 miles to a point

of intersection with the eastern right-of-way line of FM Road 20;

(73) thence in a northerly and easterly direction along the eastern right-of-way line of said FM Road 20 to the western corporate boundary of the City of Lockhart;

(74) thence in a northerly and easterly direction along and around the western and northern corporate boundary of the City of Lockhart to a point of intersection with the southeastern right-of-way line at FM Road 672;

(75) thence in a northeasterly direction along the southeastern right-of-way of FM Road 672 about 0.6 mile to point of intersection with the eastern right-of-way line of a gravel road;

(76) thence in a northerly and easterly direction along the eastern right-of-way line of said gravel road about 4.6 miles to a point of intersection with the southeastern right-of-way line of FM Road 1185;

(77) thence in a northeasterly direction along the southeastern right-of-way line of FM Road 1185 to a point of intersection with the southeastern right-of-way line of FM Road 1854;

(78) thence in a northeasterly direction along the southeastern right-of-way line of FM Road 1854 about 1.1 miles to a point of intersection with the southeastern right-of-way line of a paved road in the Litton Springs Community;

(79) thence in a northeasterly direction along the southeastern right-of-way line of said paved road about 1.6 miles to a point of intersection with the southwestern right-of-way line of another paved road which runs along the Caldwell-Bastrop County line;

(80) thence in a southeasterly direction along the southwestern right-of-way line of said paved road about 0.15 mile to a point of intersection with the eastern right-of-way line of a gravel or soil road which is the place of beginning.

(b) The description of boundaries of Management Area 4 of the Carrizo-Wilcox Aquifer is as follows:

(1) beginning on the southern boundary line of Navarro County at a point of intersection with the eastern right-of-way line of FM Road 416;

(2) thence in an northeasterly direction along the county boundary between Freestone and Navarro Counties to its intersection with the western bank of the Trinity River;

(3) thence in a southeasterly direction along the meanders of the western bank of the Trinity River, crossing the boundary lines between Freestone and Leon Counties and then Leon and Madison Counties to the northernmost limits of the Texas Department of Corrections Ferguson Unit in Madison County;

(4) thence along and around the northern and western boundaries of said Ferguson Unit to the point of intersection of said boundaries with the northern right-of-way line of FM Road 1428;

(5) thence westerly approximately 5.75 miles along the northern right-of-way line of said FM Road 1428 to a point of intersection with the western right-of-way line of a graded and drained road;

(6) thence in a southerly direction along the western right-of-way line of said graded and drained road to a point of intersection with the western right-of-way line of Interstate Highway 45;

(7) thence in a southeasterly direction along the western right-of-way line of said Interstate Highway 45 to a point of intersection with the northern right-of-way of FM Road 2989 in Walker County;

(8) thence westerly along the northern right-of-way line of said FM Road 2989 to a point of intersection with the western right-of-way line of U.S. Highway 75;

(9) thence in a southeasterly direction approximately 1.5 miles along the western right-of-way line of said U.S. Highway 75 to a point of intersection with the northern right-of-way line of a soil road;

(10) thence westerly approximately 3.75 miles, southerly approximately 1.75 miles, westerly approximately 1.25 miles and again southerly approximately 1.75 miles along the northern and western right-of-way line of said soil road to a point of intersection with the northern right-of-way line of FM Road 1696;

(11) thence in a westerly direction across the boundary line between Walker and Grimes Counties along the northern right-of-way line of said FM Road 1696 approximately 2.25 miles to the eastern right-of-way line of a graded and drained road;

(12) thence northerly along the eastern right-of-way line approximately two miles and westerly approximately five miles along the northern right-of-way line of said graded and drained road to a point of intersection with the western right-of-way line of State Highway 90;

(13) thence southerly along the western right-of-way line of said State Highway 90 approximately .25 mile to a point of intersection with the northern right-of-way line of a graded and drained road;

(14) thence westerly along the northern right-of-way line and southerly along the western right-of-way line of said graded and drained road to a point of intersection with the northern right-of-way line of FM Road 1696;

(15) thence in a westerly direction along the northern right-of-way line of said FM Road 1696 approximately six miles to a point of intersection with the western right-of-way line of a graded and drained road;

(16) thence in a southwesterly direction along the western right-of-way line of said graded and drained road to a point of intersection with the eastern right-of-way line of FM Road 39;

(17) thence northwesterly along the eastern right-of-way line of said FM Road 39 approximately .50 mile to a point of intersection with the northern right-of-way line

of a graded and drained road;

(18) thence in a westerly and southwesterly direction along the northern right-of-way line of said graded and drained road approximately 1.25 miles to a point of intersection with the northern right-of-way line of a graded and drained road;

(19) thence westerly along the northern right-of-way line of said graded and drained road to its end;

(20) thence in a northwesterly direction approximately .50 mile to a point of intersection with the eastern bank of the Navasota River;

(21) thence northerly along the meanders of the eastern bank of the Navasota River to a point of intersection with the northern right-of-way line of a gravel road on the boundary line between Grimes and Brazos Counties;

(22) thence in a southwesterly direction along the northern right-of-way line of said gravel road to a point of intersection with the western right-of-way line of FM Road 2038;

(23) thence in a southeasterly direction along the western right-of-way line of said FM Road 2038 to a point of intersection with the western right-of-way line of FM Road 1179;

(24) thence southwesterly along the western right-of-way line of said FM Road 1179 approximately eight miles, to a point at which it becomes a city street in Bryan College Station, then continuing approximately 2.9 miles to a point of intersection with the western right-of-way line of State Highway Spur 507;

(25) thence southeasterly along the western right-of-way line of said State Highway Spur 507 to a point of intersection with the western right-of-way line of FM Road 60;

(26) thence southwesterly along the western right-of-way line of FM Road 60 to a point of intersection with the western right-of-way line of FM Road 2818;

(27) thence southeasterly along the western right-of-way line of FM Road 2818 approximately 1.5 miles to the corporate limits of College Station east of Easterwood Airport;

(28) thence southerly along and around the eastern boundary of Easterwood Airport approximately one mile to a point of intersection with the southern right-of-way line of a paved road;

(29) thence southeasterly along the southern right-of-way line of said paved road approximately .25 mile to a point of intersection with the western right-of-way line of a paved road;

(30) thence in a southwesterly direction along the western right-of-way line of said paved road approximately one mile;

(31) thence southwesterly approximately 3.5 miles, crossing the Brazos River, to the western right-of-way line of a gravel road beginning at Chances Store in Burleson County;

(32) thence southwesterly along the western right-of-way line of said gravel road to a point of intersection with the western right-of-way line of FM Road 50;

(33) thence southwesterly approximately three miles to the western right-of-way line of a graded and drained road;

(34) thence southwesterly along the western right-of-way line of said graded and drained road, which becomes a gravel road, approximately 2.5 miles to a point of intersection with the western right-of-way line of a gravel road;

(35) thence in a southeasterly direction along the western right-of-way line of said gravel road approximately .8 mile to a point of intersection with the western right-of-way line of a graded and drained road;

(36) thence in a southwesterly direction along the western right-of-way line of said graded and drained road, which becomes a gravel road approximately nine miles to a point of intersection with the western right-of-way line of a gravel road;

(37) thence southeasterly along the western right-of-way line of said gravel road to the western corporate limits of the City of Somerville;

(38) thence along and around the western and southwestern corporate limits of the City of Somerville approximately .2 mile to a point of intersection with the western right-of-way line of a paved road;

(39) thence southeasterly along the western right-of-way line of said paved road to a point of intersection with the boundary line between Burlison and Washington Counties;

(40) thence in a westerly direction along said boundary line between Burlison and Washington Counties to a point of intersection with the boundary line between Washington and Lee Counties;

(41) thence in a southwesterly direction along said boundary line between Washington and Lee Counties approximately 2.5 miles to a point of intersection with the eastern right-of-way line of a paved road;

(42) thence in a northwesterly direction along the eastern right-of-way line of said paved road to a point of intersection with the northern right-of-way line of FM Road 180;

(43) thence in a southwesterly direction along the northern right-of-way line of said FM Road 180 approximately 6.5 miles to a point of intersection with the western right-of-way line of a gravel road;

(44) thence in a southeasterly and southwesterly direction along the northern right-of-way line of said gravel road approximately 4.75 miles to a point of intersection with the boundary line between Lee and Washington Counties;

(45) thence in a southwesterly direction along said boundary line between Lee and Washington Counties, as it becomes the boundary line between Lee and Fayette Counties, across U.S. Highway 290, then approximately 2.25 miles to a point of intersec-

tion with the western right-of-way line of a gravel road in Fayette County;

(46) thence in a southeasterly direction along the western right-of-way line of said gravel road approximately .75 mile to a point of intersection with the western right-of-way line of a gravel road;

(47) thence in a southerly direction along the western right-of-way line of said gravel road to a point of intersection with the western right-of-way line of FM Road 2145;

(48) thence in a southwesterly direction along the western right-of-way line of said FM Road 2145 approximately five miles to a point of intersection with the northern right-of-way line of a gravel road;

(49) thence in a westerly direction along the northern right-of-way line of said gravel road to a point of intersection with the western right-of-way line of U.S. Highway 77;

(50) thence from U.S. Highway 77 in a westerly direction approximately two miles to a point of intersection with the eastern bank of the Colorado River;

(51) thence in a northwesterly direction along the meanders of the eastern bank of the Colorado River to a point of intersection with the eastern right-of-way line of a paved road northwest of Utley Cemetery in Bastrop County;

(52) thence northerly approximately .5 mile to the eastern right-of-way line of FM Road 969;

(53) thence in a northwesterly direction along the eastern right-of-way line of said FM Road 969 to a point of intersection with the eastern right-of-way line of FM Road 1704;

(54) thence in a northeasterly direction along the eastern right-of-way of said FM Road 1704 about 9.8 miles to the southern corporate limits of the City of Elgin;

(55) thence westerly, northerly, and easterly along and around the corporate limits of the City of Elgin and past its point of intersection with State Highway 95 about .9 mile to a point of intersection with the southeastern right-of-way line of a paved road;

(56) thence in a northeasterly direction along the southeast right-of-way line of said paved road about two miles to a point of intersection with the southwestern right-of-way line of a gravel or soil surfaced road;

(57) thence in a southeasterly direction along the southwestern right-of-way line of said gravel or soil surfaced road about one mile to a point of intersection with the southeastern right-of-way line of a paved road;

(58) thence in a northeasterly direction along the southeastern right-of-way line of said paved road about 1.2 miles to a point where it intersects a paved road and changes to a gravel or soil road, and continuing northeasterly along the southeastern right-of-way of said gravel or soil surfaced road

about .6 mile to a point of intersection with the boundary line between Bastrop and Lee Counties which coincides with a gravel or soil road;

