

# TEXAS REGISTER

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TEXAS DOCUMENTS

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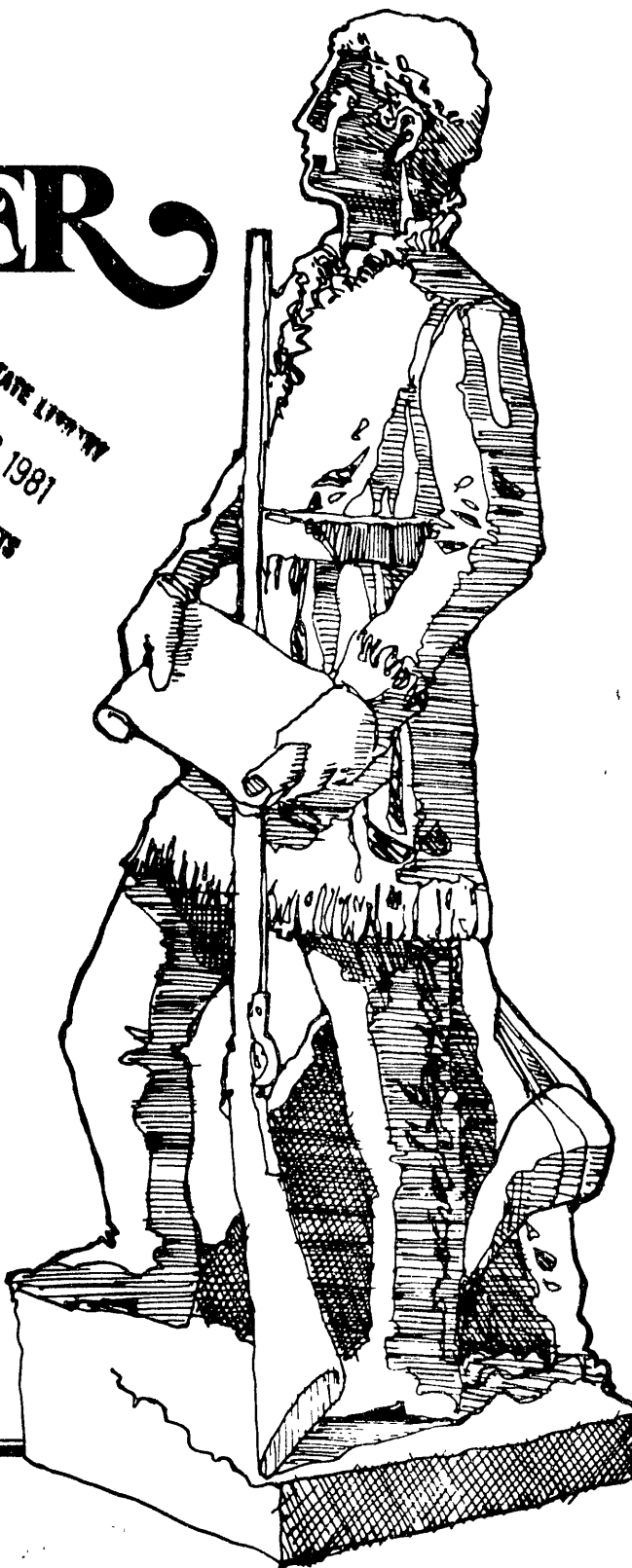
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Office of the Secretary of State

The *Texas Register* is currently in the process of converting to the numbering system found in the *Texas Administrative Code* (TAC). To aid the reader in this conversion, both the 10-digit *Register* number and the new TAC number will be listed for agencies whose rules have been published in the TAC. Emergency, proposed, and adopted rules sections of the *Register* are divided into two classifications: codified and noncodified. Codified rules appear in title number order. Non-codified rules appear in alphabetical order as they have in the past. An "Index of TAC Titles Affected" appears at the end of this issue.

Titles 1, 4, 7, 10, 13, 16, 22, 25, 31, 34, 37, and 43 only of the TAC have now been published. Documents classified in the *Texas Register* to titles not yet published and certain documents affecting titles of the code have been accepted in the non-TAC format and may be renumbered or revised, or both, when initially codified in the TAC.

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

1 is the title (agencies grouped together by subject title which are arranged alphabetically)

TAC is the *Texas Administrative Code*

§27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

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Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 4, Jan. 81

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**HOW TO CITE:** Material published in the *Texas Register* is referenced by citing the volume in which a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document published on page 2404 of Volume 4 is cited as follows: 4 TexReg 2404.

*Cover illustration represents Elisabet Ney's statue of Stephen F. Austin, which stands in the foyer of the State Capitol.*



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George W. Strake, Jr.  
Secretary of State

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Texas Civil Statutes, Article 6252-13a, §6, requires that executive orders issued by the Governor of Texas be published in the *Register*. Appointments made and proclamations issued by the governor are also published. Appointments are published in chronological order. The certification information, which includes a telephone number for additional information, follows each published submission.

## Appointments

March 25, 1981

### Family Farm Advisory Council

*To be members for six-year terms to expire January 31, 1987:*

Kenneth Irwin  
510 Garrett  
Gruver, Texas 79040 (officer of commercial  
lending institution)

Eristus Sams  
Route 1, Box 7  
Waller, Texas 77484 (general farmer)

Messrs. Irwin and Sams are being reappointed.

### Lower Colorado River Authority

*To be a member of the Board of Directors for a six-year term to expire January 1, 1987:*

John Kenneth Dixon  
438 East Lakeshore  
Sunrise Beach, Texas 78543

Mr. Dixon is replacing Milton C. Dalchau of Llano, Llano County, whose term expired.

## Texas Board of Optometry

*To be a member for a six-year term to expire January 31, 1987:*

John W. Davis  
4505 Isabella Lane  
Dallas, Texas 75229

Mr. Davis is being reappointed.

Issued in Austin, Texas, on March 25, 1981.

Doc. No. 812168 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

March 31, 1981

### 5th Administrative Judicial District

*To be presiding judge for a term of four years upon qualifying for such office:*

Judge Jose R. Alamia  
1301 Castile Courts  
Edinburg, Texas 78539

Judge Alamia is being reappointed.

Issued in Austin, Texas, on March 31, 1981.

Doc. No. 812169 William P. Clements, Jr.  
Governor of Texas

For further information, please call (512) 475-3021.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(d), allows an agency to take emergency action on a rule after determining what it considers to be an imminent peril to the public health, safety, or welfare. The rule may become effective immediately on filing with the Texas Register Division, or on a stated date less than 20 days after filing, for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for emergency action on a rule. The notice of emergency action must also include a statement of the legal authority under which the emergency action is promulgated and the text of the emergency action, in compliance with the rules of the Texas Register Division. The certification information, which includes the effective date of the emergency action and the expiration date, follows each published submission of emergency action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."

**Symbology**—Changes to existing material are indicated in *bold italics*. [Brackets] indicate deletion of existing material.



## NONCODIFIED

### Texas Employment Commission

#### Claims for Benefits 327.10.00

The Texas Employment Commission adopts the following new rule on an emergency basis because the Governor of Texas signed Senate Bill 2, amending the Texas Unemployment Compensation Act, on March 20, 1981, and Senate Bill 2 was designated by the governor and the Texas Legislature as an emergency bill which became effective March 21, 1981.

Rule 327.10.00.020 is proposed pursuant to the Texas Unemployment Compensation Act, Texas Civil Statutes, Article 5221b.

##### .020. Implementation of Senate Bill 2.

(a) The term "employment" in Senate Bill 2 shall be interpreted and applied to mean covered employment as defined in the Act.

(b) The disqualification to be imposed against an individual who has left work to move with a spouse, as provided in Senate Bill 2, shall be construed to mean both a benefits (money payments) and a benefit period (time period) disqualification; and such disqualification shall be restricted in its application to apply only to the range from six weeks to 25 weeks.

(c) Commission employees are authorized to administer oaths to claimants in an effort to verify that the qualifying requirements of Senate Bill 2, relating to employment or earnings, have been satisfied.

(d) An employer identified as the employer by whom the claimant was employed, for purposes of satisfying the qualifying requirements of Senate Bill 2, shall be afforded 12 days within which to respond to notice by the commission of the filing of an additional claim by the claimant.

(e) In order to satisfy the requirement of Senate Bill 2 relating to returning to employment and working for six weeks, a "work week" shall be defined as a consecutive seven-day period during which the claimant has worked at least 30 hours.

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812174      Pat Joiner  
Acting Administrator  
Texas Employment Commission

Effective Date: April 3, 1981

Expiration Date: August 1, 1981

For further information, please call (512) 397-4514.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency must give at least 30 days notice of its intention to promulgate certain action on a rule. The purpose of proposing rule action is to give interested persons an opportunity to review the proposal and make oral or written comments. "Opportunity for public hearing must be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members." Proposed action is effective as notice on the date published in the *Register*. Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposed date of adoption is 30 days after publication. The notice must include a brief explanation of the proposed action; a fiscal impact statement; a request for comments on the proposed action from any interested person; the text of the proposed action, in compliance with the rules of the Texas Register Division; and a statement of the legal authority under which the proposed action is to be promulgated. The certification information, which includes the earliest possible date that the agency may file notice to adopt the proposal, follows each published submission of proposed action. A telephone number for further information is also published.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Noncodified."

**Symbology**—Changes to existing material are indicated in **bold italics**. [Brackets] indicate deletion of existing material.

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## CODIFIED

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### TITLE 25. HEALTH SERVICES

#### Part I. Texas Department of Health

##### Chapter 1. Texas Board of Health

##### Formal Hearing Procedures

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, §16(b), relating to decisions and orders provides, in part:

If, in accordance with agency rules, a party submitted proposed findings of fact, the decision shall include a ruling on each proposed finding.

The proposed amendments to the formal hearing procedures of the Texas Department of Health provide a procedure for a timely filing of proposed findings in order that a decision on each may be made a part of the final order.

The department has determined that these proposed amendments have no known fiscal implications to the State of Texas or units of local government (source: department's legal office and Program Budgetary Services Division).

Public comments are invited and should be submitted in writing no later than 30 days after publication in the *Register* to Hal L. Nelson, chief, Legal and Claims Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

These amendments are proposed under authority of Texas Civil Statutes, Article 6252-13a.

#### §1.30 (301.01.02.010) Action after the Hearing.

(a) (No change)

(b) **Proposed findings of fact.**

(1) **Each party having the right and desire to file proposed findings of fact shall file them with the hearing examiner within the time designated by the hearing examiner and prior to the preparation of a proposal for decision if one is necessary.**

(2) **The final decision shall include a ruling on each proposed finding.**

(c)(b)] Proposal for decision.

(1) If a proposal for decision is necessary under the Administrative Procedure and Texas Register Act, §15, the hearings examiner shall prepare the proposal and provide copies of the same to all parties.

(2) Each party having the right and desire to file exceptions and briefs shall file them with the hearing examiner within the time designated by the hearing examiner.

(3) Parties desiring to do so shall file written replies to these exceptions and briefs as soon as possible after receiving same and within the time designated by the hearing examiner.

(4) All exceptions and replies to them shall be succinctly stated.

(d)(c)] Filing. At any time after the record has been closed in a contested case and prior to the administrative decision becoming final in such case, **proposed findings of fact**, all briefs, exceptions, written objections, motions (including motion for rehearing), replies to the foregoing, and all other written documents shall be filed with the hearing examiner; and further, the party filing such instrument shall provide copies of the same to all other parties of record by first class U. S. mail or personal service and certify, in writing thereon, the names and addresses of the parties to whom copies have been furnished, as well as the date and manner of service.

(e)(d)] Final orders or decisions

(1) The final order or decision of the agency will be rendered by the board or by the commissioner as the duly authorized designee of the board

(2) All final orders or decisions shall be in writing and shall set forth the findings of fact and conclusions required by law, either in the body of the order or by reference to an examiner's proposal for decision

(3) Unless otherwise permitted by statute or by these sections, all final orders shall be signed by the commissioner; however, interim orders may be issued by the hearing examiner in accordance with his order of appointment.

(4) A copy of all final orders and decisions shall be timely provided to all parties as required by law.

**(f)(e)** Motion for rehearing. A motion for rehearing shall be governed by the Administrative Procedure and Texas Register Act, §16, or other pertinent statute, and shall be addressed to the commissioner and filed with the hearing examiner.

**(g)(f)** Appeals. All appeals from final agency orders or decisions shall be governed by the Administrative Procedure and Texas Register Act, §19 and §20, or other pertinent statute, and communications regarding any appeal shall be to the commissioner.

Issued in Austin, Texas, on March 31, 1981.

Doc. No. 812126      A. M. Donnell, Jr., M.D.  
Deputy Commissioner  
Texas Department of Health

Proposed Date of Adoption: May 11, 1981  
For further information, please call (512) 458-7236.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part XIV. Texas Board of Irrigators

#### Chapter 425. Certificate of Registration and Seal

##### Certificate of Registration

The Texas Board of Irrigators proposes to amend the following section which governs the fee a licensed irrigator must pay to annually renew his certificate of registration. The current annual renewal fee is set at \$50. The board, through this proposed amendment, wishes to raise the fee to \$75. The Licensed Irrigators Act, Texas Civil Statutes, Article 8751, authorizes the board to adopt an annual renewal fee in an amount not more than \$100 for a licensed irrigator. The fee increase will assist in covering the necessary costs of administration of the Licensed Irrigators Act.

The executive secretary of the Texas Board of Irrigators has determined that the proposed amendment will have no fiscal implications for the state or units of local government. No unit of local government has been consulted in making this determination; however, the Texas Board of Irrigators is the only government agency involved in the administration of this rule.

Public comment is invited and may be submitted by telephoning Joyce Watson, executive secretary of the Texas Board of Irrigators, at (512) 475-8161, or by writing to her at P.O. Box 12337, Austin, Texas 78711, prior to June 10, 1981.

The following amendment is proposed under the authority of Texas Civil Statutes, Article 8751, §7.

**§425.19 (409.03.01.030). Renewal of Certificate; Same Registration Number.**

(a) A licensed irrigator or a licensed installer may renew his certificate of registration at any time during the months of July and August of each year by payment of a renewal fee in the amount of **\$75** [\$50] for a licensed irrigator or \$50 for a licensed installer. Payment shall be made by per-

sonal check, money order, or cashier's check made payable to the Texas Board of Irrigators.

(b) (No change.)

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812227      M. Reginald Arnold II  
General Counsel  
Texas Department of Water Resources

Proposed Date of Adoption: June 10, 1981  
For further information, please call (512) 475-7836.

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## NONCODIFIED

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## Texas Department of Human Resources

### Food Stamps

The Texas Department of Human Resources proposes the following new rules, repeals, and amendments to its rules about the policies and procedures for determining eligibility in the Food Stamp Program. These rule changes include a complete reorganization and clarification of existing rules on application processing. In addition, the department proposes a minor procedural change in Rule 326.15.27.033 for handling timely reapplications. Also, the department is amending Rule 326.15.41.059 to add, as allowable shelter costs, payments on loans or liens for which the home is used as collateral.

The department has determined that the proposed rule changes will have no fiscal implications for the state or units of local government. These changes will have no impact on recipient caseload.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—400, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 15 days of publication in this *Register*.

#### Introduction to Application Process 326.15.21

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.21.004-.014 is proposed under the authority of Title II, Human Resources Code.

- .004. Application Classification.
- .005. PA and Non-PA Households Defined.
- .006. PA Households.
- .007. Non-PA Households.
- .008. Refugee Households.
- .009. ID Cards

- .010. *Issuing ID Cards.*
- .011. *Delivered Meals Service.*
- .012. *Communal Dining Facilities.*
- .013. *Applications by DHR Employees.*
- .014. *SSI Households.*

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812179     Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

## Household Concept 326.15.22.002-.022

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.22.002-.022 is proposed under the authority of Title II, Human Resources Code.

- .002. *Definition.*
- .003. *Disqualified Persons.*
- .004. *Nonmembers.*
- .005. *Roomer.*
- .006. *Boarder.*
- .007. *Live-In Attendants.*
- .008. *Ineligible Aliens.*
- .009. *Students.*
- .010. *Others.*
- .011. *Boarding Houses*
- .012. *Head of Household.*
- .013. *Institutions.*
- .014. *Authorized Representative.*
- .015. *Authorized Representative Applying.*
- .016. *Authorized Representative Obtaining Food Stamps.*
- .017. *Emergency Authorized Representative Obtaining Food Stamps.*
- .018. *Designation of an Emergency A/R.*
- .019. *Redemption by Emergency A/R.*
- .020. *Authorized Representative Using Food Stamps.*
- .021. *Nonmembers Living with the Household.*
- .022. *Restrictions.*

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812180     Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

## 326.15.22.023-.028

Rules 326.15.22.023-.028 are proposed under the authority of Title II, Human Resources Code.

.023. *General Rule.* All applications must be submitted on behalf of a household.

### .024. *Household.*

(a) A household is a food unit and is defined as any of the following individuals or groups of individuals, provided such individuals or groups are not residents of a commercial boarding or an institution, except those participants in approved special programs.

(1) An individual living alone.

(2) An individual, or group of individuals, living with others who customarily purchases food and prepares meals for home consumption separate from the others.

(3) An individual who is a boarder, or group of boarders, living with others and paying reasonable compensation to the others for meals for home consumption.

(4) An individual, or group of individuals, who are blind or disabled residents of an authorized group living arrangement, and who receive benefits under Title II or Title XVI of the Social Security Act.

(b) The household's statement as to household composition and status of the individuals who live together is sufficient unless questionable. However, separate household status when people live together cannot be given to the spouse of a household member, or to a child under age 18 who is under parental control of a household member. For food stamp purposes, a spouse is either of two individuals who would be defined as married to each other under applicable state law, or who live together and hold themselves out to the community as husband and wife by representing themselves as such to relatives, friends, or tradespeople. This definition applies for food stamp purposes only and may differ from state laws governing common-law marriage.

.025. *Head of Household* The head of household is the person in whose name application is made for participation in the program, and normally is the person who is the household's primary source of income. The applicant has the primary responsibility to designate the head of household; however, the worker should suggest that individuals serving as AFDC case name be considered head of household when appropriate. A disqualified person may be designated head of household under the same restrictions that apply to authorized representatives. An ineligible alien may serve when there is no other adult member reasonably able to do so.

.026. *Authorized Representative (A/R)* An authorized representative (A/R) is an individual who is knowledgeable of household circumstances and may act for the household in applying for, obtaining, or using food stamps. The A/R is designated by the head of the household, spouse, or other responsible household member, and may act in that capacity with the full knowledge and consent of the household.

.027. *Disqualified Persons* As a penalty provision, it is possible for some individuals who would otherwise be considered household members to be disqualified from participation. The following actions result in disqualification:

(1) failure without good cause to obtain or refusal to provide an SSN;

(2) determination of fraud through an administrative fraud hearing or court;

(3) failure to sign a repayment agreement after a determination of fraud.

### .028. *Nonmembers.*

(a) The following individuals who live with the household are not considered household members to determine



eligibility or allotment. Nonmembers who are otherwise eligible may participate as separate households.

(b) A roomer is an individual to whom a household furnishes lodging, but not meals, for compensation.

(c) A boarder is an individual to whom a household furnishes lodging and meals. Status as a boarder may not be extended to:

(1) a spouse of a household member or a child under 18 who is under parental control of a household member;

(2) persons paying less than a reasonable monthly payment for meals.

(d) A person who is furnished both meals and lodging by the household, but is paying less than a reasonable amount, is a household member. When the amount paid for meals can be distinguished from the amount paid for lodging, only the amount paid for meals is evaluated to determine if the payment is reasonable. If the amount paid for meals is inseparable from the amount paid for lodging, the total payment is evaluated. The reasonable monthly payment for meals must be paid in cash. Food stamps may not be paid to the household for meals and may not be credited toward the monthly payment.

(e) A reasonable monthly cash payment is either of the following:

(1) the amount of the full allotment for that size household, when the boarder(s) eats an average of more than two meals a day with the household;

(2) two-thirds of the full allotment for that size household when the boarder(s) eats an average of two meals a day or less with the household.

(f) Residents of commercial boarding houses are not eligible for food stamps. The proprietor's household may participate, separate and apart from other residents, if otherwise eligible. In either case, the number of residents has no effect on whether the establishment is or is not a boarding house. A boarding house is defined as either of the following:

(1) an establishment licensed as a commercial enterprise and offering meals and lodging for compensation;

(2) in communities which have no licensing requirements, a commercial establishment offering meals and lodging with the intent to make a profit.

(g) A live-in attendant is a person who lives with a household to provide medical, housekeeping, child care, or other similar personal services.

(h) An ineligible alien is an individual who does not meet the citizenship or permanent alien status requirement. The income and resources of an ineligible alien living in a household may not be considered in determining eligibility or level of benefits of the household.

(i) Persons who are required to meet the special student eligibility criteria but fail to do so are considered non-household members.

(j) Individuals are considered residents of an institution when the institution provides them with the majority of their meals as part of the institution's normal services and the institution has not been authorized to accept coupons. Residents of institutions are not eligible for participation in the program except for:

(1) residents of federally subsidized housing for the elderly built under the Housing Act of 1959, §202, or the National Housing Act, §236;

(2) narcotic addicts or alcoholics residing for the purpose of regular participation in a drug or alcohol treatment

and rehabilitation program at a facility or treatment center authorized to accept food stamps;

(3) disabled or blind individuals who are residents of group living arrangements and who receive benefits under Title II or Title XVI of the Social Security Act.

(k) Others are individuals who share living quarters with the household but who do not customarily purchase food and prepare meals with the household.

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812181      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

### Application Process 326.15.23.005-.010, .012-.016

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.23.005-.010 and .012-.016 is proposed under the authority of Title II, Human Resources Code.

.005 *Definition*

.006 *Filing an Application*

.007 *Availability of Application Form.*

.008 *Where To File*

.009 *Withdrawal of Application.*

.010 *Interviews*

.012 *Waiver of Office Interview.*

.013 *Alternatives to Office Interview.*

.014 *Missed Appointments.*

.015 *Household Cooperation.*

.016 *Appointments.*

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812182      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

### 326.15.23.017-.036

Rules 326.15.23.017-.036 are proposed under the authority of Title II, Human Resources Code.

.017 *Availability of Application Form.*

(a) Application forms must be made readily available to potential applicants. All requests for application forms are processed the same day they are received.

(b) As noted in the county's service plan, at least one application pickup point must be established in each county where basic certification services are not offered during normal business hours each business day. The region shall supply the pickup point(s) with sufficient applications, and with stamped envelopes which have been preaddressed to the ap-

appropriate certification office. The household may then mail in its application rather than waiting until the part-time certification offices open.

**.018. Completion of the Application Form.**

(a) Application for food stamps is made on an application form. DHR must accept any application when filed as long as it contains the applicant's name, address, and is signed by a responsible household member or by the authorized representative.

(b) Although the application must be accepted if it is incomplete when presented, all questions must be answered in accordance with the instructions for the form before certifying the household for food stamps. The application form is designed to be client-completed; however, the clerk accepting the application, other designated person, or the worker during the interview should assist the applicant in completing the form if requested to do so.

**.019. Filing the Application.**

(a) The application may be filed in person or by mail and may be submitted through an authorized representative.

(b) The household has the right to file an application at any time during office hours including the same day the application form is requested. The household must be advised that it does not have to be interviewed before filing an application. Also, the household must be advised that it may file an incomplete application provided it contains the applicant's name, address, and is signed by a responsible household member or by the authorized representative.

(c) If the household decides not to come to the office to obtain its application, or if its request for food stamps came through the mail, the office must mail an application to the household on the same day the request is received. Upon contact with the certification office, the household must be advised of the availability of appointments and the options available for out-of-office service, if applicable.

**.020. Where To File.**

(a) The application must be filed in the certification office designated by DHR to accept the household's application.

(b) When a household contacts the wrong certification office in person or by telephone, that office must give or mail an application to the household the same day. In addition, the office must provide the household the address and telephone number of the correct office and must offer to forward the application that same day if the household has completed at least the name, address, and signature sections of the application. The household shall be informed that the application-processing period does not begin until the application is filed in the correct office. The household may take its application to the correct office if it wishes to do so.

(c) If the household mails its application to the wrong office, that office must date-stamp the application and send it to the correct office on the same day.

**.021. File Date.** The date the application is received is the file date. Day one of the application process is the day after the application is received by DHR in the appropriate food stamp office and is the first day in the application-processing period for determining timeliness requirements.

**.022. Authorized Representative (A/R) Applying.**

(a) Application normally is made by the head of the household, spouse, or another responsible member. If none of these persons is able to complete the application process

because of employment, health, transportation, or other similar reasons, an adult who is not a household member may be designated to apply on behalf of the household. The head of the household or spouse should prepare or review the application, if possible, even though another member or the authorized representative actually will be interviewed. The household must be advised that it will be held liable for any overissuance resulting from erroneous information given by the A/R.

(b) The A/R must:

(1) Be designated in writing. This designation must contain the name and address of the designated person, the signature of the member making the designation, and the date of the designation. If the designation is being made by a member who cannot sign, his or her mark must be witnessed. The witness' signature, address, and the date of witnessing must all appear on the designation. The witness must be a person other than the A/R.

(2) Be sufficiently aware of the household's relevant circumstances. The A/R must cosign and should date the application. If neither the head of the household nor the spouse is able to write, it is recommended that the A/R be able to sign.

**.023. Authorized Representative (A/R) Obtaining Food Stamps.**

(a) An A/R may be designated to redeem the ATP or otherwise obtain food stamps for the household. This designation must be in writing and should be made at the time of application, but may be made at a later time if necessary. The A/R's name must appear on the identification card and he or she must sign the card. The A/R for obtaining food may be the same person designated to make application for the household or may be a different person. The household should be encouraged to designate an A/R for obtaining food stamps in case of illness or other circumstances, even when the household plans to obtain its food stamps without such assistance.

(b) Although A/Rs can be changed either temporarily or permanently, doing so after the ATP is printed will normally result in a delay in obtaining benefits. To change A/R, the original ATP must be canceled and a replacement ATP issued.

**.024. Authorized Representative (A/R) Using Food Stamps.** An A/R may use food stamps to purchase eligible foods for the household provided the individual has the household's food stamp ID card. Designation in writing is not a requirement for A/Rs to use food stamps to purchase eligible foods for a household.

**.025. Emergency A/R Obtaining Food Stamps.** An emergency A/R is a person not already listed on the identification card who is designated to obtain food stamps for the household. This person is appointed when neither a household member nor the regular authorized representative is able to obtain them because of unforeseen circumstances.

**.026. Designation of an Emergency Authorized Representative (A/R).** A tear-off portion of the ID card is used by the household to designate the emergency A/R. The head of the household or spouse whose signatures already appear on the ID card may designate an emergency A/R. The following entries must be completed:

(1) Signature of the member making the designation and date.

(2) The name of the individual being designated as the emergency A/R.

(3) Signature of the emergency A/R obtained in the presence of the household.

(4) The serial number of the specific ATP to be redeemed. Only one ATP can be redeemed with one designation. The designation cannot be reused.

**.027. Redemption by Emergency Authorized Representative (A/R).**

(a) The emergency A/R presents the ATP, the household's ID card, and the emergency A/R designation to the issuing office. The issuing officer will not accept a designation which contains blank entries or inappropriate signatures.

(b) To validate the designation of the emergency A/R, the issuing cashier will compare the signature of the household member on the designation with that person's signature on the ID card. The emergency A/R will sign the ATP in the presence of the issuing officer, and the signature will be compared with his or her signature given earlier in the presence of the household. The ID card is returned to the household and may be reused; however, the household should immediately report its use of an emergency A/R so that the worker can provide a new ID card, complete with designation portion, to accommodate a subsequent designation if necessary.

**.028. Restrictions.** The following restrictions apply to the designation of an A/R:

(1) Employees of DHR who are involved in certification or issuing, or retailers who are authorized to accept food stamps, may not serve as A/Rs except with the specific written approval of the responsible supervisor. This approval may be given only after a documented determination that no one else is reasonably available to serve in this capacity.

(2) Individuals who have been disqualified as the result of a fraud hearing may not act as A/R for the household during the period of disqualification. However, a disqualified individual may serve as A/R if this person is the only adult member of the household able to act on its behalf, and the worker has documented that no one else is reasonably available to act as A/R.

(3) If the only adult living with the household is classified as a nonhousehold member, that person may serve as A/R for the minor members of the household.

**.029. Household Cooperation.**

(a) If the household refuses to cooperate in completing the application process, the application should be denied immediately. Refusal to cooperate means that the household is able to cooperate but clearly demonstrates it will not take required steps to complete the application process. This does not include instances of negligent omission or inability on the part of the household. Reasonable assistance in completing the application or in making verifications should be extended to the household prior to denial for refusal to cooperate in accordance with the statement of DHR's goal. If there is any question as to whether the household has merely failed to cooperate, as opposed to refused to cooperate, the household shall not be denied at that point.

(b) The household will be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility. This includes reviews resulting from reported changes, eligibility redeterminations, or program evalua-

tions. Once denied, the household may reapply but is not eligible for benefits until it cooperates.

**.030. Appointments.** Certification offices must offer appointments to applicants and participants. Offices with three or more AFDC and/or food stamp workers must offer certification services through the lunch hour.

**.031. Interviews.**

(a) All households must be interviewed face-to-face by a certification worker prior to certification, except as noted in Rule 326.15.23.032. This includes eligibility determinations or redeterminations and also includes households which applied in person, by telephone, by mail, or through an A/R. The interview may be conducted with the head of the household, spouse, other responsible household member, or A/R, and normally is held in the certification office or the applicant's home.

(b) Interviews must be scheduled to comply with prescribed time limits for providing benefits to eligible households. Redetermination interviews must be scheduled to avoid any interruption in benefits. The interview appointment may be made in person, by telephone, or by mail.

**.032. Waiver of Office Interview.**

(a) The office interview shall be waived on request by any household which is unable to appoint an A/R to be interviewed, and no household members are able to come to the office for either of the following reasons.

(1) all members are age 65 or older;

(2) all members are mentally or physically handicapped.

(b) In addition, the office interview must be waived on a case-by-case basis for households unable to appoint an A/R and who have no household members able to come to the office because of transportation difficulties, employment or work hours, illness, care of another member, or similar reasons.

(c) Out-of-office certification procedures (home visits or telephone interviews) shall be offered to applicants and participants who live more than 30 miles from a certification office.

**.033. Alternatives to Office Interview.**

(a) When the office interview has been waived, the household must be offered a home visit interview. All home visits must be scheduled in advance with the household.

(b) Waiver of the office interview does not exempt the household from any program requirement, or from normal verification requirements. Nor does a waiver affect the length of the certification period.

**.034. Month of Application.**

(a) Eligibility and allotments for most households submitting a food stamp application must be based on the circumstances of the entire calendar month in which the application was submitted, even though the eligibility decision may not be made until a following month. DHR is required to provide benefits back to the month of application for eligible households.

(b) Because of anticipated changes, a household may be eligible for the month of application but ineligible in the following month. The household is entitled to benefits for the application month even if the benefits will not be issued until the following month. Households eligible in the month of application but ineligible in the following month may average their income. If the household chooses not to average its in-

come, a new application will be required if the household wishes to participate after the second month.

(c) A household may be ineligible in the month of application but eligible in the following month. Even though denied for the month of application, the household does not have to reapply the following month. The same application must be used to deny benefits for the month of application and to determine eligibility and allotment level for subsequent months. The eligibility decision must be made within 30 days of the date the application was filed.

(d) Eligibility and the level of benefits for redeterminations are determined based on circumstances anticipated for the certification period starting the month following the expiration of the current certification period. If an application for redetermination is not received until after the current certification period has expired, the month of application is the month in which the application is filed, the same as any initial application.

**.035. Varying Allotments.** Because of anticipated changes, the household's allotment for the application month may differ from subsequent months. The worker must establish a certification period for the longest possible interval over which changes in the household's circumstances can be reasonably anticipated. The household's allotment will vary from month to month within the certification period to reflect those changes anticipated at the time of certification, unless the household elects to average its income and/or deductions.

**.036. Issuing ID Cards.**

(a) The ID card is issued to the household by the certifying worker at the time of initial certification and remains valid for subsequent certifications. The ID card may be replaced in case of loss, mutilation, destruction, or changes in persons listed on the card. The ID card must also be replaced when an emergency A/R has been designated.

(b) The ID card is issued in the name of the household member to whom ATPs will be issued. That member, spouse, and any A/R(s) designated to obtain or use food stamps for the household must sign the ID card before using it.

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## Non-PA Eligibility and Application 326.15.24.005-.019

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.24.005-.019 is proposed under the authority of Title II, Human Resources Code.

- .005. Non-PA Eligibility Determination.**
- .006. Processing Time Limit.**
- .007. Opportunity To Participate.**

- .008. Unverified Deductible Expenses.**
- .009. Denying the Application.**
- .010. Month of Application.**
- .011. Varying Allotments.**
- .012. Delay in Processing Caused by Household.**
- .013. Applications Reopened.**
- .014. Delay Caused by DHR.**
- .015. Delays beyond 60 Days.**
- .016. Written Notice.**
- .017. Notice of Eligibility.**
- .018. Notice of Denial.**
- .019. Notice of DHR Delay.**

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## Non-PA Eligibility Determinations 326.15.24.020-.031

Rules 326.15.24.020-.031 are proposed under the authority of Title II, Human Resources Code.

**.020. Approved Applications** An eligible household which completes the eligibility determination process must have an opportunity to participate as soon as possible but not later than 30 days after its application was filed.

**.021. Denied Applications** Households found ineligible must be sent a denial notice as soon as possible, but not later than 30 days following the date the application was filed.

**.022. Opportunity To Participate.** An opportunity to participate means providing an eligible household with an ATP at a time when an issuing office is open and the household will actually be able to obtain its food stamps.

**.023. Missed Appointments.**

(a) For households which miss the first scheduled interview appointment, an attempt must be made to schedule a second appointment within 30 days of the date the application was filed. The household need not show good cause for missing the first appointment. The worker or designated person should attempt to schedule a second appointment.

(b) Households which fail to complete the interview process and make no further contact with the certification office to pursue the application by the 30th day must be sent a notice of denial on the 30th day following the date of application. The household must file a new application if it wants to receive benefits. Its previous application cannot be reopened.

**.024. Delays Caused by the Household** A delay is considered the fault of the household if the household has failed to complete the application process and the worker has taken all of the actions required of him or her to assist the household.

**.025. Failure To Appear for an Interview.** For households which have missed their initial interview, the worker must have attempted to schedule a second interview within 30 days of the date the application was filed. If the worker has met this requirement, the following situations constitute delay by the household.

(1) If the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or otherwise cannot be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification, and register members for work by the 30th day. If the household fails to do so, the delay is the fault of the household.

(2) If the household has failed to appear for the initial interview, and a subsequent interview is postponed at the household's request until after the 30th day, the delay is the fault of the household.

(3) If the household has missed both scheduled interviews and by the 30th day from the date the application was filed makes a request for another interview, any delay is the fault of the household.

**.026. Failure To Register for Work.** If a member has not registered for work as required, the worker must have informed the household of the need to register for work and allowed at least 10 calendar days for the member to register or otherwise go to work.

**.027. Failure To Provide Verification.** When verification is incomplete, the worker must have offered, or attempted to offer, reasonable assistance in obtaining the verification. The worker also must have allowed the household at least 10 calendar days to provide the missing verification.

**.028. Applications Reopened**

(a) If the household takes the required action after denial but no more than 60 days from the date the application was filed, the worker must reopen the original application. The household will not be required to file a new application to obtain benefits. The household is, however required to report changes which have occurred since the application was filed.

(b) Applications may not be reopened which were denied on the 30th day because the household failed to complete the interview process and did not contact the office by the 30th day to pursue the application.

(c) If the household was at fault for the delay in the first 30-day period, but is found to be eligible during the second 30-day period and no DHR fault exists, the worker shall provide benefits only from the month following the month of application. The household is not entitled to benefits for the month of application when the delay was the household's fault.

**.029. Delay Caused by DHR.**

(a) When DHR fails to process an application within the 30-day period, immediate corrective action must be taken since the delay is DHR's fault. The worker will not deny the application but will notify the household by the end of the 30-day period that its application still is being considered. This notice also must inform the household if any action by the household is needed.

(b) If the household is determined eligible during the second 30-day period, it is entitled to benefits beginning with the month of application. If, however the household is found to be ineligible, the application is denied.

**.030. Delays beyond 60 Days.**

(a) If DHR is at fault for not completing the application process within 60 days of the application date, the worker must take action as follows:

(1) When the caseload is otherwise complete, the worker must continue to process the application until an eligibility decision is made. If the household is determined eligible, the household must receive benefits beginning with the original month of application. The household must complete a new application form to determine entitlement to benefits beyond the original 60-day period.

(2) When the caseload is not complete enough to make an eligibility decision, the worker must deny the application and notify the household it must reapply if it wishes to receive benefits. The household is advised of possible restoration of lost benefits because of the DHR delay. Such benefits would be calculated beginning with the month of application. If the delay was the household's fault in the initial 30-day period, and DHR is at fault in the second 30-day period, benefits begin the month following the month of application.

(3) If the delay was the fault of the DHR during the first 30-day period but the fault of the household during the second 30 days, the application must be denied, and the household is not entitled to restored benefits for either period. The household must be advised that it must reapply if it wishes to obtain benefits.

(b) Benefits delayed more than 60 days from the application date must be returned to the household through the restoration of lost benefits process.

**.031. Written Notice.** The worker must provide or send the household one of the following notices as soon as a determination is made, but not later than the 30th day after the application file date:

- (1) notice of eligibility;
- (2) notice of denial;
- (3) notice of delay.

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**Expedited Service 326.15.25.005-.011**

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.25.005-.011 is proposed under the authority of Title II, Human Resources Code.

- .005. Requirements.
- .006. Special Processing Time Limit.
- .007. Drug Addicts/Alcoholics.
- .008. Waiver of Office Interview.
- .009. Late Determinations.
- .010. Postponed Verification.
- .011. Certification Period.

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## 326.15.25.012-.017

Rules 326.15.25.012-.017 are proposed under the authority of Title II, Human Resources Code.

### .012. *Expedited Service.*

(a) If otherwise eligible, these households are entitled to expedited service on their applications:

(1) all households with zero net monthly income when computed under normal income procedures;

(2) all households which are determined destitute.

(b) Households wishing to contest a denial of expedited service must be offered a conference with the supervisor or other appropriate staff.

### .013. *Special Processing Time Limit.*

(a) If the household is eligible and qualifies for expedited service, the worker must mail a manual ATP (MATP) to the household no later than the close of business on the second work day after the application date. If the worker is unable to meet the two-day time frame for mailing the MATP, the MATP must be available to be picked up at the certification office by a responsible household member or the authorized representative no later than the start of business on the third working day.

(b) The two-day special processing time limit, and the seven-day limit allowed in the case of a drug addict/alcoholic or group living arrangement, begins on the first work day after the receipt of the completed and signed application form in the certification office.

.014. *Late Determinations.* The expedited service time standard is calculated from the date of discovering the household's entitlement to expedited processing when:

(1) Prescreening fails to identify a household which is entitled to expedited service and this entitlement is not discovered until later.

(2) The household submits its application by mail, but all efforts to contact the household for an interview fail, and the certification office must resort to an appointment letter to arrange the interview. In this instance, the household's potential eligibility for expedited service cannot be confirmed until the interview is held or the household otherwise contacts the certification office.

### .015. *Waiver of Office Interview.*

(a) If a household member is entitled to expedited service and also is entitled to waiver of the office interview, the worker must conduct the interview no later than the close of business on the first working day after the application date.

(b) The application must be completed before benefits can be issued to the household.

### .016. *Postponed Verification*

(a) If necessary to meet expedited time limits for households entitled to expedited service, the worker must postpone the verifications which normally would be required. However, the household's identity and residency must be verified through a collateral contact or readily available documentary evidence.

(b) The household's income statements must be verified whenever it can be done in sufficient time to meet the expedited processing standards. Benefits must not be delayed beyond the two or three work days delivery standards solely because income or other normally required information has not been verified.

.017. *Certification Period.* If the household has provided all needed verifications prior to being certified on an expedited basis, it will be assigned a normal certification period. However, if verification was postponed, the household must be certified for the month of application only. There is no limit to the number of times a household can be certified under expedited procedures as long as the postponed verifications have been completed before the next expedited certification, or the household has been certified under normal procedures since the last expedited certification. Households requesting but not entitled to expedited service must have their applications processed according to normal standards.

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## Non-PA Redetermination 326.15.26.008-.018

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Baniſter Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.26.008-.018 is proposed under the authority of Title II, Human Resources Code.

### .008. *Definition.*

### .009. *Processing Time Limit*

### .010. *Notice of Expiration.*

### .011. *Application Package/Notice.*

### .012. *Timely Application*

### .013. *Action on Timely Applications.*

### .014. *Interview*

### .015. *Opportunity To Participate.*

### .016. *DHR Delay in Processing Redeterminations.*

### .017. *Household Delay in Processing Redeterminations.*

### .018. *Good Cause.*

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## Changes 326.15.26.019-.025

Rules 326.15.26.019-.025 are proposed under the authority of Title II, Human Resources Code.

### .019. *Changes Required To Be Reported.*

(a) Certified households are required to report the following changes

(1) changes in the sources of income or in the amount of gross monthly income of more than \$25, except changes in the public assistance grant and mass changes in social security and SSI benefits;

(2) all changes in household composition such as the addition or loss of a household member;

(3) changes in residence and the resulting change in shelter costs;

(4) ownership of a licensed vehicle not fully excludable;

(5) when cash on hand, stocks, bonds, and money in a bank account or savings institution reach or exceed a total of \$1,500;

(6) when the amount of a household's monthly medical expenses change by \$25 or more.

(b) The requirement to report changes in gross monthly income and medical expenses of more than \$25 applies to changes in total household income or medical expenses, not to changes in each individual household member's income or medical expenses.

**.020. Time Limit on Reporting Changes.** Households must report changes within 10 days of the date the household knows about the change. Changes may be reported by mail, phone, in person, or through someone acting in the household's behalf.

**.021. Increase in Benefits.** For changes which result in an increase in a household's benefits, other than changes described in Rule 326.15.26.022, the worker must make the change effective not later than the first allotment issued 10 days after the date the change was reported to the worker.

**.022. Special Change-Processing Standards.** For changes which result in an increase in a household's benefits because of the addition of a new household member who is not a member of another certified household, or because of a decrease of \$50 or more in the household's gross monthly income, the worker must make the change effective not later than the first allotment issued 10 days after the date the change was reported. However, in no event are these changes to take effect any later than the month following the month in which the change is reported.

**.023 Time Limits for Obtaining Verification for Increased Benefits.**

(a) Verification which is required must be obtained prior to the issuance of the second normal monthly allotment after the change is reported for all changes which result in an increase in benefits. The household must be advised that its increased benefits will revert without notice of adverse action to the previous level if the needed verification is not provided in a timely manner.

(b) If the household refuses to cooperate, the worker must deny the case after providing the required notice of adverse action.

**.024. Decrease in Benefits.** If the household's benefit level decreases or the household becomes ineligible as a result of the change, the worker must issue a notice of adverse action within 10 days of the date the change was reported. The decrease in benefit level will be made effective not later than the allotment of the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. Verification which is required must be obtained prior to recertification.

**.025. Failure To Report.** If the worker discovers that the household failed to report a change as required and, as a result, received benefits it was not entitled to, the worker

must file a claim against the household. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. A household will not be held liable for a claim because of a change in household circumstances which it is not required to report.

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### PA Application 326.15.27.016-.030

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The repeal of Rules 326.15.27.016-.030 is proposed under the authority of Title II, Human Resources Code.

**.016. PA Determinations/Redeterminations.**

**.017. Application.**

**.018. Single Interview.**

**.019. Verification.**

**.020. Time Limits**

**.021. Notice of Eligibility/Denial.**

**.022. Application Processing.**

**.023. PA Certification Periods.**

**.024. AFDC Grant and Date Are Anticipated.**

**.025. When AFDC Grant Is Uncertain.**

**.026. When AFDC Eligibility Is Uncertain.**

**.027. Denial of AFDC Application.**

**.028. Notice of Expiration.**

**.029. Recertifications.**

**.030. Changes Because of AFDC Review.**

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### Non-PA Redeterminations 326.15.27.031-.036

Rules 326.15.27.031-.036 are proposed under the authority of Title II, Human Resources Code.

**.031. Notice of Expiration.**

(a) Each certified non-PA household must be provided with a notice of the expiration of its certification just prior to or at the start of the last month of the certification period, and must receive the notice of expiration as follows:

(1) no earlier than 15 days prior to the beginning of the last month of the expiring certification period; and

(2) no later than the first day of the last month of the expiring certification period.



(b) If the household's certification period is for one month or if the household was certified for two months during the month following the month of application, the notice of expiration is provided at the time of certification.

**.032. Timely Applications** Households provided a notice of expiration at the time of certification must have 15 days from the date the notice is received to file a timely application for recertification. All other households which submit identifiable applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

**.033 Interview.**

(a) Households receiving notices of expiration are not required to appear for an interview before the last month of the current certification period. An interview may be scheduled prior to the last month of the expiring certification period or prior to the date the household makes timely reapplication, but the household cannot be denied for missing or refusing the early interview. When a household fails to appear for an early interview, the worker must schedule an interview on or after the date the timely reapplication was filed.

(b) Households which fail, without good cause, to appear for an interview scheduled to be held after the timely reapplication is filed lose their right to uninterrupted benefits. However, the household's application will not be denied at that point unless it has refused to cooperate.

(c) If subsequently contacted by the household, the worker should attempt to schedule a second appointment within the processing time frames for redeterminations. If, because of factors such as lead time, it is not possible to schedule the appointment so the household receives uninterrupted benefits, or the household fails to contact the certification office regarding a second appointment, the application for redetermination must be denied on the last workday of the appropriate processing period. The household would be required to file a new application for continued participation.

**.034. Opportunity To Participate.** The worker must take action on timely reapplications and provide eligible households with an opportunity to participate within the following time limits:

(1) Households given their notice of expiration at the time of the last certification will be notified of the eligibility decision and, if eligible, have an opportunity to participate within 30 calendar days of their last opportunity to participate.

(2) Households submitting their application by the 15th of the last month of the current certification period must be notified of the eligibility decision by the end of that month. If the end of the month falls on a nonworkday, the notice must be provided to the household by the last previous workday. Eligible households must have an opportunity to participate by their normal issuance cycle in the following month.

**.035. Household Delay.**

(a) A household which fails without good cause to submit a timely application for recertification, or to appear for an interview scheduled after the household filed its timely application for recertification, loses its right to uninterrupted benefits. Households which refuse to cooperate in providing required information shall be denied.

(b) Any application not submitted in a timely manner shall be treated as an application for initial certification as described. For applications received within 30 days after the certification period expires, previously verified income or actual utility expenses need not be verified if the source has not changed and the amount has changed by \$25 or less.

**.036. Good Cause.** If the worker determines that the household's failure to make timely application, or to otherwise complete the certification process in a timely manner, was for good cause, the household shall be entitled to restoration of lost benefits, if as a result of its failure, the household was unable to participate in the month following the expiration of its certification period. The determination of good cause shall include but not be limited to failure to receive timely notice of expiration or personal illness.

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812191      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981  
For further information, please call (512) 441-3355, ext. 2037.

## SSI/Food Stamp Joint Processing 326.15.28.008-.016

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.28.008-.016 is proposed under the authority of Title II, Human Resources Code.

- .008. Requirements.**
- .009. Initial Application Filed at the SSA Office.**
- .010. Jointly Processed Households Eligible for Expedited Service.**
- .011. Work Registration.**
- .012. Certification Periods.**
- .013. Notices of Expiration.**
- .014. Changes.**
- .015. Redeterminations.**
- .016. Restoration of Lost Benefits.**

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812192      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981  
For further information, please call (512) 441-3355, ext. 2037.

## Joint AFDC/Food Stamp Applications 326.15.28.017-.032

Rules 326.15.28.017-.032 are proposed under the authority of Title II, Human Resources Code.

**.017. General Provisions.** The following households must be allowed to apply for food stamps at the same time they apply for AFDC benefits:



(1) households in which all members are applying for AFDC; and

(2) households in which some but not all members are applying for AFDC (mixed households) whose applications have been assigned to an AFDC worker.

**.018. Single Interview.** A single interview at initial application must be conducted for both PA and food stamp purposes. PA households must not be required to see a different worker or otherwise be subjected to two interview requirements to obtain benefits of both programs.

**.019. Verification.** Food stamp verification requirements for eligibility determinations and redeterminations must be used for eligibility factors relating only to the food stamp portion of the joint AFDC/food stamp application. For those factors needed to determine eligibility and benefit levels in both programs, the worker may apply AFDC verification rules. When food stamp verifications are met, the worker may not delay the food stamp benefits because the household has failed to provide verifications required by AFDC rules.

**.020. Application Processing.** PA food stamp applications must be processed in accordance with food stamp rules on timeliness standards and processing procedures for non-PA eligibility determinations and for households qualifying for expedited service

**.021. When AFDC Grant Amount and Receipt Date Are Certain.** When the worker can anticipate the amount and date of receipt of the initial AFDC warrant, but the warrant will not be received until a subsequent month, the worker must assign a normal PA certification period based on the anticipated PA review date. The worker must vary the household's food stamp benefits according to the expected receipt of the AFDC warrant and specify the variations on the household's notice of eligibility. Portions of initial AFDC warrants intended to cover retroactively a previous month are considered lump-sum payments and disregarded from income in the month of receipt.

**.022. When AFDC Grant Amount and Receipt Date Are Uncertain.** When the worker is reasonably certain that the household will be certified for AFDC but cannot reasonably anticipate the amount or receipt date of the AFDC warrant, a normal PA food stamp certification period must be assigned based on the anticipated AFDC review date. Receipt of the initial AFDC warrant must be handled as a change in circumstances. A notice of adverse action is not required if receipt of the AFDC grant reduces or terminates the household's food stamp benefits provided the household was notified in advance on the notice of eligibility.

**.023. When AFDC Eligibility Is Uncertain**

(a) When AFDC eligibility is uncertain, the AFDC worker must certify the household for non-PA benefits and assign an appropriate non-PA certification period. The household's notice of eligibility must explain that food stamp benefits may be reduced or denied if AFDC is granted. The food stamp case is retained by the AFDC worker until the AFDC decision is made.

(b) If AFDC is subsequently granted, and the household is a PA household, the AFDC worker must change the non-PA certification to PA and extend it in accordance with the grant of AFDC benefits. The certification period must be adjusted to expire one month after the next scheduled AFDC review month, not to exceed one year. The notice of eligibility

being sent to inform the household of its AFDC benefits also must list the new food stamp certification period and benefits information.

(c) The non-PA certification cannot be extended if it has already expired prior to the AFDC decision. Therefore, the household must submit a new application and have its food stamp eligibility redetermined, if the AFDC decision is delayed past the end of the initial non-PA certification period. A new application is not required if the AFDC decision is made before the non-PA certification expires.

**.024. Denial of AFDC Application.**

(a) Households whose AFDC applications are denied are not required to file a new application for food stamps. Instead, food stamp eligibility for these households must be determined or continued on the basis of the original application filed jointly for food stamps and AFDC purposes and from any other documented information obtained subsequent to the application which may have been used in the AFDC determination and which is relevant to food stamp eligibility or level of benefits. Benefit levels and the appropriate non-PA certification period must be determined by the AFDC worker.

(b) If food stamp eligibility has already been determined under non-PA rules before denial of the AFDC application, or if some but not all members were certified for AFDC and the household is a non-PA household, the AFDC worker must provide the household with a notice of expiration if appropriate. The certification period cannot be allowed to expire until after the household has been afforded a proper notice of expiration and an opportunity to submit a timely application for continued benefits.

**.025. Notice of Expiration.** It is not necessary to send a notice of expiration to a PA household if food stamp eligibility has been redetermined, in conjunction with the AFDC periodic review, before the first day of the last month of the expiring food stamp certification period. In the event that the eligibility decision is not reached until late in the prescribed period, care must be taken to ensure the notice reaches the household within the time limit. If the household is not recertified for food stamps, proper notice of expiration must be provided before the food stamp denial is allowed to become effective.

**.026. Recertifications.** When a household has been jointly certified for AFDC and food stamps, its food stamp certification period will normally end one month after the next AFDC periodic review. This means that the AFDC review will probably be completed before the last month of the food stamp certification period. If the household is eligible, the worker must establish a new food stamp certification period, and also make any changes in the expiring certification which are required by the AFDC determination.

**.027. Changes Required To Be Reported.** PA households have the same reporting requirements as any other food stamp household. PA households which report a change in circumstances to the PA worker are considered to have reported the change for food stamp purposes.

**.028. Altered Food Stamp Benefits or Certification Periods.** Households must be notified whenever their benefits are altered as a result of changes in the PA benefits or whenever the food stamp certification period is shortened to reflect changes in the household's circumstances. If the certification period is shortened, the household's certification period

may not end any earlier than the month following the month in which DHR determines that the certification period should be shortened, allowing adequate time for DHR to send a notice of expiration and for the household to timely reapply. If the PA benefits are terminated but the household is still eligible for food stamp benefits, members of the household must be advised of food stamp work registration requirements, if applicable, as their WIN registration exemption no longer applies.

**.029. Reduction or Termination of Both PA and Food Stamps.**

(a) If a change in household circumstances requires both a reduction or termination in the PA payment and a reduction or termination in food stamp benefits, DHR must issue a single notice of adverse action for both the PA and food stamp actions.

(b) If the household requests a fair hearing within the period provided by the notice of adverse action, the household's food stamp benefits must be continued on the basis authorized immediately prior to sending the notice. If the fair hearing is requested for both programs' benefits, the hearing must be conducted according to PA procedures and timeliness standards. However, the household must reapply for food stamp benefits if the food stamp certification period expires before the fair hearing process is completed.

(c) If the household does not appeal, the reduction or termination of benefits must be made effective not later than the allotment for the month following the month in which the notice of adverse action expires.

**.030. Reduction or Termination of PA Benefits/Increase in Food Stamp Benefits.** If the household's food stamp benefits will be increased as a result of the reduction or termination of PA benefits, the worker shall issue the PA notice of adverse action, but shall not take any action to increase the household's food stamp benefits until the household decides whether it will appeal the adverse action. If the AFDC notice expires between cut-off and the end of the month, the worker shall place a hold on the ATP for the next month. If the household decides to appeal and its AFDC benefits are continued, the hold must be promptly released and the household's food stamp benefits shall continue at the previous basis. If the household does not appeal, the worker shall release the hold and make the increase effective beginning with the month PA benefits decrease.

**.031. Action on Food Stamps When PA Benefits Are Terminated and Notice of Adverse Action Is Sent.**

(a) When PA benefits are terminated and a notice of adverse action has been sent, the worker must not adjust food stamp benefits until the household's PA notice of adverse action period expires or until the household requests a fair hearing, whichever occurs first. If the household requests a fair hearing and its PA benefits are continued pending the appeal, the household's food stamp benefits must be continued on the same basis.

(b) If the household decides not to request a fair hearing and continuation of its PA benefits, the worker must send the household a notice of expiration at the end of the PA notice of adverse action period which informs the household that its certification period will expire at the end of the month following the month the notice of expiration is sent and that it must reapply if it wishes to continue to participate. The notice of expiration must explain to the household

that its certification period is expiring because of changes in its circumstances which affect its food stamp eligibility and benefit level.

**.032. Action on Food Stamps When PA Benefits Are Terminated and a Notice of Adverse Action Is Not Required.** If a PA notice of adverse action is not required, the worker must send the household a notice of expiration which informs the household that its certification period will expire at the end of the month following the month the notice of expiration is sent. The notice must explain to the household that its certification period is expiring because of changes in its circumstances which affect its food stamp eligibility and benefit level and that it must reapply if it wishes to continue to participate.

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812193

Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

## SSI/Food Stamp Joint Processing 326.15.29

Rules 326.15.29 001-.008 are proposed under the authority of Title II, Human Resources Code.

**.001. Initial Application Filed at the SSA Office.**

(a) The Social Security Administration (SSA) will accept and complete food stamp applications received at local SSA offices and SSA contact stations from pure SSI households during the interview for SSI. Other households contacting SSA which wish to apply for food stamps will be referred to the correct food stamp office to file their applications and are subject to normal processing procedures.

(b) Upon receipt of an application from SSA, the application must be screened for expedited service. If eligibility for expedited service does not exist, the worker must make an eligibility determination and issue food stamp benefits to eligible SSI households within 30 days following the date the application was received by SSA.

(c) The household's eligibility determination must be made on the basis of the application and supporting documentation received from SSA. The household must not be contacted further in order to obtain information for certification unless:

(1) the application is improperly completed;

(2) mandatory verification is missing; or

(3) the worker determines that certain information on the application is questionable.

(d) In no case will the applicant be required to come in to the food stamp office to complete the application process. If further contact with the household is required, the contact must be made by home visit, telephone, or mail. Such contacts do not constitute a second interview for food stamp purposes.

**.002. Jointly Processed Households Eligible for Expedited Service** SSA is responsible for prescreening all applications from households eligible for joint processing for entitlement to expedited service on the day the application is received by SSA. SSI households entitled to expedited service must be certified in accordance with the procedures in the expedited

service rules except that the expedited time frames for processing the application begin with the date the application is received in the appropriate food stamp office.

**.003. Work Registration.** Members of pure SSI households who have applied for SSI and food stamps at the SSA office are not subject to the work registration requirement until:

- (1) they are determined eligible for SSI and thereby become exempt from work registration; or
- (2) they are determined ineligible for SSI. If SSI benefits are denied, a determination of the client's work registration status must be made at the next recertification.

**.004. Certification Periods**

(a) Pure SSI households whose applications were jointly processed through the SSA office may be certified for up to 12 months.

(b) The processing time frames for an eligibility determination on initial SSI claims average 50 to 60 days for a disability claim and 20 days for a claim filed on the basis of age. An SSI check is usually received within 10 days from the date an SSI eligibility determination is made. Therefore, initial food stamp certification periods for jointly processed households should be limited to one or two months beyond the month of application, unless the amount and date of receipt of SSI benefits can be anticipated.

**.005. Notices of Expiration**

- (a) SSI households must receive a notice of expiration:
  - (1) no earlier than 15 days prior to the beginning of the last month of the expiring certification period; and
  - (2) no later than the first day of the last month of the expiring certification period

(b) If the household's certification period is for one month or if the household was certified for two months during the month following the month of application, the notice of expiration must be provided at the time of certification.

(c) In addition, when a certification period of more than two months is assigned based on anticipation of the SSI income and the SSI application is subsequently denied, the household must be sent an expiration notice if the household's food stamp eligibility or benefit levels might be affected. The expiration notice must explain that:

- (1) the household's certification period will expire at the end of the month after the month in which the expiration notice was sent;
- (2) the household's certification period is expiring because of changes in its circumstances which may affect food stamp eligibility or benefit levels;
- (3) the household must reapply if it wishes to continue to participate; and
- (4) the household may be entitled to a waiver of the office interview.

**.006. Changes** Households whose applications have been jointly processed are subject to the same requirements for reporting changes as other food stamp households.

**.007. Redeterminations** If a food stamp household which filed its initial application for food stamps through SSA goes to an SSA office for a scheduled or unscheduled SSI redetermination and has received a notice of expiration of its food stamp eligibility, the household shall be allowed to file a timely application for recertification at SSA. The date the application is received by SSA is used to determine whether the application was filed in a timely manner. SSI households filing timely reapplications at the SSA office must not be re-

quired to appear for a second office interview, although an out-of-office interview may be conducted if necessary.

**.008. Restoration of Lost Benefits** DHR must restore benefits lost because of an error by DHR or by SSA through joint processing. Such errors include but are not limited to loss of an applicant's food stamp application after it has been filed with SSA.

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812194      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

## Definition of Income 326.15.41

Rule 326.15.41.059 is proposed under the authority of Title II, Human Resources Code.

**.059. Shelter Costs**

- (a) (No change.)
- (b) Allowable shelter costs include:
  - (1) Rent, mortgage payments, and other continuing charges leading to ownership of the property, including interest on such payments. ***Payments on any liens or loans for which the home property is used as collateral are allowable.***

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

(c)-(d) (No change.)

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812195      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

## Computation of Income 326.15.43

Rule 326.15.43.008 is proposed under the authority of Title II, Human Resources Code.

**.008. Averaging Income.** Income may be averaged at the household's option for all households but those considered destitute. ***If the household elects to do this, its eligibility will be determined based on the averaged income for the entire period.*** For destitute households, averaging involves considering income anticipated in future periods which would not be available for the household's current food needs. The number of months used to determine the household's average income does not have to be the same as the number of months in the certification period as long as the worker is reasonably certain that the months used are representative of the income fluctuations. A household's annual income received by contract or self-employment in less than a 12-month period, unless received on an hourly or piece-work

basis, must be averaged over 12 months. These provisions do not apply to migrant or seasonal farmworkers.

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812196      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

### Changes during Certification Periods 326.15.64

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas Department of Human Resources, 706 Banister Lane, Austin, or in the Texas Register Division office, 503E Sam Houston Building, Austin.)

The repeal of Rules 326.15.64.012-.026 is proposed under the authority of Title II, Human Resources Code.

.012. *Changes Required To Be Reported.*

.013. *Time Limit on Reporting Changes.*

- .014. *Failure To Report.*
- .015. *Change Report Form.*
- .016. *Worker Responsibilities.*
- .017. *Increase in Benefits.*
- .018. *Special Change-Processing Standards.*
- .019. *Decrease in Benefits.*
- .020. *Mass Changes.*
- .021. *DHR-Initiated Changes.*
- .022. *Reporting Requirements.*
- .023. *Altered Food Stamp Benefits or Certification Periods.*
- .024. *Reduction or Termination of PA/Food Stamps.*
- .025. *Increased Food Stamp Benefits.*
- .026. *Termination of PA Benefits within the Food Stamp Certification Period.*

Issued in Austin, Texas, on April 3, 1981.

Doc. No. 812197      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

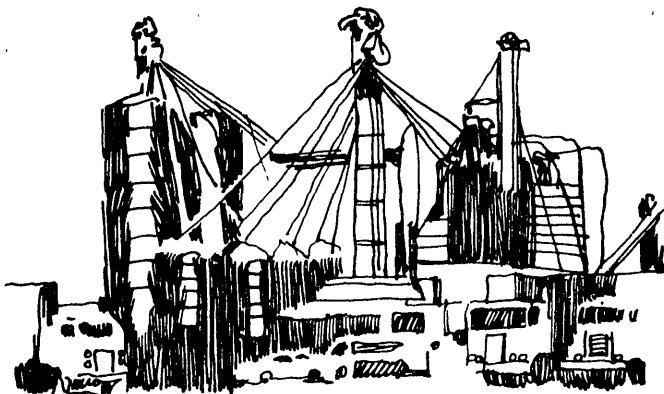
Proposed Date of Adoption: May 11, 1981

For further information, please call (512) 441-3355, ext. 2037.

Pursuant to the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, an agency may take final action on a rule 30 days after publication of the proposed action in the *Register*. Upon adoption of the action, "the agency, if requested to do so by an interested person either prior to adoption or within 30 days after adoption, shall issue a concise statement of the principal reasons for and against its adoption, incorporating in the statement its reasons for overruling the considerations urged against its adoption." The action is effective 20 days after filing of the notice of final action with the Texas Register Division unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice. The notice includes whether the action is promulgated with or without changes to the action proposed; a statement of the legal authority under which the final action is promulgated; and the text of the final action, in compliance with the rules of the Texas Register Division. If an agency takes final action on a rule with no changes made to the text as proposed, only the preamble of the notice and statement of legal authority will be published. The text, as appropriate, will be published only if final action is taken with changes made to the proposed action. The certification information, which includes the effective date of the final action, follows each published submission of final action. A telephone number for further information is also published.

An agency may withdraw proposed action or the remaining effectiveness of emergency action by filing a notice of withdrawal with the Texas Register Division. The notice will appear in this section of the *Register* and is generally effective immediately upon filing with the Texas Register Division.

This section now contains two classifications: codified and noncodified. Agencies whose rules have been published in the *Texas Administrative Code* will appear under the heading "Codified." These rules will list the new TAC number, which will be followed immediately by the *Texas Register* 10-digit number. Agencies whose rules have not been published in the TAC will appear under the heading "Noncodified." The rules under the heading "Codified" will appear first, immediately followed by rules under the heading "Non-codified."



## CODIFIED

### TITLE 16. ECONOMIC REGULATION

#### Part I. Railroad Commission of Texas

##### Chapter 5. Transportation Division

##### Subchapter B. Operating Certificates, Permits, and Licenses

The Railroad Commission of Texas adopts new §5.38 (051.03.02.025) without changes to the proposed text published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 487). As a result of comments received, the commission held a public hearing for the purpose of receiving testimony concerning the new section.

Section 5.38 (051.03.02.025) is adopted under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812219      Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 3, 1981

For further information, please call (512) 445-1186.

The Railroad Commission of Texas adopts new §5.39 (051.03.02.026) without changes to the proposed text published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 487). No public comments were received concerning this regulation. Requiring the carrier to keep current the name and address of a registered agent will insure receipt of notice of proceedings before the commission instead of presuming the carrier received notice.

Section 5.39 (051.03.02.026) is adopted under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812220      Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 3, 1981

For further information, please call (512) 445-1186.

##### Subchapter E. Annual and Other Reports

The Railroad Commission of Texas adopts the repeal of §5.83 (051.03.05.003) with no change from the proposed notice of repeal. This section is repealed because new §5.38 (051.03.02.025) containing new and different provisions deal-

ing with cancellation and reinstatement is adopted. Notice of the proposed repeal was published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 487).

The repeal of §5.83 (051.03.05.003) is adopted under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812221 Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 3, 1981

For further information, please call (512) 445-1186.

The Railroad Commission of Texas adopts the repeal of §5.84 (051.03.05.004) with no change from the proposed notice of repeal. This section is repealed because new §5.38 (051.03.02.025) containing new and different provisions dealing with cancellation and reinstatement is adopted. Notice of the proposed repeal was published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 487).

The repeal of §5.84 (051.03.05.004) is adopted under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812222 Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 3, 1981

For further information, please call (512) 445-1186.

## Subchapter I. Equipment: Identification and Reports

The Railroad Commission of Texas adopts the repeal of §5.154 (051.03.09.004) with no change from the proposed notice of repeal. This section is repealed because new §5.38 (051.03.02.025) containing new and different provisions dealing with cancellation and reinstatement is adopted. Notice of the proposed repeal was published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 487).

The repeal of §5.154 (051.03.09.004) is adopted under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812223 Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 3, 1981

For further information, please call (512) 445-1186.

## Subchapter L. Insurance Requirements

The Railroad Commission of Texas adopts the repeal of §5.188 (051.03.12.008) with no change from the proposed notice of repeal. This section is repealed because new §5.38 (051.03.02.025) containing new and different provisions dealing with cancellation and reinstatement is adopted. Notice of the proposed repeal was published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 487).

The repeal of §5.188 (051.03.12.008) is adopted under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812224 Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 3, 1981

For further information, please call (512) 445-1186.

## Subchapter N. Household Goods Carriers

Pursuant to a petition filed by Towne Van Lines, Inc., the Railroad Commission of Texas adopts the amendments to §5.255 (051.03.14.005) with the addition of one phrase to the proposed text published in the February 13, 1981, issue of the *Texas Register* (6 TexReg 639). No public comments were received concerning the amendment of this section. The amendments will enable the carrier to use the shipping order and computer print-out as an inventory of shipment and eliminate a duplication of effort by the shipper and the carrier.

Section 5.255 (051.03.14.005) is amended under the authority of Texas Civil Statutes (Vernon's 1964), Article 911b, §4.

**§5.255 (051.03.14.005). Inventory on Each Shipment.** Each specialized carrier of household goods or personal effects shall prepare an inventory of each shipment which it originates and shall deliver a copy thereof to the owner or his agent. Each specialized carrier of uncrated used office furniture and uncrated used office, etc., equipment and office stationery, uncrated electronic equipment and component parts, uncrated medical and hospital equipment, uncrated scientific instruments and equipment, and special-ordered and custom-manufactured uncrated new fixtures for offices, etc., shall prepare, or cause to be prepared, an inventory of each shipment which it originates and shall deliver a copy thereof to the owner or his agent. The inventory, whether prepared by the carrier or by another, shall be endorsed by the carrier, and the carrier shall be solely responsible for its accuracy. The original or a legible copy of the inventory will be attached to the bill of lading in the carrier's files. The inventory must reflect at least the following:

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

Issued in Austin, Texas, on March 30, 1981.

Doc. No. 812225 Jim Nugent, Chairman  
Mack Wallace and Buddy Temple,  
Commissioners  
Railroad Commission of Texas

Effective Date: April 24, 1981

Proposal Publication Date: February 13, 1981

For further information, please call (512) 445-1186.

## Part IV. Texas Department of Labor and Standards

### Chapter 65. Boiler Inspection Division

#### Definitions

The Texas Department of Labor and Standards adopts the repeal of §65.1 (063.33.01.101-.145) without changes to the proposed notice of repeal published in the May 2, 1980, issue of the *Texas Register* (5 TexReg 1657). This section is repealed because it is nothing more than a duplication of the language of the Texas Boiler Inspection Law, Texas Civil Statutes, Article 5221c. The existing duplication has been confusing to many in the industry and serves no useful purpose.

This repeal is adopted pursuant to the authority of Texas Civil Statutes, Article 5221c, §6.

Issued in Austin, Texas, on March 27, 1981.

Doc. No. 812142      Lias B. "Bubba" Steen  
Commissioner  
Texas Department of Labor and  
Standards

Effective Date: April 23, 1981

Proposal Publication Date: May 2, 1980

For further information, please call (512) 475-6560.

#### Administration

The Texas Department of Labor and Standards adopts the repeal of §65.11 and §65.19 (063.33.02.101 and .109) without changes to the proposed notice of repeal published in the May 2, 1980, issue of the *Texas Register* (5 TexReg 1658). These sections are repealed because they are merely a duplication of the language of the Texas Boiler Inspection Law, Texas Civil Statutes, Article 5221c. The existing duplication has been confusing to many in the industry and serves no useful purpose.

This repeal is adopted pursuant to the authority of Texas Civil Statutes, Article 5221c, §6.

Issued in Austin, Texas, on March 27, 1981.

Doc. No. 812143      Lias B. "Bubba" Steen  
Commissioner  
Texas Department of Labor and  
Standards

Effective Date: April 23, 1981

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For further information, please call (512) 475-6560.

## TITLE 31. NATURAL RESOURCES AND CONSERVATION

### Part X. Texas Water Development Board

#### Chapter 333. Area Water Quality Management

##### Clear Lake

The Texas Water Development Board adopts the repeal of §333.2 (156.21.05.002) without changes to the proposed notice of repeal published in the January 20, 1981, issue of the *Texas Register* (6 TexReg 237). The repeal of this section which removes the effluent phosphorus limitation is the result of a staff investigation of water quality conditions and projected impact of waste water dischargers in the watershed. This report determined that the removal of phosphorus from the dischargers would have little beneficial impact on the quality of water in the watershed due to other limiting nutrients and other sources of phosphorus influencing Clear Lake.

This repeal is adopted pursuant to the authority of the Texas Water Code, §5.131 and §5.132.

Issued in Austin, Texas, on March 31, 1981.

Doc. No. 812164      M. Reginald Arnold II  
General Counsel  
Texas Department of Water Resources

Effective Date: April 23, 1981

Proposal Publication Date: January 20, 1981

For further information, please call (512) 475-7841.

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## NONCODIFIED

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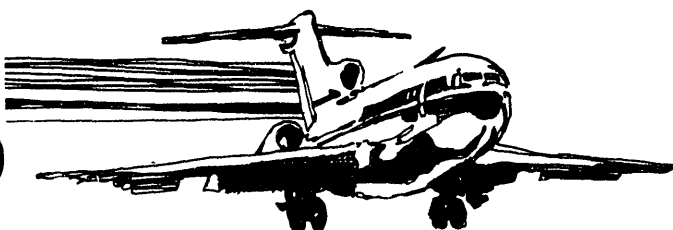
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### Texas Education Agency

#### Planning and Accreditation

##### Principles, Standards, and Procedures for the Accreditation of School Districts 226.37.15

The Texas Education Agency amends Rule 226.37.15.340, the section on Industrial Arts in the List of Approved Subjects and Courses, Grades 7-12, with no changes to the proposed text as published in the February 6, 1981, issue of the *Texas Register* (6 TexReg 539). The list of courses suggests a framework for industrial arts organized around visual communications, energy and power, and production technology. Other changes include the deletion of courses, changing titles, addition of courses, and consolidation of courses. The list of courses was developed by consultation with industrial arts classroom teachers, supervisors, and teacher educators in the state. These changes are to be effective for the 1981-1982 school year with full implementation desired by 1983-1984.



The textbook proclamation (March 1981) calling for materials for industrial arts is based upon the revised list of courses. There were no changes in subsections (a)-(d) of the rule. Only the industrial arts section of the list is changed. There are no changes in any other section of the list.

These amendments are adopted under the authority of the Texas Education Code, §11.26(a)(5) and §21.121.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812145      A. O. Bowen  
Commissioner of Education

Effective Date: April 23, 1981

Proposal Publication Date: February 6, 1981

For further information, please call (512) 475-7077.

## Texas Department of Human Resources

### Day Activity and Health Services

The Texas Department of Human Resources adopts a new chapter concerning day activity and health services (DAHS). The Day Activity and Health Services Program will serve eligible Title XIX and Title XX recipients who, because of medical or functional impairment, require care in a nurse-supervised facility setting for not more than 10 hours per day. The program is targeted at that population who can remain in their own homes or communities if daily health-oriented services are available to them.

Proposed rules were published in the January 9, 1981, issue of the *Texas Register* (6 TexReg 38) and 16 written comments were received. Comments were received both in writing and at the public hearing held January 27, 1981. The department's responses to those comments are as follows:

(1) There were two primary concerns expressed regarding the proposed rate. One was that the rate was too low; the other was that the hourly rate should be changed to a half-day or daily rate since fixed costs remain the same regardless of the number of hours recipients attend. Based on these comments, the department is adopting a half-day rate of \$6.87; however, the specific rate has been removed from the rule text to avoid amending the rules each time there is a rate change.

(2) Providers expressed concern about covering transportation for DAHS recipients. DHR has clarified that transportation is a covered support service in DAHS and is reimbursed under the unit rate for time spent by a recipient in facility-provided transportation.

(3) Concern was expressed that services seemed to be "skilled" services based on the published medical criteria, the use of skilled nursing personnel, and some of the services to be provided. DAHS was designed to address the medical and social needs of individuals who would formerly have qualified as ICF-II recipients. Some of these individuals have a need for certain types of services to be rendered by a professional nurse. Thus, to address the needs of this type individual, the old ICF-II medical criteria were used as a foundation for DAHS entry. Based on confusion created by

publication of these criteria, modified criteria which clarify the population to be served are being substituted. Also, references to therapies are removed as they were not intended to be provided as a required service component in DAHS, and the required registered nurse supervision has been changed to two hours per week RN consultation.

(4) Some commentors questioned whether the combination of day activity and health services was feasible and within legislative intent. This combination is in line with DHR's desire to integrate similar services delivered under Titles XIX and XX, to prevent confusion on the recipient's part, and to ensure that service delivery is based on need for service rather than eligibility under a particular federal title.

(5) Some commentors were concerned with the staffing description published by the department. They either felt that staffing ratios were too high, since the target population requires more supervision, or too low, since their experience indicates that this population requires less supervision. One specific concern surrounded the combination of the social worker and the activities director position. Based on the staffing levels used in other states' day health programs, the ratio of one direct delivery staff to eight recipients is adopted. Ratios and roles of staff are also clarified. Staffing levels set in the standards and rules may be exceeded, and combined positions may be separated by facilities if they find this feasible and cost effective.

(6) Two concerns were expressed about record keeping requirements. One was that record keeping requirements were too stringent; the other was that records should not be required to be kept over five years regardless of whether they had been audited. Due to the unique nature of this program as a service integrating Titles XIX and XX funding, and as a result of record keeping requirements for both titles, the record keeping requirements in the rules are fairly stringent. Part of the necessity for specificity in these rules is due to the vendor contracting system to be used which includes minimum information in the contract itself. Also the requirement for records to be kept until they are audited, regardless of the length of time between audits, is consistent with policies in other Title XIX programs. Duplication of record keeping requirements in the proposed rules has been corrected.

(7) Some commentors were concerned that DAHS rules would require duplicate sets of medications for DAHS recipients. The DAHS model assumes that recipients or responsible parties with whom they live will arrange for the recipient to bring his or her medication or have it packaged in separate containers by the pharmacist. DAHS facility personnel are responsible only for making a reasonable effort to ensure that recipients remember medications. No change was made based on this comment.

(8) Numerous concerns were expressed about the intake process which many commentors saw as "cumbersome and excessive" and about no provision for emergency enrollment. Some providers felt this resulted in under-utilization of the service and questioned how the actual service plan was determined and whether a provider could deny service to a client whose needs they could not meet. Additionally, concern was raised over the RN's role since the DHR regional nurse makes the medical care determination after the doctor's signature.



The intake process is based on the procedure now used for nursing home admission and includes the DHR caseworker as the intake point to ensure conformance with case management procedures. While no specific provision is made for "emergencies," there is no prohibition against placement of an individual prior to completion of all documentation. However, DHR cannot make payment until all necessary documentation, properly signed and dated, is received in State Office. DHR workers as case managers will avoid placing individuals in settings where their needs cannot be met, but providers may certainly contact workers to resolve problems with placement.

The mode for obtaining medical criteria is similar to that used in nursing homes, with a department regional nurse serving a similar role as that of the LTCU nurse.

(9) Some providers suggested that the rules were not sufficiently publicized. However, the proposed DAHS standards were sent to representatives of several provider groups in the summer of 1980, and the rules proposed in the *Texas Register* were a result of incorporation of many comments received at that time.

(10) One commentor asked that the term ambulatory be defined. This term is defined in the revised medical criteria.

(11) One commentor was concerned that discharge planning was not addressed. The proposed rules listed this service as being the responsibility of the social services and activities coordinator. No change was made based on this comment.

(12) Wording changes and minor rearrangements were made in many instances for consistency and clarification.

### Program Overview 326.49.10

The following rules are adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

#### .001. Legal Authority.

(a) The rules and standards for day activity and health services were developed to comply with both the intent and requirements of Texas Civil Statutes, Article 4442a-1, 45 Code of Federal Regulations Part 228, Title XX of the Social Security Act, and 42 Code of Federal Regulations 440.130(d), Title XX of the Social Security Act. They provide for the care, treatment, health, safety, and welfare of recipients in day activity and health services (DAHS) facilities. These rules apply to those facilities licensed/approved as adult day health care facilities by the Texas Department of Health (TDH) and approved by Texas Department of Human Resources (DHR) for vendor participation. These rules shall supplement all current licensing laws and licensing standards.

(b) The department will pay for DAHS services when provided to eligible recipients by providers approved by and under contract with DHR.

.002. *Service Objective.* The regulation of adult day care and adult day health care facilities was mandated by the 66th Texas Legislature for the purpose of providing services to recipients residing in the community, to prevent premature or unnecessarily prolonged placement in institutions. Services are designed to address the physical, mental, and social needs of recipients through the provision of range of motion exercise, and social and rehabilitative/restorative nursing services which improve or maintain a person's level

of functioning. The recipient will be able to remain in a family environment, thereby allowing the family a measure of normalcy for their daily activities.

.003. *Definitions.* The following definitions apply when used in these rules:

(1) Recipient's designee/representative or responsible party—Anyone the recipient designates or accepts as his or her representative.

(2) DAHS facility—Facility that provides services to four or more adults on a daily or regular basis but not overnight.

(3) Direct service staff—Includes the director, nurse, social services and activity coordinator, and DAHS attendants.

(4) Disabled—Having a handicap or a combination of handicaps which imposes functional limitations.

(5) Licensed vocational nurse—A person currently licensed by the Texas State Board of Licensed Vocational Nurses (LVN) of Texas, who works under the supervision of an RN or a physician.

(6) Nutritionist/dietitian—An individual who has attained at least a degree of bachelor of science in home economics with a major in either nutrition or dietetics.

(7) Personal care service—Assistance in dressing, eating, grooming, bathing, toileting, transferring/ambulation, assistance with and self-administering of medication.

(8) Registered nurse—A person currently licensed by the Texas State Board of Nurse Examiners (RN) to practice professional nursing.

(9) Unit of service—The unit of service for DAHS is 1/2-day. Three hours but less than six hours of covered service provided by the facility shall constitute one unit of service. Six hours or more of service shall constitute two units of service. Time spent in transportation provided by the facility shall be counted in the unit rate.

.004. *Service Descriptions.* Day activity and health services are provided through vendor enrollment contracts. Participant facilities must have services available for at least 10 hours each day and at least five days a week, Monday through Friday. Services in excess of 10 hours per day per recipient shall not be reimbursed by DHR. Services must include but are not limited to:

(1) Nursing services.

(A) Evaluation and observation of a recipient's status and instituting appropriate nursing intervention which might be required to stabilize a recipient's condition or prevent complications.

(B) Assisting the recipient in ordering, maintaining, or administering a supply of his or her prescribed medication, as indicated.

(C) Promoting and participating in recipient's education and counseling based on the individual's health needs and illness status, and involving the individual and significant others for a better understanding and implementation of immediate and long-term health goals.

(D) Assistance with personal care tasks. This assistance will be provided with the goal of enabling the recipient to restore or maintain ability to perform personal care tasks.

(E) Assessment and evaluation of recipient's health status.

(2) Physical rehabilitative services.

(A) Restorative nursing.

(B) Group and individual exercises, including range of motion exercises.

(C) Facility staff will arrange transportation to and from a facility approved to provide therapies if such specialized services are required on days of attendance at the DAHS facility.

(3) Nutrition services.

(A) One noon meal will be served between the hours of 11 a.m. and 1 p.m. which shall supply 1/3 of the recommended daily allowance (RDA) for adults as recommended by the U.S. Department of Agriculture.

(B) Special diets as required by the recipient's plan of care.

(C) Supplementary midmorning and midafternoon snack.

(D) Dietary counseling and nutrition education for the recipient and his or her family.

(4) Social and other supportive services.

(A) Social work services to recipients and their families to help with the personal, family, and adjustment problems which interfere with the effective use of treatment.

(B) Cultural enrichment or educational activities.

(C) Social activities on site and/or in the community.

(D) Crafts, group games, special interest group activities.

(5) Transportation. The DAHS facility will ensure transportation to and from the facility if needed.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812151      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Effective Date: April 23, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 441-3355, ext. 2037.

## Eligibility Requirements 326.49.20

The following rules are adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

### .001. Service Criteria.

(a) Statewide eligibility for day activity and health services is based on the following characteristics:

(1) recipient is Medicaid-eligible (not residing in an institution) or meets Title XX income eligibility guidelines;

(2) recipient scores 40 or above on the client needs assessment;

(3) recipient meets or exceeds the medical criteria established for DAHS; and

(4) recipient has physician's orders for DAHS.

(b) The criteria will be applied in the order listed. The recipient must meet all of the above criteria to be eligible for DAHS.

### .002. Enrollment.

(a) Intake. Enrollment into DAHS begins with the receipt of a referral or request for service by the DHR worker.

### (b) Eligibility determination.

(1) The DHR worker determines the applicant's eligibility for DAHS based on the applicant's income and functional and medical needs.

(2) The DHR worker completes the following forms: Application and Eligibility Certification for Social Services; Client Intake and Service Authorization Referral; and Client Needs Assessment Questionnaire. The worker uses the latter two to determine the applicant's functional needs in a face-to-face interview.

(3) If the applicant is determined eligible for service based on the application and the functional assessment, the worker refers the recipient to the prospective DAHS facility for a Medical-Nursing Care Evaluation Form. The DAHS facility RN completes the form (items 1-68 and 78-119) and sends it to the recipient's physician for review and determination of medical needs. A form with the physician's comments and/or orders is included with the evaluation and sent to the DHR regional nurse. The physician must sign the plan of care. The DHR nurse approves payment for DAHS if the evaluation form information and the physician's orders indicate the recipient meets the DAHS medical criteria.

(4) If medical need is not established, the DHR worker will seek other possible alternate care placement for the recipient.

(c) Referral. The DHR worker transmits the appropriate forms to the DAHS facility to notify the facility to initiate services. If the recipient is income-eligible and is to have service purchased by Title XX funds, a Client Registration Form is also sent to the facility. The facility will register the client on the social services management system by submitting a duplicate Client Registration Form. The DAHS facility will respond to the referral and initiate service within 10 working days from the date of the referral by returning the agency response to the DHR caseworker. If the facility is operating at full capacity and cannot provide service to a recipient, the facility will return the referral to the DHR worker. The DHR caseworker will notify the recipient and arrange another placement which is satisfactory to the recipient.

(d) Recertification of DAHS eligibility. The recipient's eligibility must be redetermined at least every six months. The DAHS facility is responsible for submitting the completed medical-nursing care evaluation and new physician's orders and signed plan of care to the DHR regional nurse. This documentation is due two calendar weeks before the end of the sixth month of the current certification. The regional nurse will review the medical-nursing care evaluation for medical criteria determination and send it to the DHR caseworker. The caseworker will notify the provider of the recipient's continued eligibility. The DHR caseworker's notification will include a copy of the application, referral, and evaluation forms.

### (e) Termination of service.

(1) Services to a recipient will be terminated for the following reasons:

(A) recipient dies;

(B) recipient moves out of facility's geographic service boundaries;

(C) recipient admitted to a nursing home, state hospital, or state school;

(D) recipient requests the service be terminated;

(E) recipient becomes ineligible.

(2) The DAHS facility must notify the DHR caseworker of any of the above. The official notification of termination will be a Notification of Denial, Reduction, or Termination of Social Services Form completed by the DHR caseworker.

(f) Recipient appeals.

(1) The recipient shall have the right to appeal adverse decisions made by DHR or DHR's agents to the DHR regional appeals officer.

(2) Services shall continue during the appeal process.

**.003. DAHS Medical Criteria.** The following characteristics are not meant to be all inclusive but are factors on which to base professional judgment in determining whether medical necessity for DAHS care exists.

(1) Behavior and mental status. Presence of behavior problems which can be managed by using common sense, respect, and guidance.

(2) Mobility and transfer.

(A) Fully ambulatory or semiambulatory (necessary assistance and guidance provided).

(B) Recipient may need help with back brace, leg brace, etc.

(C) Recipient able to use walker, crutch, cane, or independent use of wheelchair.

(3) Grooming. May need personal grooming appropriate to individual needs.

(4) Nutrition.

(A) May be unable to manage his or her own food and nutritional requirements.

(B) May need texture modification of regular diet.

(C) May need therapeutic diet for treatment and/or control of existing condition.

(D) May need nutritional requirements calculated and adjusted to meet individual needs.

(5) Feeding.

(A) May require supervision and/or assistance with eating.

(B) Spoon feeding may be required.

(C) May require self-help feeding devices.

(6) Fluid intake and output.

(A) May require assistance in maintaining adequate fluid intake.

(B) May require measurement of fluid intake and output.

(C) May require assessment of fluid balance.

(7) Elimination.

(A) May require assistance in use of commode, bedpan, or urinal.

(B) May require perineal care.

(8) Medication.

(A) Supervision and/or administration of prescribed medications.

(B) Supervision and/or administration of routine injectables.

(9) Treatments.

(A) Catheter care. May require routine or frequent care for indwelling catheter.

(B) Weight. May require measurement of weight related to a specific condition.

(C) Ostomy care. May require assistance with care and supervision based on individual needs.

(D) Recording of vital signs. May require the taking and monitoring of vital signs related to an existing condition and/or to medications being administered.

(E) Skin care.

(i) May require assistance with routine skin care including cleanliness and application of lotions.

(ii) May require observation, assessment, intervention of skin condition.

(iii) May require treatment of skin conditions based on physician's orders for healing decubiti, acute or chronic skin conditions, etc.

(F) Dressings.

(i) May require treatments based on physician's orders and application of sterile dressings.

(ii) May require application of elastic stocking(s) or Ace bandages.

(10) Restorative nursing procedures (nursing service). May require assistance with range of motion exercises (active and/or passive) and/or proper positioning.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812152

Marlin W. Johnston

Acting Commissioner

Texas Department of Human Resources

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For further information, please call (512) 441-3355, ext. 2037.

## Provider Eligibility 326.49.30

The following rules are adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

### .001. Provider Enrollment.

(a) A facility licensed/approved by the Texas Department of Health to provide adult day health care services, and meeting the DAHS Program standards, is eligible to contract as a provider of DAHS. Under state law, facilities providing this type of medically related alternate care must comply with certificate of need requirements promulgated by the Texas Health Facilities Commission.

(b) Providers will meet all requirements in accordance with Title VI of the Civil Rights Act and the Rehabilitation Act of 1973, §504.

**.002. Rates.** Reimbursement will be made on a monthly basis at a flat rate per half-day unit of service as determined by the Texas Board of Human Resources. The agency may claim reimbursement for one hour of service if 30 minutes or more of service are provided.

### .003. Claims Processing.

(a) Billing. The DAHS facility must file claims for services using the Alternate Care Service Delivery Report Form for Title XIX recipients, or the Purchased Service Delivery Report for Title XX recipients, and the State of Texas Purchase Voucher, and agree to accept the fee as full payment for units of service provided. The normal sequence of events of a DAHS claim is as follows:

(1) The Community Care Purchased Service Delivery Report and/or the Purchased Service Delivery Report is submitted monthly by each facility. The report and a purchase voucher must be received by DHR within 90 days of the date the service is provided.

(2) The claim is verified for completeness by DHR staff.

(3) The claim is processed by Systems Development Bureau, DHR.

(4) At month's end, all adjudicated claims are paid. Each purchase voucher results in a single check.

(b) Procedure code. Code 002 will be used to describe DAHS services. Use of any other code will result in rejection of the claim. Code 05F is used to describe DAHS on the Purchased Service Delivery Report.

(c) Reasons for claims denial. Claims may fail to process for any of the following reasons:

- (1) claim does not meet the 90-day filing deadline;
- (2) claim contains an incorrect code;
- (3) eligibility data for the recipient is incomplete;
- (4) claim is for services exceeding two units per day or 23 days per month.

(d) Payment problems. Facilities should address claims payment problems to the DHR regional office.

#### .004. Provider Requirements.

##### (a) Notification.

(1) DAHS facilities shall notify DHR about occurrences pertinent to operations, such as:

- (A) change in location of administrative office;
- (B) change in hours of operation;
- (C) change of director, manager, or membership of governing board;

(D) initiation and termination of services to recipients;

(E) serious occurrences involving facilities, recipients, or staff;

- (F) emergencies involving recipients;
- (G) significant changes.

(2) DHR will be notified within 30 days of the occurrence unless otherwise indicated by these rules.

(b) Facility requirements. The provider shall ensure that the following requirements are met by the DAHS facility:

(1) An area for rest shall be provided with a sufficient number of reclining lounge chairs to accommodate the needs of recipients. A room or rooms with beds may be available for those recipients who prefer privacy. There will be sufficient chairs and tables to seat all recipients at one time.

(2) There shall be at least one room available as a treatment/examination room for use by the DAHS nursing staff or the recipient's physician.

(3) A written daily activity schedule shall be posted at least one week in advance.

(4) A brochure or letter which outlines the hours of operation, holidays, and a description of activities offered will be available from the facility.

(5) Emergency phone numbers shall be posted near all phones.

(6) The site shall include a recreation/relaxation area outdoors for DAHS recipients.

(7) The noon meal may be provided either in a separate dining area for DAHS recipients or in the main dining area of the site.

(8) There will be a supply of materials adequate for the participation of all recipients in program activities.

(9) First aid supplies will be available on the premises.

(10) If the DAHS portion of the building and grounds are used for other purposes when the center is in operation, written approval will be obtained from the Texas Department of Human Resources (DHR).

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Acting Commissioner  
Texas Department of Human Resources

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For further information, please call (512) 441-3355, ext. 2037.

## Standards of Operation 326.49.40

The following rules are adopted under the authority of the Human Resources Code, Title II, with the approval of the Texas Board of Human Resources.

#### .001. Staffing Requirements.

(a) Nurse. The facility nurse shall be a registered nurse, currently licensed by the State Board of Nurse Examiners to practice in Texas, or a licensed vocational nurse (LVN). The nurse shall be present at the facility at least eight hours per day. If the nurse is an LVN, an RN must be present in the DAHS facility at least two hours each week as a consultant. The facility nurse may also fulfill the function of facility director if he or she meets the qualifications for the director. In facilities where both a director and a nurse are on staff, both staff members or designees who meet the same staff qualifications as the nurse and director must be present at the facility at least eight hours per day.

(b) Director. The director of a DAHS facility must either:

(1) Have graduated from an accredited four-year college or university and have no less than one year of experience in working with people in a human service or medically related program. (One year of experience may be substituted for one year of the required education with a maximum substitution of four years.) The DAHS director will have a high school diploma from an accredited high school or a GED; or

(2) Be a registered nurse with one year of experience in a human service or medically related program; or

(3) Be able to meet the training and experience requirements for license as a nursing home administrator under the rules of the Texas Board of Licensure for Nursing Home Administrators.

##### (c) Social services and activities coordinator.

(1) The social services and activities coordinator will be responsible for planning and scheduling the daily program of activities and services. He or she will be present at the facility at least eight hours per day and will direct recreational activities. This individual is also responsible for social services including liaison with the family, family and individual counseling, referral to community services, admission, and discharge planning. The social services and activities coordinator may also fulfill the function of facility director if he or she meets the qualifications for director.

(2) The social services and activities coordinator will have graduated from an accredited college or university with a background in social work or behavioral sciences. One year of full-time paid experience in direct social work may be

substituted for one year of the required college work with a maximum substitution of two years. The social services and activities coordinator shall be trained in physical fitness.

(d) Attendant.

(1) There will be at least one attendant present at the facility whenever a recipient is present. If the facility serves private pay clients, they will also be included in the recipient population. The overall ratio of direct delivery staff to recipients in attendance in the DAHS facility shall be at least one to eight. This ratio shall be maintained during provision of all covered services except during facility-provided transportation.

(2) The attendant must be an individual who is free of communicable diseases, is able to perform the duties prescribed, and is 18 years of age or older. If an attendant is used as the driver, he or she will have a current driver's license in accordance with the requirements of the Texas Department of Public Safety. If an attendant handles food in the facility, he or she shall meet the requirements set forth in the rules on food service sanitation (Rules 301.73.11.001-.011) of the Texas Department of Health.

(e) Housekeeper/driver (optional). Facilities may employ a part- or full-time housekeeper/driver to discharge these duties. This person will have a current driver's license in accordance with the requirements of the Texas Department of Public Safety and current liability insurance.

(f) Food service personnel (optional). If the DAHS facility prepares meals on site, there shall be sufficient food service personnel to prepare meals and snacks. Food service personnel shall meet the requirements set forth in the rules on food service sanitation (Rules 301.73.11.001-.011) of the Texas Department of Health.

**.002. Staff Responsibilities.**

(a) Director. The DAHS facility director will be responsible for:

- (1) overall management of the day activities and health services facility;
- (2) training and supervision of DAHS staff;
- (3) monitoring the facility building and grounds to ensure compliance with licensing and program standards;
- (4) management of all financial and medical records;
- (5) development of relationships with community groups and agencies for the purpose of recruitment and referral of recipients.

(b) Nurse. The DAHS nurse is responsible for:

- (1) performance of the initial and continued stay medical needs assessment;
- (2) developing each recipient's plan of care using the appropriate forms;
- (3) administration of medication;
- (4) provision of health education;
- (5) management of medical records including those for medication administration;
- (6) obtaining physician's orders for medication to be administered;
- (7) ascertaining whether self-administered medications have been taken.

(c) Social services and activities coordinator. The social services and activities coordinator will be responsible for:

- (1) planning and directing program activities including physical fitness exercises;
- (2) providing social services;

(3) coordinating social services and other alternate care services with community agencies;

(4) recording the recipient's social history and making recommendations on social services in the plan of care, which is written jointly with the facility nurse;

(5) maintaining communications with the recipient's family members or responsible parties.

(d) Attendant. The attendant will be responsible for:

(1) providing personal care services (assistance with activities of daily living);

(2) assisting the social services and activities coordinator in the direction of recreational activities;

(3) providing protective supervision (observation and monitoring);

(4) directing activities under the supervision of the social services and activities coordinator.

(e) Housekeeper/driver. The housekeeper/driver, if one is employed, will have the following responsibilities:

(1) safe operation of the DAHS vehicles;

(2) maintaining accurate daily mileage records and records of expenses for purchase of gas and oil;

(3) providing housekeeping and laundry services.

(f) Food service personnel. Food service personnel, if employed, shall have the following responsibilities:

(1) meal and snack preparation;

(2) maintaining the kitchen area and utensils used in a safe and sanitary condition.

(g) Dietitian/nutritionist consultants. The DAHS facility will have a consultation from a dietitian/nutritionist at least four hours each month to plan and give signed approval to daily snack and luncheon menus prior to their use. Menus should be reviewed monthly.

**.003. Staff Development and Training.**

(a) Initial training.

(1) The DAHS facility will provide direct service staff with a minimum of 24 hours of training during the first three months of employment and will have a schedule for training that will include:

(A) orientation to health care delivery and community resources;

(B) contract agency policies, procedures, and forms;

(C) department policies, procedures, and forms;

(D) confidentiality as required by law;

(E) procedures for medication administration;

(F) applicable fire, health, and safety codes, ordinances, and regulations.

(2) The health care delivery component of the training must include the following components:

(A) basic body function and mechanics;

(B) personal care techniques and procedures;

(C) the aging process and implications for care;

(D) procedures for handling storage and documentation of medications used by DAHS recipients;

(E) safety and emergency procedures.

(3) The DAHS facility will provide staff with training in the emergency/disaster procedures and evacuation plan immediately upon employment.

(4) The DAHS facility will provide each client with training in the emergency/disaster procedures and evacuation plan within 30 days from the date of service initiation.

(b) Ongoing training. The DAHS facility will also provide a minimum of three hours of ongoing training to staff

during each consecutive three-month period after the first three months of employment, which will include but not be limited to the following:

- (1) basic nutritional needs;
- (2) activity and exercise for the elderly and handicapped;
- (3) mobility;
- (4) special skin care needs;
- (5) reality orientation/remotivation;
- (6) death and dying;
- (7) recreation needs.

#### .004. Client Records.

(a) The facility nurse and social services and activities coordinator will develop a plan of care (service plan) for each recipient to include information from the Client Intake and Service Authorization/Referral and the Medical-Nursing Care Evaluation.

(b) A meeting will be conducted at least once a month by the facility director at the facility. At this meeting, the program plan for the next month and all new and modified individual service plans will be described/discussed; at least 50% of the DAHS facility direct-service staff will attend. DHR staff will attend as they determine appropriate.

(c) Significant changes in the recipient's service plan will be approved by DHR regional staff prior to the effective date of change.

(d) The recipient's designee(s) will be invited to confer with DAHS facility staff concerning the service being received by the recipient at least once every six months from the date of service initiation.

(e) If a recipient becomes ill or injured at the DAHS facility, the facility director or facility nurse will notify a relative or other responsible person during the same day of the occurrence. Recipients with communicable diseases will be isolated from other recipients until suitable arrangements can be made for their care.

(f) In the event the recipient is absent from a regularly scheduled program, a contact will be made with the recipient or someone knowledgeable about his or her condition by the social worker or facility director on the same day that the absence occurs.

(g) The facility director is responsible for overseeing the maintenance of a recipient health/social record for each individual enrolled in the program. He or she shall ensure that the facility nurse and social services and activities coordinator enter recipient status information at least once per month in each recipient's record.

(h) The records shall be kept current, dated, and signed, and shall be available for review at any time by authorized agents of the Texas Department of Human Resources (DHR), Texas Department of Health (TDH), and/or the United States Department of Health and Human Services. The records shall be maintained in such a fashion as to comply with all state and federal requirements regarding confidentiality. Each recipient's record will contain at least the following information:

- (1) plan of care signed by physician (service plan);
- (2) a daily record of attendance;
- (3) the initial health assessment;
- (4) certification and current recertification of need for continued care;
- (5) a daily record of all treatments;
- (6) maintenance of pertinent medical records;

- (7) medical care and social services provided;
- (8) monthly progress notes dated and signed by the director or his or her designee;
- (9) physician's evaluation of the recipient;
- (10) orders for medications and treatments (signed and dated by a physician);
- (11) significant changes in recipient's condition;
- (12) incident reports (incidents include falls, arguments, allegations of abuse or neglect, etc.);
- (13) summary of any hospital stay while enrolled;
- (14) significant complaints and results of investigation of complaints;
- (15) record of termination;
- (16) for Title XX recipients, the Client Registration Form must be included in the record.

(i) All other pertinent and identifying information necessary for a complete recipient health/social record shall be maintained as part of the record.

#### .005. Facility Records.

(a) Financial records. The DAHS facility will maintain financial records in a central location at the facility in accordance with recognized fiscal and accounting procedures and any specified by DHR. These records will clearly detail each charge and each payment made on behalf of each recipient. These records must be current and must clearly reveal to whom charges were made, and for whom payments were received. Financial records shall be available for review by the Texas Department of Human Resources, the Department of Health and Human Services, and other authorized agency representatives at any time and without prior notice.

(1) The records or current duplicates must be kept five years after submission of the final expenditure report or until all audit exceptions are resolved, whichever period is longer.

(2) The records shall itemize units of service by recipients served.

(3) The records shall show the date, amount, and source of each payment received.

(4) The facility must maintain supporting fiscal documents and other records necessary to ensure that claims for federal matching funds are in accordance with federal requirements.

(b) Personnel records. The facility will keep personnel records including staff qualifications, performance reports, attendance records, and staff development, in a central location in the facility. The documents and records must be maintained by the facility for five years after submission of the final expenditure report or until all audit exceptions are resolved, whichever period is longer. Whether or not an audit has occurred, all supporting fiscal documents and all records supporting the extent of services provided recipients must be maintained until the resolution of all audit questions.

#### .006. Medication Administration.

(a) Recipients shall be allowed to self-administer their own medication provided the attending physician has certified, in writing, that they are capable of doing so. Medications that are not self-administered shall be given only under the supervision of the facility nurse. The same person who prepared the doses for administration shall administer drugs to those recipients who do not self-administer their medication. All medication will be administered as ordered by the recipient's physician and documented in the facility's records.

(b) Each recipient shall have an individual medication record. The dose administered and the route (method) of administration shall be properly recorded by the person who administers the drug. The medication record shall indicate which medications are self-administered and shall contain documentation of reminder and response. All entries are to be properly dated and signed.

(c) All medications will be properly labeled and stored in accordance with established federal and state laws and the following requirements, except for self-administered drugs, which may be kept by the recipient on his or her person:

(1) Recipient's medications must be properly labeled and stored in a locked medication room or cabinet in a location approved by the licensing agency. The label of each recipient's individual medication container must clearly indicate:

- (A) the recipient's full name;
- (B) the prescribing physician's name;
- (C) the pharmacy prescription file number;
- (D) the name and strength of the drug;
- (E) the date of issuance (date the prescription was filled or refilled);

(F) the expiration date of all time-dated drugs;

(G) the name, address, and telephone number of the pharmacy issuing the drug;

(H) warning labels, if needed;

(I) if the label is on the container of a Controlled Substances Act drug, it must contain the following warning: "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed;"

(J) directions for use as indicated by prescription.

(2) The medications of each recipient must be stored in their original containers. Transferring between containers is prohibited by law.

(3) The medication room or cabinet medication storage area must have a separate, permanently attached cabinet, box, or drawer equipped with a lock to store drugs covered by Schedule II of the Controlled Substances Act of 1970.

(4) Medications requiring refrigeration must be stored in the medication room in a refrigerator used only for medicine storage or kept in a separate, permanently attached, locked medication storage box in a refrigerator.

(5) Poisons and medications for external use only must be locked in a medication room or cabinet and kept separate from other medications.

(6) Medications discontinued by a physician's orders are to be given to the recipient's family by the facility nurse within 10 days of the date of discontinuance. The date, name of drug, and amount returned must be documented in the recipient's record and signed by the facility nurse.

(7) Medications of deceased recipients or medications which have passed the expiration date are to be given immediately to the recipient's family by the facility nurse or disposed of in accordance with federal and state laws. Records of the disposition of these medications must be kept.

(8) The recipient or responsible party may take his or her medication home daily. However, the contract agency should plan with the recipient for medication to be available to the recipient while attending the center.

(9) If Schedule II drugs stored at the facility must be disposed of for any of the reasons stated in these paragraphs, they may not be returned to the family or responsible party,

but must be disposed of in accordance with state and federal laws.

(d) The program may include a stock supply of non-legend drugs according to an established formulary. These drugs must be stored in the same manner as required for other drugs and are to be administered by authorized personnel only on order of the recipient's physician.

(e) Medication errors and drug reactions must be reported immediately to the recipient's physician and an entry of the incident and subsequent reporting made in the health record as well as completion of an incident report.

*.007. Community Interaction* DAHS facility management shall operate the program so as to promote active participation of recipients in a variety of ways, including active interaction with the community. Each agency will describe in writing how it plans to meet this requirement and the results of their planned activities.

*.008. Food Service.* The facilities will provide one noon meal suitable in quality and adequacy to attain and maintain nutritional requirements including those of special diets.

(1) Supplementary nourishment shall include at least a nutritious midmorning and midafternoon snack.

(2) A dietitian or nutritionist will approve and sign each menu, including substitutions, in accordance with 1/3 of the daily nutritional allowance (RDA) for adults as recommended by the United States Department of Agriculture (USDA). The dietitian or nutritionist will review menus monthly.

(3) Menus will be planned at least two weeks in advance, dated, maintained on file, and posted in the facility. Meals will be served in accordance with approved menus.

(4) Special diet meals ordered by the recipient's physician and developed by the dietitian/nutritionist will be labeled with the recipient's name and by type of diet.

(5) Recipients will be assisted in eating their meals when needed.

(A) Food texture modification—meats ground, vegetables mashed, etc., for recipients having trouble chewing.

(B) Food management—spoon feeding, bread buttered, milk opened, etc., due to hand deformities, paralysis, or hand tremors.

*.009. Transportation.* Since transportation is considered a DAHS service component and is covered in the DAHS unit rate, the DAHS facility is responsible for and shall outline the methods by which transportation will be provided for the recipients:

(1) the provider will make every effort to have families transport the recipient;

(2) the provider will coordinate the utilization of other transportation resources within the community;

(3) the provider will manage upkeep and operations of facility vehicles including liability insurance;

(4) provider vehicles utilized by the contract agency will be maintained in a condition to meet the vehicle inspection requirements of the Texas Department of Public Safety;



(5) there will be sufficient staff to ensure the safety of recipients being transported by facility vehicles.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812154      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Effective Date: April 23, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 441-3355, ext. 2037.

### Recipients' Rights 326.49.50

The following rules are adopted under the authority of the Human Resources Code, Title I, with the approval of the Texas Board of Human Resources.

.001. *Recipients' Rights.* Services and assistance under programs administered by the Department of Human Resources are provided without discrimination on the basis of race, religion, color, sex, handicap, or national origin. Any recipient who believes he or she has been subjected to discrimination or abuse in a facility may file a complaint with the administrator of the facility. If the complaint is not resolved, the recipient may request a hearing with a DHR civil rights officer. Complaint and appeals processes shall be clearly explained to recipients and posted in the facility.

#### .002. *Complaint Procedures.*

(a) The DAHS facility will inform recipients in writing about the complaint procedures within 10 calendar days of the initiation of service.

(b) The DAHS facility will register and evaluate recipient complaints regarding its service delivery or staff that are brought to its attention. All such incidents are to be reported to DHR, together with a report on the resolution of the incident, within three working days from awareness of the complaint.

(c) DHR may investigate complaints received by DHR against a DAHS facility's policies, procedures, and practices.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812155      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Effective Date: April 23, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 441-3355, ext. 2037.

### Utilization Review 326.49.60

The following rule is adopted under the authority of the Human Resources Code, with the approval of the Texas Board of Human Resources.

.001. *On-Site Review.* DHR staff will be responsible for conducting on-site utilization reviews of each facility for the purpose of:

(1) evaluating the condition of those recipients on site at the time of the review;

(2) reviewing facility records and comparing them with the recipient's condition to determine that the plan of care (service plan) was followed, re-evaluated, and revised as needed;

(3) determining whether the outcomes of the plans of care conform to the stated expectations;

(4) determining whether services were delivered in compliance with the contract and the DAHS standards.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812156      Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Effective Date: April 23, 1981

Proposal Publication Date: January 9, 1981

For further information, please call (512) 441-3355, ext. 2037.





The Texas Open Meetings Act, Texas Civil Statutes, Article 6252-17, requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. An institution of higher education must have notice posted for at least 72 hours before the scheduled meeting time. Although some notices may be received and filed too late for publication before the meeting is held, all filed notices will be published in the *Register*. Each notice published includes the date, time, and location of the meeting; an agenda or a summary of the agenda as furnished for publication by the agency; where additional information may be obtained; and the date and time of filing.

A political subdivision covering all or part of four or more counties must have notice posted for at least 72 hours before the scheduled meeting time. Each notice published includes the date, time, and location of the meeting and where further information may be obtained. These notices are published under the heading "Regional Agencies," alphabetically by date filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency addition or amendment to an agenda, and the reason for such emergency, posted for at least two hours before the meeting is convened. Emergency notices filed by these entities will be published in the *Register*; however, notices of an emergency addition or amendment to an agenda filed by a regional agency will not be published in the *Register* since the original agendas for these agencies are not published.

All notices are posted on the bulletin board outside the Office of the Secretary of State on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

## State Board of Canvassers

**Monday, April 6, 1981, 4 p.m.** The State Board of Canvassers met in emergency session in the Office of the Secretary of State, State Capitol. According to the agenda, the board canvassed returns of the special election for the unexpired term of state representative, District 50. This meeting was held to fulfill statutory deadline requirements.

Information may be obtained from Austin Bray, 915 Sam Houston Building, Austin, Texas 78701, (512) 475-3091.

Filed: April 3, 1981, 12:03 p.m.  
Doc. No. 812175

## Texas Education Agency

**Friday, April 10, 1981, 10:30 a.m.** The Screening Committee of the State Board of Education will meet in executive session in Room F of the Region XX Education Center, 1314 Hines Avenue, San Antonio, to consider personnel matters as authorized by the Open Meetings Law, Vernon's Texas Civil Statutes, Article 6252-17, §2(g).

Information may be obtained from Alton O. Bowen, 201 East 11th Street, Austin, Texas, (512) 475-3271.

Filed: April 2, 1981, 11:33 a.m.  
Doc. No. 812144

## Employees Retirement System of Texas

**Thursday, April 23, 1981, 9 a.m.** The Group Insurance Advisory Committee of the Employees Retirement System of Texas will meet in the fourth floor board room of the Employees Retirement System Building, 18th and Brazos, Austin. According to the agenda, the committee will consider the following items: Blue Cross rates; claims experience; dental plan per legislative action; and status of pre-existing conditions recommendation.

Information may be obtained from Clayton T. Garrison, Box 13207, Austin, Texas, (512) 476-6431.

Filed: April 2, 1981, 3:57 p.m.  
Doc. No. 812159

## Texas Feed and Fertilizer Control Service

**Monday, April 27, 1981, 10 a.m.** The Texas Feed and Fertilizer Control Service will meet in Room 607 of Rudder Tower, Texas A&M University, College Station. According to the agenda, the service will review proposed amendments to Rule 178.01.03.001, Brand and Product Names (labeling), and Rule 178.01.02.003, Poisonous and Deleterious Substances (adulterants), under the Texas Commercial Feed Control Act, Vernon's Texas Civil Statutes, Article 3881e.

Information may be obtained from I. J. Shenkir, P.O. Box 3160, College Station, Texas 77841, (713) 845-1121.

Filed: April 2, 1981, 1:29 p.m.  
Doc. No. 812146

## Texas Grain Sorghum Producers Board

**Tuesday, April 14, 1981, 10 a.m.** The Texas Grain Sorghum Producers Board will meet at K-Bob's Restaurant, 215 South 25-Mile Avenue, Hereford. According to the agenda, the board will consider the following: the minutes, financial report, and market development activities.

Information may be obtained from Elbert Harp, 1708-A 15th Street, Lubbock, Texas 79401, (806) 763-4425.

Filed: April 2, 1981, 4:32 p.m.  
Doc. No. 812171

## Texas Department of Health

**Thursday, April 16, 1981, 10 a.m.** The Advisory Committee on Nursing Home Affairs of the Texas Department of Health will meet in Room T-507, 1100 West 49th Street, Austin. According to the summarized agenda, the committee will approve minutes and consider the following: subcommittee reports on pharmacy, licensing standards for MR facilities, and patient security; time frames on new admissions; status of use of 1976 Life Safety Code; legislation involving long-term care; funding for long-term care regulatory activities; Adult Day Care Program; and the Ombudsman Program.

Information may be obtained from Cesar M. Elizondo, M.D., 1100 West 49th Street, Austin, Texas, (512) 458-7706.

Filed: April 2, 1981, 4 p.m.  
Doc. No. 812163



## Texas Health Facilities Commission

**Thursday, April 16, 1981, 10 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

### Certificate of Need

Brookhaven Medical Center and Farmers Branch Hospital  
Authority, Farmers Branch  
AH80-0515-017

Carrollton General Hospital and Farmers Branch Hospital  
Authority, Carrollton  
AH80-0515-023

Presbyterian Hospital of Dallas, Dallas  
AH80-0729-009

Presbyterian Hospital North, Dallas  
AH80-0729-017

Medical City Dallas Hospital, Dallas  
AH80-0905-029

Richardson Medical Center/B.B. Owen Memorial Hospital,  
Richardson  
AH80-0911-007

Hermann Hospital, Houston  
AH81-0306-014

### Exemption Certificate

Fort Worth Osteopathic Medical Center, Inc., Fort Worth  
AH81-0223-025

### Declaratory Ruling

Medina Memorial Hospital, Hondo  
AH80-0326-010

Information may be obtained from Linda E. Zatopek, P.O. Box 15023, Austin, Texas 78761, (512) 475-6940.

Filed: April 6, 1981, 9:57 a.m.  
Doc. No. 812230

## Texas Department of Human Resources

**Tuesday, April 21, 1981, 10 a.m.** The Advisory Council on Child Care Administration of the Texas Department of Human Resources will meet in Room 443, Fountain Park Plaza I, 3000 South IH 35, Austin. According to the agenda, the council will introduce newly appointed council members; consider child care administrator's licensing examination; hear reference requests on applicants for a license; and discuss documentation of completed continuing education.

Information may be obtained from Don Forrester, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6039.

Filed: April 7, 1981, 9:31 a.m.  
Doc. No. 812245

**Wednesday and Thursday, April 22 and 23, 1981, 10 a.m. daily.** The Advisory Committee on Child Care Facilities of the Texas Department of Human Resources will meet in Room 1-126 of the Joe C. Thompson Center, 26th and Red River, Austin. According to the agenda, the committee will conduct an orientation for new members; elect officers; and hear director's reports and subcommittee meeting reports.

Information may be obtained from Doug Sanders, P.O. Box 2960, Austin, Texas 78769, (512) 441-3355, ext. 6039.

Filed: April 7, 1981, 9:32 a.m.  
Doc. No. 812246

## State Board of Insurance

**Tuesday, April 14, 1981, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6339—application for admission, Lakeland Assurance, Inc., Phoenix, Arizona.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 6, 1981, 3:03 p.m.  
Doc. No. 812238

**Tuesday, April 14, 1981, 3 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6285—application for original incorporation of International Indemnity Company of Texas, Houston. This meeting was rescheduled from March 25, 1981.

Information may be obtained from J. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 6, 1981, 3:03 p.m.  
Doc. No. 812239

**Thursday, April 16, 1981, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, on the merger of ABC Life Insurance Company, Waco, with and into Republic National Life Insurance Company, Dallas—Docket 6335.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 6, 1981, 3:03 p.m.  
Doc. No. 812240

**Thursday, April 16, 1981, 1:30 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, to consider disciplinary action for failure to furnish audit report within time required by Mission Title Company—Docket 6312. This meeting was rescheduled from March 25, 1981.

Information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-4353.

Filed: April 6, 1981, 3:04 p.m.  
Doc. No. 812241

**Thursday, April 16, 1981, 3 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6345—application for charter amendment of Trans-Texas Life Insurance, Hye.

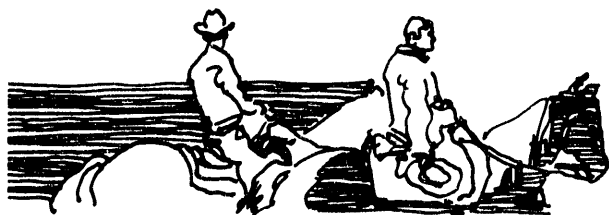
Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas 78786, (512) 475-4353.

Filed: April 6, 1981, 3:04 p.m.  
Doc. No. 812242

**Monday, April 20, 1981, 10:30 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto, Austin, in Docket 6340—application for approval of charter amendment increasing the capital stock of American Service Life Insurance Company, Fort Worth.

Information may be obtained from J. C. Thomas, 1110 San Jacinto, Austin, Texas, 78786, (512) 475-4353.

Filed: April 6, 1981, 3:04 p.m.  
Doc. No. 812243



## Texas Department of Labor and Standards

**Thursday, May 14, 1981, 10 a.m.** The Boxing and Wrestling Division of the Texas Department of Labor and Standards will meet in Room 118 of the Stephen F. Austin Building, 17th and North Congress, Austin. The department will accept oral and written comments concerning the proposed boxing and wrestling rules that were published in the February 3, 1981, issue of the *Texas Register* (6 TexReg 488).

Information may be obtained from Janice Kuntz, 920 Colorado, Room 1012, Austin, Texas 78711, (512) 475-0155.

Filed: April 2, 1981, 10:50 a.m.  
Doc. No. 812141

## Texas Board of Land Surveying

**Friday, May 1, 1981, 8 a.m.** The Texas Board of Land Surveying will meet at 1106 Clayton Lane, 210 West, Austin. According to the agenda, the board will prepare problem questions for the August 1981 examination; interview applicants; and read correspondence.

Information may be obtained from Betty J. Pope, 1106 Clayton Lane, 210 West, Austin, Texas 78723, (512) 452-9427.

Filed: April 7, 1981, 9:29 a.m.  
Doc. No. 812248

## Texas Mining Council

**Wednesday, April 22, 1981, 10 a.m.** The Texas Mining Council will meet in Room 309 of the Railroad Commission Building, 1124 South IH 35, Austin. According to the agenda summary, the council will hear introductory remarks, roll call, and consider the following items: approval of the minutes of the October 7, 1980, meeting; report on meeting between Interstate Mining Compact Commission and Department of Interior; presentation of Governor William P. Clements' letter to Secretary James S. Watt of the Department of Interior; status of Senate Bill 1403 type legislation; reports on pending state legislation—House Bills 1531, 2271, 1413, and 832; Senate Bills 290, 569, and 735; and senate concurrent resolution. The council will also consider committee review of state mining laws to encourage mining consistent with some environmental practices.

Information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-0206.

Filed: April 3, 1981, 10:18 a.m.  
Doc. No. 812172

## Board of Nurse Examiners

**Tuesday and Wednesday, April 14 and 15, 1981, 8 a.m. daily.** The Board of Nurse Examiners will meet on the second floor of the Sheraton Crest Inn, 111 East 1st Street, Austin. According to the revised summarized agenda, the

board will consider advanced placement for Houston Community College and an extended campus for San Jacinto College.

Information may be obtained from Margaret L. Rowland, R.N., 510 South Congress, Suite 216, Austin, Texas 78704, (512) 478-9602.

Filed: April 2, 1981, 3:57 p.m.  
Doc. No. 812158

## Texas Parks and Wildlife Department

**Tuesday, April 28, 1981, 2 p.m.** The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. According to the agenda, the branch will conduct a hearing for an application by the City of Galveston for a marl permit "to remove approximately 600 cubic yards of marl from the Boddecker Drive Ship Channel west of the south jetty, adjacent to East Lagoon, Galveston, for the purposes of maintenance dredging." (Corps of Engineers Public Notice 14934). The dredged material would be placed behind the adjacent bulkhead (to be constructed).

Information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 475-4831.

Filed: April 3, 1981, 1:36 p.m.  
Doc. No. 812177

**Tuesday, May 5, 1981, 2 p.m.** The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. According to the agenda, the branch will conduct a hearing for an application by Joseph W. Bryant, doing business as Joe's Boat Basin, for a marl permit "to remove approximately 300 cubic yards of marl (total) from Copano Bay by means of dragline to deepen an existing boat basin. The marl will be placed on adjacent private property. The work site is located 1/4 mile west of Copano Village. Adjacent property owners are RBR Oil Company and John Herndon." (Corps of Engineers Permit 8943(02)).

Information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, (512) 475-4831.

Filed: April 3, 1981, 1:36 p.m.  
Doc. No. 812178

## Texas State Board of Pharmacy

**Friday, April 10, 1981, 10 a.m. to 4 p.m.** The Texas State Board of Pharmacy will meet in emergency session in Suite 1221, 211 East 7th Street, Austin, to discuss pending pharmacy related legislation and reciprocity procedures. Emergency status is due to the board's need to discuss these matters.

Information may be obtained from Priscilla Jarvis, 211 East 7th Street, Austin, Texas, (512) 478-9827.

Filed: April 6, 1981, 2:05 p.m.  
Doc. No. 812233

## Public Utility Commission of Texas

**Tuesday, April 7, 1981, 10 a.m.** The Hearings Examiner of the Public Utility Commission of Texas met in emergency session in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a hearing in Docket 3467—application of Randolph Properties for a rate increase within Comal County, and to acquire the certificate of convenience and necessity of Norton Construction Company. The emergency hearing is necessitated to allow the commission to act within the statutory time deadlines.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 6, 1981, 3:48 p.m.  
Doc. No. 812244

**Monday, April 13, 1981, 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 conduct a hearing in Docket 3821—application of Tri-County Mobilfone to void the certificate of convenience and necessity of Continental Telephone Company of Texas for radio services.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1981, 2:57 p.m.  
Doc. No. 812198

**Monday, April 13, 1981, 11 a.m.** The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to conduct a prehearing conference in Docket 3822—application of Poka-Lambro Telephone Cooperative, Inc., to amend certificate of convenience and necessity to add two new channels for RCC service.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450, Austin, Texas 78757, (512) 458-0100.

Filed: April 3, 1981, 2:56 p.m.  
Doc. No. 812199

**Tuesday, April 14, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3554—application of H. B. Sanders Water Company for authority to increase rates within Marion County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 6, 1981, 9:54 a.m.  
Doc. No. 812229

**Wednesday, April 22, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3493—application of Grande Casa Water System for a water rate increase within Ellis County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: April 7, 1981, 9:28 a.m.  
Doc. No. 812247

**Tuesday, May 19, 1981, 9 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 2097—application of City of Crandall for Metro Telephone Service by Southwestern Bell with telephone rates equal to those of other communities within Kaufman County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 2, 1981, 4 p.m.  
Doc. No. 812161

**Wednesday, June 3, 1981, 9 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3624—application of Radio Paging, Inc., for a rate decrease.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 2, 1981, 3:57 p.m.  
Doc. No. 812162

**Thursday, June 18, 1981, 10 a.m.** The Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3749—application of Toby Smith Water Company for a rate increase within Montgomery County.

Information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, (512) 458-0100.

Filed: April 6, 1981, 2:05 p.m.  
Doc. No. 812235

## Railroad Commission of Texas

**Monday, April 6, 1981, 9 a.m.** The Automatic Data Processing Division of the Railroad Commission of Texas met in emergency session in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division con-

sidered an interagency contract with the Attorney General's Office to allow it to utilize the commission's data processing resources to process, store, and retrieve text documents and related indexes. The meeting was held on less than seven days' notice because the Attorney General's Office urgently needed to use the system to process information for use in a pending court case.

Information may be obtained from Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: April 3, 1981, 3:25 p.m.  
Doc. No. 812207

**Monday, April 6, 1981, 9 a.m.** The Finance and Procurement Division of the Railroad Commission of Texas met in emergency session in Room 107, 1124 IH 35 South, Austin. According to the agenda, the division reviewed and approved the Railroad Commission's 1981 semiannual performance and fund transfer report. This report was submitted to the Governor's Budget Office and Legislative Budget Board in compliance with House Bill 558, Article V. The meeting was held on less than seven days' notice because the submission deadline for the report falls before the next regularly scheduled commission conference.

Information may be obtained from Roger Dillon, P.O. Box 12967, Austin, Texas 78711, (512) 445-1212.

Filed: April 3, 1981, 3:25 p.m.  
Doc. No. 812208

**Monday, April 13, 1981, 9 a.m.** The members of the Railroad Commission of Texas will meet in the third floor conference room, 1124 IH 35 South, Austin. Following the regular agenda, the commission will go into executive session to discuss personnel actions for all divisions and to consult with its legal staff on prospective and pending litigation pursuant to the Act, §2g and §2e, respectively.

Information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas 78704, (512) 445-1186.

Filed: April 3, 1981, 3:25 p.m.  
Doc. No. 812209

**Monday, April 13, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 IH 35 South, Austin. According to the agenda summary, the commission will consider Gas Utilities Dockets 2830, 3004, 3005, 3006, 3007, 2760, 2963, 2800, 3010, and the director's report.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed: April 3, 1981, 3:25 p.m.  
Doc. No. 812210

**Monday, April 13, 1981, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in Room 107, 1124 South IH 35, Austin. The addition concerns an interagency contract with Texas Energy and Natural Resources Advisory Council and the Railroad Commission of Texas.

Information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1126.

Filed: April 3, 1981, 4:02 p.m.  
Doc. No. 812218

**Monday, April 13, 1981, 9 a.m.** The LP-Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin, to consider director's report.

Information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: April 3, 1981, 3:25 p.m.  
Doc. No. 812211

**Monday, April 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: April 3, 1981, 3:23 p.m.  
Doc. No. 812215

**Monday, April 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns consideration of whether or not to initiate rulemaking proceedings to amend §3.37 (051.02.02.037) of Title 16 (relating to Statewide Spacing Rule)

Information may be obtained from Sandra Joseph, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: April 3, 1981, 3:24 p.m.  
Doc. No. 812212

**Monday, April 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns a motion to

appeal the examiners' decisions in Docket 8A-76, 302—application of Amoco Production Company to drill and operate 15 injection wells in the Slaughter Estate unit, Slaughter Field, Hockley County.

Information may be obtained from Sandra B. Buch, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: April 3, 1981, 3:24 p.m.  
Doc. No. 812213

**Monday, April 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 IH 35 South, Austin. The addition concerns Docket 7C-87,875—application of Shell Oil Company for an exception to SWR 37, Brown Bassett (Ellenburger) Field, Terrell County.

Information may be obtained from Sandra B. Buch, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: April 3, 1981, 3:24 p.m.  
Doc. No. 812214

**Monday, April 13, 1981, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of category determinations under the Natural Gas Policy Act of 1978, §§102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108.

Information may be obtained from Madalyn J. Girvin, P.O. Box 12967, Austin, Texas 78711, (512) 445-1273.

Filed: April 3, 1981, 3:23 p.m.  
Doc. No. 812216

**Monday, April 13, 1981, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Information may be obtained from Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: April 3, 1981, 3:28 p.m.  
Doc. No. 812217

## Texas Real Estate Commission

**Monday, April 13, 1981, 10 a.m.** The Texas Real Estate Commission will meet in the Diaz House of the Four Seasons Plaza Nacional Hotel, 555 South Alamo, San Antonio. According to the summarized agenda, the commission will hear

the minutes of the March 9, 1981, commission meeting; consider motions for rehearing; review proposed rules; hear staff reports for the month of February; consider education and school testing matters, and budget and staffing matters; plan for the future; and review legislation.

Information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 475-4250.

Filed: April 3, 1981, 9:04 a.m.  
Doc. No. 812165

**Monday, April 13, 1981, 10 a.m.** The Texas Real Estate Commission makes additions to the agenda of a meeting to be held at the Diaz House, Four Seasons Plaza Nacional Hotel, 555 South Alamo, San Antonio. The additions concern the appearance of John C. Boston, attorney representing the Texas Association of Private Real Estate Schools, and the proposed amendment to §535.132 (402.03.14.002) concerning applications by foreign corporations.

Information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, (512) 475-4250.

Filed: April 3, 1981, 3:33 p.m.  
Doc. No. 812200



## Stephen F. Austin State University

**Friday, and Saturday, April 17 and 18, 1981, 1:30 p.m. and 9 a.m., respectively.** The Stephen F. Austin State University Board of Regents and its committees will meet both days in Room 307, Austin Building, Nacogdoches. According to the summarized agendas, the board's committees will meet Friday to consider personnel items; election of officers; approval of budget adjustments; approval of increase in student service fee; and approval of construction contracts. The Board of Regents will meet Saturday morning to consider an identical agenda.

Information may be obtained from Charles G. Haas, Box 6108, Nacogdoches, Texas 75962, (713) 569-2203.

Filed: April 6, 1981, 10:47 a.m.  
Doc. Nos. 812231 and 812232

## Tax Assessor Examiners Board

**Friday, April 10, 1981, 2 p.m.** The Tax Assessor Examiners Board will meet in the conference room at 9501 North IH 35, Austin. According to the agenda, the board will consider the following items: minutes; action items—approval of RPAs; discussion items—proposed rules of board, job descriptions of staff, travel policies of director and board members, bank of questions for RPA examination; approval of outlines for required demonstration appraisals; discussion of future legislation; new business; and old business. The board will also meet in executive session before adjourning.

Information may be obtained from Ben Tow, 9501 North IH 35, Austin, Texas, (512) 837-9800.

Filed: April 2, 1981, 2:54 p.m.  
Doc. No. 812149

## Advisory Council for Technical-Vocational Education in Texas

**Friday and Saturday, May 1 and 2, 1981, 8 a.m. and 8:30 a.m., respectively.** The Advisory Council for Technical-Vocational Education in Texas will meet in the civic center of the Holiday Inn at the corner of 2nd Street and Highway 83 in McAllen. According to the agenda summary, the council will review programs and activities of the Harlingen campus of Texas State Technical Institute; receive an overview of vocational and adult education programs by local advisory committee members and adult and vocational educators; review the annual program plan and accountability report for vocational education; receive an overview of apprenticeship training; and hear reports of council committees and special reports.

Information may be obtained from Valeria J. Blaschke, P.O. Box 1886, Austin, Texas 78767, or 1700 South Lamar, Suite 202, Austin, Texas 78704, (512) 475-2046.

Filed: April 2, 1981, 3:55 p.m.  
Doc. No. 812160

## University of Texas System

**Thursday and Friday, April 9 and 10, 1981, 1:30 p.m. and 9 a.m., respectively.** The Board of Regents of the University of Texas System met in the regents' meeting room on the ninth floor of Ashbel Smith Hall, 201 West 7th Street, Austin. According to the summarized agenda, the board considered the following items: bids for sale of University of Texas at Austin combined fee revenue bonds—\$7,500,000; married student housing revenue bonds—\$5,750,000; placement of Houston Health Sciences Center apartment general revenue bonds—\$14,750,000; and matters relating to sale. University of Texas at Austin: reallocation of building use and general fees relating to building revenue bonds; budgetary amendments; chancellor's docket (index submitted by system administration); appointments to endowed positions; changes in student services fee optional; housing rates and foreign students admission applications processing charges;

membership on developmental boards and advisory councils. University of Texas at Arlington: Academic Enhancement Program and rates for housing. University of Texas at Dallas: changes in student services fee required and conversion of student union fee required to headcount fee. University of Texas at El Paso: amendments to student housing rates and amendments to student association constitution. University of Texas at San Antonio and Dallas: requests for new degree programs; building and ground matters; affiliation agreements; appointment to endowed positions and identification fees for medical units. University of Texas at Galveston Medical Branch: housing rates; investment and trust funds; acceptance of gifts and establishment of endowed positions; real estate matters; request to issue PUF bonds; student liability insurance; amendment to policy for sale of duplicate rate volumes; leaves of absence; membership on Advisory Committee for selection of chief administrative officer at University of Texas at Tyler. University of Texas at Galveston Medical Branch: new seal; pending litigation; land acquisition; personnel matters; and Southwest Broadcasting Council lease agreement.

Information may be obtained from Betty Anne Thedford, P.O. Box N, U. T. Station, Austin, Texas 78712, (512) 471-1265.

Filed: April 3, 1981, 1:29 p.m.  
Doc. No. 812176

## Texas Turnpike Authority

**Tuesday, April 14, 1981, 2:30 p.m.** The Permanent Contract Awards Committee of the Texas Turnpike Authority will meet in the Texas Turnpike Authority Administration Building, 3015 Raleigh Street, Dallas. According to the agenda summary, the committee will consider the following items: rate review study for the Mountain Creek Lake Bridge project; supplemental agreements to contracts HSC-36, HSC-14, and HSC-21 for the Houston Ship Channel Bridge project; and award of Contract HSC-39 for the Houston Ship Channel Bridge project.

Information may be obtained from Harry Kabler, P.O. Box 19327, Dallas, Texas 75219, (214) 522-6200.

Filed: April 2, 1981, 10:30 a.m.  
Doc. No. 812140

## State Board of Veterinary Medical Examiners

**Sunday-Wednesday, May 3-6, 1981, 2 p.m.** The State Board of Veterinary Medical Examiners will meet at the La Quinta Motor Inn, 607 Texas Avenue, College Station, to discuss proposed rule changes to conform with current legislation; consider practice complaints; conduct disciplinary hearings and examinations for licensure.

Information may be obtained from Roger D. Shipman, Texas Board of Veterinary Medical Examiners, Austin, Texas 78701, (512) 475-3933.

Filed: April 6, 1981, 2:04 p.m.  
Doc. No. 812234

## Texas Water Commission

**Monday, April 13, 1981, 10 a.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the following: approval of bonds; change in plans and release from escrow; use of surplus funds; setting of hearing dates for district matters; water quality permits; amendments and renewals; dismissal of water quality permit; final decision on water right application; adjudication matter; voluntary cancellation and dismissal of water right claim; and filing and setting of hearing dates.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 2, 1981, 3:26 p.m.  
Doc. No. 812157

**Friday, May 8, 1981, 10 a.m.** The Texas Water Commission will meet at the Houston-Galveston Area Council Annex 1, 3701 West Alabama, Houston. According to the agenda summary, the commission will consider an amendment to Permit 01429 by Rollins Environmental Services, Inc., which presently authorizes landfilling of Class I industrial solid wastes to an elevation of three feet below natural grade (21 feet above mean sea level). The proposed permit amendment revises only the design and operation of the landfill facility and does not authorize expansion or changes to any other facilities at the site in Harris County.

Information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, (512) 475-1468.

Filed: April 6, 1981, 2:57 p.m.  
Doc. No. 812236

**Thursday, May 14, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, on Application 4108 of Charlie F. Jochetz, et al., seeking a permit to directly divert 400 acre-feet of water from West Bernard Creek, tributary of the San Bernard River in the Brazos-Colorado Coastal Basin, for irrigation purposes in Wharton County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 3, 1981, 3:29 p.m.  
Doc. No. 812201

**Thursday, May 14, 1981, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on Application 4107 of O. B. Harkey, for a permit to directly divert not more than 132 acre-feet of water per annum from the San Saba River, tributary of Colorado River, Colorado River Basin, and use the water for irrigation purposes in San Saba County.



Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 3, 1981, 3:29 p.m.  
Doc. No. 812202

**Thursday, May 14, 1981, 10 a.m.** The Texas Water Commission will conduct a meeting in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on Application 4109 of Apache Shores, Inc., for a permit to construct a dam and 98 acre-foot reservoir and to maintain and modify an existing dam and 30 acre-foot reservoir on unnamed tributaries of the Colorado River, Colorado River Basin, for recreational purposes in Travis County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 3, 1981, 3:29 p.m.  
Doc. No. 812203

**Friday, May 15, 1981, 10 a.m.** The Texas Water Commission will conduct a meeting in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on Application 3500A of Bonnie and Rosie Skloss, seeking an amendment to Permit 3222 to increase their authorized appropriation from 120 to 200 acre-feet of water per year. The applicants also seek to increase the amount of land they authorized to irrigate from 60 to 129.8 acres in Karnes County, San Antonio River Basin.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 3, 1981, 3:29 p.m.  
Doc. No. 812204

**Friday, May 15, 1981, 10 a.m.** The Texas Water Commission will conduct a meeting in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on Application 3135A of St Regis Paper Company, seeking an amendment to Permit 2879 to increase the amount of water authorized to be used for irrigation purposes from 60 to 120 acre-feet per year; Neches River Basin, Jasper County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

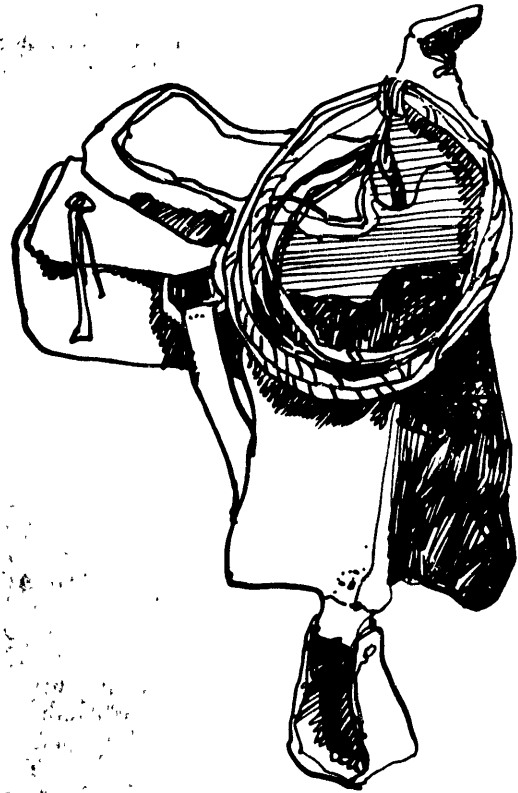
Filed: April 3, 1981, 3:30 p.m.  
Doc. No. 812205

**Friday, May 15, 1981, 10 a.m.** The Texas Water Commission will conduct a meeting in Room 618 of the Stephen F. Austin Building, 1700 North Congress, Austin, on Application 4110 of Lynn Storm, for a permit to divert 300 acre-feet

of water per year directly from the San Marcos River, tributary of Guadalupe River, Guadalupe River Basin, for irrigation purposes in Caldwell County.

Information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: April 3, 1981, 3:30 p.m.  
Doc. No. 812206



## Regional Agencies

### Meetings Filed April 2, 1981

**The Bandera County Tax Appraisal District** met in emergency session in the Bandera County Courthouse, Bandera, on April 8, 1981, at 10 a.m. Information may be obtained from Sam L. