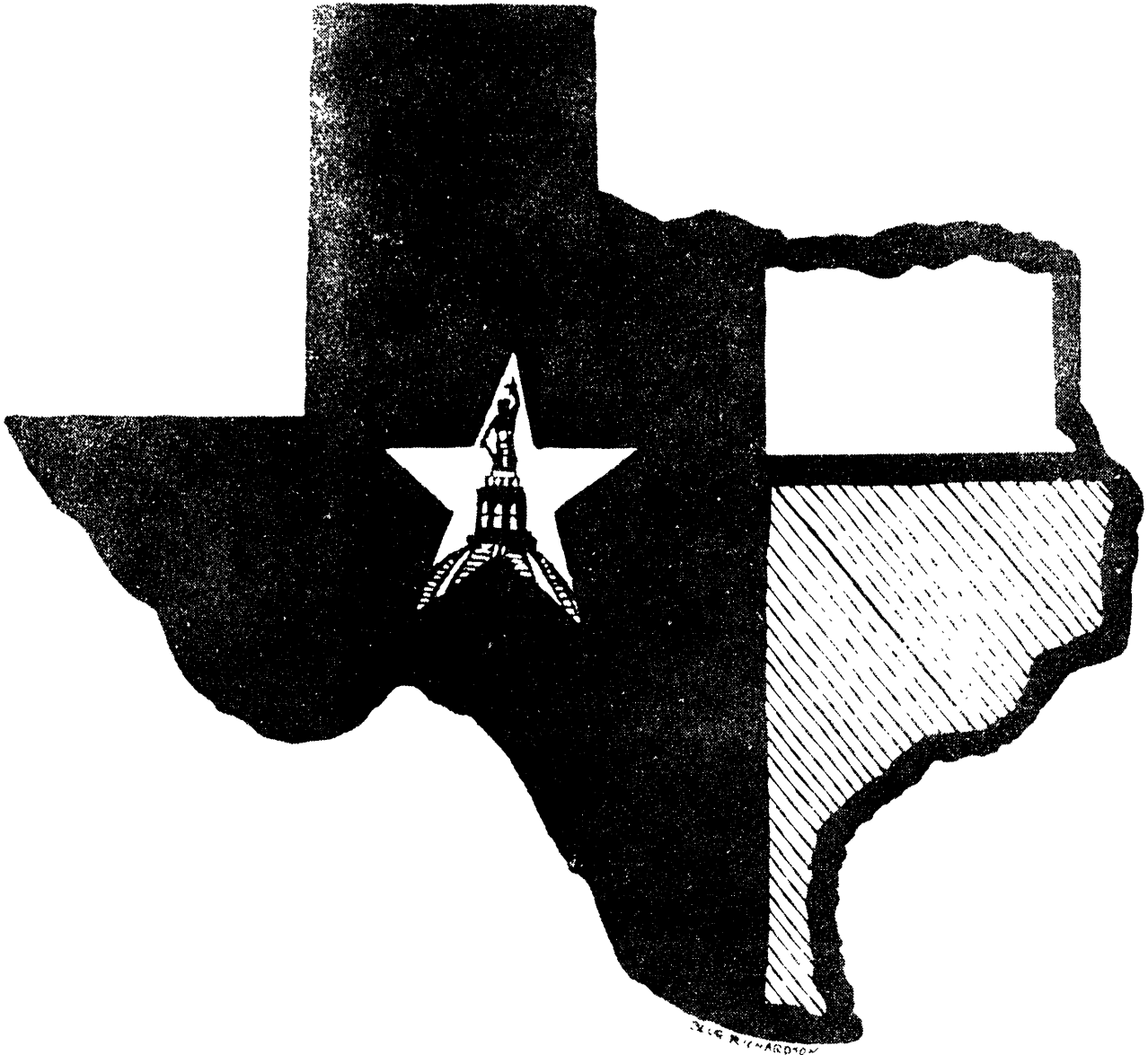


Texas Register

Volume 12, Number 62, August 18, 1987

Pages 2701-2738



Highlights

The **State Board of Insurance** adopts on an emergency basis a new section concerning nondiscriminatory testing for the presence of the human immunodeficiency virus. Effective date - August 11, 1987 **page 2706**

The **Texas Department of Health** proposes amendments concerning radiation safety requirements and licensing and registration pro-

cedures for industrial radiography. Proposed date of adoption - October 31, 1987 **page 2707**

The **Texas Savings and Loan Department** adopts an amendment concerning the application for a loan office to establish and operate a loan office by a savings and loan association. Effective date - September 1, 1987 **page 2716**

Office of
the Secretary
of State

Texas Register

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the *Texas Register* six months after proposal publication date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

Emergency Rules

- State Board of Insurance
 - 2706 – Trade Practices
- Texas Juvenile Probation Commission
 - 2706 – Texas Juvenile Probation Commission

Proposed Rules

- Texas Optometry Board
 - 2707 – General Rules
- Texas Department of Health
 - 2707 – Occupational Health and Radiation Control
- Texas Juvenile Probation Commission
 - 2708 – Texas Juvenile Probation Commission
- Texas Department of Human Services
 - 2708 – Primary Home Care
- Texas Commission on Alcohol and Drug Abuse
 - 2711 – Licensure

Adopted Rules

- Texas Savings and Loan Department
 - 2716 – Charter Applications
 - 2716 – Additional Offices
 - 2717 – Agencies
 - 2717 – Change of Office Location or Name
- Texas State Board of Public Accountancy
 - 2718 – Registration
- Texas Department of Health
 - 2718 – Occupational Health and Radiation Control
- Texas Parks and Wildlife Department
 - 2719 – Finance
 - 2719 – Wildlife
- Texas Water Commission
 - 2720 – Industrial Solid Waste and Municipal Hazardous Waste
- Texas Department of Human Services
 - 2721 – ICF/SNF
 - 2725 – ICF/MR
- State Board of Insurance
 - 2726 – Notifications Pursuant to the Insurance Code, Chapter 5, Subchapter L

Open Meetings

- 2727 – Texas Department of Agriculture
- 2727 – Texas Alcoholic Beverage Commission
- 2727 – Automated Information and Telecommunications Council
- 2727 – Texas Department of Community Affairs
- 2727 – Texas School for the Deaf
- 2727 – State Depository Board
- 2728 – Texas Economic Development Commission
- 2728 – State Board of Insurance
- 2728 – Texas Department of Labor and Standards
- 2728 – Texas Low Level Radioactive Waste Disposal Authority
- 2728 – Midwestern State University
- 2729 – Board of Pardons and Paroles
- 2729 – Texas State Board of Public Accountancy
- 2729 – Public Utility Commission of Texas
- 2729 – Select Committee on Tax Equity
- 2729 – Stephen F. Austin State University
- 2729 – Board of Tax Professional Examiners
- 2730 – Teachers’ Professional Practices Commission
- 2730 – Texas Tech University
- 2731 – State Textbook Committee
- 2731 – Texas Water Commission
- 2731 – Texas Water Development Board
- 2731 – Regional Agencies

In Addition

- Texas Economic Development Commission
 - 2733 – Private Activity Bond Allocation Report
- Texas Education Agency
 - 2733 – Consultant Contract Award
 - 2733 – Request for Proposals
- General Land Office
 - 2734 – Request for Proposals
- Texas Department of Public Safety
 - 2734 – Request for Proposals
- Texas Water Commission
 - 2735 – Applications for Waste Disposal Permits
 - 2737 – Enforcement Orders
- Texas Water Development Board
 - 2738 – Applications Reviewed

TAC Titles Affected

TAC Titles Affected—August

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

TITLE 1 ADMINISTRATION

Part I. Office of the Governor	
1 TAC §5 167	2566
Part IV. Office of the Secretary of State	
1 TAC §71.41	2565
1 TAC §87 41, §87 43	2534, 2540
1 TAC §§87.47-87 49	2534, 2540

TITLE 4. AGRICULTURE

Part I. Texas Department of Agriculture	
4 TAC §9 6	2669
4 TAC §21 31	2669

TITLE 7 BANKING AND SECURITIES

Part I. State Finance Commission	
7 TAC §3.100	2678
Part IV. Texas Savings and Loan Department	
7 TAC §51 14	2716
7 TAC §53 3	2716
7 TAC §53 5	2716
7 TAC §53.12	2716
7 TAC §55 3	2717
7 TAC §57 4	2717
Part VI. Credit Union Department	
7 TAC §91 211	2567
7 TAC §91.402	2567
7 TAC §91.802	2535, 2541
7 TAC §97.112	2567

TITLE 10 COMMUNITY DEVELOPMENT

Part I. Texas Department of Community Affairs	
10 TAC §§9.1, 9 2, 9.4-9.7, 9.9, 9.10	2541
10 TAC §9.3	2679

TITLE 16 ECONOMIC REGULATION

Part I. Railroad Commission of Texas	
16 TAC §3.1	2609
16 TAC §3.8	2610
16 TAC §3 14	2611
16 TAC §3.34	2536
16 TAC §11.221	2546

TITLE 19. EDUCATION

Part I. Texas Higher Education Coordinating Board	
19 TAC §25.32	2567
19 TAC §25 33	2547
19 TAC §25.72	2548

TITLE 22. EXAMINING BOARDS

Part IV. Texas Cosmetology Commission	
22 TAC §83 3	2536
22 TAC §§89.4, 89.10, 89.14, 89 15, 89.20, 89.40, 89 51, 89.52, 89 55, 89.75	2567
22 TAC §§89.28, 89.30, 89.31	2536
22 TAC §89.35	2537
Part XIV. Texas Optometry Board	
22 TAC §273 4	2707
Part XV. Texas State Board of Pharmacy	
22 TAC §291.7	2568
22 TAC §291.17	2568
22 TAC §291 39	2570
22 TAC §291.72	2671
Part XIX. Polygraph Examiners Board	
22 TAC §391.1	2636
22 TAC §393.2	2636

22 TAC §395.1, §395 13	2636
22 TAC §397.22	2636
22 TAC §399.1	2637

Part XX. Texas Board of Private Investigators and

Private Security Agencies	
22 TAC §435.9	2680

Part XXII. Texas State Board of Public Accountancy

22 TAC §511 122	2717
22 TAC §513.62	2718

Part XXIV. State Board of Veterinary Medical Examiners

22 TAC §573.14	2548
22 TAC §573.31	2572
22 TAC §573.32	2548
22 TAC §575.13	2573

Part XXV. Structural Pest Control Board

22 TAC §591 21	2611
22 TAC §§593.1-593.21	
22 TAC §595 2, §595 3	2613

TITLE 25 HEALTH SERVICES

Part I. Texas Department of Health

25 TAC §§611-614, 61 6-61.10	2613
25 TAC §§61 11-61 13	2618
25 TAC §§61 11-61 13	2619
25 TAC §§61.11-61 14	2619
25 TAC §85.14	2637
25 TAC §133.21	2620
25 TAC §§169.61-169.65	2638
25 TAC §289.112, §289.115	2707
25 TAC §289.125	2718
25 TAC §§301 21-301 25	2639
25 TAC §325.5	2621
25 TAC §325.22, §325.25	2621
25 TAC §325.32	2622
25 TAC §325.93, 325.94	2623
25 TAC §325.133, §325.155	2625
25 TAC §325.222, §325.223	2626
25 TAC §325.721	2629
25 TAC §§325.912-325 916	2629

TITLE 28. INSURANCE

Part I. State Board of Insurance

28 TAC §5 2002	2680
28 TAC §21.705	2706

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part I. General Land Office

31 TAC §§4.161-4 165	2549
31 TAC §§4.161-4.166	2549

Part II. Texas Parks and Wildlife Department

31 TAC §53.8, §53.10	2719
31 TAC §65.33, §65.63	2681
31 TAC §§65.190-65.194, 65.196-65.198, 65.201, 65.202, 65.208, 65.210-65.201, 65.202, 65.208, 65.210-65.212, 65.215, 65.218-65 220, 65.222, 65.224-65.226, 65.229	2719
31 TAC §65.261	2681
31 TAC §§65.311-65.313	2682
31 TAC §§65.701-65 707	2573
31 TAC §65 701, §65.704	2634

Part III. Texas Air Control Board

31 TAC §101.1	2550
31 TAC §§115.162-115.164	2551
31 TAC §§115.281-115 285	2552
31 TAC §§116.3, 116.7, 116.10	2575
31 TAC §§118.1-118.6	2639
31 TAC §118 7	2577

Part IX. Texas Water Commission
 31 TAC §303.71 2683
 31 TAC §§303.71-303.73 2684
 31 TAC §§325.1, 325.4, 325.6, 325.6, 325.7, 325.9,
 325.14 2554
 31 TAC §335.28 2634
 31 TAC §335.35 2720
 Part X. Texas Water Development Board
 31 TAC §363.2 2671
 31 TAC §363.38
 31 TAC §363.72 2672
 31 TAC §367.23 2641

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts
 34 TAC §3.293 2642
 34 TAC §3.295 2537
 34 TAC §3.328 2642
 34 TAC §3.544 2672
 34 TAC §3.545 2673
 34 TAC §3.548 2674
 34 TAC §3.552 2608
 Part III. Teacher Retirement System of Texas
 34 TAC §25.9 2556
 34 TAC §25.27 2556
 34 TAC §25.31 2557
 34 TAC §29.32 2557
 34 TAC §31.12 2558
 34 TAC §41.1 2558
 34 TAC §41.5 2559
 34 TAC §41.7 2560
 34 TAC §81.3 2560
 34 TAC §81.5 2561
 34 TAC §81.7 2562
 Part VII. State Property Tax Board
 34 TAC §153.1 2668, 2674
 Part XI. Texas Juvenile Probation Commission
 34 TAC §341.13 2708

TITLE 37. PUBLIC SAFETY AND CORRECTIONS
 37 TAC §81.121 2577
 Part XI. Texas Juvenile Probation Commission
 37 TAC §341.13 2706

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services
 40 TAC §§12.201-12.214 2643
 40 TAC §§12.301-12.315 2643
 40 TAC §§12.401-12.415 2643
 40 TAC §14.1 2675
 40 TAC §14.204, §14.205 2676
 40 TAC §16.1101 2721
 40 TAC §16.1504, §16.1507 2723
 40 TAC §16.1505, §16.1506 2723
 40 TAC §16.1506 2724
 40 TAC §16.1508 2724
 40 TAC §16.3011 2724
 40 TAC §16.3012, §16.3014 2724
 40 TAC §27.2504 2725
 40 TAC §27.2505 2725
 40 TAC §27.2506 2725
 40 TAC §27.2507 2726
 40 TAC §29.606 2676
 40 TAC §29.1112 2577
 40 TAC §29.1125 2578
 40 TAC §47.6901 2565, 2708
 40 TAC §85.1801 2685

Part III. Texas Commission on Alcohol and Drug Abuse

40 TAC §§151.11-151.17, 151.21, 151.22 2711
 40 TAC §§151.41-151.50 2714
 40 TAC §§151.41-151.48 2714
 40 TAC §§153.4, 153.35-153.38, 153.41 2578
 40 TAC §155.26 2578

Part VI. Texas Commission on Human Rights

40 TAC §327.12 2563

TITLE 43. TRANSPORTATION

Part I. State Department of Highways and Public Transportation
 43 TAC §§25.801-25.809 2538, 2564

Emergency

Rules

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

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

TITLE 28. INSURANCE

Part I. State Board of Insurance

Chapter 21. Trade Practices

Subchapter H. Unfair Discrimination

★ 28 TAC §21.705

The State Board of Insurance adopts on an emergency basis new §21.705, concerning nondiscriminatory testing for the presence of the human immunodeficiency virus. The new section regulates trade practices in the business of insurance so that unfair acts or practices are prohibited. New §21.705 sets nondiscriminatory standards under which an insurer may require an applicant for life or health and accident insurance to be tested for the presence of the human immunodeficiency virus (HIV). An imminent peril to the public welfare requires that this new section be adopted on an emergency basis in order to establish standards for testing for the presence of HIV, so that the standards will provide a reasonable basis for the continuing operation of the life, health, and accident insurance business in this state and will provide the insurance consuming public with protection against unfair acts and practices.

The new section is adopted on an emergency basis under the Insurance Code, Article 21.21, §13, which authorizes the State Board of Insurance to promulgate and enforce reasonable rules and regulations to regulate trade practices in the business of insurance so that unfair acts and practices are prohibited.

§21.705. Nondiscriminatory Testing for Human Immunodeficiency Virus. An insurer may require an applicant for life or health and accident insurance to be tested for the presence of the human immunodeficiency virus (HIV). Requiring such testing is not unfair discrimination provided:

(1) the testing is required on a non-discriminatory basis for all individuals in the same class; and

(2) no applicant is denied coverage or rated a substandard risk on the basis of such testing unless:

(A) an initial enzyme linked immunosorbent assay (ELISA) blood test is administered to the applicant, and it indicates the presence of HIV antibodies in the blood;

(B) after the results of the first ELISA blood test indicating the presence of HIV antibodies in the applicant's blood have been received by the insurer, a second ELISA blood test is administered to the applicant, and it indicates the presence of HIV antibodies in the blood; and

(C) after the results of both ELISA blood tests indicating the presence of HIV antibodies in the applicant's blood have been received by the insurer, a western blot blood test is administered to the applicant, and it confirms the previous results.

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

TRD-8706638

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: August 11, 1987
Expiration date: December 9, 1987
For further information, please call
(512) 463-6327.



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part XI. Texas Juvenile Probation Commission

Chapter 341. Texas Juvenile Probation Commission

Chapter 341. Texas Juvenile Probation Commission

★ 37 TAC §341.13

The Texas Juvenile Probation Commission adopts on an emergency basis new §341.13, which establishes guidelines for juvenile court fees for informal adjustment services for children accused of de-

linquent conduct or conduct indicating a need for supervision. An amendment to the Texas Family Code, §53.03, in Senate Bill 17, 70th Legislature, 1987, goes into effect September 1, 1987. The amendment provides that juvenile courts may charge fees for informal adjustment services in accord with guidelines established by the Texas Juvenile Probation Commission. The new section provides guidelines required by juvenile courts to begin collecting informal adjustment fees at the earliest possible opportunity.

This new section is adopted on an emergency basis under the Texas Family Code, §53.03, which provides the commission with the authority to establish guidelines for setting juvenile court fees for informal adjustment services.

§341.13. Guidelines for Informal Adjustment Fees. The juvenile court may adopt a fee schedule for informal adjustment services and rules for the waiver of a fee for financial hardship. Juvenile court fees for informal adjustment services may not exceed \$15 a month, depending upon the ability to pay of the parent, guardian, or custodian of the child participating in informal adjustment. Fees for informal adjustment may be waived for financial hardship. The juvenile court order adopting a schedule of fees and rules for waiver of fees shall state specifically which information about the financial resources and liabilities of the parent, guardian, or custodian the juvenile probation department must consider when making determinations of ability to pay. The probation officer arranging the plan for informal adjustment shall collect the informal adjustment fee under the rules adopted by the court unless he waives the fee for financial hardship under the rules adopted by the court.

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

TRD-8706600

Bill Anderson
Executive Director
Texas Juvenile Probation
Commission

Effective date: September 1, 1987
Expiration date: December 30, 1987
For further information, please call
(512) 443-2001.



Proposed

Rules

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

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

TITLE 22. EXAMINING BOARDS

Part XIV. Texas Optometry Board

Chapter 273. General Rules

★22 TAC §273.4

The Texas Optometry Board proposes an amendment to §273.4, concerning fees. Section 273.4 sets fees as authorized under the Texas Optometry Act, Article 4552, §3.03. As a result of legislative action, and incorporation in the Appropriations Act for fiscal years 1988 and 1989, the renewal fee has been set at \$104. The amendment is a housekeeping change to bring the fee structure in line with the Appropriations Act.

Lois Ewald, executive director, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. The effect on state government for the first five-year period the section will be in effect will be no cost to state government; and an estimated increase in revenue of \$4 for each of 2,207 licenses. There will be no effect on local government or small businesses for the first five-year period the section will be in effect.

Ms. Ewald 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 examination from licensed optometrists, who have properly renewed their license, paying the required fee. The anticipated economic cost to individuals who are required to comply with the section will be a renewal fee, assessed only to licensed optometrists of \$104 for each license.

Comments on the proposal may be submitted to Lois Ewald, Executive Director, Texas Optometry Board, 1300 East Anderson Lane, Suite C-240, Austin Texas 78752.

The amendment is proposed under Texas Civil Statutes, Article 4552, §2.14, which provide the Texas Optometry Board with the authority to promulgate procedural and substantive rules, and set fees.

§273.4. Fees (Not Refundable).

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

(e) License Renewal—**\$104** [100]

(f)-(g) (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 August 11, 1987.

TRD-8706613

Lois Ewald
Executive Director
Texas Optometry Board

Earliest possible date of adoption:

September 18, 1987

For further information, please call
(512) 835-1938.



TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 289. Occupational Health and Radiation Control

Texas Regulations for Control of Radiation

★25 TAC §289.112, §289.115

The Texas Department of Health proposes amendments to §289.112 and §289.115 concerning hearing and enforcement procedures, and radiation safety requirements and licensing and registration procedures for industrial radiography. The amendment to §289.112 is made in Part 13 of the Texas Regulations for the Control of Radiation, which is adopted by reference in §289.112. The amendment to Part 13 changes the public notice procedures for uranium recovery licensing actions under Part 43 of the Texas Regulations for the Control of Radiation. Specifically, the amendment will expand the types of notifications that must be made by the department and by the licensee or applicant prior to the issuance

of a new license, the renewal of a license, or a major amendment to an existing license. Also, procedures of notification will be described. The amendment to §289.115 is made in Part 31 of the Texas Regulations for the Control of Radiation, which is adopted by reference in §289.115. The amendment to Part 31 revises certain radiographic equipment standards. The requirements for source connectors on radiographic exposure devices will be amended by changing the requirement from a technical manufacturing specification to a performance standard. The requirements for equipment used in industrial radiographic operations also will be amended to reflect the equipment standards described.

Stephen Seale, chief accountant III, has determined that for each year of the first five years that the sections as proposed 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.

Edgar D. Bailey, director, Division of Licensing, Registration, and Standards, Bureau of Radiation Control, has determined that for each year of the first five years the amendment as proposed is in effect the public benefit anticipated as a result of enforcing §289.112, will be that local officials and people living in the vicinity of uranium recovery operations, will receive more effective noticing of proposed licensing actions at those facilities. The public benefit of enforcing the amendment to §289.115 will be that changing the requirement from a technical specification to a performance standard will allow radiography equipment manufacturers greater flexibility in source connector design and construction without loss of radiation safety. The department will still be assured that connectors on radiographic exposure devices will hold the radioactive sources intact. There is no anticipated economic cost to individuals who are required to comply with the proposed amendments.

Comments may be submitted to the Bureau of Radiation Control, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756-3189. Public comments will be accepted for 30 days

following publication of this proposal in the *Texas Register*. In addition, there will be a public hearing on the proposed amendments at 10 a.m., on Thursday, September 3, 1987, at the Bureau of Radiation Control, Texas Department of Health, 1212 East Anderson Lane, Austin.

The amendments are proposed under Texas Civil Statutes, Article 4590(f), §4, which provide the Texas Department of Health with the authority to adopt rules which provide for licensing and registration relating to control and transport of sources of radiation within the State of Texas.

§289.112. Hearing and Enforcement Procedures.

(a) The Texas Department of Health adopts by reference Part 13, Hearing and Enforcement Procedure, of the department's document titled Texas Regulations for Control of Radiation, as amended in **November 1987** [October 1986].

(b) (No change.)

§289.115. Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography.

(a) The Texas Department of Health adopts by reference Part 31, Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography, of the department's document titled Texas Regulations for Control of Radiation, as amended in **November 1987** [October 1986].

(b) (No change.)

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

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

TRD-8706609 Robert A. Maclean, M.D.
Deputy Commissioner
for Professional
Services
Texas Department
of Health

Proposed date of adoption:
October 31, 1987

For further information, please call
(512) 835-7000.

◆ ◆ ◆
**TITLE 34. PUBLIC
SAFETY AND
CORRECTIONS**

**Part XI. Texas Juvenile
Probation Commission
Chapter 341. Texas Juvenile
Probation Commission**

★37 TAC §341.13

(Editor's note: The Texas Juvenile Probation Commission proposes for permanent adoption the new section it adopts on an emergency basis in this issue. The text of the

new section is published in the Emergency Rules section of this issue.)

The Texas Juvenile Probation Commission proposes new §341.13, concerning guidelines for informal adjustment services fees. An amendment to Texas Family Code, §53.03, in Senate Bill 17, 70th Legislature, 1987, provides juvenile courts may charge fees for informal adjustment services in accord with guidelines established by the Texas Juvenile Probation Commission. The new section provides guidelines required by juvenile courts to collect these fees.

Steve Bonnell, deputy executive director, has determined that for the first five-year period the proposed section will be in effect there will be fiscal implications as a result of enforcing or administering the section. There will be no effect on state government or small businesses as a result of enforcing or administering the section. The effect on local government will be an estimated increase of \$397,350 in revenue each year from 1988-1992.

Mr. Bonnell also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the section will be the collection of fees which generate approximately \$397,350 each for the next five years. These funds will be available for juvenile probation or community-based juvenile corrections services or facilities in which a juvenile may be required to live while under court supervision. The possible economic cost to individuals who are required to comply with the new section as proposed will be informal adjustments which may last up to six months. The maximum cost to any individual would be 6 x \$15 or \$90 each year from 1988-1992.

Comments on the proposal may be submitted to Judy Culpepper, Executive Assistant, Texas Juvenile Probation Commission, P.O. Box 13547, Austin, Texas 78711-3547, (512) 443-2001.

The new section is proposed under Texas Family Code, §53.03, which provides the Texas Juvenile Probation Commission with the authority to provide guidelines required by juvenile courts to collect fees for informal adjustment 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 August 7, 1987.

TRD-8706601 Bill Anderson
Executive Director
Texas Juvenile Probation
Commission

Proposed date of adoption:
October 17, 1987

For further information, please call
(512) 443-2001.

**TITLE 40. SOCIAL
SERVICES AND
ASSISTANCE**

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

**Chapter 47. Primary Home
Care
Sanctions**

★40 TAC §47.6901

The Texas Department of Human Services (TDHS) proposes new §47.6901, concerning performance-based sanctions, in its Primary Home Care chapter. The new section defines the scope and outlines the requirements of a sanction system based on a minimum level of compliance with Primary Home Care Program standards. Similar rules were proposed in the April 14, 1987, issue of the *Texas Register* (12 TexReg 1268). Because of the numerous public comments on the proposed rules, the department has withdrawn them from consideration for adoption and has developed this proposal to allow for additional public comment. The proposed system measures each provider agency's compliance with primary home care standards related to nursing assessments, response to referrals, service initiation, orientation visits, attendant competency, delivery of service as authorized, service breaks, supervisory visits, and initial training requirements for R.N. supervisors. Under the proposed system, TDHS will make available to each provider agency a training session on the purpose and use of the primary home care monitoring guide and a nonbinding and abbreviated courtesy review. The courtesy review will enable the provider agency to receive feedback on possible problem areas. After a courtesy review has been completed or declined by the provider agency, TDHS staff will systematically review provider agency records to determine if the provider agency is meeting the minimum compliance level for primary home care. If the provider agency fails to meet the minimum compliance level for two consecutive reviews, the department terminates the provider's contract. This system only relates to contract termination for the provider agency's failure to meet the minimum compliance level. The department expects all TDHS regions to complete courtesy reviews and the initial cycle of formal reviews for agencies currently contracting with TDHS during a period of approximately 24 months after the effective date of these rules. After all provider agencies serving clients have been reviewed in a region, TDHS regional staff will develop an annual review schedule for each provider agency.

Brian Packard, associate commissioner for budget, planning, and economic analysis, has determined that for the first five-year period the proposed section will

in effect there will be no fiscal implications for state or local governments or small businesses as a result of enforcing or administering the section.

Mr. Packard also has determined that for each year of the first five years the section is in effect the public benefit anticipated as a result of enforcing the sections will be that primary home care clients will receive services from provider agencies that meet at least a minimum level of compliance with program standards. There is no anticipated economic cost to individuals who are required to comply with the proposed section.

Comments on the proposal may be submitted to Cathy Rossberg, Administrator, Policy Development Support Division-024, Texas Department of Human Services 222-E, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in the *Texas Register*.

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

§47.6901. Performance-based Sanctions.

(a) Provider training. After the effective date of this section or after entering into a primary home care contract, if later, the department will schedule each provider agency to receive an orientation and training on the purpose and use of the monitoring guide. The monitoring guide details program standards and specifies how each standard is to be read to determine compliance and non-compliance.

(b) Courtesy reviews. Each provider agency is entitled to receive or decline one courtesy review before a formal review is conducted. This review is conducted according to the requirements specified in subsections (c)(4)-(6), (d)-(e), (g)-(h), and (j)(1)-(2)(A) of this section. The review is nonbinding and is intended to identify possible problem areas when formal agency reviews are conducted. The department reads from three to five cases for each registered nurse supervisor identified by the provider agency as currently supervising attendants in the Primary Home Care Program. The provider agency chooses the cases to be read and includes, for each nurse, at least one case that received initial prior approval during the reading quarter.

(c) Formal agency reviews. All provider agencies are subject to a systematic review of client case records to determine if the provider agency's performance meets the minimum compliance level established for primary home care. If the provider agency fails to meet the minimum compliance level for two consecutive formal reviews, the department terminates the provider agency's contract. All formal agency reviews are conducted according to the requirements specified in this section.

(1) The quarter to be reviewed

begins no earlier than one full month after the provider agency has had or declined a courtesy review.

(2) The department determines the order of agencies to be reviewed for the initial cycle of formal reviews in the following manner.

(A) The department uses the agency review portion of utilization review findings from the four most recent quarters for which the provider agency's records have been read to place the provider agency into one of three performance categories.

(B) Performance categories reflect the provider agency's past performance in meeting primary home care standards. The department determines a provider agency's performance category by using a statistical estimate produced from the provider agency's aggregated samples plus a margin of error.

(C) The department computes the margin of error for each provider agency based on an 85% confidence level. The margin of error varies between provider agencies because of factors such as sample size.

(i) The department uses a margin of error which is either the distance between the compliance percentage point estimate and:

(I) the upper confidence limit; or

(II) the lower confidence limit, whichever is appropriate.

(ii) In all cases, two-sided limits are used.

(D) The department reviews provider agencies in the following ascending order of performance category, unless department staff decide otherwise.

(i) Below compliance. Provider agencies whose past performance is less than 90% after the upper margin of error has been added to their compliance percentage point estimate;

(ii) Undecided. Provider agencies whose past performance is less than 90% after the lower margin of error has been subtracted from their compliance percentage point estimate, but is 90% or greater after the upper margin of error has been added to their compliance percentage point estimate.

(iii) Above compliance. Provider agencies whose past performance is 90% or greater after the lower margin of error has been subtracted from their compliance percentage point estimate.

(E) Provider agencies that have fewer than four quarters of data are scheduled for review at the convenience of the department.

(3) When all agencies in a region have been reviewed, the department conducts formal reviews at least annually. The department reserves the option to perform formal reviews at any time with at least 14 days written notice.

(4) The department reviews a sam-

ple of the provider agency's cases to determine the provider agency's compliance with the contract document and the primary home care provider manual in the following areas:

(A) nursing assessments;

(B) response to referral;

(C) service initiation;

(D) delivery of service as authorized;

(E) orientation of attendants;

(F) attendant competency;

(G) supervisory visits;

(H) initial training requirements for R.N. supervisors; and

(I) service breaks.

(5) During an agency review, the provider agency is entitled to receive ongoing feedback on missing documents.

(6) Before department staff leave the review site, the provider agency is entitled to receive its tentative score and findings.

(7) Missing documents identified by the department must be received by the department within three workdays after department staff leave the review site. The provider agency may, within the same time frame, request missing documents identified by the review team to be copied from TDHS files. The request must be in writing and addressed to the regional director for aged and disabled services. The provider agency is solely responsible for maintaining all necessary service documentation; secondary documentation is not acceptable. Documents received according to the requirements in this paragraph are used to adjust scores in the following manner.

(A) First formal review. TDHS staff adjust the score of the provider agency upon receipt of the missing documents. TDHS-provided documents, requested as stated in this paragraph, are used to adjust the agency's score even if the documents are received after the three-day period.

(B) Second formal review. The department does not accept missing documents from any source after the three-day period expires. TDHS staff adjust the provider agency's score using only those documents received within the three-day period.

(C) Receipt of adjusted scores. The provider agency is entitled to receive its adjusted score within 14 days after the review team leaves the review site.

(d) Noncompliance with standards. The department determines the provider agency to be in noncompliance with a standard when the standard is not met or when the record that documents compliance is illegible, missing, or not completed according to department rules and procedures. The provider agency must present to the department all missing records and documentation according to subsection (c)(7) of this section; the department does not accept records and documentation provided by the provider agency at a later date. The provider agency is responsible for identifying and correcting

any deficiency(ies) which result in non-compliance with one or more standards. The department does not evaluate or measure corrective action plans implemented by the provider agency but limits agency reviews to determining whether the standards are met or unmet.

(e) Minimum compliance level. For the total number of instances evaluated in the sample, the provider agency must attain an overall compliance level of 90% or above. If the provider agency fails to meet the 90% minimum compliance level, the department determines the provider agency to be in overall noncompliance. To determine the provider agency's level of compliance, the department divides the total instances in the sample in which the standards are met by the total instances in the sample in which the standards are either met or not met.

(f) Samples. The department may choose to read either a full sample or a subsample. The provider agency is not entitled to receive the list of cases in the sample before department staff arrive for the review.

(1) The department determines a full sample by drawing a random sample which includes an approximately proportionate number of new and ongoing cases and which has a confidence level of 85% + 5.0% and for purposes of sample size determination is assumed to have a compliance rate of 90%.

(2) The department determines a subsample by drawing the larger of 15 cases or 5.0% of the provider agency's caseload, neither of which can exceed the full sample size. If the department's findings from the subsample do not meet the 90% minimum compliance level, the department reads the full sample which includes cases identified in the subsample.

(g) Provider agency support. Provider agencies must comply with the following requirements related to provider agency reviews.

(1) Within 30 days from either the effective date of this section or the receipt of a fully-executed contract, the provider agency provides the regionally assigned contract manager a written agreement that covers the following:

(A) the location where department staff will conduct reviews. When the provider agency has multiple offices with different Medicaid provider numbers in a TDHS region, up to two different review sites may be designated in that region. Reviews must occur in the same region as the one covered by the contract being reviewed;

(B) the provider agency's responsibility to collect and transport client, supervisory personnel, and orientation training records to the review location on the dates specified in the review notification, if those records are kept in locations other than stated in the subparagraph (A) of this paragraph; and

(C) the provider agency's agree-

ment to get written approval from TDHS before changing the agency review location.

(2) During the provider agency review, the provider agency must:

(A) provide to the department review team, upon request, specific records necessary for the conduct of the provider agency review;

(B) provide adequate working space for the number of staff specified in the review notification. Lighting, heating, and cooling must be consistent with that provided to provider agency staff; and

(C) acknowledge in writing the receipt of the agency review findings and suggestions to correct any deficiencies.

(h) Review notification. The provider agency is entitled to receive written notice of a provider agency review at least 14 days before the review. The notification includes:

(1) the date(s) and time that department staff plan to arrive at the agreed-upon review site(s) as specified in subsection (g)(1)(A) of this section;

(2) the number of department staff to conduct the review;

(3) the approximate number of days necessary to complete the review; and

(4) the service quarter to be reviewed. The quarter to be reviewed ends one full month before the month in which case readings occur.

(i) Administrative review. The provider agency may request an administrative review of the methodology employed by the review team if the provider agency has reason to suspect that either the first or second formal agency review was not conducted according to published rules and the monitoring guide.

(1) The request must be in writing and received by the regional director for aged and disabled services within 10 days after the exit conference. The request must specify the procedures or rules that were not followed as well as the cases and/or standards affected.

(2) Staff performing the administrative review must have received training on the use of the monitoring guide and must not have participated in the formal agency review.

(3) The purpose of the administrative review is to determine if the review team followed department rules and procedures in conducting the review. The administrative review may consist of one or more of the following activities:

(A) meeting with provider agency representatives;

(B) reviewing procedures or rules followed by the review team; and

(C) rereading applicable cases or standards.

(4) The provider agency receives written findings within 10 days of the completion of the administrative review. The findings contain one of the following deter-

minations.

(A) The review was conducted according to department rules and procedures.

(B) The review was not conducted according to department rules and procedures but the provider agency's adjusted score remains below compliance.

(C) The review was not conducted according to department rules and procedures and the provider agency's score changes to meet compliance.

(j) Exit conferences. The provider agency is entitled to an exit conference with department staff within 14 days after the review team leaves the review site.

(1) The provider agency may receive written suggestions from the department to improve its performance level during the exit conference.

(2) The provider agency receives the following from the department during the exit conference for the first formal agency review:

(A) written findings of the review and problem areas identified; and

(B) a notice that a second formal agency review will be conducted during the ninth month after the exit conference, if the provider agency fails to meet the minimum compliance level.

(3) The provider agency receives the following from the department during the exit conference for the second formal agency review:

(A) written findings of the review and problem areas identified; or

(B) an intent to terminate letter, if the provider agency fails to meet the minimum compliance level for two consecutive reviews. The letter states:

(i) the effective date of the contract termination;

(ii) that the provider agency does not receive additional primary home care referrals beginning the date of the exit conference;

(iii) that the department initiates client transfers to other provider agencies if the provider agency fails to file an appeal according to subsection (n) of this section;

(iv) that the provider agency may not recontract to provide primary home care services in the region covered by the terminated contract for six months after the termination date;

(v) the appeal procedures; and

(vi) that the department places a vendor hold on the contract effective:

(I) 15 days from the receipt of the intent to terminate letter if an appeal is not filed according to the requirements in subsection (n) of this section; or

(II) the date the appeal decision is made if an appeal is filed and the department upholds the decision to terminate the contract. Vendor holds are released according to procedures outlined in §47.3905 of this title (relating to Vendor Holds).

(k) Contract termination. If a provider agency is identified by the department for contract termination according to the requirements of this section, termination occurs no sooner than 41 days from the date of the intent to terminate letter and no later than the end of the month in which the 41st day occurs.

(l) Contract termination exception.

(1) If a provider agency whose contract is to be terminated is the only provider of primary home care services in one or more counties, the department may:

(A) terminate the provider agency's contract; or

(B) delete all counties from the contract where there is another provider of primary home care services.

(2) For six months from the date the department initially deletes counties from a contract the department:

(A) does not add counties to the contract;

(B) may delete additional counties if another provider agency begins to provide primary home care services in those counties; or

(C) may terminate the provider agency's contract.

(m) Recontracting. The provider agency may recontract or add counties after six months from the date of contract termination or initial deletion of counties described in subsections (k)-(l) of this section.

(n) Appeals.

(1) The provider agency has the right to appeal the contract termination according to department rules and procedures. Both first and second formal reviews may be considered in the appeal process. The provider agency must send a written appeal within 10 days from receipt of the intent to terminate letter to the Office of the General Counsel (170-W), Texas Department of Human Services, P.O. Box 2960, Austin, Texas 78769.

(2) Until the department gives an appeal decision, the contract and a hold on primary home care referrals remain in effect. The department does not initiate client transfers or apply a vendor hold until an appeal decision is reached.

(3) If the department's appeal decision is in favor of the provider agency, the contract remains in effect with no adverse action and the department resumes primary home care referrals. If the department upholds the decision to terminate the contract, the department:

(A) begins the transfer of clients to other agencies and applies a vendor hold effective the date of the appeal decision; and

(B) terminates the contract effective 30 days from the appeal decision. The department is not obligated to pay for services provided after the termination date.

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 August 11, 1987.

TRD-8706611

Marlin W. Johnston
Commissioner
Texas Department
of Human Services

Earliest possible date of adoption:

January 1, 1988

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



Part III. Texas Commission on Alcohol and Drug Abuse

Chapter 151. Licensure General Provisions

★ 40 TAC §§151.11-151.17, 151.21, 151.22

(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 Commission on Alcohol and Drug Abuse, 1705 Guadalupe Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Commission on Alcohol and Drug Abuse proposes the repeal of §§151.11-151.17, 151.21, and 151.22, concerning general provisions for the licensure of alcohol treatment facilities. The repeal of these sections conforms with a recent amendment by the 70th Legislature, to Texas Civil Statutes, Article 5561cc, to require the mandatory licensure of drug abuse treatment facilities, in addition to alcohol treatment facilities.

Larry Goodman, administrator, Fiscal and Administrative Services, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Goodman also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the ability to adopt new sections that require all substance abuse treatment programs in the state to meet certain life, health, and safety standards to ensure quality care, and to safeguard the health and welfare of the clients. 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 Patricia Kubsch, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe Austin, Texas 78701.

The repeals are proposed under Texas Civil Statutes, Article 5561cc, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to require that all treatment facilities for chemical dependency must be licensed.

§151.11. Authority.

§151.12. Objectivity.

§151.13. Severability.

§151.14. Scope of Rules, Regulations, and Standards.

§151.15. Opinions and Advice.

§151.16. Precedent.

§151.17. Interpretation.

§151.21. Definitions.

§151.22. Terminology.

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 August 6, 1987.

TRD-8706593

Ross Newby
Executive Director
Texas Commission of
Alcohol and Drug
Abuse

Earliest possible date of adoption:

September 18, 1987, 1987

For further information, please call
(512) 463-5510.



The Texas Commission on Alcohol and Drug Abuse proposes new §§151.11-151.17, 151.21, and 151.22, concerning general provisions for the licensure of treatment facilities for chemically dependent persons. The new sections conform with recent amendments by the 70th Legislature, Texas Civil Statutes, Article 5561cc, to require the mandatory licensure of both alcohol and drug abuse treatment facilities.

Larry Goodman, administrator, Fiscal and Administrative Services, 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. Goodman 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 that all substance abuse treatment programs in the state will meet certain life, health, and safety standards to ensure quality care and to safeguard the health and welfare of the clients. The possible economic cost to individuals who are required to comply with the sections will be an average licensure fee of \$750 per facility each year from 1987-1991.

Comments on the proposal may be submitted to Patricia Kubsch, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701.

The new sections are proposed under Texas Civil Statutes, Article 5561cc, which provide Texas Commission on Alcohol and Drug Abuse with the authority to require that all treatment facilities for chemical dependency must be licensed.

§151.11. Authority. Authority was granted to the Texas Commission on Alcohol and Drug Abuse under Texas Civil Statutes, Article 5561cc, to license chemical dependency treatment facilities. The commission prescribes the rules and procedures which a person who operates a chemical dependency treatment facility must follow to obtain a license issued under this act and to meet minimal standards established by the commission.

§151.12. Objective. The intent of the commission is to provide written rules, regulations, and standards reflecting minimum licensing standards for the following:

(1) the organizational structure, including the governing authority of the facility, board authority, organization, fiscal and policy responsibilities, supervisory lines of authority, staffing, and resolution of client complaints;

(2) the program conducted by the facility, including services to be provided, admission criteria, client rights, and standards for medication, nutrition, and emergency situations;

(3) the clinical and fiscal records kept by a facility;

(4) the general physical plant requirements for a facility, including environmental considerations, fire protection, safety, and other conditions to ensure the health and comfort of the clients;

(5) the standards relating to other aspects of chemical dependency treatment as necessary to protect the chemically dependent person.

§151.13. Severability. If any provision of these rules, regulations, and standards be judicially construed to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of these rules, regulations, and standards are declared to be severable.

§151.14. Scope of Rules, Regulations, and Standards.

(a) Effective September 1, 1987, a person who operates a chemical dependency treatment facility as defined in commission rules and in Texas Civil Statutes, Article 5561cc, must obtain a license issued by the commission unless:

(1) it is a facility maintained or operated by the federal government or its agencies;

(2) it is a facility operated by the State of Texas;

(3) it is a facility licensed or operated by the Texas Department of Mental Health and Mental Retardation;

(4) it is an educational program for intoxicated drivers;

(5) it is a boarding home or shelter that provides only food and lodging or peer support or other personal services that are not represented as chemical dependency services and it is licensed by another state agency, or provides services without cost to the residents or a third party payor;

(6) it is a peer support group as defined in these regulations;

(7) it is an intervention, evaluation, or referral program;

(8) it is the individual office of a private licensed health care practitioner who personally renders private individual or group counseling in the practitioner's own name and in his office but who does not purport to offer a structured chemical dependency program; or

(9) other rules of the commission permit operation without a license to avoid interruption of existing services pending completion of licensure requirements. The rules, regulations, and standards shall not be construed to enlarge, diminish, modify, or alter the jurisdiction, powers, or authority of the commission.

(b) A person who operates an intensive outpatient care service or a supportive outpatient care service need not comply with physical plant requirements as set forth in §§151.201-151.215 of this title (relating to Physical Plant Requirements; Environment; General Structure; Kitchens; Utilities; Plumbing; Electrical; Ventilation; Fire and Safety; Stairs, Landings, and Balconies; Fire Escape Ladders; Fire Escape Stairs; Portable Fire Extinguishers; and Smoke Detection Equipment.)

§151.15. Opinions and Advice. Except as otherwise expressly stated herein, advice given, statements made, and opinions expressed orally or in writing by the staff or personnel of the commission in response to inquiries or otherwise shall not be considered binding upon the commission in connection with any matter requiring the approval or adjudication of the commission.

§151.16. Precedent. The nature of action taken with regard to any matter or the disposition of any matter pending before the commission is not necessarily of meaningful precedential value, and the commission shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. Each fact situation shall be determined on its own merit.

§151.17. Interpretation. The commission's interpretation of these sections shall be binding on all applicants and licensees.

§151.21. Definitions. The following words and terms, when used in this chapter,

shall have the following meanings, unless the context clearly indicates otherwise.

Act—Texas Civil Statutes, Article 5561cc.

Adolescent—A minor child under the age of 18 years, as defined in the Texas Civil Practice and Remedies Code, §129.011, whose disabilities of minority have not been removed by judicial decree or by marriage pursuant to the Texas Family Code, §4.03.

Alcoholism and drug abuse counselor—A person who is certified by the Texas Certification Board for Alcoholism and Drug Abuse Counselors (TCBADAC), or a person who is licensed under state law as a certified social worker, a licensed professional counselor, or a licensed psychologist.

Ambulatory health care facility—A facility that provides treatment to patients not requiring overnight care.

Application—A written request for consideration for licensure that meets the commission's requirements for form and content.

Assistant alcoholism and drug abuse counselor—A person who is pursuing certification by the Texas Certification Board for Alcoholism and Drug Abuse Counselors and who has at least ¼ of the training hours required for TCBADAC certification and who has at least one year of supervised counseling experience in chemical dependency services.

Chemical dependency—The abuse of or psychological or physical dependence on or addiction to alcohol or a controlled substance.

Client—An individual who has been admitted to, but not yet discharged from, a chemical dependency treatment facility or who is currently receiving chemical dependency treatment and rehabilitation services from a facility licensed by commission. It does not include a family member or significant other of a client. The term "client" has the same meaning as the term "patient".

Client abuse—Any act or failure to act by staff, volunteers, or board members of a treatment facility which is done knowingly, recklessly, or intentionally, including incitement to act, which caused, or may have caused, injury to a client. Without regard to injury, any sexual activity between an employee and a client is client abuse. Client abuse includes physical abuse and any act, including the use of verbal or other forms of communication, to curse, shame, or degrade the value or worth of a client, or threaten a client with physical or emotional harm.

Client exploitation—An act or process by staff, volunteers, or board members of a treatment facility to use the labor or personal resources of a client for monetary or personal benefit, profit, or gain by the facility, staff, volunteer, or board member(s), with

little or no therapeutic benefit to the client. Client exploitation includes failure to set reasonable fees for service, and instead, arbitrarily taking most, or all, of a client's earnings.

Client neglect—Actions taken by staff, volunteers, or board members of a treatment facility resulting from inattention, disregard, carelessness, ignoring, or omission of reasonable consideration of the physical or emotional injury to a client. Examples of neglect include, but are not limited to, failure to carry out a prescribed treatment plan; failure to provide adequate nutrition, clothing, or health care; or failure to provide a safe environment.

Commission—The Texas Commission on Alcohol and Drug Abuse.

Community mental health center—A center established under the Texas Civil Statutes, Article 5547-203.

Controlled substance—A toxic inhalant or any substance designated as a controlled substance in the Texas Controlled Substances Act (Texas Civil Statutes, Article 4476-15).

Detoxification—Treatment services to remove a chemical substance and the direct effects of that substance from the body of a client under closely supervised, medically directed conditions.

Detoxification services—A planned program of services for clients who are in need of medically supervised detoxification.

Executive director—The executive director of the Texas Commission on Alcohol and Drug Abuse.

Governing authority—The individual or individuals who are the policy-making body for the entity as designated by law, by charter, by another written document which creates or governs operations of the entity, or by ownership of assets of a sole proprietorship.

Governmental unit—The state, any political subdivision of the state, or any department, division, board, or other agency of the state or a political subdivision of the state. The term does not include any agency of the federal government.

Halfway house/recovery home—A residential treatment facility that provides structured and supervised living with limited chemical dependency services but is not a registered boarding home or shelter exempt from licensure under this act. The emphasis is social rehabilitation with support and guidance toward the goal of independent living for its chemically dependent clients. The facility may charge residential or third party payors for services.

Health maintenance organization—Any person who undertakes to provide or arrange for one or more health-care plans pursuant to Texas Civil Statutes, Articles 20A.01-

20A.35.

Hospital—An institution that provides 24-hour services for the diagnosis and treatment of patients through an organized medical or professional staff, permanent facilities that include inpatient beds and medical and nursing services, and which is licensed by the Texas Department of Health or the Texas Department of Mental Health and Mental Retardation.

Intensive outpatient care—A planned program of 10 or more hours of required non-residential services per week to a client on a scheduled basis.

Intermediate care—A planned program of residential services in a 24-hour supervised living setting, whether or not residential quarters are located on the same premises as the treatment services or are owned or managed by the treatment provider, for clients who are not in need of more intensive care such as detoxification or primary care, but are in transition to an independent living status and need more intensive care and treatment than is available through outpatient settings.

Involuntary client—A client committed to a treatment program by court order under authority to Texas Civil Statutes, Articles 4476-15a, 5561c-1, or 5561c-2.

Licensed health care professional—An individual who is licensed under state law to provide a professional health care service, such as a licensed physician, professional counselor, psychologist, registered nurse, or certified social worker.

Licensed vocational nurse—A nurse licensed by the Texas State Board of Vocational Nurse Examiners.

License—A license issued by the commission to operate a treatment facility in the state of Texas.

Licensee—A person named in the license. The term does not include the legal successors of that person.

Long-term care—A planned program of services for clients who are not in need of detoxification and are not appropriate for primary, intermediate, or outpatient services, and whose condition indicates a need for long-term living environment supervised 24 hours a day, whether or not the residential quarters are located on the same premises as the treatment services, or are owned or managed by the treatment facility.

Medically supervised—Supervision by a qualified physician who appropriately directs or legally delegates services to be performed by other licensed health care professionals whose license authorizes them to perform the delegated acts.

Mood-altering drugs—Drugs or other substances which have a mood-altering effect, including alcohol; a controlled sub-

stance as defined in Texas Civil Statutes, Article 4476-15; any dangerous drug as defined in Texas Civil Statutes, Article 4476-14; a synthetic narcotic as referenced in Texas Civil Statutes, Article 4476-14; or any volatile chemical as defined in Texas Civil Statutes, Article 4476-13(a).

Policy—A statement of philosophy and direction issued by a facility's governing authority which guides the conduct of the facility.

Procedure—A particular series of operational steps to be followed in order to implement a policy.

Patient—An individual who has been admitted to, but not yet discharged from, a chemical dependency treatment facility or who is currently receiving chemical dependency treatment and rehabilitation services from a facility licensed by the commission. It does not include a family member or significant other of a patient. The term "patient" has the same meaning as the term "client".

Peer support group—An independent non-residential fellowship of persons who have admitted their chemical dependency and who derive a sense of common identity, insight, and purpose from recognition of each person's inability to cope individually with one's chemical dependency.

Physician—A person licensed to practice medicine in the State of Texas or a person employed by any agency of the United States who has a license to practice medicine in any state of the United States.

Primary care—A planned program of services for clients who are not in need of detoxification and who are appropriate for intensive treatment services in a 24-hour day supervised living environment, whether or not the residential quarters are located on the same premises as the treatment services, or are owned or managed by the treatment facility.

Registered nurse—A professional nurse licensed by the Texas State Board of Nurse Examiners.

Rehabilitation—A planned and organized program of services designed to reestablish the social and vocational life of a person who is free of alcohol or illicit drugs.

Rehabilitation services—Supportive services that include helping or counseling individuals to learn or relearn social skills, secure employment or training, make psychosocial adjustments, and any other chemical dependency service on the treatment continuum provided to clients prior to their being able to live independently.

Supportive outpatient care—The provision of less than 10 hours of nonresidential services per week on a scheduled basis for clients whose physical and emotional status allows them to function in their usual environ-

ment and receive treatment services of a rehabilitation nature in an outpatient setting.

Toxic inhalant—A gaseous substance inhaled by a person to produce a desired physical or psychological effect that may cause personal injury or illness to the inhaler, as defined in Texas Civil Statutes, Article 447613(a).

Treatment—A continuum of intensive to supportive therapeutic activities designed to initiate and promote a person's chemical-free status, or to maintain a person free of illegal drugs.

Treatment facility—A public or private hospital, detoxification facility, primary care facility, intensive care facility, long-term care facility, outpatient care facility, community mental health center, health maintenance organization, recovery center, halfway house, ambulatory care facility, or any other facility that is required to be licensed and approved by the commission.

Treatment services—The broad range of services, including diagnostic assessment, counseling, medical, psychiatric, psychological, rehabilitation, and social service care for chemical dependency that may be provided to clients, and that motivate such individuals to recover from chemical abuse and dependency.

§151.22. Terminology. The commission may from time to time define and interpret certain terms, whether or not used in the act, insofar as the definition and interpretation are not inconsistent with the purpose fairly intended by the policy and provisions of the act. Regardless of the name or term used to characterize a service or type of facility, any facility delivering a chemical dependency treatment or rehabilitation service shall be defined as a facility subject to licensure under these rules, unless otherwise specifically excluded in §151.14.

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 August 6, 1987.

TRD-8706594 Ross Newby
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption:
September 18, 1987
For further information, please call
(512) 463-5510.



Denial, Non-Renewal, or Revocation of License

★ 40 TAC §§151.41-151.50

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

lished. The sections may be examined in the offices of the Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe Street, Austin, or in the Texas Register office, Room 503F, Sam Houston Building, 201 East 14th Street, Austin.)

The Texas Commission on Alcohol and Drug Abuse proposes the repeal of §§151.41-151.50, concerning the denial, non-renewal, or revocation of a license of an alcohol treatment facility. The repeals conform with an amendment by the 70th Legislature, to the Texas Civil Statutes, Article 5561cc. The repeals allow the simultaneous proposal of new sections which change the procedures by which the license of a facility is denied, not renewed, or revoked.

Larry Goodman, administrator, Fiscal and Administrative Services, has determined that for the first five-year period the proposed repeals 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 repeals.

Mr. Goodman also has determined that for each year of the first five years the repeals are in effect the public benefit anticipated as a result of enforcing the repeals will be the ability to adopt new sections which require that all substance abuse treatment programs in the state meet certain life, health, and safety standards to ensure quality care and to safeguard the health and welfare of the clients. There is no anticipated economic cost to individuals who are required to comply with the proposed repeals.

Comments on the proposal may be submitted to Patricia Kubsch, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe, Austin, Texas 78701.

The repeals are proposed under Texas Civil Statutes, Article 5561cc, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to require that all treatment facilities for chemical dependency must be licensed.

§151.41. Process for Denial, Non-Renewal, or Revocation.

§151.42. Request for Reconsideration.

§151.43. Effective Date.

§151.44. Procedure for Reconsideration.

§151.45. Appeal Hearing.

§151.46. Notification of Applicant.

§151.47. Emergency Revocation.

§151.48. Setting of Judicial Hearing.

§151.49. Procedures for Hearing.

§151.50. Variances.

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 August 6, 1987.

TRD-8706595 Ross Newby
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption:
September 18, 1987
For further information, please call
(512) 463-5510.



★ 40 TAC §§151.41-151.48

The Texas Commission on Alcohol and Drug Abuse proposes new §§151.41-151.48, concerning the denial, non-renewal, or revocation of a license of a treatment facility for chemically dependent persons. The new sections conform with an amendment to the 70th Legislature, Texas Civil Statutes, Article 5561cc. The new sections change the procedure by which licenses are denied, not renewed, or revoked and all drug abuse treatment facilities, as well as alcoholism facilities, must now be licensed.

Larry Goodman, administrator, Fiscal and Administrative Services, 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. Goodman 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 that all substance abuse treatment programs in the state will meet certain life, health, and safety standards to ensure quality care and to safeguard the health and welfare of the clients. The possible economic cost to individuals who are required to comply with the new sections will be an average license fee of \$750 per facility each year from 1987-1991.

Comments may be submitted to Patricia Kubsch, Texas Commission on Alcohol and Drug Abuse, 1705 Guadalupe Street, Austin, Texas 78701.

The new sections are proposed under Texas Civil Statutes, Article 5561cc, which provide the Texas Commission on Alcohol and Drug Abuse with the authority to require that all treatment facilities for chemical dependency must be licensed.

§151.41. Process for Denial, Non-Renewal, or Revocation. The executive director of the commission may deny, revoke, or refuse to renew a license if the applicant or holder of the license, the facility's owner, or a director, administrator, or clinical staff member:

(1) has a documented history of client abuse or neglect as evidenced by commission records, law enforcement records, or records of any state or federal agency citing assaultive conduct or abuse or neglect incidents in the preceding five-year period; or

(2) fails to comply with a provision of Texas Civil Statutes, Article 5561cc, or with a rule, regulation, or standard of the commission. The licensure department of the commission and the licensure review board shall report all cases of non-compliance to the executive director pursuant to the commission's policies and procedures.

§151.42. Effective Date. Unless the commission secures an injunction under Texas Civil Statutes, Article 5561cc, §9, the denial, revocation, or nonrenewal takes effect on the 30th day after the date on which the notice was mailed. If an administrative appeal is requested, the effective date of the commission's original decision must be postponed to allow the person whose license was denied, revoked, or not renewed to participate in the appeal. Postponement based upon appeal does not impair the commission's continuing right to secure a temporary restraining order and injunction under the Act, §9 during the appeal period.

§151.43. Appeal Hearing. A person who is denied a license or whose license is revoked or not renewed may request an appeals hearing before the commission on the question of the action on the license. The hearing shall provide the opportunity for the affected person to present additional evidence or testimony to the commission. A request for a licensure appeal hearing must be made pursuant to commission rules for appeals and hearings found in 40 TAC Chapter 143 (relating to Introduction), except that the request must be made not later than 5 p.m. of the 15th day after the date on which notice that the license was denied, revoked, or

refused renewal was mailed to the applicant or to the holder of the license. The commission shall mail written notice of the date, time, and place of the hearing not later than 15 days before the date of the hearing on a licensure appeal. A copy of the commission's rules for appeals will be sent to the applicant, upon request.

§155.44. Notification of Applicant. If after a hearing the license is denied, revoked, or not renewed, the commission shall mail to the applicant or holder of the license a copy of the commission's findings and grounds for decision. Revocation of a license or an order denying or refusing to renew a license takes effect 30 days following the date on which the holder of the license received final notice of the denial, revocation, or decision to renew the license, unless an injunction or temporary restraining order is secured by the commission.

§151.45. Attendance at Hearings. The commission may restrict attendance at an appeals hearing to the parties and their agents.

§151.46. Enforcement of the Act. The commission will report all violations under the Act, §14 to law enforcement authorities and the attorney general for investigation, and may petition a district court in Travis County to enter a restraining order and/or permanent injunction, if needed, to prevent violations of the licensing act or standards which cause immediate threat to the health and safety of individuals receiving treatment in violation of this act.

§151.47. Procedures for Judicial Review. The Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a et seq.) applies to judicial review of each commission appeals hearing conducted under the Act, which judicial review shall be by the substantial evidence standard, based upon the formal record of

the commission appeal hearing.

§151.48. Variances. In facilities where specific standards cannot be complied with because of exceptional circumstances, exceptions to specific provisions of the standards may be made when, in the opinion of the commission, the intent of the licensing standard is shown to have been met in another commercially reasonable way and the safe, healthful, sanitary, and efficient operation of the facility is not substantially affected. To request a variance, the facility shall submit a written request to the commission stating name, address, and phone number of the facility; section or number of the standard on which variance is sought; the reasons for the variance; whether it is of a permanent or temporary nature, and if temporary, the time period involved; and action that staff of the facility will provide to replace or offset the particular variance request and meet the intent of the standard. The executive director of the commission will give written notice of the approval or disapproval of the request for variance. The executive director's decision on a variance request may not be appealed.

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 August 6, 1987.

TRD-8706596

Ross Newby
Executive Director
Texas Commission on
Alcohol and Drug
Abuse

Earliest possible date of adoption:
September 18, 1987
For further information, please call
(512) 463-5510.



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 7. BANKING AND SECURITIES

Part IV. Texas Savings and Loan Department

Chapter 51. Charter Applications

★7 TAC §51.14

The Texas Savings and Loan Department adopts the repeal of §51.14, without changes to the proposed text published in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1891).

The repeal provides for an abbreviated notice and hearing procedure for applications to charter savings and loan associations for the purpose of acquiring or merging with existing savings and loan associations.

The repeal will facilitate supervisory acquisitions of troubled savings and loan associations by eliminating delays and procedural obstacles which are not required nor contemplated by the Texas Savings and Loan Act.

No comments were received regarding adoption of the repeal.

The repeal is adopted under Texas Civil Statutes, Article 342-114, which provide the Savings and Loan Section of the Finance Commission of Texas with the authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend same; and Texas Civil Statutes, Article 852a, §§2.03, 2.05, 2.13, and 8.01, which provide the Savings and Loan Section and the commissioner with the authority to set initial capitalization requirements for savings and loan associations and the procedures for processing, hearing, and deciding applications.

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 August 10, 1987.

TRD-8706620

L. L. Bowman
Commissioner
Texas Savings and Loan
Department

Effective date: September 1, 1987
Proposal publication date: June 12, 1987
For further information, please call
(512) 479-1250.



Chapter 53. Additional Offices

★7 TAC §53.3

The Texas Savings and Loan Department adopts an amendment to §53.3, without changes to the proposed text published in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1892).

The amendment adopts by reference the application for branch office which must be completed by all applicants to establish and operate a branch office by a state-chartered savings and loan association in Texas.

The application form is amended to accurately reference the applicable section of the Texas Savings and Loan Act, which was amended during the 69th Legislature.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 342-114, which provides the Savings and Loan Section of the Finance Commission of Texas with authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend same; and Texas Civil Statutes, Article 852a, §8.01, which provides the Savings and Loan Section with the authority to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Texas Savings and Loan Department pursuant to the Texas Savings and Loan Act.

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

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

TRD-8706621

L. L. Bowman
Commissioner
Texas Savings and Loan
Department

Effective date: September 1, 1987
Proposal publication date: June 12, 1987
For further information, please call
(512) 479-1250.

★7 TAC §53.5

The Texas Savings and Loan Department adopts an amendment to §53.5, without changes to the proposed text published in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1893).

The amendment adopts by reference the application for a loan office which must be completed by applicants to establish and operate a loan office by a state-chartered savings and loan association in Texas.

The amendment adopts by reference the form to be used as application for a loan office, which requests specific information from the applicant.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 314-114, which provides the Savings and Loan Section of the Finance Commission of Texas with authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend same; and Texas Civil Statutes, Article 852a, §8.01, which provides the Savings and Loan Section with the authority to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Texas Savings and Loan Department pursuant to the Texas Savings and Loan Act.

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

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

TRD-8706622

L. L. Bowman
Commissioner
Texas Savings and Loan
Department

Effective date: September 1, 1987
Proposal publication date: June 12, 1987
For further information, please call
(512) 479-1250.



★7 TAC §53.12

The Texas Savings and Loan Department adopts an amendment to §53.12, without changes to the proposed text published

in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1893).

The amendment adopts by reference the application for a remote service unit which must be completed by applicants to establish and operate a remote service unit by a state-chartered savings and loan association in Texas.

The amendment adopts by reference the form to be used as application for a remote service unit, which requests specific information from the applicant.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 314-114, which provide the Savings and Loan Section of the Finance Commission of Texas with authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend same; and Texas Civil Statutes, Article 852a, §8.01, which provide the Savings and Loan Section with the authority to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Texas Savings and Loan Department pursuant to the Texas Savings and Loan Act.

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

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

TRD-8706623 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Effective date: September 1, 1987
Proposal publication date: June 12, 1987
For further information, please call
(512) 479-1250.



Chapter 55. Agencies

★ 7 TAC §55.3

The Texas Savings and Loan Department adopts an amendment to §55.3, without changes to the proposed text published in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1893-1894).

The amendment adopts by reference the application for agencies which must be completed by all applicants to establish and operate an agency office by a state-chartered savings and loan association in Texas.

The amendment adopts by reference the form to be used as an application for agencies, which requests specific information from the applicant.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 314-114, which provide the Savings and Loan Section of the Finance Commission of Texas with authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend same; and Texas Civil Statutes, Article 852a, §8.01, which provide the Savings and Loan Section with the authority to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Texas Savings and Loan Department pursuant to the Texas Savings and Loan Act.

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

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

TRD-8706625 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Effective date: September 1, 1987
Proposal publication date: June 12, 1987
For further information, please call
(512) 479-1250.



Chapter 57. Change of Office Location or Name

★ 7 TAC §57.4

The Texas Savings and Loan Department adopts an amendment to §57.4, without changes to the proposed text published in the June 12, 1987, issue of the *Texas Register* (12 TexReg 1894).

The amendment adopts by reference the application forms for home office relocation, branch office relocation, loan office relocation, and for change of name, which must be completed by state-chartered savings and loan associations in Texas wishing to accomplish such transaction.

The amendments accurately reference the applicable sections of the Texas Savings and Loan Act, which were amended during the 69th Legislature, and to make a correction in the title of the section.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 314-114, which provide the Savings and Loan Section of the Finance Commission of Texas with authority to promulgate general rules and regulations not inconsistent with the constitution and statutes of this state and, from time to time, to amend same; and Texas Civil Statutes, Article 852a, §8.01, which provide the Savings and Loan Section with the authority to adopt rules relating to the fees and procedures for processing, hearing, and deciding applications filed with the commissioner or the Texas

Savings and Loan Department pursuant to the Texas Savings and Loan Act.

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

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

TRD-8706624 Russell R. Oliver
General Counsel
Texas Savings and Loan
Department

Effective date: September 1, 1987
Proposal publication date: June 12, 1987
For further information, please call
(512) 479-1250.



TITLE 22. EXAMINING BOARDS

Part XXII. Texas State Board of Public Accountancy

Chapter 511. Certification as CPA

Experience Requirements

★ 22 TAC §511.122

The Texas State Board of Public Accountancy adopts an amendment to §511.122, without changes to the proposed text published in the June 2, 1987, issue of the *Texas Register* (12 TexReg 1770).

The amendment defines acceptable experience for issuance of the certified public accounting certificate.

The amendment establishes the number of hours and type of hours of experience necessary to be accepted as experience for the purpose of issuing the certified public accounting certificate.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules deemed necessary and advisable for the approval of experience and supervision for certification as a CPA.

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 August 11, 1987.

TRD-8706617 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: September 1, 1987
Proposal publication date: June 2, 1987
For further information, please call
(512) 450-7066.



Chapter 513. Registration Registration of Offices

★ 22 TAC §513.62

The Texas State Board of Public Accountancy adopts an amendment to §513.62, without changes to the proposed text published in the May 26, 1987, issue of the *Texas Register* (12 TexReg 1688).

The amendment insures proper supervision of branch public accountancy offices by a licensed individual.

The amendment provides for the designation of a licensed individual as the responsible individual for supervision of branch public accountancy offices, together with the guidelines as to type of supervision.

No comments were received regarding adoption of the amendment.

The amendment is adopted under Texas Civil Statutes, Article 41a-1, §6(a), which provide the Texas State Board of Public Accountancy with the authority to promulgate rules regarding the resident manager/licensee in charge of branch offices or main offices of firms licensed with the Texas State Board of Public Accountancy.

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 August 11, 1987.

TRD-8706616 Bob E. Bradley
Executive Director
Texas State Board of
Public Accountancy

Effective date: September 1, 1987
Proposal publication date: May 26, 1987
For further information, please call
(512) 450-7066.



TITLE 25. HEALTH SERVICES

Part I. Texas Department of Health

Chapter 289. Occupational Health and Radiation Control

Texas Regulations for Control of Radiation

★ 25 TAC §289.125

The Texas Department of Health adopts an amendment to §289.125 without changes to the proposed text published in the May 19, 1987, issue of the *Texas Register* (12 TexReg 1599).

The amendment implements a memorandum of understanding (MOU) between the

Texas Department of Health and the Texas Water Commission, to facilitate the regulation of radioactive mixed waste due to overlapping jurisdictions and concurrent statutory duties. The United States Environmental Protection Agency (EPA) has deemed it necessary that all regulatory jurisdiction for radioactive waste disposal be established at the state level. The memorandum of understanding has been amended in response to comments, as described in this preamble.

The material adopted by reference in §289.125 (the Texas Regulations for the Control of Radiation, Part 45) titled Licensing Requirements for Near-Surface Land Disposal of Radioactive Waste, is amended by the addition of one section and an appendix to Part 45. The MOU, which is set forth as Appendix 45-A to Part 45, provides for the coordination of requirements of the agencies in their licensing and permitting programs, and a consistent and integrated approach to avoid duplication in licensing and permitting of radioactive mixed waste disposal facilities. Part 45.1, Purpose and Scope, expands the scope to include the implementation of the MOU.

New Part 45.100, Implementation of Memorandum of Understanding on Radioactive Mixed Waste Between the Texas Department of Health and the Texas Water Commission, has been added.

New Appendix 45-A, which states all provisions of the MOU as signed by both agencies involved, has been added. The Department and the Texas Water Commission held a joint hearing on June 5, 1987, on the MOU and responded jointly to comments received there and in writing.

Three comments were received in writing or heard at the hearing on proposed amendment to Part 45. Some staff comments of an editorial nature were also received. As a result of the comments received, the department has made several minor changes to the language of the material adopted by reference.

As a general comment, one commenter suggested that the MOU should be explicit and unambiguous, thus ending any overlap or regulatory gaps between each agency's jurisdiction. The commenter also suggested that the MOU should provide that mixed wastes are subject to the regulations and requirements of each agency. In response, the department and the TWC believe that it is not necessary to reiterate the statutory and regulatory jurisdiction of each agency in the MOU and that the MOU should not be viewed as the solution to the problem of bureaucratic duplication in all situations because it does not alter the regulatory authority of the two agencies. Nothing in the MOU suggests that the agencies will impose lesser standards on handlers of radioactive waste. Provision 5 of the MOU provides that the department will be responsible for licensing of the radioac-

tive mixed waste and the TWC will be responsible for permitting the waste management activities. Joint hearings, inspections, and other activities are contemplated in the MOU. Therefore, the department made no change to the section as a result of the comment.

One commenter submitted several non-substantive comments (such as references to the federal statutory citations) that the agencies have incorporated into the MOU where the suggested revisions provided helpful clarifications.

The commenter also suggested that the sentence regarding the regulation of naturally occurring and accelerator-produced radioactive material (NARM) be revised to clarify that the TDH regulates NARM. In response to this comment and a similar one from a different commenter, the MOU's discussion of NARM has been revised to clarify that NARM will be regulated in Texas as any other radioactive material and that NARM mixed with hazardous waste will be regulated as radioactive mixed waste.

A commenter suggested that Provision 5 of the MOU be revised to state that to the maximum extent possible, the TWC and the TDH shall jointly enforce permits and licenses, shall hold joint public hearings and shall make joint inspections. The commenter also suggested the deletion of the sentence stating that representatives of each agency shall make joint inspections of radioactive mixed waste units whenever the collective expertise of each agency is desirable. The agencies have decided not to change the provision in response to these comments. The agencies believe that the statements concerning joint inspections and other joint efforts are accurate representations of the intent of the agencies. As indicated in the proposed MOU, the agencies will make efforts to the maximum extent possible to conduct joint activities when appropriate. The department made no change to the rule as a result of these comments.

Comments urging the consolidation of the financial security requirements of the TDH and the financial assurance requirements of the TWC were received.

Although the agencies understand the inconveniences of the dual financial requirements, the agencies have not amended the MOU to allow commingling of these funds. The financial requirements of each agency apply to handlers of radioactive mixed waste in order to preserve the integrity of each system of regulations. Therefore, the department made no change to the section as a result of the comment.

One commenter suggested that the wording of the MOU be amended to reflect that the two agencies shall meet at least annually to discuss changes in the MOU and to encourage increased communication between the agencies. The department



agreed with the comment, and the appropriate change was made to the section.

A comment that suggested that facility siting be added to the list of items to be reviewed by the TWC was accepted by the two agencies. The agencies have added this phrase to Provision 3 of the MOU.

Some comments requested clarification of the phrase "rules promulgated pursuant to the AEA," which appears in Provision 7 of the MOU. The agencies intend that rules promulgated pursuant to the Atomic Energy Act (AEA) include radiation control rules of the TDH, which must be strictly compatible with rules promulgated under the AEA. The commenter also suggested that areas of inconsistency between the technical requirements promulgated pursuant to the AEA and pursuant to the Resource Conservation and Recovery Act (RCRA) should be resolved in favor of the more stringent of the regulations. The agencies have not adopted this change because they believe that the more stringent regulation may be a subjective determination and may not always be the most environmentally and health-protective measure that is practically achievable. In other words, the regulatory objectives for radioactive versus hazardous components of waste may differ, and the MOU should not contain a reference to the more stringent of the applicable regulations when that decision may not be meaningful. Therefore, the department made no change to the section as a result of the comment.

A commenter also suggested that Provision 7 of the MOU be revised to state that the TWC shall not act in conflict with the goals of state and federal radioactive waste laws. As proposed, the MOU stated that the TWC may not adopt any rules or engage in any management activities that are in conflict with state or federal laws and rules relating to regulation of radioactive wastes. The language of the proposed MOU was derived from the Texas Solid Waste Disposal Act (Article 4477-7, Texas Civil Statutes), §3(d). The agencies preferred to track the language of the statute and avoid the use of the subjective phrase concerning the goals of state and federal laws. The agencies believe that this language preserves the TWC'S right to exercise its discretion in protecting against hazards posed by the hazardous components of radioactive mixed wastes. Therefore, the department made no change to the section as a result of the comment.

One commenter asked whether the department or the United States Nuclear Regulatory Commission (NRC) would have jurisdiction over regulation of waste management practices and inspection of low-level radioactive and hazardous waste disposal facilities on site at nuclear power plants. The commenter also asked if the TWC would have jurisdiction at the power plant site over the hazardous components

of any radioactive mixed waste. The response by the respective agencies to the questions were that, for on-site disposal, the NRC has authority to regulate the processing, storage and disposal at the site. However, the TWC would be the regulating agency for the hazardous components of the radioactive mixed waste rather than the EPA, since the TWC has provisions for regulating federal facilities in Texas. No change to the section was made as a result of the question.

The following groups or associations made comments on the section:

Lone Star Chapter of the Sierra Club Texas; Low-Level Radioactive Waste Disposal Authority; TU Electric Company.

None of the commenters were against adoption of the amendment, however, questions were raised, concerns expressed, and recommendations made concerning the amendment.

The amendments are adopted under Texas Civil Statutes, Article 4590(f), §4, which provide the Texas Department of Health with the authority to adopt rules which provide for licensing and registration relating to control and transport of sources of radiation within the State of Texas, and require the department to adopt as a rule any memorandum of understanding between the department and any other state agency.

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 August 11, 1987.

TRD-8706610 Robert A. Maclean M.D.
Deputy Commissioner
for Professional
Services
Texas Department of
Health

Effective date: September 1, 1987
Proposal publication date: May 19, 1987
For further information, please call
(512) 835-7000.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part II. Texas Parks and Wildlife Department

Chapter 53. Finance

License Fees and Boat and Motor Fees

★31 TAC §53.8, §53.10

The Texas Parks and Wildlife Commission adopts an amendment to §53.8 and new §53.10, without changes to the proposed text published in the July 3, 1987, issue of the *Texas Register* (12 TexReg 2139).

The amendments inform the public as to license requirements and fees. The amendment provides that residents under 17 or 65 years old or older are not required to possess a fishing license.

Individuals will obtain the required licenses from license sales agents or departmental offices.

One individual expressed a concern that the nonresident five-day special hunting license should be \$37.50. The point was considered by the commission, but the proposed fee was nonetheless considered appropriate.

The amendment and new section are adopted under the Texas Parks and Wildlife Code, §§31.047, 42.0142, 42.0143, and 46.004, which provides the commission with the authority to set certain fees.

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 August 11, 1987.

TRD-8706607 Boyd Johnson
General Counsel
Texas Parks and Wildlife
Department

Effective date: September 1, 1987
Proposal publication date: July 3, 1987
For further information, please call
(512) 389-4805.

Chapter 65. Wildlife Subchapter H. Type I Wildlife Management Areas Hunting and Fishing

★31 TAC §§65.190-65.194, 65.196- 65.198, 65.201, 65.202, 65.208, 65.210-65.212, 65.215, 65.218- 65.220, 65.222, 65.224-65.226, 65.229

The Texas Parks and Wildlife Commission adopts amendments to §§65.190-65.194, 65.196-65.198, 65.201, 65.202, 65.208, 65.210-65.212, 65.215, 65.218-65.220, 65.222, 65.224-65.226, and 65.229. Section 65.218 is adopted with a change to the proposed text published in the June 23, 1987, issue of the *Texas Register* (12 TexReg 2001). The change adds the Matador Wildlife Management Area to the listing of areas on which rabbits and hares may be taken by permitted hunters during hunts conducted for quail, mourning dove, or squirrel. The Matador area was inadvertently omitted from the initial listing of areas providing for this activity. Amendments to §§65.190-65.194, 65.196-65.198, 65.201, 65.202, 65.208, 65.210-65.212, 65.215, 65.219-65.220, 65.222, 65.224-65.226, and 65.229 are adopted without changes and will not be republished.

Fluctuations of wildlife resource populations and the addition of new areas required by the Parks and Wildlife Commission to adopt amendments for the 1987 and 1988 seasons.

The sections provide harvest of wildlife resources consistent with recognized wildlife management tenets.

One comment was received regarding adoption of the amendments. Mr. W. O. Dromgoole and Mr. Dallas Sanders, Jr., of Lufkin, requested that additional wildlife management areas provide for hunting of furbearers.

The commission points out that a provision for hunting furbearers is presently made on five Type I areas and on over 400,000 acres of Type II areas; furthermore, provision for competitive field trial use could be made under special permit as appropriate on additional Type I areas.

The amendments are adopted under the Texas Parks and Wildlife Code, Chapter 81, Subchapter E, which provides the Texas Parks and Wildlife Commission with authority to regulate seasons, numbers, means, methods, and conditions for taking wildlife resources on wildlife management areas; with respect to designated state parks, the Texas Parks and Wildlife Code, Chapter 62, Subchapter D, provides the Texas Parks and Wildlife Commission with the authority to prescribe seasons, number, size, kind, sex, and the means and method of taking any wildlife.

§65.218. Other Nonprotected Species: Rabbits and Hares.

(a) Dam B (includes the Angelina-Neches Scientific Area), Granger, and North Toledo Bend Units of the Eastern Wildlife Management Areas (permission by registration): no closed season and no bag or possession limit.

(b) Pat Mayse and Somerville Units of the Eastern Wildlife Management Area; Alabama Creek, Bannister, Caddo, and Moore Plantation Wildlife Management Areas (permission by registration): no closed season, except no rabbit or hare hunting allowed on days when hunting by special permit is conducted. No bag or possession limit.

(c) On the Black Gap, Chaparral, James Daughtrey, Matador, Elephant Mountain, Gus Engeling, Gene Howe, Keechi Creek, and Kerr Wildlife Management Areas, rabbits and hares may be taken by permitted hunters during hunts conducted for quail, mourning dove, or squirrel. There is no bag or possession limit.

(d) (No change.)

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

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

TRD-8706608

Boyd M. Johnson
General Counsel
Texas Parks and Wildlife
Department

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For further information, please call
(512) 389-4770.



**Part IX. Texas Water
Commission
Chapter 335. Industrial Solid
Waste and Municipal
Hazardous Waste
Subchapter A. Industrial Solid
Waste and Municipal
Hazardous Waste
in General**

★ 31 TAC §335.35

The Texas Water Commission (TWC) adopts new §335.35, without changes to the proposed text published in the May 19, 1987, issue of the *Texas Register* (12 TexReg 1600). The section concerns a memoranda of understanding between the commission and other state agencies that concern the regulation of industrial solid waste and municipal solid waste. The language of the memorandum of understanding, which is adopted by reference in §335.35, has been amended in response to comments, as described in this preamble.

New §335.35 provides for the adoption of a memorandum of understanding (MOU) by reference in the TWC regulations concerning industrial solid waste and municipal hazardous waste (31 TAC 335). The MOU adopted in this regulation is between the Texas Water Commission and the Texas Department of Health (TDH). The MOU concerns the regulation and management of radioactive mixed wastes, which are waste streams containing both source, special nuclear, or by-product material (as defined by the federal Atomic Energy Act of 1954, and solid wastes that are defined as hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended. The TWC is the state agency having jurisdiction over the management of hazardous waste under the Texas Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7. The TDH is the state agency with jurisdiction over the regulation of radioactive waste activities that are not preemptively regulated by the federal government. The MOU evidences the agreement of the two agencies to

establish and maintain a cooperative working arrangement for the regulation of the components of radioactive mixed waste subject to each agency's jurisdiction. Under the Texas Water Code, §5.104, the TWC shall adopt by rule any MOU between the TWC and any other state agency. As stated in §335.35, copies of the MOU are available from the TWC, Legal Division, upon request. The Texas Department of Health is also adopting the rule for inclusion in its permanent rules.

The implementation of this MOU will aid in the demonstration of the state's authority to regulate the hazardous components of radioactive mixed waste under the federal Resource Conservation and Recovery Act (RCRA), and therefore enable the state to maintain its authorization to administer and enforce a hazardous waste program pursuant to RCRA, Subtitle C.

The agencies held a public hearing to receive oral comments on the proposed section and received questions from the audience. A representative of the Texas Utilities Generating Company asked about the jurisdiction of state and federal agencies over low-level radioactive mixed waste disposal facilities at a nuclear power plant facility. Written comments were submitted by the Lone Star Chapter of the Sierra Club (represented by the law firm of Henry & Kelly) and the Texas Low-Level Radioactive Waste Disposal Authority (LLRWDA). The LLRWDA submitted several non-substantive editorial comments (such as references to the federal statutory citations) that the agencies have incorporated into the MOU where the suggested revisions provided helpful clarifications. The LLRWDA also suggested that the sentence regarding the regulation of naturally-occurring and accelerator-produced radioactive material (NARM) be revised to clarify that the Texas Department of Health (TDH) regulates NARM. In response to this comment and a comment from the Sierra Club, the MOU's discussion of NARM has been revised to clarify that NARM will be regulated in Texas as any other radioactive material and that NARM mixed with hazardous waste will be regulated as radioactive mixed waste. The LLRWDA also suggested that provision 5 of the MOU be revised to state that to the maximum extent possible, the TWC and the TDH shall jointly enforce permits and licenses, shall hold joint public hearings and shall make joint inspections. The commenter also suggested the deletion of the sentence stating that representatives of each agency shall make joint inspections of radioactive mixed waste units whenever the collective expertise of each agency is desirable. The agencies have decided not to change the provision in response to these comments. The agencies believe that the statements concerning joint inspections and other joint efforts are ac-

curate representations of the intent of the agencies. As indicated in the proposed MOU, the agencies will make efforts to the maximum extent possible to conduct joint activities when appropriate.

The LLRWDA also submitted comments urging the consolidation of the financial security requirements of the TDH and the financial assurance requirements of the TWC. Although the agencies understand the inconveniences of the dual financial requirements, the agencies have not amended the MOU to allow commingling of these funds. The financial requirements of each agency apply to handlers of radioactive mixed waste in order to preserve the integrity of each system of regulations. In response to a comment from the LLRWDA concerning Provision 16, the agencies have revised the MOU to state that agency representatives shall meet at least annually to discuss changes in this MOU and to encourage increased communication between the agencies.

The Sierra Club submitted several comments on the proposed MOU between the agencies. As a general comment, the Sierra Club suggests that the MOU should be explicit and unambiguous, thus ending any overlap or regulatory gaps between each agency's jurisdiction. The commenter also suggests that the MOU should provide that mixed wastes are subject to the regulations and requirements of each agency. In response, the TWC and the TDH believe that it is not necessary to reiterate the statutory and regulatory jurisdiction of each agency in the MOU and that the MOU should not be viewed as the solution to the problem of bureaucratic duplication in all situations because it does not alter the regulatory authority of the two agencies. Nothing in the MOU suggests that the agencies will impose lesser standards on handlers of radioactive mixed wastes than on handlers of hazardous or radioactive waste. Provision 5 of the MOU provides that the TDH will be responsible for licensing of the waste and the TWC will be responsible for permitting the waste management activities. Joint hearings, inspections, and other activities are contemplated in the MOU. The Sierra Club also suggested that facility siting be added to the list of items to be reviewed by the TWC. The agencies agree and have added this phrase to provision 3 of the MOU. As discussed in the previous references to NARM, the MOU has been amended in response to comments to clarify each agency's role in the regulation of NARM. The agencies expect that this will alleviate the Sierra Club's concerns over the definition of NARM and the application of the rules to NARM. The Sierra Club comments requested clarification of the phrase "rules promulgated pursuant to the AEA," which appears in Provision 7 of the MOU. The agencies intend that rules promulgated pursuant to the Atomic Energy Act (AEA) include the radiation control rules of the TDH, which

must be strictly compatible with rules promulgated under the AEA. The commenter also suggested that areas of inconsistency between the technical requirements promulgated pursuant to the AEA and pursuant to the Resource Conservation and Recovery Act (RCRA) should be resolved in favor of the more stringent of the regulations. The agencies have not adopted this change because they believe that the more stringent regulation may be a subjective determination and may not always be the most environmentally and health-protective measure that is practically achievable. In other words, the regulatory objectives for radioactive versus hazardous components of waste may differ, and the MOU should not contain a reference to the more stringent of the applicable regulations when that decision may not be meaningful. The Sierra Club also suggested that Provision 7 of the MOU be revised to state that the TWC shall not act in conflict with the goals of state and federal radioactive waste laws. As proposed, the MOU stated that the TWC may not adopt any rules or engage in any management activities that are in conflict with state or federal laws and rules relating to regulation of radioactive wastes. The language of the proposed MOU was derived from the Texas Solid Waste Disposal Act, §3(d). The agencies prefer to track the language of the statute and avoid the use of the subjective phrase concerning the goals of state and federal laws. The agencies believe that this language preserves the TWC's right to exercise its discretion in protecting against hazards posed by the hazardous components of radioactive mixed wastes.

This section is adopted under the Texas Water Code, §5.103 and §5.105, which provide the Texas Water Commission with the authority to adopt any regulations necessary to carry out its powers and duties under the Water Code and other laws of this state and to establish and approve all general policy of the commission. This amendment is also adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which provides the commission with the authority to adopt and promulgate regulations consistent with the general intent and purposes of the Act and to establish minimum standards of operation for all aspects of the management and control of municipal hazardous waste and industrial solid waste, including requirements relating to the siting of hazardous waste facilities. Under the Solid Waste Disposal Act, §3, the Texas Water Commission is designated the state solid waste agency with respect to the management of all industrial solid waste and hazardous municipal waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste and municipal hazardous waste management by all practical and economically feasible methods consist-

ent with the powers and duties prescribed under the Act and other existing legislation. Section 3 also grants to the commission the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

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 August 11, 1987.

TRD-8706614 J.D. Head
Director, Legal Division
Texas Water Commission

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For further information, please call
(512) 463-8069.

✚ ✚ ✚

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Services

Chapter 16. ICF/SNF

The Texas Department of Human Services (DHS) adopts amendments to §§16.1101, 16.1504, 16.1505, 16.1507, 16.1510, 16.3011, 16.3012, and 16.3014. The amendments to §§16.1101, 16.1504, 16.1507, 16.3012, and 16.3014 are adopted with changes to the proposed text published in the February 13, 1987, issue of the *Texas Register* (12 TexReg 494). The amendments to §§16.1505, 16.1510, and 16.3011 are adopted without changes to the proposed text, and will not be republished.

The amendments clarify certain sanction provisions to alleviate provider confusion.

The amendment to §16.1101 will function by defining recipient care and by clarifying existing definitions of intermediate care facility and intermediate care facility distinct part. The amendment to §16.1504 will function by describing an additional contract now offered to facilities and by clarifying requirements for facility compliance. The amendment to §16.1505 will function by clarifying the facility's responsibility for meeting all certification requirements imposed by the single state agency. The amendment to §16.1507 will function by clarifying existing requirements that deficiencies be corrected within specified time limits and by emphasizing that the state survey agency can, under federal regulations, terminate a facility's certification. The amendment to §16.1510 will make existing requirements less restrictive by postponing the cancellation of a facility's contract for a history of deficiencies until the facility has been placed on three vendor holds in any 18-month period. The amendment to §16.1510 will also function by clarifying

that the agency determining progress in deficiency correction is the same agency that cited the deficiencies. The amendments to §16.3011 and §16.3012 will function by clarifying charge-nurse requirements. The amendment to §16.3014 will function by clarifying nursing-personnel requirements for observation of recipients.

The department received six comments, three of which were written, regarding adoption of the proposed amendments. Commenters included the Texas Health Care Association (THCA), Sherwood Health Care, Inc., Beverly Enterprises, and ARA Living Centers.

Several commenters expressed concern with the amendment to §16.1101 changing the phrase "be in substantial compliance" to "must comply." The commenters feared that the new phrase might be inappropriately interpreted to mean that the state survey agency could no longer, in routine survey situations, clear a facility on the basis of acceptable progress. The commenters also expressed concern about including the word "federal" as it relates to compliance with federal conditions of participation. They suggested that only skilled facilities be required to meet all federal conditions, as is now the case. The department disagrees with these suggestions, for the following reasons. The July 3, 1986, issue of the *Federal Register* addressed the subject of substantial compliance in the preamble to adopted rules regarding sanctions. In this preamble, the Health Care Financing Administration (HCFA) stated that the term "substantial" is imprecise and that HCFA has always interpreted it to mean failure to comply with at least one condition of participation (for skilled nursing facilities) or standards (for intermediate care facilities). HCFA also clearly expressed its preference for more precise language in its own regulations. In light of HCFA's position, the single state agency chooses to move in the same direction by amending §16.1101 accordingly. Furthermore, some nursing facility providers have attempted, in formal appeal hearings, to use the phrase "substantial compliance" to compromise those sanction rules that require complete corrective action by providers. The department intends to remove this possible compromise to the precise requirements in the sanction rules. Providers should note that HCFA does not accept the mere submission of an acceptable plan of correction as a good faith effort. The facility must be making significant progress toward achieving actual compliance. The single state agency can therefore clear a facility, in a survey, only if that facility is making significant progress. The department does not agree that the term "federal" should be excluded from the proposed changes. Providers participate in the Medicaid program under provider agreements with the state Medicaid agency. To do so, skilled nursing facilities (SNFs) and intermediate care

facilities (ICFs) must first be certified by the state survey agency as complying with conditions of participation (for SNFs) or with standards (for ICFs) set forth in 42 Code of Federal Regulations, Part 405, Subpart K, and Part 442. The state survey agency periodically surveys facilities to ascertain their continued compliance. The section in question, §16.1101, applies only to ICFs, so the phrase "federal standards for participation" is appropriate. Also, 42 Code of Federal Regulations, 442.12 gives the single state agency the authority to refuse to execute or cancel an agreement if the agency has adequate documentation showing good cause. This authority is longstanding under federal regulations. Two commenters expressed concern with the revised definition of intermediate care facility distinct part. The commenters feared that the definition might be interpreted to require facilities to maintain two sets of books, thereby eliminating the ability to prorate on a patient-daily basis. Because the department did not intend to create additional requirements, it agrees with these comments and is deleting the words "be" and "for" from the proposed text. Several commenters felt that the new definition for recipient care imposed an additional requirement for nurses to help recipients develop coping mechanisms for psychosocial problems. The department disagrees that this is a new requirement. It is instead simply a further elaboration of the existing requirement that facilities provide for each recipient's total medical, nursing, and psychosocial needs. This requirement has been part of the state standards since July 1982. Federal regulations (42 Code of Federal Regulations, 442.306 and 504.1121) further state that facilities must admit and retain only those recipients whose needs can be met through services from facility staff, in cooperation with community resources or with other providers under contract. Also, nurses are trained in providing, and are expected to provide, assistance with their patients' psychosocial needs. This might include helping a patient to cope with the emotional and social aspects of his illness. One commenter objected to adding a fifth type of contract to §16.1504, because the addition is not necessary. The department disagrees. The addition of another contract type reflects existing language in 42 Code of Federal Regulations, 442.15, which requires provider agreements to be of the same duration as the certification period set by the state survey agency, but not to exceed 12 months. When the Texas Department of Health (TDH) certifies a facility for fewer than 12 months, DHS may not contract for a longer period. One commenter requested that the proposed amendment to §16.1504 be clarified to specify that SNFs must meet all the federal conditions for participation. The department agrees with this comment and has changed the proposed text accordingly. Several commenters expressed concern with the deletion of the term

"substantial compliance" from §16.1505, because the deletion might eliminate a facility's ability to show acceptable progress in order to contract with the department. For reasons stated previously in this preamble, the department disagrees with these comments and is deleting the phrase "substantial compliance." One commenter suggested that the term "within specified time limits" is vague. The department agrees and has changed the proposed text of §16.1507 to refer readers to a detailed description of time limits found in §16.1510. One commenter opposed the deletion of the word "material" in §16.1507, because deleting the term sets unachievable standards. The department disagrees. Deleting the term brings this section into conformance with existing language in other sanction rules pertaining to contract cancellation for breach of contract. Because §16.1510 already allows cancellation for breach of contract, rather than material breach of contract, the term "material" is unnecessary in §16.1507. As explained previously in discussion about the term "substantial," the term "material" is considered imprecise. One commenter suggested that the department retain language addressing threats to patient health and safety as a condition for decertification. The commenter felt that the department must keep the authority to structure conditions under which decertification can occur. The department disagrees with this suggestion. Retaining the current language would result in a conflict with federal language, which charges the state survey agency with the responsibility for decertifying facilities.

Although comments generally supported the proposed revision to §16.1510, several commenters suggested the elimination of the entire section. They felt the section was unnecessary and might cause double jeopardy when paired with TDH's administrative penalties. To support this position, THCA submitted a list of existing penalties and sanctions. The department disagrees that §16.1510 creates a double-jeopardy situation, because TDH administrative-penalty rules allow a waiver of TDH penalties in cases where §16.1510 applies. One commenter opposed allowing TDH survey staff to determine whether deficiencies cited by that agency had been corrected. The department disagrees. A facility's progress in deficiency correction can be determined only by the staff that found the deficiency, during an on-site visit. The proposed text simply clarifies the intent of existing language. Several commenters were concerned that the phrase "good nursing practices," as used in the amendment to §16.3012, was unclear and potentially costly when imposed upon facilities. The department agrees that this phrase may be vague, and has therefore revised the language to be clearer and more similar to language in the Nurse Practice Act. One commenter was concerned that

the amendment to §16.3012 would require nurses to direct and teach patients about their physical and emotional health. This commenter also asked that the term "promptly" be deleted. The department agrees in part. Although generally accepted nursing practice already requires nurses to be responsible for teaching patients appropriate health habits and coping mechanisms, and although §16.3010 of the ICF/SNF standards already requires nursing personnel to assist and train patients in self care, the department agrees that the proposed language could be clearer. Also, the term "promptly" is considered inherent in all documentation requirements and is therefore unnecessary here. The department has revised the proposed text accordingly. Several commenters expressed concern that §16.3014(h) would necessitate additional documentation for facility staff. These commenters also offered for consideration a pilot project concerning weekly charting, which is now being conducted by TDH. The department disagrees in part. The ICF/SNF standards already require nurses to observe patients and sign each chart at least daily (for ICFs) and at the end of each shift (for SNFs). Also, the TDH Minimum Licensing Standards already require daily nurses' notes containing observations made by nursing personnel. The proposed language does not exceed existing requirements and so would not have a fiscal impact on facilities. Until the results of the TDH pilot project are analyzed and the previously mentioned TDH standards are revised, DHS will continue to follow current regulations. DHS has, however, revised the proposed language to improve its clarity. The department received several comments expressing concern that the proposed changes would affect the quality of patient care and would have fiscal implications for providers. The department disagrees. As the department explained in the preamble to the proposed amendments, there is no anticipated economic cost to individuals who are required to comply. The amendments, as proposed, were designed to clarify certain sanction provisions and to alleviate provider confusion. The department believes that the quality of patient care will be unharmed, because most of these changes simply clarify existing standards.

Terms

★ 40 TAC §16.1101

The amendment is adopted 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.

§16.1101. Definitions.

The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly in-

dicates otherwise.

Intermediate care facility (ICF)—A facility, or a distinct part of a facility, licensed as a nursing facility by the Texas Department of Health. It must be constructed, equipped, maintained, and operated according to federal, state, and local laws. To participate in the Texas Medical Assistance Program, an ICF must comply with federal and state standards for participation.

Intermediate care facility distinct part—Not a separate facility, but a separate part of a facility with architecturally identifiable patient bedrooms and nursing areas. A separate professional nursing and related client patient care staff must be maintained for each distinct part. The accounting system must separate, for cost accounting purposes, each distinct part as if it were an independent facility. If an ICF is a distinct part of a licensed SNF, it is not necessary for a separate license to be issued. It is necessary for each part to be approved individually for Title XIX participation by the Texas Department of Human Services.

Recipient care—Action taken by nursing personnel to help an individual resolve or develop a coping mechanism for his medical, physical, and psychosocial problems. This care includes involvement in assessing, evaluating, observing, implementing, intervening, and documenting information to determine the recipient's needs and the frequency and manner with which they are met. (For specific descriptions, see individual sections.)

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

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TRD-8706577 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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(512) 450-3766



Compliance with State and Local Laws

★ 40 TAC §16.1504, §16.1507

The amendments are adopted 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.

§16.1504. Contract Requirements.

(a) The Texas Department of Human Services may enter only into time-limited contracts with the facility. The terms of any contract may not extend beyond one year. Five types of contracts are permitted:

- (1)-(4) (No change.)
- (5) a contract for a specified period, as determined by the state survey agency.
- (b) SNFs and ICFs must comply with federal and state standards for participation, and SNFs must meet all the federal conditions for participation.
- (c) If state standards for participation contain additional or more restrictive requirements, facilities must meet these requirements.

§16.1507. Nursing Facility Ceases To Participate. A nursing facility may lose its status as a participating facility if:

- (1)-(2) (No change.)
- (3) the Texas Department of Human Services (DHS) invokes the cancellation clause if the deficiencies are not corrected within specified time limits, as specified in §16.1510 of this title (relating to Sanction Provisions for Violations of Title XIX Nursing Facility Contractual Agreements);
- (4) The Texas Department of Health (TDH) decertifies the facility;
- (5) (No change.)
- (6) TDH revokes the facility's license. TDH notifies DHS about the action taken, and DHS assumes responsibility for cancelling the facility's status as a participating facility;
- (7) (No change.)
- (8) DHS cancels the contract, because DHS determines that the nursing facility is in breach of the contract.

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

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Commissioner
Texas Department of
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(512) 450-3766.



★ 40 TAC §16.1505, §16.1506

The amendments are adopted 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.

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

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TRD-8706579

Marlin W. Johnston
Commissioner
Texas Department of
of Human Services

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



★ 40 TAC §16.1506

The Texas Department of Human Services adopts an amendment to §16.1506, the repeal of §16.1508, and new §16.1508, without changes to the proposed text published in the February 13, 1987, issue of the *Texas Register* (12 TexReg 496).

The amendment, repeal, and new section allow the release of final vendor payments to providers when facilities undergo changes in ownership or withdraw from the program.

The amendment to §16.1506 and new §16.1508, will function by specifying certain alternatives to suspension of vendor payments during ownership changes or contract terminations.

The department received one comment regarding adoption of the proposed amendment, repeal, and new section. The Texas Health Care Association (THCA) requested clarification of the requirement that sellers must ensure the department's receipt of written notice regarding proposed ownership changes, and also requested the inclusion of a waiver clause to cover emergency situations. The department believes it is appropriate to require sellers to provide written notice at least 10 days before ownership changes. Existing standards already require this action by sellers. Sellers can ensure the department's receipt of the notification by using certified mail or hand delivery. The department does not consider an emergency waiver to be necessary, because emergencies endangering residents are unlikely in the situations addressed by the affected sections. THCA also expressed concern that buyers might be penalized if sellers failed to notify the department as required. The department disagrees, because it establishes the effective date of ownership change as many as 30 days after receipt of written notice of the change, and therefore anticipates neither interruptions in payments to facilities nor interruptions in patient care.

The amendment is adopted 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.

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 August 10, 1987.

TRD-8706572 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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



★ 40 TAC §16.1508

The repeal is adopted 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.

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 August 10, 1987.

TRD-8706573 Marlin W. Johnston
Commissioner
Texas Department
of Human Services

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



The new section is adopted 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.

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 August 10, 1987.

TRD-8706574 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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



Nursing Services

★ 40 TAC §16.3011

The amendment is adopted 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.

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

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TRD-8706581 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

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



★ 40 TAC §16.3012, §16.3014

The amendments are adopted 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.

§16.3012. *Charge Nurse Responsibilities.* The charge nurse:

- (1)-(3) (No change.)
- (4) ensures that the individual nursing care plan is followed to meet the recipient's needs according to generally accepted nursing practices within the state of Texas.
- (5)-(15) (No change.)
- (16) ensures continuing promotion of the recipient's physical and emotional health by assisting and teaching him. If a recipient refuses to follow instructions, the charge nurse must document the refusal in the recipient's chart.

§16.3014. *General Nursing Care.*

- (a) All nursing care must be given according to the instructions of the nurse in charge and must be consistent with the attending physician's orders.
- (b)-(c) (No change.)
- (f) changes in recipients' conditions, diagnoses, and progress must be promptly recorded as nurses' notes which are included in the medical record. Any significant adverse changes in the recipient's physical or emotional condition must be promptly reported to the attending physician. Every attempt to make these reports, and every contact made with the attending physician must be documented in the medical record.
- (g) (No change.)
- (h) Nursing personnel must periodically, and at least daily, observe recipients and record observations in the recipients' medical records.

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

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 (512) 450-3766.



Chapter 27. ICF/MR

Subchapter Z. Change in Status of Intermediate Care MR Sections

★40 TAC §27.2504

The Texas Department of Human Services (DHS) adopts amendments to §27.2504 and §27.2505, without changes to the proposed texts published in the February 13, 1987, issue of the *Texas Register* (12 TexReg 498) and the June 9, 1987, issue of the *Texas Register* (12 TexReg 1864).

The amendment to §27.2504, originally proposed in the February 13, 1987, issue of the *Texas Register*, was subsequently withdrawn and repropoed in the June 9, 1987, issue. This preamble addresses public comments submitted during both comment periods. The amendments clarify certain sanction provisions to alleviate provider confusion.

The amendment to §27.2504 will function by describing an additional contract now offered to facilities and by clarifying requirements for facility compliance. The amendment to §27.2505 will make existing requirements less restrictive by postponing the cancellation of a facility's contract for a history of deficiencies until the facility hold has been placed on three vendor holds in any 18-month period. The amendment to §27.2505 also clarifies that the agency determining progress in deficiency correction is the same agency that cited the deficiency, and changes the section's title to more accurately reflect its content.

The department received three comments, two of which were written, regarding adoption of the proposed changes. Comments generally favored the proposed amendments, with one commenter suggesting modifications. Commenters included the Texas Health Care Association (THCA) and Advocacy, Inc.

THCA opposed retaining the entire section addressing contract violations for a history of deficiencies, because THCA felt the section was unnecessary and might cause double jeopardy when paired with the Texas Department of Health's (TDH) administrative penalties. To support this position, THCA submitted a list of existing penalties and sanctions.

The department does not agree that this section creates a double-jeopardy situation, because TDH administrative-penalty sections allow a waiver of TDH penalties in cases where §27.2505 applies. In reviewing the list of penalties and sanctions submitted by THCA, the department noted that the list simply extracted individual provisions contained, for the most part, in two documents: the TDH procedures for long term care facilities, and §27.2505 of the department's ICF-MR standards for participation.

The amendment is adopted 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.

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 August 10, 1987.

TRD-8706582 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 1, 1987
 Proposal publication date: February 13, 1987
 For further information, please call
 (512) 450-3766.



★40 TAC §27.2505

The amendment is adopted 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.

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 August 10, 1987.

TRD-8706583 Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 1, 1987
 Proposal publication date: February 13, 1987
 For further information, please call
 (512) 450-3766.



★40 TAC §27.2506

The Texas Department of Human Services adopts new §27.2506 and §27.2507. New §27.2506 is adopted with one editorial change to the proposed text published in the February 13, 1987, issue of the *Texas Register* (12 TexReg 498). New §27.2507 is adopted without changes to the proposed text, and will not be republished.

The new sections allow timely release of final vendor payments to providers when facilities undergo changes in ownership or withdraw from the program.

The new sections will function by specifying certain alternatives to suspension of vendor payments during ownership changes and contract terminations.

The department received one comment regarding adoption of the new sections. The Texas Health Care Association (THCA) requested clarification of the requirement that sellers must ensure the department's receipt of written notice regarding proposed ownership changes, and also requested the inclusion of a waiver clause to cover emergency situations. The department believes it appropriate to require sellers to provide written notice at least 10 days before ownership changes. Existing standards already require sellers to take this action. Sellers can ensure the department's receipt of the written notice by using certified mail or hand delivery. The department does not consider an emergency waiver to be necessary, because emergencies endangering residents are unlikely in the situations addressed by the new sections. THCA also expressed concern that buyers might be penalized if sellers failed to notify the department as required. The department disagrees, because it establishes the effective date of ownership change as many as 30 days after receipt of written notice of the change, and therefore anticipates neither interruptions in payments to facilities nor interruptions in patient care.

The new sections are adopted 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.

§27.2506. *Change of Ownership.* An ownership change is any change in the business organization that changes the legal entity responsible for the operation of the facility.

(1) Obligation of the seller, that is, the existing owner as specified on the contract with this department. The seller must ensure that the Texas Department of Human Services receives written notification of any proposed change in ownership at least 10 days before this change occurs. Failure to provide this notification may, at the department's option, result in the seller's liability for contract violations that occur from the date of the ownership change until the department receives written notice and establishes an effective date on which the department recognizes the ownership change. That effective date may be as many as 30 days after the date the department receives the written notice of ownership change. The seller's vendor payments may be held, at the department's option, when the department receives information about a proposed or actual change in ownership. Release of the ven-

dor payments depends upon the seller's providing the department with an acceptable final cost report and, at the department's option, one of the following documents in a format acceptable to the department:

(A) a surety bond or an irrevocable letter of credit as described in §27.2507 of this title (relating to Surety Bonds or Letters of Credit);

(B) the buyer's nontransferable written agreement that the buyer has agreed to pay the department for any liabilities that exist or may be found to exist during the period of the seller's contract with this department;

(C) written authority by the seller to withhold and retain funds normally due the seller from other Medicaid contracts the seller may have with the department.

(2) **Obligation of the purchaser.** If a change in ownership occurs, the department issues a new contract to the purchaser effective on the date of the ownership transfer. The department issues this new contract only if the purchaser has met the requirements in paragraph (1) of this section, the requirements of the new contract, and the standards for participation that are a part of that new contract. If the department fails to receive prior written notification of the ownership change as specified in paragraph (1) of this section, the contract effective date is established by the department and may be a date as many as 30 days after the date the

department receives the written notice of ownership change. The purchaser's new contract is subject to the previous owner's contract terms and conditions that were in effect at the time of transfer of ownership, including, but not limited to, the following:

(A) any plan of correction;

(B) an expiration date;

(C) compliance with health and safety standards;

(D) compliance with the ownership and financial interest disclosure requirements of 42 Code of Federal Regulations 455.104 and 455.105;

(E) compliance with civil rights requirements in 45 Code of Federal Regulations Parts 80, 84, and 90;

(F) compliance with additional requirements imposed by the single state agency;

(G) any sanctions as specified in §27.2505 of this title (relating to Sanction Provisions for Violations of Title XIX ICF-MR Contractual Agreements), including deficiencies, vendor holds, compliance periods, notification for correction of contract violations, probationary contracts, and history of deficiencies.

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 August 10, 1987.

TRD-8706575

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 1, 1987

Proposal publication date: February 13, 1987

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



★40 TAC §27.2507

The new section is adopted 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.

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 August 10, 1987.

TRD-8706576

Marlin W. Johnston
Commissioner
Texas Department of
Human Services

Effective date: October 1, 1987

Proposal publication date: February 13, 1987

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



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 amended the Texas Basic Manual of Rules, Rates, and Classification for Workers' Compensation and Employers' Liability Insurance ("Manual"), deleting classifications for employers primarily engaged in supplying temporary help to

others.

Under the amended rules, those employers will be classified in the same manner as employers of permanent employees. The new classification codes more properly describe the risks to be insured, thereby producing more equitable rates.

The amendment takes effect on the effective date of the next rate change for Workers' Compensation and Employers' Liability Insurance prescribed by the State Board of Insurance.

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 August 12, 1987.

TRD-8706659

Nicholas Murphy
Chief Clerk

State Board of Insurance

For further information, please call

(512) 463-6327.



The State Board of Insurance has considered a filing by Insurance Services Office, Inc. proposing a substitute for Texas Exception Page FR-E-2 1st Edition 1-87 for this page in filing FR 86-086SU submitted May 7, 1987, and approved by Board Order 50989. This substitution is to correct an editorial error contained in the original filing.

This filing was approved to become effective September 10, 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 August 12, 1987.

TRD-8706660

Nicholas Murphy
Chief Clerk
State Board of Insurance

Effective date: September 10, 1987

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



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

Friday, August 14, 1987, 10 a.m. The Family Farm and Ranch Advisory Council of the Texas Department of Agriculture met in emergency session in the Ninth Floor Conference Room, 1700 North Congress Avenue, Austin. According to the agenda, the council discussed briefing on recently enacted General Land Office Texas Farm and Ranch Finance Program, suspension of acceptance of applications under the Family Farm and Ranch Security Program (FFRSP), and time schedule for completion of active FFRSP applications. The emergency status was necessary because of necessity to clear FFRSP applications prior to implementation of new Texas Farm and Ranch Finance Program.

Contact: Mike Miller, P.O. Box 12847, Austin, Texas 78711, (512) 463-7574.

Filed: August 11, 1987, 10:56 a.m.
TRD-8706602

Tuesday, August 25, 1987, 2 p.m. The Texas Department of Agriculture will meet in the District Office, 4502 Englewood Avenue, Lubbock. According to the agenda, the department will hold an administrative hearing to review alleged violation of Texas Agriculture Code, §103.001, by Richard Ruiz, doing business as Ruiz Produce Company, as petitioned by W.H. Simpson, Jr.

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

Filed: August 13, 1987, 9:48 a.m.
TRD-8706683



Texas Alcoholic Beverage Commission

Monday, August 24, 1987, 1:30 p.m. The Texas Alcoholic Beverage Commission will meet in the Third Floor Hearing Room, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of the June 22, 1987, meeting; hear ad-

ministrators' and staffs' report of agency activity; and approve affidavits of destruction of tested alcoholic beverages.

Contact: W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, (512) 458-2500.

Filed: August 11, 1987, 1:30 p.m.
TRD-8706606



Automated Information and Telecommunications Council

Friday, August 21, 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 proposals of the State Department of Highways and Public Transportation (Workstations and Automated Purchasing System), and the University of Texas System Cancer Center (Software); will consider long-range planning guidelines and rules; telecommunications status report; management audit status report; and future business.

Contact: Tina J. Miles, 510 South Congress Avenue, #216, Austin, Texas 78704.

Filed: August 12, 1987, 7:43 a.m.
TRD-8706639



Texas Department of Community Affairs

Wednesday-Thursday, August 26-27, 1987, 8 a.m., daily. The State Job Training Coordinating Council of the Texas Department of Community Affairs will meet in the Austin Marriott Airport Hotel, IH-35 and US 290 East, Austin. According to the agenda summary, the council will meet on August 26 to hold sequential meetings including the Oversight Committee call to order, public comment and briefings; Coordination/Eco-

nomics Development Committee call to order, public comment, and briefings; Planning Committee call to order, public comment, briefings, and action item; Worker Readjustment/Older Worker Committee call to order, public comment, briefings, and action item. On August 27 the council will meet in general session for call to order, public comment, hear association reports, state JTPA director's report, committee reports, action items, council's coordination role, and state agency presentations.

Contact: Brenda Lovett, 8317 Cross Park Drive, Austin, Texas 78753, (512) 834-6355.

Filed: August 11, 1987, 11:10 a.m.
TRD-8706604



Texas School for the Deaf

Friday, August 21, 1987, 1 p.m. The Governing Board for the Texas School for the Deaf will meet in the Administrative Boardroom, 1102 South Congress Avenue, Austin. According to the agenda summary, the board will approve minutes, discuss business requiring board action, business for information purposes, and hear comments by members.

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

Filed: August 11, 1987, 2:15 p.m.
TRD-8706618



State Depository Board

Friday, September 4, 1987, 9 a.m. The State Depository Board will meet on the Third Floor, 2601 North Lamar Boulevard, Austin. According to the agenda, the board will consider depository applications received after the August 3, 1987.

Contact: Anne L. Schwartz, P.O. Box 12608, Austin, Texas 78711, (512) 463-5971.

Filed: August 13, 1987, 9:02 a.m.
TRD-8706682



Texas Economic Development Commission

Thursday, August 20, 1987, 4:30 p.m. The Texas Small Business Industrial Development Corporation of the Texas Economic Development Commission will meet in the Hyatt Regency Hotel at Reunion, 300 Reunion Boulevard, Dallas. According to the agenda, the corporation will approve minutes of the previous meeting; consider TEXCAP project applications (Tulia); extension, modification, or termination of TEXCAP allocation plan; audit of the corporations financial records for the fiscal year ending August 31, 1986, and interim statements thru February 28, 1987; modification (as necessary) to method of approving expenses of the corporation for payment; extension of fiscal year 1987 budget period for an additional six month period beginning September 1, 1987; arrangements for continued accounting services with respect to the financial books and records of the corporation; adoption of a qualified employee retirement plan; proposal to give TEXCAP borrowers in the initial three year loan period a preference in subsequent borrowings out of revolving loan funds; and election of officers (as necessary).

Contact: Kent Yeates, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: August 12, 1987, 2:41
TRD-8706674

Friday, August 21, 1987, 8 a.m. The Board of Commissioners of the Texas Economic Development Commission will meet in the Hyatt Regency Hotel, 300 Reunion Boulevard, Dallas. According to the agenda, the board will hear presentation on Dallas, hear Texas Industrial Development Council report; executive director's report; action on prior minutes; action on financial statements; discussion of quarterly department reports; consider all necessary items of business required to complete the transition of all assets and liabilities into the Texas Department of Commerce; action on all approvals necessary to facilitate the purchase of obligations by the Texas Small Business Industrial Development Corporation under the TEXCAP program and to continue certain operations of the corporation; and closing comments.

Contact: Alexa Richter, 410 East Fifth Street, Austin, Texas 78701, (512) 472-5059.

Filed: August 12, 1987, 2:42 p.m.
TRD-8706675



State Board of Insurance

Wednesday, August 19, 1987, 10 a.m. The State Board of Insurance will meet in Room 414, 1110 San Jacinto Street, Austin. According to the agenda, the board will consider decision on Commercial General Liability Claims Made Policy form filed by insurance services office and discussed in a public hearing on June 2, 1986.

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

Filed: August 11, 1987, 4:11 p.m.
TRD-8706627



Texas Department of Labor and Standards

Friday, August 28, 1987, 10 a.m. The Manufactured Housing Division of the Texas Department of Labor and Standards will meet in Suite 209, 4615 North Freeway, Houston. According to the agenda, the division will conduct proceedings that consider suspension or revocation of the manufactured housing registration of Spring Mobile Homes for alleged violation of the department's manufactured housing rules and regulations.

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

Filed: August 11, 1987, 4 p.m.
TRD-8706626



Texas Low-Level Radioactive Waste Disposal Authority

Tuesday, August 25, 1987, 9 a.m. The Texas Low-Level Radioactive Waste Disposal Authority will meet in Suite 300, 7703 North Lamar Boulevard, Austin. According to the agenda, the authority will approve minutes of the previous meeting; hear a general manager's report on the agency's 1988 operating budget; consider the effect of recently passed legislation; hear status reports on current site search program and waste disposal design; hear a report of the Board Committee on Radiation Epidemiology; consider public information and quality assurance program updates; select disposal technology; discuss ratification of a contract with the Bureau of Economic Geology to conduct an on-site drilling operation in Hudspeth County; approve financial statements for executive officers of the agency; and consider Lasca Siding as a potential site. The authority also will meet executive session to discuss ongoing litigation with El Paso and Webb counties.

Contact: L. R. Jacobi, Jr., P.E., 7703 North Lamar Boulevard, Suite 300, Austin, Texas 78752, (512) 451-5295.

Filed: August 11, 1987, 1:14 p.m.
TRD-8706605



Midwestern State University

Thursday, August 13, 1987. The Board of Regents of Midwestern State University met in emergency session in the Boardroom, Hardin Administration Building, Wichita Falls. Committees times, and agendas follow.

3 p.m. The Executive Committee considered board meeting dates and holiday schedule for 1987-1988 four year plan for computing services, professional engineering appointment, permission to obtain advertising firm bids and architect selection proposal for Hardin Building, and McCullough Building addition recommendation and ratification of construction action. The emergency status was necessary because only opportunity for quorum in order to consider budget.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:14 p.m.
TRD-8706631

3:15 p.m. The Finance Committee considered position changes in 1986 and 1987 budget; amended summer school budget 1987; wrote-off outstanding checks, student accounts receivable and short-term loans; appointed auditors for bookstores, dormitory, cafeteria, and vending operations; ratified items \$15,000 and under; and considered operating budget for 1987-1988. The emergency status was necessary because it was the only opportunity for quorum to consider budget.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Austin, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:14 p.m.
TRD-8706632

4:45 p.m. The Personnel and Curriculum Committee considered enrollment and small class reports, summer sessions; last day enrollment reports, spring; expendable fees and lab fees; student fees for VRJC Tech Center and televised courses; and transcript fee change. The emergency status was necessary because it was the only opportunity for quorum.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:14 p.m.
TRD-8706633

5 p.m. The Student Affairs Committee considered health service physicians agreement, ID card contract, Wai-Kun printing agreement, lounge refurbishing, and dormitory security system. The emergency status was

necessary because it was the only opportunity for quorum.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:14 p.m.
TRD-8706634

5:15 p.m. The University Development Committee considered summary of estimated gifts, grants, and pledges for September 1, 1986, to July 27, 1987. The emergency status was necessary because it was the only opportunity for quorum.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:14 p.m.
TRD-8706635

5:30 p.m. The Athletics Committee considered athletics update and contract for use of WFISD athletics facilities. The emergency status was necessary because it was the only quorum opportunity.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:15 p.m.
TRD-8706636

Friday, August 14, 1987, 9 a.m. The Board of Regents met in the Boardroom, Hardin Administration Building, Wichita Falls. According to the agenda summary, the board approved minutes of the previous meeting; heard financial reports and recommendations by the Nominating, Executive, Personnel and Curriculum, Student Affairs, and Athletics Committees; and heard reports presented by the University Development Committee and the president. The board will also meet in executive session to discuss individual salaries and performance of MSU employees as needed, as required by the Open Meetings Act. The emergency status was necessary because it was the only opportunity for quorum.

Contact: Deborah L. Barrow, 3400 Taft Boulevard, Wichita Falls, Texas 76308, (817) 692-6551.

Filed: August 11, 1987, 2:15 p.m.
TRD-8706637



Board of Pardons and Paroles

Tuesday, August 18, 1987, 9:30 a.m. The Board of Pardons and Paroles will meet in emergency session to discuss halfway house contracts and tentative parole month concept. The emergency status is necessary because board members cannot adjust their schedules to meet at any other reasonable time.

Contact: Juanita Llamas, 8610 Shoal Creek Boulevard, Austin, Texas 78758, (512) 459-2749.

Filed: August 12, 1987, 3:03 p.m.
TRD-8706676



Texas State Board of Public Accountancy

Friday, August 28, 1987, 9 a.m. An Informal Conference for Technical Standards and Review of the Texas State Board of Public Accountancy will be held in Suite 340, 1033 La Posada, Austin. According to the agenda, the board will review Complaints 85-10-07L, 86-10-01L, 86-10-08L, 86-10-09L, 86-10-19L, 86-02-01L, 87-04-09L, and 87-04-10L.

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

Filed: August 11, 1987, 2:17 p.m.
TRD-8706612



Public Utility Commission of Texas

Friday, August 21, 1987, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the division will consider Docket 7575—Application of AT&T Communications of the Southwest, Inc., for approval of intrastate megacom service.

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

Filed: August 12, 1987, 1:42 p.m.
TRD-8706671



Select Committee on Tax Equity

Thursday, August 20, 1987, 9 a.m. The Select Committee on Tax Equity will meet in the Auditorium, Joe C. Thompson Conference Center, 26th and Red River Streets, Austin. According to the agenda summary, the committee will discuss "good" tax system and review state's major taxes.

Contact: Billy C. Hamilton, 105 West 15th Street, Austin, Texas 78701, (512) 472-8838.

Filed: August 12, 1987, 4:21 p.m.
TRD-8706680



Stephen F. Austin State University

Monday-Tuesday, August 24-25, 1987, 1:30 p.m. and 9 a.m., respectively. The Board of

Regents Committee of the Stephen F. Austin State University will meet in Room 307, Austin Building, Stephen F. Austin State University Campus, Nacogdoches. According to the agenda summary, the committee will approve minutes of the previous meeting; consider personnel items; approve University holiday schedule; revise retirement policy; consider acceptance of enrollment report; approval of general bulletin; parking and traffic regulations; budget adjustments; 1987-1988 annual budget; bank depository contracts; authorization to approve official travel; authorization to sign vouchers; approve travel expenses for members of the board; expand use of credit cards; accept bids to replace garbage truck; extend insurance contract; approve architects for Austin and Boynton renovations; approve consulting contract; modification on Rusk renovation; authorization to purchase computer room air conditioning system; approve standard contract for architects and general contractors; authorization to accept bids for stadium renovation; bids for art studio renovation; and will hold executive session.

Contact: William R. Johnson, P.O. Box 6078 SFA, Nacogdoches, Texas 75962, (409) 568-2201.

Filed: August 12, 1987, 1:58 p.m.
TRD-8706672-8706673



Board of Tax Professional Examiners

Wednesday, August 26, 1987, 2 p.m. The Board of Tax Professional Examiners will meet in the Columbian Room, Club House, Columbia Lakes. According to the agenda, the board will discuss items to be addressed on a workshop basis, preparing a draft list of examples of violations of the assessors' code of ethics. Comments of meeting guests are invited.

Contact: Sam H. Smith, P.O. Box 15920, Austin, Texas 78761, (512) 834-4981.

Filed: August 12, 1987, 11:27 a.m.
TRD-8706667

Thursday, August 27, 1987, 2 p.m. The Board of Tax Professional Examiners will meet in the Columbian Room, Club House, Columbia Lakes. According to the agenda summary, the board will approve minutes of the June 18, 1987, meeting; consider certification and recertification qualified of persons; formal approval of revised certification procedures; approval of board letter to subject in closing of complaint; discuss items including proposal to require one examined course for recertification and the recertification program in general; discuss Attorney general's opinion on registration of parties collecting current taxes for taxing units; specific examples of violation of code of ethics; results of previous discussions, workshops, and registration. Informational

items include operating budget, personnel, and capital outlay; fiscal year 1988 considerations, revision of exams, reports on exam statistics, statistics on registrant population; status of fiscal year 1987 expenditures, and planning calendar.

Contact: Sam H. Smith, P.O. Box 15920, Austin, Texas 78761, (512) 834-4981.

Filed: August 12, 1987, 11:27 a.m.
TRD-8706668



Teachers' Professional Practices Commission

Thursday, August 20, 1987, 1:30 p.m. The Teachers' Professional Practices Commission will meet in Room 3-102, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the commission will discuss reactions to code of ethics revisions from professional organizations; plans and assignments for statewide hearings September 12, 19, and October 17; plans for input on code of ethics revisions at the 40th annual Texas conference on teacher education on October 24; and hear director's report on cases pending.

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

Filed: August 12, 1987, 9:33 a.m.
TRD-8706663



Texas Tech University

Wednesday, August 19, 1987. The Board of Regents of the Texas Tech University will meet in Room 2B152, Health Sciences Center Building, Lubbock. Times and agendas follow.

8:30 a.m. The Finance and Administration Committee will consider operating budget for fiscal year 1988; extend contract with City of Lubbock to provide campus bus service; interagency cooperation contract with Health Sciences Center for utilities, services, and supplies; policies governing: academic scholarships, emergency enrollment loans, tuition scholarships, Texas public education grants, ratify delegation of authority; hear reports on administrative efficiency; and hear other reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:47 a.m.
TRD-8706641

8:30 a.m. The Finance and Administration Committee will consider fiscal year 1988 operating budget; budget adjustments; amend May 15, 1987, minutes; award concession contract at Amarillo RAHC; in-

teragency cooperation contract with TTU for utilities, services, and supplies; addendum to affiliation agreement with El Paso County Hospital District for resident services; policy to govern granting of Texas public education grants, tuition scholarships, emergency enrollment loans, and academic scholarships; 1987-1988 agreement to provide pathology professional services to El Paso County Hospital District; addendum to affiliation agreement with El Paso County Hospital District for physician services in emergency room and with Medical Center Hospital for library, nursing, residents, and faculty support services; agreements with Lubbock General Hospital for emergency room physicians and with Amarillo Hospital District and Lubbock County Hospital District; ratify delegation of authority; and hear reports on contracting and billing and on HEAF allocation; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:47 a.m.
TRD-8706641

10:30 a.m. The Academic and Student Affairs Committee will consider granting of academic tenure with appointment; granting of emeritus status; proposed degree program for master of science with major in restaurant, hotel and institutional management; ratify leaves of absence; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:47 a.m.
TRD-8706642

11 a.m. The Research Activities Committee will consider reaffirmation of managerial group for protection of classified information and updating of statements of self-exclusion of board of regents regarding security clearances; hear report on new research programs approved by legislature; hear reports; and consider update on contracts and grants.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:48 a.m.
TRD-8706643

11 a.m. The Research Activities Committee will hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:46 a.m.
TRD-8706644

11:20 a.m. The Athletics Affairs Committee will hear the report on Texas Tech University's compliance policy and hear other reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:48 a.m.
TRD-8706645

11:35 a.m. The Development Committee will consider acceptance of cash gift for establishing the John B. Bradford Chair in engineering, and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706646

11:35 a.m. The Development Committee will consider reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706647

2 p.m. The Campus and Building Committee will consider award construction contracts for new meats lab, replace roofs on business administration building and law building, repair cooling towers #1 and #2 in central building and cooling plant #2, and replace boiler controls in central heating and cooling plant #1; accept gift-in-kind in excess of \$100,000 for installation of lights at intercollegiate baseball field; appoint project architect to renovate science building; ratify acceptance dates; and hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706648

2 p.m. The Campus and Building Committee will consider plan and appoint project architect for development of faculty clinic on first level pod C shell space of HSC building; closing portion of Joliet Avenue between Sixth and Ninth Streets on HSC campus; appoint project architect and receive bids and award contract for renovation and repair of equipment room D-Pod C of health sciences center building; ratify acceptance of appointment of architectural firm for El Paso clinical education building project, phase I and II; hear report on Ronald McDonald House and other reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706649

3 p.m. The Academic, Clinical, and Student Affairs Committee will consider granting of emeritus status, ratify extension of leave of absence and leaves of absence, hear reports, report on biocybernetics lab, and consider M.D.-Ph.D. program; and admission data.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706650

3:45 p.m. The Public Affairs and University Relations Committee will hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706651

3:45 p.m. The Public Affairs and University Relations Committee will hear reports.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706652

Thursday, August 20, 1987. The Board of Regents of Texas Tech University will meet in the Board Suite, Administration Building, Texas Tech University, Lubbock. Times and agendas follow.

9:15 a.m. The Committee of the Whole will meet in executive session to consider Texas Civil Statutes, Article 6252-17, §2(e), pending or contemplated litigation, or settlement offer; and Texas Civil Statutes, Article 6252-17, §2(g), the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:49 a.m.
TRD-8706653

9:15 a.m. The Committee of the Whole will meet in executive session to consider Texas Civil Statutes, Article 6252-17, §2(e), pending or contemplated litigation, or settlement offer; and Texas Civil Statutes, §2(g), the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:50 a.m.
TRD-8706654

10 a.m. The Board of Regents will hear reports and action on minutes, academic, clinical, student affairs, finance and administration, campus and building, and development.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:45 a.m.
TRD-8706655

10:35 a.m. The Board of Regents will hear reports and action on minutes, academic and student affairs, finance and administration, campus and building, development, and research.

Contact: Freda Pierce, P.O. Box 4039, Lubbock, Texas 79409, (806) 742-2161.

Filed: August 12, 1987, 8:50 a.m.
TRD-8706656



State Textbook Committee

Monday-Wednesday, August 24-27, 1987, 8:30 a.m. daily. The State Textbook Com-

mittee will meet in Room 1-104, William B. Travis Building, 1701 North Congress Avenue, Austin. According to the agenda, the committee will consider the 1987 State Textbook Committee balloting on textbooks offered for adoption.

Contact: Ira Nell Turman, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9601.

Filed: August 12, 1987, 9:34 a.m.
TRD-8706662



Texas Water Commission

Tuesday, September 22, 1987, 2 p.m. The Texas Water Commission will meet in Room 118, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the commission will consider whether agreed emergency order issued July 9, 1987, directing Don K. Langson, Richard K. Langson, and Bruce K. Langson, or their successors in title, to undertake certain actions regarding Pleasure Acres Lake Dam should be affirmed, modified, or set aside by the commission.

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

Filed: August 12, 1987, 12:29 p.m.
TRD-8706666



Texas Water Development Board

Wednesday, August 19, 1987, 10 a.m. The Texas Water Development Board Workshop of the Texas Water Development Board will meet in the Bluebonnet II Room, Guest Quarters, 15th and Lavaca Streets, Austin. According to the agenda, the workshop will consider and discuss public relations and agency budget; development fund activities, including cash management and bond programs; construction grants, including an update on the state revolving fund; and issues pertinent to the Planning Division.

Contact: M. Reginald Arnold II, P.O. Box 13231, Austin, Texas 78711, (512) 463-7847.

Filed: August 11, 1987, 4:14 p.m.
TRD-8706628

Thursday, August 20, 1987, 8:30 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 July 16, 1987, meeting; hear DFM report; consider extension of loan commitments for the cities of Harlingen, Celina, Dayton, Josephine, Kountze, and Rankin; Sabine River Authority's payment to the principal in Toledo Bend Reservoir; financial assistance to Harris

County Flood Control Water Supply Corporation of \$7,855,000, Clear Lake City WA of \$9,535,000, Pasadena of \$11,060,000, Tidwell Timbers MUD of \$1,200,000; fiscal year 1988 construction grants project priority list; selection of regional management advisory committees for critical groundwater areas one and two; fiscal year 1988 joint funding agreements between TWDB and USGS; fiscal year 1988 contract with Department of Health; fiscal year 1988 research and planning fund priorities and funding levels; bay and estuary interagency contracts; and delegating to EA authorization to execute certain contracts and ratify executed contracts.

Contact: M. Reginald Arnold II, P.O. Box 13231, Austin, Texas 78115, (512) 463-7847.

Filed: August 11, 1987, 4:14 p.m.
TRD-8706629



Regional Agencies Meetings Filed August 11

The Burnet County Appraisal District, Appraisal Review Board, will meet in Room 112, 110 Avenue H, Marble Falls, on August 24 and 25, 1987, at 9 a.m. daily. Information may be obtained from Alvin C. Williams, P.O. Drawer E, Burnet, Texas 78611, (512) 756-8291.

The Education Service Center, Region VIII, Regional Advisory Committee and Board of Directors, will meet in the Ramada Inn Restaurant, Mount Pleasant, on August 18, 1987, at 7 p.m. Information may be obtained from Scott Ferguson, P.O. Box 1894, Mount Pleasant, Texas 75455, (214) 572-8552.

The Edwards County Appraisal District, Appraisal Review Board and Board of Directors, will meet in the New County Annex Building, Rocksprings, on August 26, 1987, at 10 a.m. Information may be obtained from Sondra Madden, P.O. Box 378, Rocksprings, Texas 78880, (512) 683-4189.

The Jack County Appraisal District, Board of Directors, will meet in the Los Creek Office Building, 216-D South Main, Jacksboro, on August 18, 1987, at 6 p.m. and 7 p.m. Information may be obtained from Doris G. Ray or Linda Williams, 216-D South Main, Jacksboro, Texas 76056, (817) 567-6301.

The Leon County Central Appraisal District, Appraisal Review Board, met in the Gresham Building, Centerville, on August 12, 1987, at 8 a.m. Information may be obtained from Tom G. Holmes, P.O. Box 536, Centerville, Texas 75833, (214) 536-2252.

The Trinity River Authority of Texas, Utility Services Committee, met at 5300 South Collins, Arlington, on August 17, 1987, at 10:30

a.m. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Trinity River Industrial Development Authority, Board of Directors, will meet at 5300 South Collins, Arlington, on August 18, 1987, at 3:30 p.m. Information may be obtained from Ramona A. Winer, P.O. Box 60, Arlington, Texas 76010-0060, (817) 467-4343.

TRD-8706603



Meetings Filed August 12

The Central Counties Center for Mental Health and Mental Retardation Services, Board of Trustees, met at 302 South 22nd Street, Temple, on August 13, 1987, at 7:45 p.m. Information may be obtained from Steven B. Schnee, Ph.D., P.O. Box 518, Temple, Texas 76503, (915) 646-9574.

The Colorado River Municipal Water District, Board of Directors, will meet at 400 East 24th Street, Big Spring, on August 20, 1987, at 10 a.m. Information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79721, (915) 267-6341.

The Education Service Center, Region 20, Board of Directors, will meet at 1314 Hines Avenue, San Antonio, on August 26, 1987, at 2 p.m. Information may be obtained from Dr. Judy M. Castleberry, 1314 Hines Avenue, San Antonio, Texas 78208, (512) 271-7611.

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

The Guadalupe-Blanco River Authority Industrial Development Corporation, will meet at 933 East Court Street, Seguin, on August 20, 1987, at 9:30 a.m. Information may be obtained from John H. Specht, P.O. Box 271, Seguin, Texas 78156, (512) 379-5822.

The Guadalupe-Blanco River Authority, Board of Directors, will meet at 933 East Court Street, Seguin, on August 20-21, 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 on the Eighth Floor, 2800 North Loop West, Houston, on August 19 and September 2, 1987, at 1:30 p.m. Information may be obtained from Margie Hilliard, P.O. Box 920975, Houston, Texas 77292, (713) 957-5291.

The Henderson County Appraisal District, Board of Directors, met at 101 East Corsicana, Athens, on August 17, 1987, at 9 a.m. Information may be obtained from Helen Marchbanks, 101 East Corsicana, Athens, Texas 78751, (214) 675-9296.

The Houston-Galveston Area Council, Projects Review Committee, will meet on the Fourth Floor, Directors Conference Room, 3555 Timmons, Houston, on August 18, 1987, at 8:30 and 10 a.m. Information may be obtained from R. Ballas or Sallie Sosa, P.O. Box 22777, Houston, Texas 77227-9972, (713) 627-3200.

The Lampasas County Appraisal District, Board of Directors, will meet at 109 East Fifth, Lampasas, on August 19, 1987, at 2 p.m. Information may be obtained from Dana Ripley, P.O. Box 175, Lampasas, Texas 76650, (512) 556-8058.

The Lee County Appraisal District, Board of Directors, will meet at 118 East Richmond Street, Giddings, on August 18, 1987, at 7 p.m. Information may be obtained from Roy L. Holcomb, 218 East Richmond Street, Giddings, Texas 78942, (409) 542-9618.

The Liberty County Central Appraisal District, Board of Directors, will meet at 1820 Sam Houston, Liberty, on August 26, 1987, at 9:30 a.m. Information may be obtained from Sherry Greak, P.O. Box 10016, Liberty, Texas 77575, (409) 336-5722.

The Lower Colorado River Authority, Board of Directors, will meet at 3700 Lake Austin Boulevard, Austin, on August 17-18 and 20, 1987, at 9 a.m. daily, except for August 17, at 1 p.m. The Finance and Administration Committee, Natural Resources Committee, Energy Operations Committee, Audit and Budget Committee, and Planning and Public Policy Committee, will meet at 3700 Lake Austin Boulevard, Austin, on

August 19, 1987, at 9 a.m. Information may be obtained from John E. Bagalay, Jr., 3700 Lake Austin Boulevard, Austin, Texas 78703, (512) 473-3200.

The Swisher County Appraisal District, Board of Directors, will meet at 120 North Armstrong, Tulia, on August 20, 1987, at 7 p.m. Information may be obtained from Rose Lee Powell, P.O. Box 8, Tulia, Texas 79088, (806) 995-4118.

The Tarrant Appraisal District, Appraisal Review Board, will meet in Suite 505, 1701 River Run, Fort Worth, on August 18 and 20, 1987, at 8:30 a.m. Information may be obtained from Linda Freeman, 1701 River Run, Suite 505, Fort Worth, Texas 76101, (817) 332-9166.

The Trinity River Authority of Texas, Legal Committee, will meet at 1117 Tenth Street, Huntsville, on August 18 and 19, 1987, at 5:30 p.m. and 10 a.m., respectively. Information may be obtained from Jack C. Worsham, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

The Tyler County Tax Appraisal District, Appraisal Review Board, will meet at 103 Pecan, Woodville, on August 24, 1987, at 9:30 a.m. Information may be obtained from Mary F. Mann, P.O. Drawer 9, Woodville, Texas 75979, (409) 283-3736.

TRD-8706657



Meetings Filed August 13

The Central Texas Council of Governments, Executive Committee, will meet at 302 East Central, Belton, on August 27, 1987, at 12:45 p.m. Information may be obtained from A.C. Johnson, P.O. Box 729, Belton, Texas 76513, (817) 939-1803.

The Heart of Texas Region Mental Health and Mental Retardation, Board of Trustees, will meet at 110 South 12th Street, Waco, on August 25, 1987, at 11:45 a.m. Information may be obtained from Helen Shedfield, 110 South 12th Street, Waco, Texas 76701, (807) 752-3451, ext. 213/290.

TRD-8706681



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 Economic Development Commission

Private Activity Bond Allocation Report

The Tax Reform Act of 1986 ("the Tax Act") imposes a volume ceiling on the aggregate principal amount of "private activity bonds" that may be issued within the State of Texas during any calendar year. The state ceiling for Texas, imposed by the Tax Act for calendar year 1987 is \$1,227,750,000.

State legislation, Senate Bill 1382, 70th Legislature, was passed, effective June 20, 1987, to establish the allocation process. The Act specifies that one-third of the state ceiling is to be made available to qualified mortgage bonds and of that one-third, one-third is available to the Texas Housing Agency. One-fourth of the state ceiling is available to state-voted issues, and the balance of the state ceiling is available for all other issuers of bonds requiring an allocation.

As a result of Senate Bill 1382, the aggregate amount for qualified mortgage bond subceiling is \$302,376,642, with \$201,584,428 available to the local housing authorities and \$100,792,214 available to the Texas Housing Agency. The aggregate amount for state-voted issues is \$226,782,481 and the amount for all other bonds requiring an allocation is \$377,970,802.

Generally, the state ceiling will be allocated on a first-come, first-served basis within the applicable subceiling, with the Texas Economic Development Commission (the commission) administering the allocation system.

The information that follows is a summary report of the allocation activity for the period August 3, 1987-August 7, 1987.

Weekly Report on the 1987 Allocation of the State Ceiling on Certain Private Activity Bonds as Pursuant to Senate Bill 1382

Total amount of state ceiling remaining unreserved for the \$302,376,642 subceiling for qualified mortgage bonds under Senate Bill 1382 through August 7, 1987: \$302,376,642.

Total amount of state ceiling remaining unreserved for the \$226,782,481 subceiling for state-voted issues under Senate Bill 1382 from August 3, 1987-August 7, 1987: \$226,782,481.

Total amount of state ceiling remaining unreserved for the \$377,970,802 subceiling for all other bonds under Senate Bill 1382 from August 3, 1987-August 7, 1987: \$368,370,802.

Total amount of the \$1,227,750,000 state ceiling remaining unreserved as of August 7, 1987: \$897,529,925.

Comprehensive listing of bond issues which have received a reservation date per Senate Bill 1382 from August 3,

1987-August 7, 1987: City of Dallas Industrial Development Corporation, CR/PL, Inc., Manufacturer of Bath Fixtures, \$2,500,000; Waco Industrial Development Corporation, C-Line Products, Inc., Manufacturer of Paper and Plastic Goods, \$1,600,000.

Comprehensive listing of bonds issued and delivered as per Senate Bill 1382 from August 3, 1987-August 7, 1987, in order of issuer, user, description, and amount: none

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

TRD-8706664 David V. Brandon
Executive Director
Texas Economic Development
Commission

Filed August 12, 1987
For further information, please call (512) 472-5059.



Texas Education Agency Consultant Contract Award

Description. This notice is filed pursuant to Texas Civil Statutes, Article 6252-11c. After publication of a consultant proposal request in the February 10, 1987, issue of the *Texas Register* (12 TexReg 478), the Texas Education Agency executed a contract with MGT of America, Inc., 2425 Torreya Drive, Tallahassee, Florida 32303, to study and quantify expected teacher supply in Texas for the next five years.

Cost and Dates. The total amount of the contract is \$24,900. The beginning date of the contract is April 10, 1987, and the ending date is August 31, 1987.

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

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

TRD-876665 W. N. Kirby
Commissioner of Education

Filed: August 12, 1987
For further information, please call (512) 463-9212.



Request for Proposals

This request is filed pursuant to the provisions of Texas Civil Statutes, Article 6252.

Program Evaluation. The Texas Education Agency invites proposals from private agencies to evaluate the effectiveness of programs for three- to five-year-old handicapped students in the state of Texas over a five-year period. Texas has had a preschool program since 1969,

but no effort has been made to demonstrate the value/effectiveness of these programs.

The goals of this project are to develop a comprehensive longitudinal evaluation study of the effectiveness of early childhood programs for three- to five-year-old handicapped children and to implement this over a five-year period.

This project is funded through Public Law 99-457, Prechool Grant and will be administered by the agency's Division of Special Education Programs through a contract to the successful bidder. Dates of the contract are September 14, 1987-June 30, 1988; the funding amount for the first year will be no more than \$225,000.

Selection of the contractor will be based on quality of the technical component, quality of the management component, quality of task/activity plan, adequacy and appropriateness of financial resources dedicated to the project, and the evaluation component.

A copy of the complete request for proposals may be obtained by calling or writing Document Control Center, Texas Education Agency, Room 6-108, 1701 North Congress Avenue, Austin, Texas 78701, (512) 463-9304. Applications may be delivered by mail or in person to the Texas Education Agency Document Control Center. Applications received after 5 p.m. on September 8, 1987, will not be considered for funding.

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

TRD-8706661 W. N. Kirby
Commissioner of Education

Filed: August 12, 1987
For further information, please call (512) 463-9212.



General Land Office Request for Proposals

In accordance with Texas Civil Statutes, Article 6252-11c, the Texas General Land Office (GLO) hereby invites proposals for a consulting contract for a study of the suitability of existing non-correctional facilities for conversion to a minimum security prison facility to be owned and operated by the Texas Department of Corrections (TDC). The GLO is coordinating this study project in cooperation with TDC and the Criminal Justice Division in the governor's office (CJD).

The contract will require the consultant to select sites located in the Dallas-Fort Worth Metroplex; Waco-Austin-San Antonio corridor; Houston-Beaumont area; and/or El Paso metropolitan area, from a prior compiled listing provided by the GLO, and to evaluate these sites based on their suitability for conversion to a minimum-security facility. Determination of suitability will be based on criteria set by TDC. Those submitting proposals may obtain the list of criteria from Spencer Reid, Deputy Commissioner, Asset Management Division, 1700 North Congress Avenue, Austin, Texas 78701.

A list of potential sites and the suitability criteria will be furnished by the GLO. The consultant must submit a preliminary report identifying the 25 sites from the list that best meet the above-stated criteria to the General Land Office within twelve weeks of being awarded the contract. This report should include a brief discussion of each site and give reasons for its selection. Following a review of

the preliminary report by the GLO, TDC, and CJD, 10 of the 25 sites discussed will be selected for inclusion in a final report.

The final report is to be submitted by January 31, 1988. This report will include a more extensive and detailed analysis of the 10 sites determined to have the greatest potential for conversion to minimum security facilities.

The following information must be provided for each of the final 10 sites: photographs of all sides of each building; current floor plans of each building, including interior dimensions of each area; conceptual sketch and brief discussion of proposed structural changes for each building; estimate of total conversion cost for each building (a narrow range is acceptable); utility capacity on each site; proximity of site to major transportation arteries and vehicular access to site; surrounding land uses and proximity to major categories of land use in adjacent areas, including a community profile assessment; maximum acreage available on site and potential for purchase of part or all of site; and asking price for site and buildings and brief analysis of local market conditions.

All proposals must be submitted by September 18, 1987, to Spencer Reid, Deputy Commissioner, Asset Management Division, 1700 North Congress Avenue, Austin, Texas 78701.

The proposals will be evaluated according to proposed project approach and methodology; size and qualifications of staff available for the project; estimated project cost not exceeding \$70,000; ability to control cost within projected limits and to complete project within mandated deadlines; experience in evaluation of existing non-correctional facilities for conversion into prison facilities; experience in design and construction or renovation of prison facilities of comparable size.

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

TRD-8706658 Dan Miller
Deputy Commissioner for Legal
Services
Texas General Land Office

Filed: August 12, 1987
For further information, please call (512) 463-5009.



Texas Department of Public Safety Request for Proposals

The Texas Department of Public Safety (DPS), in accordance with provisions of Texas Civil Statutes, Article 6252-11c, invites proposals from an individual person to evaluate and plan the implementation of Title XII, Public Law 99-570, also known as the Commercial Motor Vehicle Safety Act of 1986 (CMVSA-86).

Project Approach. The contractor shall identify individual tasks that must be performed, develop detailed design plans for identified task accomplishment, coordinate internal DPS effort, and actively participate in the implementation phase of each identified task.

Travel will be required on a need basis both in state and out of state at the direction of the project director.

Contract Period. The proposed contract period is for five years, contingent on the awarding of federal funding to the DPS for the purpose of planning for and implementing the CMVSA-86. This contract will be for a one-year period ending September 30, 1988. The contract shall be renewable every October 1 for one-year periods until project completion on September 30, 1993, provided the contractor fulfills all contract requirements and provides the quality of work desired.

Evaluation Criteria. In addition to cost considerations, proposals will be evaluated by the DPS and selection will be based principally on the following criteria. The contractor must have extensive knowledge and practical experience in the field of driver licensing and, particularly, knowledge and experience in the DPS Drivers License Program. The contractor must also have general knowledge of driver licensing in the United States and a working relationship with other states and organizations associated with the licensing of drivers. Contractor must submit a resume setting out experience and qualification along with proposed bid.

The DPS intends to award the contract to Walter Roberts, 2303 East Riviera, Cedar Park, Texas 78613, unless a better and more satisfactory offer is received. This contract is a continuation of a previous five-month consulting agreement.

Date Due. Proposals are due at the following address by 5 p.m. on September 21, 1987. It is the responsibility of the proposed contractor to have proposals in the DPS office at that time. Proposals received late for any reason will not be considered.

Agency Contract and Program Manager. The complete request for proposal requirements may be obtained from W. J. McLean, Chief, Administration Division, Texas Department of Public Safety, Box 4087, Austin, Texas 78773, (512) 465-2100.

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

TRD-8706560 Leo E. Gossett
Director
Texas Department of Public Safety

Filed: August 10, 1987
For further information, please call (512) 465-2000.



Texas Water Commission Applications for Waste Disposal Permits

Notice is given by the Texas Water Commission of public notices of waste disposal permit applications issued during the period of July 27-August 7, 1987.

No public hearing will be held on these applications unless an affected person has requested a public hearing. Any such request for a public hearing shall be in writing and contain the name, mailing address, and phone number of the person making the request; and a brief description of how the requester, or persons represented by the requester, would be adversely affected by the granting of the application. If the commission determines that the request sets out an issue which is relevant to the waste discharge permit decision, or that a public hearing would serve the public interest, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within

30 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by contacting the Texas Water Commission, P.O. Box 13087, Austin, Texas 78711, (512) 463-7905.

Listed is the name of the applicant and the city in which each facility is located; type of facility; location of the facility; permit number; and type of application—new permit, amendment, or renewal.

Period of July 27-August 7, 1987

The Dow Chemical Company, LaPorte; hazardous waste management facility; on 140 acres of land 0.8 miles east of State Highway 134 and 0.4 miles north of State Highway 225; 50202; new

Phillips 66 Company, Philtex plant, Phillips; hazardous waste management facility; on 68 acres on State Spur 119, approximately two miles northeast of Borger, Hutchinson County; HW-50018; new

Border Steel Mills, Inc., El Paso; steel-making operations; on IH 10 at the Vinton exit, El Paso County, 18 miles northwest of El Paso; HW-50119-000; new

Occidental Electrochemicals Corporation, LaPorte; storage, processing, and disposal facility; on a 58-acre tract of land on a private access road approximately 1.7 miles northeast of the intersection of Miller Cutoff Road and Texas Highway 134, and approximately 1.3 miles south southeast of the San Jacinto Monument, in LaPorte, Harris County; HW-50079-001; new

Phillips 66 Company, Borger; Philtex plant and rubber chemical complex; in Section 70, Block 46 of the H & TC Survey, Hutchinson County, approximately three miles north of the City of Borger; WDW-67, WDW-68; amendment

Westland Oil Development Corporation, Montgomery; wastewater treatment facilities; on the south side of State Highway 105, on company-owned property, at a point approximately 2,400 feet east of the intersection of State Highway 105 and FM Road 2854 in Montgomery County; 12440-01; renewal

Atascosa County WCID No. 1, Charlotte; wastewater treatment facilities; approximately 1,500 feet south and 3,100 feet west of the intersection of State Highway 140 and State Highway 97 in Atascosa County; 10142-01; renewal

City of Princeton; wastewater treatment facilities; southwest of Princeton and east of Ticky Creek, approximately 0.5 mile southwest of the intersection of U.S. Highway 380 and FM Road 982 in Collin County; 10683-01; renewal

Harris County Water Control and Improvement District No. 119, Houston; wastewater treatment facilities; approximately 2,000 feet south of Spring-Cypress Road and 5,000 feet east of Spring-Louetta Road in Harris County; 11024-01; renewal

City of Benjamin; wastewater treatment facilities; south of Benjamin, approximately ¼ mile south of the intersection of U.S. Highway 82 and State Highway 6; approximately 800 feet west of State Highway 6 in Knox County; 11162-01; renewal

City of Caddo Mills; wastewater treatment facilities; approximately 0.7 mile south of the intersection of State

Highway 60 and FM Road 36 in Hunt County; 10425-01; renewal

City Public Service of San Antonio; steam electric station; at 16120 Streich Road; approximately 2.75 miles northwest of the City of Elemendorf, Bexar County; 01515; amendment

El Paso County Water Authority, El Paso; sewage treatment plant; adjacent to the Horizon City Golf Club, approximately one mile west of Horizon City and one mile east of IH-10 on the north side of FM Road 1287, El Paso County; 10795-01; renewal

Gary Marvel, Alvin; wastewater treatment facilities; approximately 1.5 miles northeast of Liverpool and approximately 4,000 feet southwest of FM Road 2917 in Brazoria County; 13379-01; new

City of Bryan; wastewater treatment plant; approximately 3,800 feet northeast of the intersection of East 29th Street and FM Road 60 (University Drive) and approximately 3,400 feet southwest of the intersection of State Highway 6 and FM Road 60 in Brazos County; 10426-01; renewal

City of Nacogdoches; wastewater treatment plant; on the east side of Bayou LaNana between FM Roads 1275 and 2863, approximately 3.5 miles south of Nacogdoches in Nacogdoches County; 10342-04; renewal

City of Murchison; wastewater treatment facilities; approximately 2,000 feet north of State Highway 31 and approximately 2,200 feet east of FM Road 773 in Henderson County; 11816-01; renewal

Humble Savings and Loan Association, Humble; wastewater treatment plant; adjacent to the west frontage road of IH-45, at a point approximately ¼ mile south of Spring-Cypress Road; further described as being located at 20543 IH-45, Harris County; 12546-01; renewal

Boys Country of Houston, Incorporated, Hockley; wastewater treatment facilities; approximately two miles northeast of the City of Hockley at a point 1.7 miles north of the intersection of U.S. Highway 290 and Roberts Road in Harris County; 11814-01; renewal

General Portland, Inc., Trinity Division, Fort Worth; cement manufacturing facility and limestone quarry; west of the Meacham Field (airport) which is approximately two miles northwest of the intersection of State Highway 183 with U.S. Highways 81 and 278 in the City of Fort Worth, Tarrant County; 01955; renewal

Cal J. Myers, Houston; sewage treatment plant; on the south side of Frick Road at a point approximately ¼ mile west of the intersection of Stuebner-Airline Road and Frick Road, Harris County; 12414-01; renewal

Nottingham Country Municipal Utility District, Houston; wastewater treatment facilities; adjacent to Mason Creek at the boundary of Barker Reservoir, Harris County; 12479-01; renewal

Diocese of Victoria in Texas, San Antonio; wastewater treatment facilities; 4.5 miles due west of the Town of McFaddin, approximately 4,000 feet west of the intersection of San Antonio River Road and De La Garza Road in Victoria County; 13362-01; new

City of Conroe; wastewater treatment facilities; approximately four miles west of Conroe; about 600 feet north of State Highway 105 in Montgomery County; 10008-04; renewal

Carroll Independent School District, Southlake; wastewater treatment facilities; on the grounds of Carroll High School and approximately 600 feet north of the intersection of (Roanoke) County Road 3080 and Carroll School Road in Tarrant County; 11131-01; amendment

City of Farmersville; wastewater treatment plant; ¼ mile southeast of the intersection of U.S. Highway 380 and State Highway 87; southwest of the City of Farmersville in Collin County; 10442-02; new

Michael D. Lloyd, Dublin; dairy operation; 1.3 miles south of Lingleville on FM Road 219 in Erath County; 02922; new

City of Wichita Falls; sewage treatment plant; immediately south of River Road and approximately 1,000 feet northeast of the intersection of River Road and Rosewood Street in the City of Wichita Falls, Wichita County; 10509-01; amendment

Hill Land and Cattle Company, Hart; 25,000 head cattle feedlot; ½ mile north of Hart on Highway 168, Castro County; 02905; new

San Angelo Feed Yard, Inc., San Angelo; confined livestock feeding operation; on U.S. Highway 67, 16 miles northeast of San Angelo and 2½ miles southeast of Miles in Runnels and Tom Green Counties; 01522; amendment

Kleberg County, Kingsville; wastewater treatment facilities; approximately 1.5 miles southeast of Loyola Beach and 1,750 feet southeast of the intersection of FM Road 628 and County Road 1150 in Kleberg County; 13374-01; new

Cibolo Creek Municipal Authority (CCMA), Schertz; wastewater treatment plant; on the south side of Cibolo Creek approximately 1.5 miles east of downtown Schertz and 3,600 feet south of FM Road 78 in Bexar County; 11269-01; amendment

Ken Hulstein and Gary Hulstein, Argyle; sewage treatment plant; on the southwest corner of IH-35 West and FM Road 407, Denton County; 11064-01; renewal

City of Devine; wastewater treatment facilities; east of the intersection of State Highway 173 and IH-35 and south of the City of Devine, Medina County; 10160-01; amendment

Galveston County Water Control and Improvement District No. 8, Santa Fe; wastewater treatment facilities; on the north side of North Seventh Street approximately .75 mile east of the intersection of North Seventh Street and FM Road 646 in the City of Santa Fe in Galveston County; 10174-01; amendment

City of Earth; wastewater treatment facilities; in the southeast quarter of the City of Earth, at a point ¼ mile east of the intersection of U.S. Highway 70 and FM Road 1055 and ¼ mile south on Elm Street in Lamb County; 10162-01; amendment

Union Carbide, Texas City; hazardous waste management facility; on a 440-acre tract of land bound by State Highway 146, Grant Avenue, Texas Avenue, Fifth Avenue South, and FM Road 519 in Texas City, Galveston County; HW-50127; new

Murmur Corporation, Dallas; industrial solid waste facility; on a 17.616-acre site at 2727 North Westmoreland Avenue on the southwest side of Dallas, Dallas County; HW-50103; new

Aztec Manufacturing Company, Crowley; hazardous solid waste storage facility; at 400 North Tarrant Road on the north side of Crowley, Tarrant County; HW-50196; new

City of Galveston; wastewater treatment plant; at 7618 Mustang Drive in the City of Galveston Airport Complex in Galveston County; 10688-02; amendment

Exxon Company, Baytown; new Class I hazardous waste land treatment unit; on a 52.0-acre tract of land on the south side of Decker Drive (Spur 330) and south of IH 10 in Baytown, Harris County; 50111-000; new

Amoco Oil Company, LaMarque; land treatment facility; occupies approximately 168.4 acres in the southern portion of a 250-acre tract of land owned by Amoco Oil Company, approximately 1½ miles southeast of LaMarque, Galveston County, and borders Loop 197; HW-50183-001; new

Monsanto Company, Alvin; storage, processing, and disposal facility; on approximately 3,000 acres in Brazoria County, approximately seven miles southeast of the intersection of Texas State Route 35 and FM Road 2917 and approximately 14 miles southeast of Alvin; HW-50189-001; new

Celanese Chemical Company, Inc., Pampa; chemical manufacturing plant; approximately 3½ miles southwest of Pampa, at the junctions of Highway 60 and FM Road 2300, in Gray County; HW-50200; new

Union Carbide Corporation, Texas City; hazardous waste management facility; on a 435.29-acre tract of land ¼ mile south of the intersection of Loop 197 and FM Road 519, Galveston County; HW-50126; new

Koch Refining Company, Corpus Christi; land treatment facility; near the western extremity of the Corpus Christi Ship Channel and bounded to the north by Nueces Bay and to the south by Upriver Road, in Nueces County; HW-50097-000; new

City of Huntsville; sewage treatment plant; one block south of the intersection of U.S. Highway 190 (State Highway 30) and FM Road 247 at 1212 Avenue M in the City of Huntsville in Walker County; 10781-03; renewal

Texas A&M University, Fire Protection Training Division, College Station; fireman training field; on Nuclear Science Road, adjacent to Easterwood Airport and approximately two miles south of the main campus of Texas A&M University in the City of College Station, Brazos County; 02585; amendment

City of Alpine; wastewater treatment plant; approximately 2½ miles northeast of the City of Alpine on the west bank of Alpine Creek in Brewster County; 10117-01; amendment

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

TRD-8706559 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: August 10, 1987
For further information, please call (512) 463-7898.



Enforcement Orders

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

An enforcement order was issued to Shell Oil Company, on August 6, 1987, assessing \$16,000 in administrative penalties.

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

Issued in Austin, Texas, on August 7, 1987

TRD-8706557 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed August 10, 1987
For further information, please call (512) 463-7898



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

An enforcement order was issued to the City of Alamo, on August 6, 1987, assessing stipulated penalties.

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

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

TRD-8706558 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: August 10, 1987
For further information, please call (512) 463-7898.



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

An enforcement order was issued to the City of Pittsburg, on August 6, 1987, assessing stipulated penalties.

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

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

TRD-8706556 Mary Ann Hefner
Chief Clerk
Texas Water Commission

Filed: August 10, 1987
For further information, please call (512) 463-7898.

Texas Water Development Board

Applications Received

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

Harris County Flood Control Water Supply Corporation, two Northpoint Drive, Suite 310, Houston, Texas 77060-3236, received April 2, 1987, financial assistance in the amount of \$7,855,000 from the flood control account of the Texas water development fund.

Clear Lake City Water Authority, P.O. Box 920975, Houston, Texas 77292-0275, received July 16, 1987, financial assistance in the amount of \$9,535,000 from the water development account of the Texas water development fund.

City of Pasadena, P.O. Box 672, Pasadena, Texas 77501, received July 20, 1987, financial assistance in the amount

of \$11,060,000 from the water development account of the Texas water development fund.

Tidwell Timbers Municipal Utility District, P.O. Box 2735, Humble, Texas 77338, received July 27, 1987, financial assistance in the amounts of \$1,000,000 from the water quality enhancement account and \$200,000 from the water development account, both of the Texas water development fund.

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

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

TRD-8706630 M. Reginald Arnold II
Executive Administrator
Texas Water Development Board

Filed: August 11, 1987

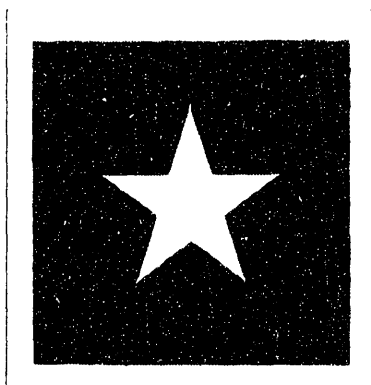
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