(59) thence in a northwesterly direction along said boundary line between Bastrop and Lee Counties about .4 mile to a point of intersection with the southeastern right-of-way line of a gravel or soil road;

(60) thence in a northeasterly direction along the southeastern right-of-way line of said gravel or soil road about .6 mile to a point of intersection with the boundary line between Lee and Williamson Counties;

(61) thence in a northeasterly direction along said boundary line between Lee and Williamson Counties about 1.3 miles to a point of intersection with the northeastern right-of-way line of a gravel road in Williamson County;

(62) thence in a northwesterly direction along the northeastern right-of-way line of said gravel road about .5 mile to a point of intersection with the southeastern right-of-way line of a paved road;

(63) thence in an east-north-easterly direction along the southeastern right-of-way line of said paved road about 1.2 miles to a point where it jogs north-north-west about .1 mile and then continues east-north-east another 1.6 miles to a point of intersection with the eastern right-of-way line of FM Road 619;

(64) thence in a generally northwesterly direction along the eastern right-of-way line of FM Road 619 for about .4 mile to a Y, both forks of which are listed on the county highway map and the United States Geological Survey topo map as FM Road 619, continuing along the southeast right-of-way line of the east fork for about .8 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(65) thence in a generally northerly direction along the eastern right-of-way line of said gravel road about 1.2 miles to a point of intersection with the southern right-of-way line of a gravel road;

(66) thence in a generally easterly direction along the southern right-of-way line of said gravel road about 1.1 miles passing one gravel road to the north, to a point of intersection with the southeastern right-of-way line of another gravel road;

(67) thence in a generally northeasterly direction along the southeastern right-of-way line of said gravel road, which becomes a paved road, about 2.7 miles, passing one paved road which bears generally west, to a point of intersection with the southern right-of-way line of a gravel road;

(68) thence in a southeasterly direction along the southwestern right-of-way line of said gravel road about one mile to a point of intersection with the southwestern right-of-way line of FM Road 112;

(69) thence in a southeasterly direction along the southern right-of-way line of said FM Road 112 about .2 mile to its intersection with the southeastern right-of-way

line of FM Road 486 in the Shiloh Community;

(70) thence in a northeasterly direction along the southeastern right-of-way line of said FM Road 486, crossing the Williamson-Milam County line, about 4.7 miles to a point of intersection with the southern right-of-way line of a gravel road near Conoley Church Cemetary in Milam County;

(71) thence in a southeasterly and northeasterly direction along the southern right-of-way line of said gravel road approximately three miles to a point of intersection with the eastern right-of-way of a bladed earth road;

(72) thence in a northeasterly direction along the eastern right-of-way line of said bladed earth road to a point of intersection with the eastern right-of-way line of a gravel road;

(73) thence in a northerly direction along the eastern right-of-way line of said gravel road approximately two miles to a point of intersection with the eastern right-of-way line of a graded and drained road northwest of Salty;

(74) thence in a northerly direction along the eastern right-of-way line of said gravel road about 1.1 miles to a point of intersection with the northern right-of-way line of a gravel road;

(75) thence in a westerly direction along the northern right-of-way line of said gravel road about .4 mile to a point of intersection with the eastern right-of-way line of another gravel road in the community of Salty;

(76) thence in a northerly and easterly direction along the eastern and southern right-of-way line of said gravel road about 3.7 miles to a point where U.S. Highway 79 crosses it;

(77) thence in a southeasterly direction along the southern right-of-way line of said FM Road 908 approximately 1.5 miles to a point of intersection with the eastern right-of-way line of a gravel road;

(78) thence in a northerly direction along the eastern right-of-way line of said gravel road to a point of intersection with the eastern right-of-way line of FM Road 487;

(79) thence in a northwesterly direction along the eastern right-of-way line of said FM Road 487 approximately .5 mile to a point of intersection with the southern right-of-way line of a gravel road at Murray;

(80) thence in a northeasterly direction along the southern right-of-way line of said gravel road to a point of intersection with the eastern right-of-way line of U.S. Highway 77;

(81) thence in a northerly direction along the eastern right-of-way line of said U.S. Highway 77 approximately two miles to a point of intersection with the eastern right-of-way line of a gravel road;

(82) thence in a northerly direction along the eastern right-of-way line of said

gravel road to a point of intersection with the southern right-of-way line of FM Road 2095;

(83) thence in a southeasterly direction along the southern right-of-way line of said FM Road 2095 approximately .75 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(84) thence in a northerly direction along the eastern right-of-way line of said gravel road approximately 3.5 miles to its end at a cattle guard south of the Little River;

(85) thence in a northerly direction from the cattle guard approximately 1.75 miles to the eastern right-of-way line of a gravel road south of Belmena;

(86) thence in a northerly direction along the right-of-way line of said gravel road to a point of intersection with the northern right-of-way line of FM Road 485;

(87) thence in a northwesterly direction along the northern right-of-way line of said FM Road 485 approximately one mile to a point of intersection with the southern right-of-way line of a gravel road;

(88) thence in a northeasterly direction along the southern right-of-way line of said gravel road approximately .75 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(89) thence in a northwesterly direction along the eastern right-of-way line of said gravel road approximately two miles to a point of intersection with the southern right-of-way line of a gravel road at the intersection of said gravel road and FM Roads 1444 and 1445;

(90) thence in an easterly direction along the eastern right-of-way line of said gravel road approximately 1.75 miles to a point of intersection with the eastern right-of-way line of a gravel road;

(91) thence in an easterly direction along the eastern right-of-way line of said gravel road to a point of intersection with the eastern right-of-way line of FM Road 2027;

(92) thence in a north-northeasterly direction across the Brazos River and Brazos River floodplain about seven miles to a point of intersection with the eastern right-of-way line of FM Road 2159 where it intersects a gravel road;

(93) thence in a generally northerly and easterly direction along the eastward right-of-way line of said FM Road 2159 about three miles to a point of intersection with the southern right-of-way line of FM Road 1373;

(94) thence in a northeasterly direction along the southern right-of-way line of said FM Road 1373 about .7 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(95) thence in northwesterly direction along the eastern right-of-way line of said gravel road which turns into a graded and drained road about 1.1 miles to a point of intersection with the Robertson-Falls

County line;

(96) thence continuing in a northwesterly direction along the eastern right-of-way line of said graded and drained road about .35 mile to a point of intersection with the southeastern right-of-way line of another graded and drained road;

(97) thence in an east-northeasterly direction along the southeastern right-of-way line of said graded and drained road about 3.3 miles past State Highway 6 to its intersection with a point in the southern right-of-way line of FM Road 46;

(98) thence in an easterly direction along the southern right-of-way line of FM Road 46 about .6 mile to a point of intersection with the northeastern right-of-way line of a gravel road;

(99) thence in a northwesterly direction along the northeastern right-of-way line of said gravel road about one mile to a point of intersection in the southeastern right-of-way line of another gravel road;

(100) thence in a northeasterly and southeasterly direction along the southeastern and southwestern right-of-way lines of said gravel surfaced road to a point of intersection in the eastern right-of-way line of FM Road 2413;

(101) thence in a northwesterly and northerly direction along the eastern right-of-way line of said FM Road 2413 about 6.1 miles to a point of intersection in the southern right-of-way line of a graded and drained road near St. Paul Cemetery;

(102) thence in a generally north-easterly direction along the southern right-of-way line of said graded and drained road about 4.2 miles to a point of intersection in the eastern right-of-way line of State Highway 14;

(103) thence in a northerly direction along the eastern right-of-way line of said State Highway 14 crossing the Falls Limestone County line, to a point of intersection with the southwestern corporate boundary of the City of Kosse in Limestone County;

(104) thence northwesterly, north-easterly, and southeasterly along and around the southwestern, northwestern, and northeastern corporate limits of the City of Kosse and past the right-of-way of the Southern Pacific Railroad to a point of intersection with the eastern right-of-way line of a gravel road;

(105) thence in a north-north-easterly direction along the eastern right-of-way line of said gravel road about 6.6 miles to the southern corner of the corporate limits of the City of Thornton;

(106) thence in a northwesterly, northeasterly, and southeasterly direction along and around the southwestern, northwestern, and northeastern corporate limits of the City of Thornton, past the right-of-way of the Southern Pacific Railroad to a point of intersection with the eastern right-of-way line of a gravel road;

(107) thence in a northerly direction along the eastern right-of-way line of said

gravel road about 1.6 miles to a point of intersection with the southeastern right-of-way line of another gravel road;

(108) thence in a northeasterly direction along the southeastern right-of-way line of said gravel road about 3.8 miles to a point of intersection with the eastern right-of-way line of another gravel road;

(109) thence in a northerly direction along the eastern right-of-way line of said gravel road about .75 mile to a point of intersection with the southern right-of-way line of FM Road 937;

(110) thence easterly along the southern right-of-way line of said FM Road 937 approximately .5 mile to a point of intersection with the southern right-of-way line of a gravel road;

(111) thence in a northeasterly direction along the southern right-of-way line of said gravel road, which becomes a graded and drained road, approximately two miles;

(112) thence in a northerly direction approximately 2.75 miles to the eastern right-of-way line of a gravel road approximately .75 mile east of the point at which FM Road 1245 ends;

(113) thence in a northeasterly direction along the eastern right-of-way line of said gravel road about .9 mile to a point of intersection with the southeastern right-of-way line of a graded and drained road;

(114) thence in a generally northerly and easterly direction along the southeastern right-of-way line of said graded and drained road, parts of which are gravel, about 4.4 miles to a point of intersection with the northeastern right-of-way line of a gravel road;

(115) thence in a northwesterly direction along the northern right-of-way line of said gravel road which becomes a paved road in the Shiloh Community about 2.1 miles to a point of intersection with the southwestern right-of-way line of another paved road within the Shiloh Community;

(116) thence in a southeasterly direction along the southwestern right-of-way line of said paved road about .2 mile to a point of intersection with FM Road 39 and continuing across FM Road 39 along the southern right-of-way of a gravel road about .4 mile to a point of intersection with the eastern right-of-way line of a graded and drained road;

(117) thence in a northerly direction along the eastern right-of-way line of said graded and drained road about .2 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(118) thence in a northerly and easterly direction along the eastern and southern right-of-way lines of said gravel road about .85 mile to a point of intersection with the eastern right-of-way line of another gravel road;

(119) thence in a northerly and westerly direction along the eastern and northern right-of-way line of said gravel road about 1.1 miles to a point of intersection

with the southern right-of-way line of another gravel road;

(120) thence in an easterly direction along the southern right-of-way line of said gravel road about .75 mile to a point of intersection with the southwestern right-of-way line of a graded and drained road;

(121) thence in a southeasterly direction along the southwestern right-of-way line of said graded and drained road about .6 mile to a point of intersection with the eastern right-of-way line of another graded and drained road;

(122) thence in a northerly direction along the eastern right-of-way line of said graded and drained road about .5 mile across FM Road 1365 to a point of intersection with the eastern right-of-way line of a gravel road;

(123) thence continuing in a northerly direction along the eastern right-of-way line of said gravel road about .75 mile to a point of intersection with the southern right-of-way line of another gravel road;

(124) thence in an easterly direction along the southern right-of-way line of said gravel road about .6 mile to a point of intersection with the eastern right-of-way line of another gravel road;

(125) thence in a northerly direction along the eastern right-of-way line of said gravel road about .6 mile to the Limestone-Freestone County line and a point of intersection with the eastern right-of-way line of a graded and drained road in Freestone County;

(126) thence in a generally northerly direction along the eastern right-of-way line of said graded and drained road which is gravel surfaced part of the way, about 1.6 miles to a point of intersection with the southern right-of-way line of U.S. Highway 84;

(127) thence in an easterly direction along the southern right-of-way line of U.S. Highway 84 about .7 mile to a point of intersection with the southern right-of-way line of a graded and drained road;

(128) thence in a northerly direction along the eastern right-of-way line of said graded and drained road about .9 mile to a point of intersection with the southern right-of-way line of another graded and drained road;

(129) thence in an easterly direction along the southern right-of-way line of said graded and drained road about .85 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(130) thence in a northerly and westerly direction along the eastern and northern right-of-way lines of said gravel road about 2.1 miles to a point of intersection with the southern right-of-way line of another gravel road;

(131) thence in an easterly and northerly direction along the southern and eastern right-of-way line of said gravel road, which is a graded and drained road through the middle part, about 1.6 miles to a point of intersection with the eastern right-of-way

line of FM Road 1366;

(132) thence in a northerly direction along the eastern right-of-way line of said FM Road 1366 to a point of intersection with the southern right-of-way line of FM Road 27;

(133) thence in an easterly direction along the southern right-of-way line of said FM Road 27 approximately .5 mile to a point of intersection with the eastern right-of-way line of a gravel road;

(134) thence in a northerly and easterly direction along the eastern and southern right-of-way lines of said gravel road to a point of intersection with the eastern right-of-way line of FM Road 1449;

(135) thence in a northerly direction along the eastern right-of-way line of said FM Road 1449 to the end of the pavement at a point of intersection with the southern right-of-way line of a gravel road;

(136) thence in an easterly direction along the southern right-of-way line of said gravel road about 1.3 miles, crossing the right-of-way of the Burlington, Northern, and Chicago, Rock Island, and Pacific Railroad and a graded and drained road, at which point the gravel road becomes a graded and drained road, continuing easterly along the southern right-of-way of said graded and drained road to a point of intersection with the eastern right-of-way line of FM Road 80;

(137) thence in a northerly and easterly direction along the eastern right-of-way line of said FM Road 80 about 7.2 miles to the southern corporate limits of the City of Streetman in Freestone County;

(138) thence along and around the southern corporate limits of the City of Streetman to a point of intersection with the eastern right-of-way of U.S. Highway 75;

(139) thence in a northerly direction along the eastern right-of-way of said U.S. Highway 75 to a point of intersection with the eastern right-of-way of FM Road 416;

(140) thence northwesterly and easterly along the eastern right-of-way line of said FM Road 416 to the place of beginning in Navarro County.

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 July 6, 1987.

TRD-8705497 J.D.Head
Director, Legal Division
Texas Water Commission

Effective date: July 27, 1987
Proposal publication date: February 24, 1987
For further information, please call
(512) 463-7875.

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE
Part I. Texas Department of Human Services
Chapter 3. Income Assistance Services
Subchapter KK. Support Documents
★40 TAC §3.3702

The Texas Department of Human Services (DHS) adopts an amendment to §3.3702, concerning the food stamp basis of issuance tables. This section adopts by reference the federal regulations that establish the basis of issuance tables for the Food Stamp Program. Changes to these regulations, issued by the United States Department of Agriculture (USDA), appear

in *Federal Register* Document Number. 87-12189, with a federally mandated effective date of July 1, 1987. These regulations incorporate into the food stamp issuance tables increased maximum gross and net income limits that DHS uses to determine eligibility. By making these adjustments, USDA takes into account changes in the cost of living.

The justification for the section is to comply with federal regulations.

The section will function as DHS' rule governing the food stamp basis of issuance tables.

The amendment is adopted under the Human Resources Code, Title 2, Chapter 33, which provides the department with the authority to administer public assistance programs. The amendment is adopted under federal requirements effective July 1, 1987.

§3.3702. *Food Stamp Basis of Issuance*

Tables. The Department of Human Services adopts by reference the food stamp rules and tables contained in *Federal Register* Document 87-12189, Volume 52, Number 102, Page 19901, which amends 7 Code of Federal Regulations Part 272 and Part 273.

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 July 7, 1987.

TRD-8705547 Marlin W. Johnston
 Commissioner
 Texas Department of
 Human Services

Effective date: July 1, 1987
 For further information, please call
 (512) 450-3786.



State Board of Insurance Exempt Filings

**State Board of Insurance
 Notifications Pursuant to the
 Insurance Code, Chapter
 5, Subchapter L**

(Editor's note: As required by the Insurance Code, Article 5.96 and Article 5.97, the Register publishes notices of actions taken by the State Board of Insurance pursuant to Chapter 5, Subchapter L, of the Code. Board action taken under these articles is not subject to the Administrative Procedure and Texas Register Act, and the final actions printed in this section have not been previously published as proposals.

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

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

The State Board of Insurance has approved amendments to the rules and regulations of the Texas workers' compensation assigned risk pool (pool) relating to requisites for applicants to the pool and the deferment of payment of statutory assessments levied against insurers.

Rule III of the rules and regulations was amended to require that an applicant for insurance be rejected by at least two non-affiliated private insurance companies licensed to do business in this state. The rule further requires that the rejecting companies must be indicated on an ap-

plication for insurance through the pool. This amendment may assist in slowing the growth of the pool by insuring that only rejected risks are covered by the pool.

Rule X was amended to provide a method for deferment of levying of assessments against member insurers of the pool. This provision will facilitate and secure payments to recoup deficits incurred by the pool.

The board also ordered each insurance company to reflect in its books and records the amount of any assessment levied by the Texas workers' compensation assigned risk pool.

The amendment takes effect on August 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 6, 1987.

TRD-8705579 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: August 1, 1987
 For further information, please call
 (512) 463-6327.



The State Board of Insurance has considered a filing by Insurance Service Office, Inc., proposing a revision of

Endorsement CG 20 19 11 85, revised classification wording and rule applicable for oil and gas operations-nonoperating working interests.

The new Endorsement CG 20 30 09 87 tracks with the approach used in Endorsement CG 20 19 11 85, but limits the additional interests that can be added to those parties that have a nonoperating working interest with the insured only. The proposed Endorsement CG 20 30 09 87 reflects the original intent for this type of coverage as the manual rule provided.

The revision is approved to become effective September 1, 1987, under the following rule of application. These changes are applicable to all policies effective on or after September 1, 1987. No policy effective prior to September 1, 1987, shall be endorsed or cancelled and rewritten to take advantage of, or to avoid the application of these changes except at the request of the insured, and using the cancellation procedures applying on the date of such request.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705580 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: September 1, 1987
 For further information, please call
 (512) 463-6327.



The State Board of Insurance has adopted an amendment to the effective date of changes to the rules and rates governing the insuring of automobiles and standard endorsements II (hereinafter referred to as the Texas Automobile Manual) previously adopted under Board Order 50309.

The amendments previously adopted under Board Order 50309 included amendments to the Texas Automobile Manual, Rules 76.A.3., 107, and 101.C and adoption of new endorsements TX-11-00, amendatory endorsement-contractual liability; and TX-10-99, amendatory endorsement-mobile equipment and contractual liability. The amendments provide for coverages that would no longer be available due to adoption of a new comprehensive general liability policy to be effective July 1, 1987. The date of adoption of the new comprehensive general liability policy has been changed to September 1, 1987. Therefore, it is necessary that the effective date of the amendments previously adopted under Board Order 50309 be amended to be effective September 1, 1987, to coincide with adoption of the new comprehensive general liability policy.

This amendment is effective September 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705582 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has adopted an amendment to the rules and rates governing the insuring of automobiles and standard endorsements II (hereinafter referred to as the Texas Automobile Manual).

The board has adopted an amendment to the Texas Automobile Manual, Rule 120.III. F.1.

The purpose of the change is to delete the word "only" and insert the word "not". This change is editorial in nature as it was never the intent to change the part of the rule from the original wording which contained the word "not".

This amendment is effective September 1, 1987.

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

Issued in Austin, Texas, on July 7, 1987.

TRD-8705581 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 1, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has adopted amendments to the Texas Automobile Manual. The Texas Automobile Manual, Rule 38, §G, subsection 10 has been amended to change the title to National Safety Council's professional truck driver course credit. The amended rule reads as follows.

10. National Safety Council's Professional Truck Driver Course Credit.

(a) An auto afforded personal auto coverage shall have a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate or photostat thereof, issued by the Texas Safety Association) is presented to the company that the principal operator of such auto has successfully completed a professional truck driver course meeting the standards established.

(b) If the policy insures two or more autos, the credits shall apply only to the autos principally operated by a person who has satisfactorily completed the National Safety Council's professional truck driver course.

(c) The credit shall apply for a period of 36 months subsequent to the date of completion of the course. Following such 36-month period, in order to again qualify for such credit, the course must be successfully repeated and evidence presented.

This amendment is effective August 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705584 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 1, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has adopted amendments to the Texas Automobile Manual. The Texas Automobile Manual, Rule 38, §G, has been amended to include new subsection 25 which reads as follows:

25. National Safety Council's Coaching the Mature Driver Course Credit.

(a) An auto afforded personal auto coverage shall be subject to a credit of 10% applied to the rate otherwise applicable, provided satisfactory evidence (certificate of completion or photostat thereof issued by the Texas Safety Association) is presented to the company that the principal operator of such auto has successfully completed a coaching the mature driver course meeting the standards established.

(b) If the policy insures two or more autos, the credit shall apply only to the autos principally operated by the person who has satisfactorily completed the National Safety Council's coaching the mature driver course.

(c) The credit shall apply for a period of 36 months subsequent to the date of issuance of the certificate of completion. Following such 36-month period, in order to again qualify for such credit, the course must be successfully completed and evidence again presented to the company. The credit shall only apply if the certificate of completion is issued on or after August 1, 1987.

This amendment is effective August 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705583 Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 1, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has adopted amendments to the rules and rates governing the insuring of automobiles and standard endorsements II (hereinafter referred to as the Texas Automobile Manual).

The board has amended the Texas Automobile Manual to adopt revised Rule 17, deductible coverage-special economy supplement personal auto coverage Rule 38, private passenger auto classifications; and Endorsement 583, miscellaneous type vehicle endorsement.

The amendment to Rule 17 clarifies which category an insured will fall within when determining deductible for physical damage coverage.

The amendment to Rule 38 clarifies that driver training credits are not applicable to miscellaneous type vehicles.

The amendment to Endorsement 583 clarifies that if the policy contains the

miscellaneous type vehicle endorsement that coverage does not extend to damage to the auto while the motor home is rented or leased to any organization, or any person other than a family member. These amendments are effective on and after 12:01 a.m., August 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705585 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: August 1, 1987
For further information, please call
(512) 463-6327.



The State Board of Insurance has considered a request by Aetna Casualty and Surety Company proposing withdrawal of the standard burial vault professional liability program and the standard cemetery professional liability program.

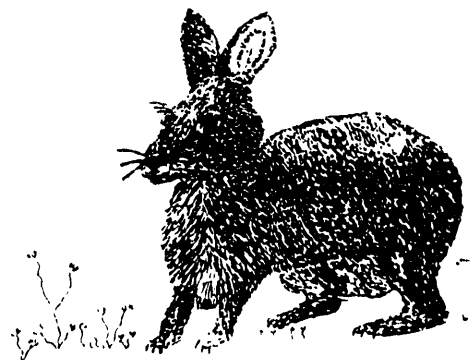
This request was approved to become effective August 1, 1987.

This notification is made pursuant to the Insurance Code, Article 5.97, which exempts it from the requirements of the Administrative Procedure and Texas Register Act.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705586 Nicholas Murphy
 Chief Clerk
 State Board of Insurance

Effective date: August 1, 1987
For further information, please call
(512) 463-6327.



FREDERICK GREEN

Name: Frederick Green
Grade: 9
School: Pemberton High, Marshall

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

Wednesday, July 29, 1987, 1 p.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 C.H. Chen, doing business as Green Valley Produce Company, as petitioned by Raymond's Produce.

Contact: Margo P. Wilton, P.O. Box 12847, Austin, Texas 78711, (512) 462-7583.

Filed: July 9, 1987, 9:33 a.m.
TRD-8705626



Texas Air Control Board

Friday, July 17, 1987, 8:30 a.m. The Enforcement Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will meet to discuss the agency "Guidelines on Compliance and Enforcement Matters" and related policies.

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

Filed: July 7, 1987, 11:08 a.m.
TRD-8705522

Friday, July 17, 1987, 9:30 a.m. The Regulation Development Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will meet to consider the adoption of revisions to Regulation VI and the State Implementation Plan II; adoption of revisions to Regulation VIII and the State Implementation Plan III; review and consider the public hearing of the revisions to Regulation V and the general rule relating to Control Techniques Guidelines for Harris County.

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

Filed: July 7, 1987, 11:08 a.m.
TRD-8705523

Friday, July 17, 1987, 10 a.m. The Mobile Source Emissions Committee of the Texas Air Control Board will meet in Room 332, 6330 Highway 290 East, Austin. According to the agenda, the committee will meet to discuss the development, current status, and future of the vehicle inspection and maintenance program in Texas.

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

Filed: July 7, 1987, 11:09 a.m.
TRD-8705524

Friday, July 17, 1987, 10:30 a.m. The Texas Air Control Board will meet in the Auditorium, 6330 Highway 290 East, Austin. According to the agenda summary, the board will meet to approve the minutes of the May 29, 1987, meeting; hear public testimony; discuss reports; discuss enforcement report; agreed enforcement orders; consider and take action on proposed regulations; hear examiner's reports; discuss sanctions proposed by the United States Environmental Protection Agency for Dallas and Tarrant Counties; and discuss new business.

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

Filed: July 7, 1987, 11:09 a.m.
TRD-8705525



Automated Information and Telecommunications Council

Friday, July 17, 1987, 10 a.m. The Automated Information and Telecommunications Council will meet in Room 106, John H. Reagan Building, 105 West 15th Street, Austin. According to the agenda, the council will approve minutes of the previous meeting, consider procurement proposal of the State Department of Highways and Pub-

ic Transportation, hear the telecommunications status report, annual report status report, consider long-range planning rules and guidelines, hear the management audit status report, and consider future business.

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

Filed: July 9, 1987, 8:22 a.m.
TRD-8705624



State Bar of Texas

Thursday, July 16, 1987, 9 a.m. The Executive Committee of the State Bar of Texas will meet in Room 206-207, Texas Law Center, 1414 Colorado Street, Austin. According to the agenda summary, the committee will hear reports of president-committee appointments and other appointments and considerations; reports of executive director-fincial, personnel, and considerations; reports of the general counsel-grievance matters and considerations; and reports of TYLA president, immediate past president, and supreme court liaison.

Contact: Paula Welch, 1414 Colorado Street, Austin, Texas 78711, (512) 463-1451.

Filed: July 8, 1987, 3:48 p.m.
TRD-8705615



Coordinating Board, Texas College and University System

Thursday, July 23, 1987. The Coordinating Board, Texas College and University System will meet in the boardroom, Bevington A. Reed Building, 200 East Riverside Drive, Austin. Committees, times, and agendas follow.

The Community Colleges and Technical Institutes Committee will meet at 9:30 a.m. to

consider matters relating to community junior colleges and technical institutes.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:53 p.m.
TRD-8705534

The Student Services Committee will meet at 9:45 a.m. to consider matters relating to student services.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:53 p.m.
TRD-8705535

The Committee of the Whole will meet at 10 a.m. to hear a report on Project YOU—Youth Opportunities Unlimited.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

TRD-8705536

The Campus Planning Committee will meet at 10:15 a.m. to consider matters relating to facilities and campus planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:53 p.m.
TRD-8705537

The Committee of the Whole will meet at 10:45 a.m. to hear a report from the Board Liaison Committee with the State Board of Education.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:53 p.m.
TRD-8705538

The Health Affairs Committee will meet at 11 a.m. to consider matters relating to health affairs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:54 p.m.
TRD-8705539

The Universities and Research Committee will meet at 1 p.m. to consider matters relating to universities and research.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:54 p.m.
TRD-8705540

The Committee of the Whole will meet at 1:45 p.m. to consider matters relating to the implementation of new responsibilities from the 70th Legislature Session.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:54 p.m.
TRD-8705541

The Financial Planning Committee will meet to consider matters relating to financial planning.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:54 p.m.
TRD-8705542

Friday, July 24, 1987, 9 a.m. The Coordinating Board will meet to discuss matters relating to the Committee on Student Services; the Committee on Community Junior Colleges and Technical Institutes; the Committee on Facilities and Campus Planning; the Committee on Universities and Research; the Committee on Financial Planning; and the Committee on Health Affairs.

Contact: Kenneth H. Ashworth, P.O. Box 12788, Capitol Station, Austin, Texas 78711, (512) 462-6400.

Filed: July 7, 1987, 1:52 p.m.
TRD-8705532

Texas Cosmetology Commission

Sunday, July 19, 1987, 8 a.m. The Operator Examination Review Committee of the Texas Cosmetology Commission will meet in the La Mansion Hotel, 6505 I-35 North, Austin. According to the agenda, the committee will consider finalizing committee's recommendations.

Contact: Jo Ann Reeves, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

Filed: July 9, 1987, 9:34 a.m.
TRD-8705627

Monday-Tuesday, July 20-21, 1987, 9 a.m. The Texas Cosmetology Commission will meet in the La Mansion Hotel, 6505 I-35 North, Austin. According to the agenda summary, the commission will approve minutes of the previous meeting, consider personnel problems and actions, discuss exam reports to schools and students, consider due process, committee reports, adoption of proposed rules, agreed orders, hear the executive director's report and assistant executive director/director of inspections report. The commission will also meet in executive session.

Contact: Jo Ann Reeves, 1111 Rio Grande, Austin, Texas 78701, (512) 463-5542.

Filed: July 8, 1987, 11:09 a.m.
TRD-8705596

Texas State Board of Examiners of Professional Counselors

Saturday, July 18, 1987, 9 a.m. The Texas State Board of Examiners of Professional Counselors will meet at La Mansion Hotel, 6505 IH-35 North, Austin. According to the agenda summary, the board will approve minutes of the April 11, 1987, meeting; hear committee reports concerning examinations, continuing education, professional relations, complaints, fees, and budget; cancellation of licenses due to nonrenewal; consider newsletter and publication schedule; discuss results of the June 27, 1987, licensing examination; consider license applications and procedures, including reviews of disapproved files. (Applicants with disapproved files may appear for review of their applications.); discuss other matters relating to the licensure and regulation of professional counselors not involving board action; and set the date for the next meeting

Contact: Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, (512) 458-7511.

Filed: July 7, 1987, 11:15 a.m.
TRD-8705530

Texas Employment Commission

Wednesday, July 15, 1987, 8:30 a.m. The Texas Employment Commission will meet in Room 644, TEC Building, 101 East 15th Street, Austin. According to the agenda, the commission will discuss prior meeting notes; consider internal procedures of commission appeals; consider and act on tax liability cases and higher level appeals in unemployment compensation cases listed on Commission Docket 28; and set the date for the next meeting

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

Filed: July 7, 1987, 3:52 p.m.
TRD-8705552

Texas Department of Human Services

Thursday, July 16, 1987, 9 a.m. The Texas Board of Human Services of the Texas Department of Human Services will meet in the DHS Public Hearing Room, 701 West 51st Street, Austin. According to the agenda summary, the board will hear the commissioner's report, consider refinements to the inpatient hospital reimbursement systems, adopted rules for intermediate care and SNF and intermediate care facilities for the mentally retarded, proposed amendments to the standards and rules for intermediate care and SNF regarding the role of physician assistants, Medicaid payment for Medicare-Medicaid eligibles, amendments to CPS rules to implement legislative changes, amendments

to child-care and other licensing rules to implement legislative changes, amendments to IHC rules to implement legislative changes, hear a report on legislation affecting the department, consider sunset legislation tracking, hear a report on welfare reform, consider fiscal year 1987 budget adjustments, amendments to policies and procedures, appointments to advisory committees and FS employment and training participant expense reimbursement.

Contact: Bill Woods, P.O. Box 2960, Austin, Texas 78769, (512) 450-3047.

Filed: July 7, 1987, 10:58 a.m.
TRD-8705506



State Board of Insurance

Monday, July 20, 1987, 1:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 353, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider Docket 9626—Application for amendments to the Articles of Incorporation of MGA Insurance Company, Inc., Fort Worth, increasing the authorized capital.

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

Filed: July 8, 1987, 10:10 a.m.
TRD-8705588



Texas Advisory Commission on Intergovernmental Relations

Friday, July 17, 1987. The Texas Advisory Commission on Intergovernmental Relations will meet in the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. Times, rooms, and agendas follow.

8:30 a.m. The Special Committee on Operations and Funding will meet in Room 119, to review a report on fiscal year 1987 finances, consider potential new grants and contracts, review status of appropriations requests, and consider an operating budget for fiscal year 1988.

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

Filed: July 7, 1987, 4:54 p.m.
TRD-8705559

9:30 a.m. The New Federalism Committee will meet in Room 119, to consider progress reports including productivity and management, high-level radioactive waste issues, low-level radioactive waste issues, and state data center.

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

Filed: July 7, 1987, 4:54 p.m.
TRD-8705560

9:30 a.m. The State-Local Issues Committee will meet in Room 118, to hear progress reports on projects for the Texas Cancer Council, 9-1-1 emergency communications, and other current projects.

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

Filed: July 7, 1987, 4:54 p.m.
TRD-8705561

10:30 a.m. The commission will meet in Room 118, to hear the executive director's report; committee reports from Operations and Funding Committee, State-Local Issues Committee, and New Federalism Committee; consider modification of current and future budgets and proposals; initiation or modification of grants and contracts for commission projects; and publication of project reports considered by committees.

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

Filed: July 7, 1987, 4:54 p.m.
TRD-8705562



Library Systems Act Advisory Board

Wednesday, July 22, 1987, 10 a.m. The Library Systems Act Advisory Board will meet in Room 314, Lorenzo de Zavala Archives and Library Building, 1201 Brazos Street, Austin. According to the agenda, the board will consider appeals by public libraries which may lose system membership for state fiscal year 1988; interpret rule 1.71, affecting public libraries receiving no tax support; consider proposed amendment to rule 1.71(4) affecting public libraries established as nonprofit corporations; determine whether a Grade I special certificate qualifies an individual as a professional librarian for purposes of system membership; hear the Legislative Budget Board staff performance report to the 70th Legislature, January 13, 1987; consider LBB staff recommendation that libraries be accredited every five years, as opposed to every year; discuss proposed rules 1.130-1.134: report on legal concerns about proposed rules for accreditation of academic, school, or special libraries as members of a regional library system; consider system rules 1.68, 1.71, 1.96, and 1.119; and report on commission adoption of proposed amendments.

Contact: Patricia Smith, P.O. Box 12927, Austin, Texas 78711, (512) 463-5534.

Filed: July 7, 1987, 11:15 a.m.
TRD-8705529



Board of Nurse Examiners

Tuesday-Thursday, July 21-23, 1987, 8 a.m. The Board of Nurse Examiners will meet in the Sunrise Motor Hotel, 7622 North IH-35,

Austin. According to the agenda summary, the board will meet to consider possible action on disciplinary hearings, consent to board orders and other action as recommended by the executive secretary in relation to hearings; consider reinstatement petitions; and review legislative matters. The board will consider education progress reports from two nursing programs; requests for extended campuses for three nursing programs and a faculty petition from one program; and receive committee reports. The board will meet in executive session to discuss outside legal counsel and evaluation of personnel reorganization.

A public hearing for Paris Junior College has been scheduled for July 23rd at 9 a.m.

Contact: Dr. Louise Sanders, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 835-4880.

Filed: July 7, 1987, 11:10 a.m.
TRD-8705526

Tuesday, July 28, 1987, 10 a.m. The Advisory Committee on Advanced Nurse Practitioners of the Board of Nurse Examiners will meet at the University of Texas School of Nursing, 1700 Red River, Austin. According to the agenda, the committee will meet to review the current rules and regulations for the advanced nurse practitioner status. The public is invited to attend this meeting as observers.

Contact: Louise Sanders, 1300 East Anderson Lane, C-225, Austin, Texas 78752, (512) 835-4880.

Filed: July 7, 1987, 11:10 a.m.
TRD-8705527



Texas Board of Licensure for Nursing Home Administrators

(Editors Note: The following meetings were originally published in the July 7, 1987, issue of the *Texas Register* (12 Tex Reg 2196). Due to errors in the agenda the meetings are being republished in this issue with corrected agendas).

Friday July 17, 1987

The Texas Board of Licensure for Nursing Home Administrators will meet in Suite 355, 4800 North Lamar Boulevard, Austin. Times and agendas follow.

9 a.m. A hearing officer approved by the Attorney General of Texas will conduct a formal hearing in the matter of Carlos Ray Turner, NHA 5793, to receive testimony regarding possible violation of the Nursing Home Administrator's Licensure Act, Texas Civil Statutes, Article 442d, §11(1)(f) and Article 6252-13c, §4(e).

Contact: Dottie Mathieson, 4800 North Lamar Boulevard, Suite 355, Austin, Texas 78756, (512) 458-1955.

Filed: July 1, 1987, 2:09 p.m.
TRD-8705365

2 p.m. A hearing officer approved by the Attorney General of Texas will conduct a formal hearing in the matter of James F. Johnson, NHA 5661, to receive testimony regarding possible violation of the Nursing Home Administrator's Licensure Act, Texas Civil Statutes, Article 442d, §11(1)(f), and Article 6252-13c, §4(e).

Contact: Dottie Mathieson, 4800 North Lamar Boulevard, Suite 355, Austin, Texas 78756, (512) 458-1955.

Filed: July 1, 1987, 2:09 p.m.
TRD-8705364



Pan American University

Tuesday, July 14, 1987, 1 p.m. The Board of Regents of Pan American University will meet in the Boardroom, Administration Building, Pan American University, Edinburg. According to the agenda, the board will approve minutes of the June 2, 1987, meeting; consider future relationship between Reynaldo G. Garza Law School and Pan American University; consider information items; short, mid-term, and long-range goals of Pan American University, and president's informational items. The board will also meet in Academic Affairs executive session to consider employment of faculty (new hires and one-year contracts), lease of Pan American University facilities to Reynaldo G. Garza Law School, imminent litigation (Title VI Civil Rights), duties and responsibilities of the internal auditor, duties and responsibilities of the purchasing director, duties and responsibilities of the athletic director, duties and responsibilities of the vice president and deans, duties and responsibilities of the president, and hold question and answer session.

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

Filed: July 8, 1987, 9:30 a.m.
TRD-8705589



Board of Pardons and Paroles

The Board of Pardons and Paroles will meet at 8610 Shoal Creek Boulevard, Austin. Dates, times, and agendas follow.

Wednesday, July 8, 1987, 9:30 a.m. The board met in emergency session to approve minutes of the May 22 and June 2, 1987, meetings, consider legislation, budget, proposal to upgrade computer system, review early mandatory release procedures, pre-parole transfer policy, consider request for proposal/pre-release centers, hearing section/delegation of authority, revision of

parole denial reasons, full pardon and/or restoration of civil rights, personnel transfer policy, procedures for evaluation of exempt personnel, hear the executive director's report, consider authorization for signing agency expenditure vouchers, and personnel matters concerning executive director. The emergency status was necessary because board members could not meet at the previously scheduled time or at any other reasonable time.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: July 7, 1987, 4:18 p.m.
TRD-8705557

Wednesday, July 15, 1987, 9 a.m. The board will hold a workshop session to discuss the parole decisionmaking committee report regarding parole guidelines and procedures.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: July 7, 1987, 4:18 p.m.
TRD-8705558



Texas State Board of Public Accountancy

The Texas State Board of Public Accountancy will meet in Suite 340, 1033 La Posada, Austin. Dates, times, and agendas follow.

Wednesday, July 15, 1987, 9 a.m. The Enforcement Committee will consider recommendations regarding specific complaints-licensees: Complaints 87-04-16L, 87-04-17L, 87-04-18L, 87-04-21L, 87-04-23L, 87-04-20L; discuss items regarding solicitation and client sales, applicability of the rules of professional conduct, competitive bid, possible complaint; discuss proposed consent order and taking of commission; review backlog of complaints, process §8 complaints, attorney general representation, Constructive Enforcement Program, and the new system worked on by Data Processing—changes to be discussed by the committee chairman and others.

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

Filed: July 7, 1987, 1:54 p.m.
TRD-8705545

Thursday, July 16, 1987, 8:30 a.m. The Continuing Education Committee will review exemption requests and forms which have been submitted to the committee, CE hours submitted by licensees who have received a board sanction for non-compliance with CE requirements, review of requests for additional credit for published articles and books, sponsor registrations, discuss possible new rule relating to sponsor registrations and renewals, consider NASBA's CPE registry,

requests for CE credit from unregistered sponsors, review TSBPA activity summary, hear a statistical report, discuss continuing education hours to be accrued by all licensees, and discuss status of proposed change to the CE reporting period.

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

Filed: July 7, 1987, 1:54 p.m.
TRD-8705543

Friday, July 17, 1987, 9 a.m. The Technical Standards Review Committee will hear the June status report; consider recommendations regarding specific complaints-licensees: Complaints 87-04-11L, 87-04-05L, 87-04-09L, 87-04-10L, 87-04-08, 87-04-14L, 87-04-15L, 87-04-22L, 87-04-28L, 87-03-06L, 87-04-19L, 87-04-12L, 87-03-11L; discuss independence, Complaints 87-02-04L, 86-01-03L, 87-01-05N, and walk-ons; review backlog of complaints; processing §8 complaints; review attorney general representation, Constructive Enforcement Program, new system worked on by Data Processing, and changes to be discussed by committee chairman.

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

Filed: July 7, 1987, 1:54 p.m.
TRD-8705544



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.

Thursday, October 1, 1987, 10 a.m. The Hearings Division will consider Docket 6184—Inquiry of the Public Utility Commission of Texas concerning the economic viability of Unit 2 of the South Texas Electric Generating Station.

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

Filed: July 8, 1987, 1:50 p.m.
TRD-8705607

Monday, October 5, 1987, 10 a.m. The Hearings Division will consider Docket 6184—Inquiry of the Public Utility Commission of Texas concerning the economic viability of Unit 2 of the South Texas Electric Generating Station.

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

Filed: July 8, 1987, 1:49 p.m.
TRD-8705608



State Securities Board

Friday, July 17, 9:30 a.m. The State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda summary, the board will approve minutes of the May 22, 1987, meeting; consider published proposal to amend section 115 regarding dealers and salesmen; new rule proposals to amend §109.13 to reflect fees created by House Bill 875, §115.4 regarding fees, §133.15 regarding fees, §133.20 regarding fees, §133.24 regarding fees, and §133.29 regarding fees and to clarify certain items on the form; new business items for subsequent meetings; and update on agency operations with reports from division directors and securities commissioner. The board will also meet in executive session regarding personnel matters.

Contact: Richard D. Latham, 1800 San Jacinto Street, Austin, Texas 78711, (512) 474-2233.

Filed: July 8, 1987, 4:10 p.m.
TRD-8705620



Thursday, July 23, 1987, 10 a.m. The Securities Commissioner of the State Securities Board will meet at 1800 San Jacinto Street, Austin. According to the agenda, the commissioner will conduct a hearing to determine whether a cease and desist order should be issued prohibiting the sale of securities issued by College Financial Planning Services, Inc., doing business as Am Cap Asset Management Company and sold by Martin Lee Peterson, doing business as Merrill Financial Group and Marty Peterson and Associates.

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

Filed: July 7, 1987, 2 p.m.
TRD-8705531



Select Committee on Tax Equity

Thursday, July 16, 1987, 9:30 a.m. The Select Committee on Tax Equity will meet in Room 2.115, Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will discuss administrative and organizational issues and staff requirements.

Contact: Dale K. Craymer, 105 West 15th Street, Austin, Texas 78701, (512) 463-0822.

Filed: July 8, 1987, 4:27 p.m.
TRD-8705622



Texas State Technical Institute

Sunday-Monday, July 19-20, 1 p.m. and 9 a.m., respectively. The Board of Regents of the Texas State Technical Institute submit-

ted a revised agenda for a meeting held in the TSTI Central Administration Building, Waco. The addition concerns the sale of excess property at TSTI-Amarillo.

Contact: Theodore A. Talbot, Texas State Technical Institute, Waco, Texas 76705, (817) 799-3611, ext. 3910.

Filed: July 8, 1987, 4:54 p.m.
TRD-8705623



Texas Water Commission

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

Wednesday, July 8, 1987, 10:30 a.m. The commission will meet in emergency session in Room 118, to consider unpermitted and unsafe dam known as Pleasure Acres Lake Dam owned by Don K. Langson, Richard K. Langson, and Bruce K. Langson. The emergency status was necessary inasmuch as leakage has developed beneath the spillway entrance wall of the dam which has caused inundation of a downstream pasture, therefore this matter is being considered as soon as possible.

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

Filed: July 7, 1987, 4:05 p.m.
TRD-8705553

Wednesday, July 15, 1987, 10 a.m. The commission made a revised agenda to a meeting held in Room 118, to consider assessment of costs for watermaster operations in the Rio Grande Basin below Fort Quitman excluding the Pecos and Devils Rivers Watershed-setting of a hearing date.

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

Filed: July 7, 1987, 4:05 p.m.
TRD-8705554

Monday, July 27, 1987, 10 a.m. The Office of Hearings Examiners will meet in Room 118, to consider Application 5125 of Robert L. Schwarz of Boerne.

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

Filed: July 7, 1987, 4:05 p.m.
TRD-8705555

Wednesday, August 5, 1987, 3 p.m. The commission will meet in Room 118 to consider the executive director's report on agency administration, policy, budget, procedures, and personnel matters.

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

Filed: July 7, 1987, 4:06 p.m.
TRD-8705556



Texas Water Development Board

Thursday, July 16, 1987, 9:30 a.m. The Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will approve minutes of the June 18, 1987, meeting; consider resolutions to HEB and Safeway Stores for placing conservation messages on bags; hear the development fund manager's report; consider extension of loan commitments to Brazosport-\$3,670,000 and Crosby MUD-\$700,000; financial assistance to Smith County Water Control and Improvement District #1-\$505,000, City of Harlingen-\$2,760,000, City of Ladonia-\$120,000, City of Nassau Bay-\$1,600,000, City of Pharr-\$3,260,000 and \$720,000, City of Crystal City-\$500,000, City of Meridian-\$135,000, and appointment of three individuals to positions on Lower Neches Valley Authority Board of Directors.

Contact: M. Reginald Arnold II, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: July 8, 1987, 2:37 p.m.
TRD-8705611

Thursday, July 23, 1987, 9 a.m. The TWDB Representative of the Texas Water Development Board will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda an attorney with the board will conduct a public hearing on the proposed federal fiscal year 1988 project priority list for the municipal facilities construction grant program. The project priority list is a listing of wastewater treatment projects in priority rank order which will be considered for funding through the federal construction grant program. The proposed priority list has been prepared pursuant to rules for the Texas Project Priority System by the Texas Water Development Board in 31 TAC Chapter 373. The hearing is being conducted pursuant to Chapters 341 and 373 of the rules of the board and 40 Code of Federal Regulations, §25.5 and §35.2015.

Contact: Robert S. Klinker, P.O. Box 13231, Austin, Texas 78711, (512) 463-8435.

Filed: July 8, 1987, 2:41 p.m.
TRD-8705612



Texas Youth Commission

Thursday, July 16, 1987, 1:30 p.m. The Board of the Texas Youth Commission will meet in Suite 198, Inn of the Hills, Kerrville. According to the agenda summary, the board took action concerning commendatory resolutions for Dr. George Beto and Linda D'Amario Rossi, parole system audit and management response, update on residential contract program and discussion of proposed rate schedule, appropriations transfer for fiscal year 1987, operating budget for fiscal year 1988, and telephone consultant in-

teragency contract; heard information concerning report on student population and statistical summary and report of suspected mistreatment investigations. The board will also meet in executive session.

Contact: Ron Jackson, P.O. Box 9999, Austin, Texas 78766, (512) 452-8111.

Filed: July 8, 1987, 3:53 p.m.
TRD-8705617



Regional Agencies Meetings Filed July 7

The Alamo Area Council of Governments, Executive Committee, will meet in Suite 400, 118 Broadway, San Antonio, on July 22, 1987, at 12:30 p.m. Information may be obtained from Al J. Notzon III, 118 Broadway, Suite 400, San Antonio, Texas 78205, (512) 225-5201.

The Bexar-Medina-Atascosa Counties Water Control and Improvement District #1, Board of Directors, met at Highway 81, Natalia, on July 13, 1987, at 8 a.m. Information may be obtained from C. A. Mueller, P.O. Box 170, Natalia, Texas 78059, (512) 663-2132.

The Deep East Texas Regional Mental Health and Mental Retardation Services, Board of Trustees, will meet in the Ward R. Burke Community Room-Administration Facility, 4101 South Medford Drive, Lufkin, on July 14, 1987, at noon. Information may be obtained from Jim McDermott, 4101 South Medford Drive, Lufkin, Texas 75901, (409) 639-1141.

The Hood County Appraisal District, Board of Directors, will meet at the District Office, 1902 West Pearl, Granbury, on July 14, 1987, at 7:30 p.m. Information may be obtained from Ben H. Griffin, P.O. Box 819, Granbury, Texas 76048, (817) 573-2471.

The Lamar County Appraisal District, Appraisal Review Board, met in emergency session at the District Office, 1523 Lamar Avenue, Paris, on July 10, 1987, at 9 a.m. Information may be obtained from Rodney Anderson, 1523 Lamar Avenue, Paris, Texas 75460, (214) 785-7822.

The Lee County Appraisal District, Appraisal Review Board, will meet at 218 East Richmond Street, Giddings, on July 16, 1987, at 9 a.m. Information may be obtained from Delores Shaw, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.
TRD-8705528



Meetings Filed July 8

The Tax Appraisal District of Bell County, Board of Directors, will meet at 411 East

Central, Belton, on July 15, 1987, at 7 p.m. Information may be obtained from Tolly Moore, P.O. Box 390, Belton, Texas 76513-0390, (817) 939-3521, ext. 301.

The Cass County Appraisal District, Board of Directors and Appraisal Review Board, met at 400 North Main, Linden, on July 13, 1987, at 6:30 p.m., and will meet at the same location on July 16, at 9 a.m. Information may be obtained from Janelle Clements, P.O. Box 1150, Linden, Texas 75563, (214) 756-7545.

The Concho Valley Council of Governments, Executive Committee, will meet at 502 Knickerbocker Road, San Angelo, on July 15, 1987, at 7 p.m. Information may be obtained from Robert R. Weaver, P.O. Box 60050, San Angelo, Texas 76906, (915) 944-9666.

The Education Service Center, Region XIII, Board of Directors, met in Room 205, 5701 Springdale Road, Austin, on July 13, 1987, at 12:30 p.m. Information may be obtained from Joe Parks, 5701 Springdale Road, Austin, Texas 78723, (512) 929-1300.

The Education Service Center, Region XV, Board of Directors, met at 612 South Irene Street, San Angelo, on July 13, 1987, at 1:30 p.m. Information may be obtained from Clyde Warren, 612 South Irene Street, San Angelo, Texas 76902, (915) 655-6551.

The Edwards County Appraisal District, Appraisal Review Board, will meet in the New County Office Building, Rocksprings, on July 20, 1987, at 10 a.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189.

The Edwards Underground Water District, Board of Directors, met at 1615 North St. Mary's, San Antonio, on July 14, 1987, at 10 a.m. Information may be obtained from Thomas P. Fox, 1615 North St. Mary's, San Antonio, Texas 78215, 1-800-292-1047.

The Gonzales County Appraisal District, Appraisal Review Board, met at 928 St. Paul Street, Gonzales, on July 13 and 14, 1987, at 9 a.m. daily. Information may be obtained from Glenda Strackbein, P.O. Box 867, Gonzales, Texas 78629, (512) 672-2879.

The Hockley County Appraisal District, Board of Directors, met at 1103-C Houston Street, Levelland, on July 13, 1987, at 7 p.m. Information may be obtained from Keith Toomire, P.O. Box 1090, Levelland, Texas 79336, (806) 894-9654.

The Central Appraisal District of Johnson County, Appraisal Review Board, met at 109 North Main Street, Cleburne, on July 8, 1987, at 4 p.m. Information may be obtained from Jackie Gunter, 109 North Main Street, Cleburne, Texas 76031, (817) 645-3987.

The Kendall County Appraisal District, Board of Directors, will meet at 207 East San Antonio Street, Boerne, on July 15, 1987, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Lamb County Appraisal District, Appraisal Review Board, will meet in the Board Meeting Room, LCAD, 330 Phelps Avenue, Littlefield, on July 15, 1987, at 9:30 a.m. Information may be obtained from Murlene J. Bilbrey, 330 Phelps Avenue, Littlefield, Texas 79339, (806) 385-6474.

The Limestone County Appraisal District, Board of Directors, will meet in the Limestone County Courthouse, Groesbeck, on July 15, 1987, at 5 p.m. Information may be obtained from Clydene Hyden, P.O. Drawer 831, Groesbeck, Texas 76642, (817) 729-3009.

The Pecan Valley Mental Health and Mental Retardation Region, Board of Trustees, will meet in the Pecan Valley Mental Health and Mental Retardation Region Clinical Office, 104 Charles Street, Granbury, on July 14, 1987, at 8 a.m. Information may be obtained from Theresa Mulloy, P.O. Box 973, Stephenville, Texas 76401, (817) 965-7806.

The Sulphur River Basin Authority, Board of Directors, will meet in the Mount Pleasant Chamber of Commerce Building, 1604 North Jefferson Street, Mount Pleasant, on July 14, 1987, at 1:30 p.m. Information may be obtained from C.B. Wheeler, P.O. Box 1838, Texarkana, Texas 75504, (214) 794-3121.

TRD-8705587



Meetings Filed July 9

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on July 16, 1987, at 10 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156-0271, (512) 379-5822.

The Harris County Appraisal District, Board of Directors, will meet at 2800 North Loop West, Eighth Floor, Houston, on July 15, 1987, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Central Appraisal District of Johnson County, Appraisal Review Board, met at 109 North Main, Cleburne, on July 14 and 20, 1987, at 9 a.m. The Board of Directors will meet on July 16, 1987, at 4:30 p.m. Information may be obtained from Jackie Gunter, 109 North Main, Cleburne, Texas 76031, (817) 645-3987.

The North Texas Municipal Water District, Board of Directors, will meet in the Administrative Offices, 505 East Brown Street, Wylie, on July 23, 1987, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer C, Wylie, Texas 75098, (214) 442-5405.

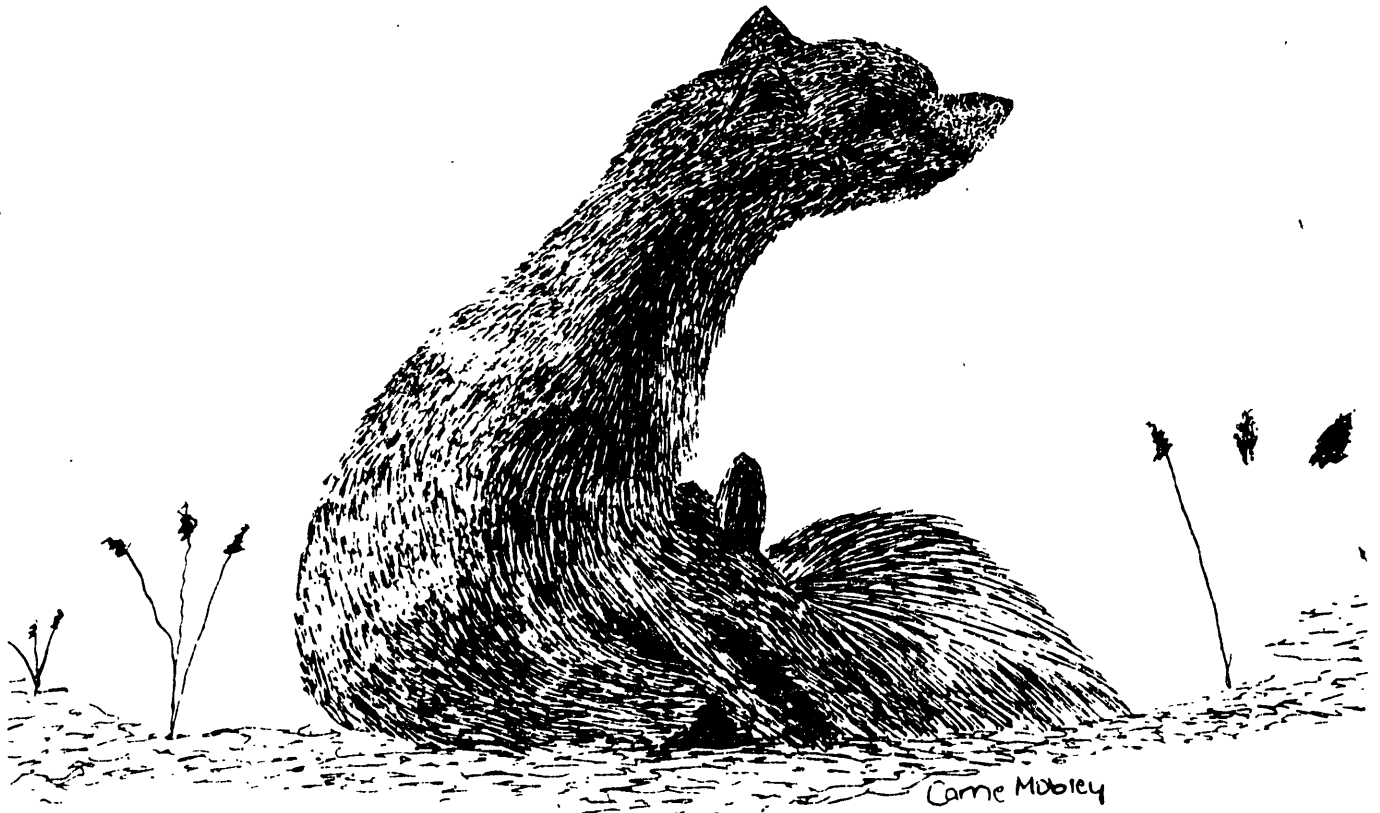
The Permian Basin Regional Planning Commission, General Membership and Board of Directors, will meet in the Big Spring Coun-

try Club, Big Spring, on July 22, 1987, at noon and 1:30 p.m., respectively. Information may be obtained from Pam K. Weatherby, P.O. Box 6391, Midland, Texas 79711, (915) 563-1061.

The South Plains Association of Governments, Executive Committee and Board of Directors, will meet at 1323 58th Street, Lubbock, on July 14, 1987, at 9 a.m. and 10 a.m., respectively. Information may be ob-

tained from Jerry D. Casstevens, P.O. Box 3730, Lubbock, Texas 79452.

The South Texas Private Industry Council, Inc., will meet in the Zapata Community Center, U.S. Highway 83, Zapata, on July 16, 1987, at 4 p.m. Information may be obtained from Mike Villarreal, P.O. Box 1757, Laredo, Texas 78044-1757, (512) 722-3973. TRD-8705625



Name: Carrie Mobley
Grade: 9
School: Pemberton High, Marshall

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 Housing Agency Request for Proposals

The Texas Housing Agency invites proposals from interested firms with the qualifications and experience required to provide trustee and paying agent/registrars services for each of the fiscal years ending August 31, 1987, 1988, and 1989. This is a negotiated procurement utilizing the Request for Proposals method, and as such, the award will be made to the contractor submitting the most responsive proposal satisfying the agency's requirement.

The trustee must have work familiarity with taxable and tax-exempt issues. The scope of the trustee entails the following criteria:

(1) a full service trustee capability in handling all types of tax exempt and taxable financings, including bonds, collateralized mortgage obligations (including whole loans), construction note issues, real estate mortgage investment certificates, interest rate swaps, foreign bond transactions, etc;

(2) warehousing and maintenance of single and multi-family mortgages;

(3) full paying agent/registrars services, including:

(a) issuance of fully registered securities in compliance with the provisions of TEFRA and with S.E.C. Rule 240.17A(d);

(b) full vault facilities for maintaining blank certificates for secondary market trading;

(c) system capabilities for efficient transfers and performing necessary re-registrations;

(d) paying interest and principal on a timely basis;

(e) managing book-entry bond issues; and

(4) other banking relationships, including depository services, underwriting and investment services, letter of credit facilities, short-term lending capabilities, and cash management.

Additional information may be obtained from Dan A. McNeil, Executive Administrator, P.O. Box 13941, Austin, Texas 78711-3941.

The last date on which proposals will be accepted is July 22, 1987.

The agency's Finance and Audit Committee, composed of certain members of the agency's board of directors, will make trustee and paying agent/registrars service recommendations to the full board at its quarterly meeting scheduled for August 26, 1987. Staff will assist the committee by preparing summary profiles of each proposal.

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

TRD-8705578

Dan A McNeil
Executive Administrator
Texas Housing Agency

Filed: July 8, 1987

For further information, please call (512) 474-2974.

The Texas Housing Agency invites proposals from interested firms with the qualifications and experience required to perform a year-end audit of the agency's financial records for each of the accounting periods ending August 31, 1987, 1988, and 1989. This is a negotiated procurement utilizing the Request for Proposal method, and as such, the award will be made to the contractor submitting the most responsive proposal satisfying the agency's requirement.

The independent auditor must have work familiarity with a taxable and tax-exempt housing issuer such as the Texas Housing Agency. The scope of the audit entails the following criteria. The audit must be made by an independent auditor. The audit must be made in accordance with generally accepted government audit standards covering financial and compliance audits. The audit must cover the entire operations of the Texas Housing Agency.

The independent auditor must determine whether the financial statements of the Texas Housing Agency present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles (GAAP), the organization has internal accounting and other control systems to provide reasonable assurance that it is in compliance with applicable state and federal laws, regulations, and covenants, and the schedules of cash receipts and disbursements for the Texas Housing Agency single family mortgage revenue bond trust indenture funds are fully presented on the basis of fund statements received from the trustee.

At the conclusion of any year-end audit, the auditor is required to submit the audited financial statements for the period ending to the executive administrator of the agency. In addition, the audit report and management letter must cite at a minimum the auditor's opinion report on the financial statements; the auditor's report on the study and evaluation of internal control systems made as a part of the audit examination; the auditor's report on examination of single family mortgage revenue bond trust indenture funds, and the year end audit will be presented to the finance and audit committee and full board. The auditor will be required to make this report presentation and state their opinion.

Additional information may be obtained from Dan A. McNeil, Executive Administrator, P.O. Box 13941, Austin, Texas 78711-3941.

The last date on which proposals will be accepted is July 22, 1987.

The agency's Finance and Audit Committee, composed of certain members of the agency's board of directors, will make outside auditor recommendations to the full board at its quarterly meeting scheduled for August 26, 1987. Staff will assist the committee by preparing summary profiles of each proposal.

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

TRD-8705577 Dan A. McNeill
Executive Administrator
Texas Housing Agency

Filed: July 8, 1987
For further information, please call (512) 474-2974.



Texas Department of Human Services Notice of Award

The Texas Department of Human Services (DHS) furnishes this notice of a consultant contract award. The notice for request for proposals was published in the March 24, 1987, issue of the *Texas Register* (12 TexReg 1008).

Description of Services. The contractor will identify and document needed changes to the existing fiscal management system, evaluate existing accounting system software that may meet the needs of the agency, and prepare a detailed design document of an automated accounting system. Reports will be due upon completion of each of the three primary tasks listed previously.

Effective Date and Value of Contract. The contract will be effective from June 29-October 30, 1987. The total cost will not exceed \$177,000.

Name of Contractor. The contract has been awarded to Arthur Andersen and Company, 816 Congress Avenue, Suite 1500, Austin, Texas 78701.

Issued in Austin, Texas, on July 7, 1987.

TRD-8705550 Marilyn W. Johnston
Commissioner
Texas Department of Human Services

Filed: July 7, 1987
For further information, please call (512) 450-3766.



Texas Water Commission Request for Proposals

The Texas Water Commission (TWC) announces that it wishes to retain the services of a consultant to perform remedial investigation/feasibility studies (RI/FS) for the Texarkana Wood Preserving Company superfund site. Contingent upon approval by the TWC, the consultant's services may be extended to include follow-on architectural/engineering activities at the Texarkana Wood Preserving Company site if and when funds become available. This project will be conducted by the TWC through Cooperative Agreement V-006461 with the Environmental Protection Agency and pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Texas Water Code, Chapter 26, Subchapter H.

The EPA may negotiate with potentially responsible parties (PRP) to executive activities in this solicitation in lieu of the TWC. Accordingly, all future TWC activities are subject to the outcome of the EPA negotiations with the PRP. No legal liability on the part of TWC or the State

of Texas for payment of any money shall arise unless and until funds are made available through the Federal Superfund Program.

Objective. The objectives of the investigation and feasibility studies are to characterize and identify the site in terms of wastes present; lateral and vertical extent of contamination in surface waters, ground waters, sediments, and soils; rate and direction of waste migration; target receptors (population at risk, threatened resources, sensitive ecosystems); site geology and hydrology; and develop and evaluate alternative remedial measures considering economic feasibility, technological feasibility, environmental impacts, and timeliness of completion, and offer recommendations regarding the most feasible remedial alternatives.

Budget and Schedule. The maximum budget allowable will be consistent with the specific scope of work and the cooperative agreement as determined by the TWC. Budgeted funds for the remedial investigation and feasibility studies are \$777,000 and \$150,000, respectively.

Submittal Information. Microfiche copies of the relevant files are available through Sheldon Seibel, Records and Library Services Section, (512) 463-8562. A copy of the request for proposals (RFP) may be obtained in three ways:

(1) by sending a regular or certified letter requesting a copy of the RFP to: Joe H. Brown, Texas Water Commission, Hazardous and Solid Waste Division, 1700 North Congress Avenue, P.O. Box 13087, Austin, Texas 78711; Upon receipt, the TWC will transmit the RFP to the potential offeror by certified mail;

(2) by sending a regular or certified letter requesting a copy of the RFP to the address listed in item (1) with a prepaid self-addressed overnight or expedited delivery return envelope to accommodate approximately six pounds of 8½" by 11" material; or

(3) in person, with a signed letter of receipt at Room 513, Employees Retirement System Building, 18th and Brazos Streets, Austin.

Mr. Brown is the designated person to whom proposals may be made. Additional information may be obtained by calling (512) 463-7785. Five copies of each proposal must be received at the address listed in items (1) or (3) before 5 p.m., August 14, 1987, which is the closing date for offers. All statements submitted in response to this request must address the items as described in the RFP. Any and all information submitted by an offeror in variance with the RFP instructions will not be reviewed or evaluated. All contracting procedures shall be conducted in accordance with all applicable state and federal rules.

Upon submittal, the proposals shall become the property of the State of Texas. The contents of the proposal shall be considered as a part of the public record unless otherwise identified by the consultant. The submittal of confidential or proprietary information should be under separate cover on or before the due date. Confidential submittals should be limited and must include an explanation of the basis for confidentiality. TWC reserves the right to reject or return confidential information.

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

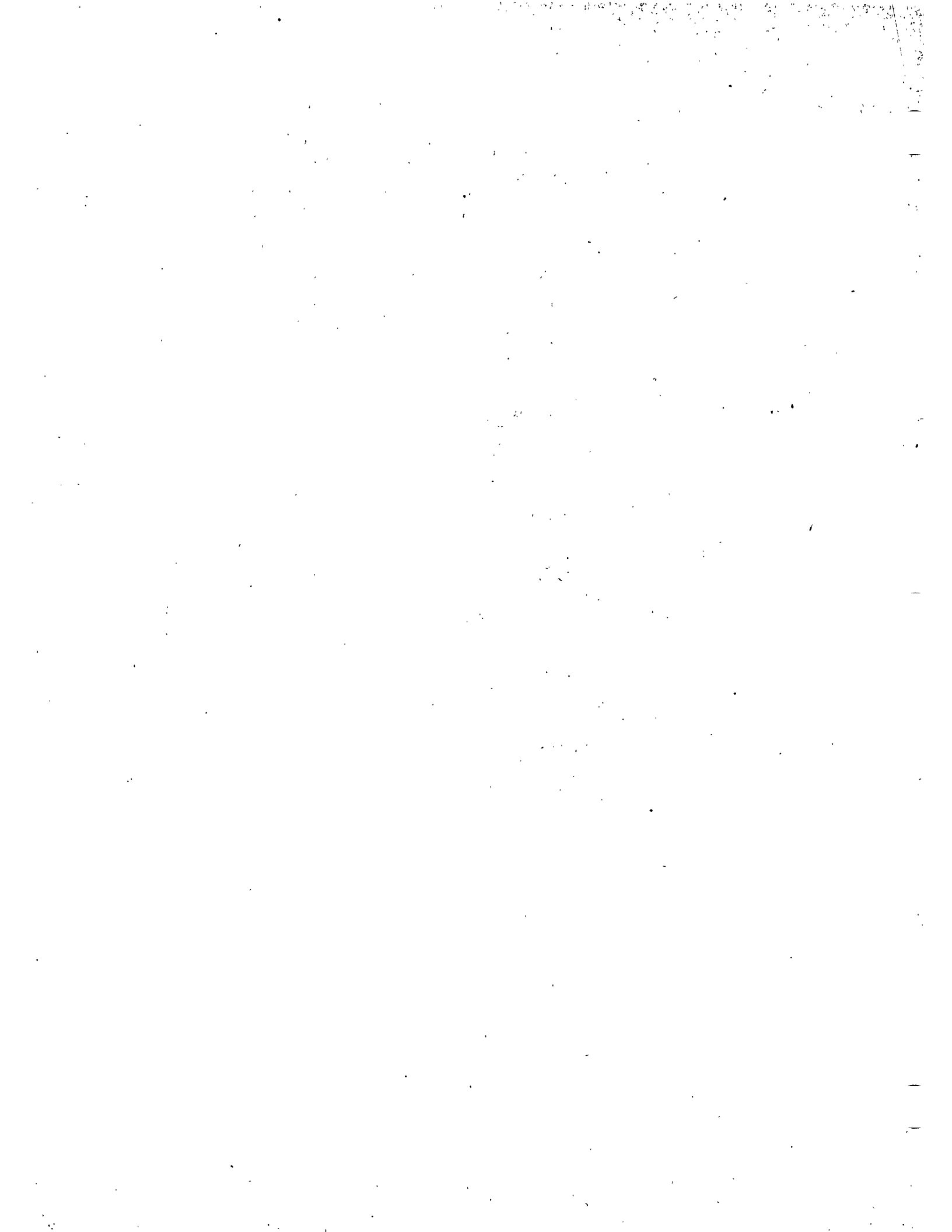
TRD-8705621 J. D. Head
Legal Division
Texas Water Commission

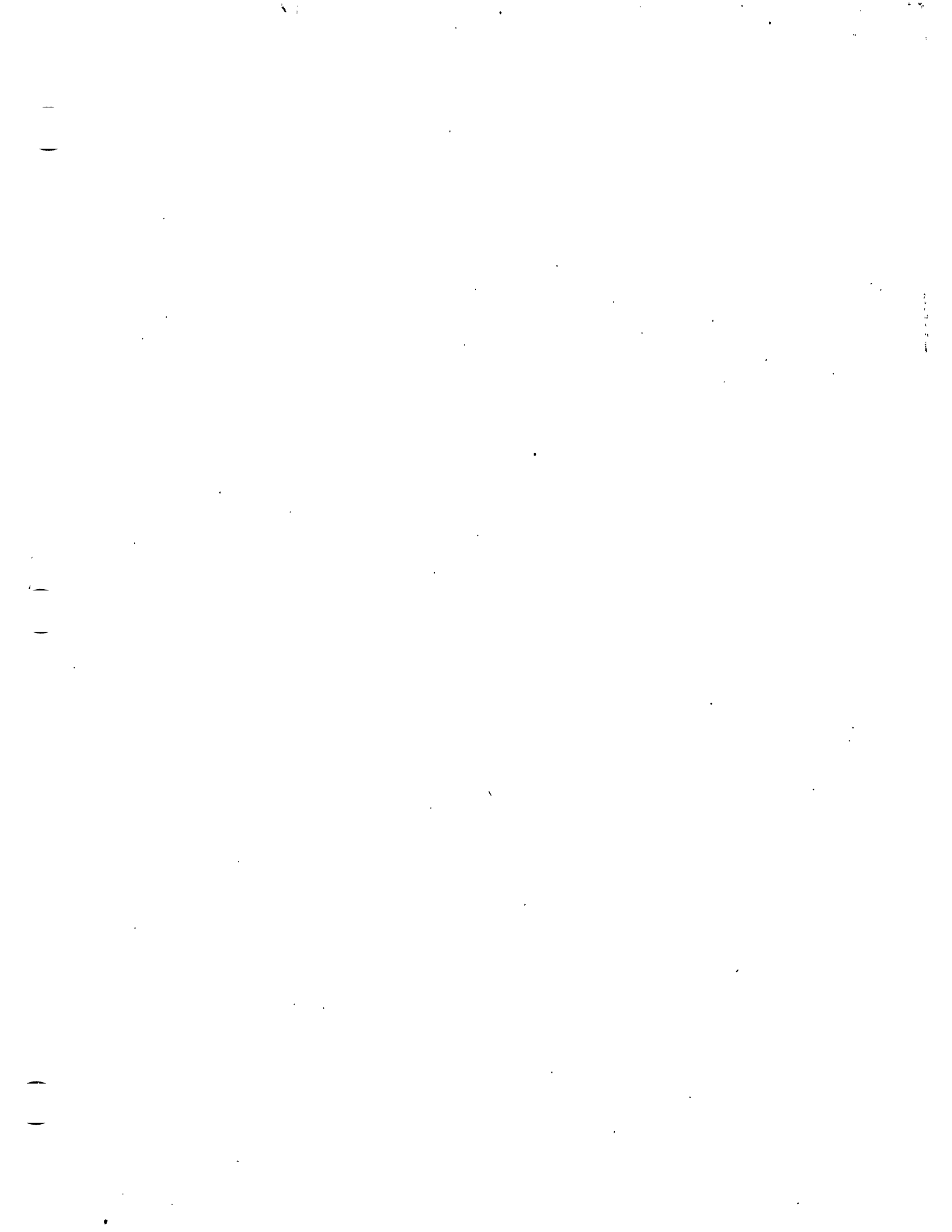
Filed: July 8, 1987
For further information, please call (512) 463-8069.





Name: David Holmes
Grade: 9
School: Pemberton High, Marshall



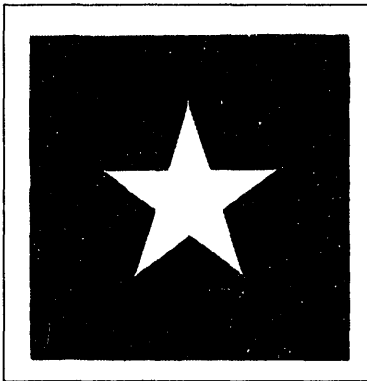


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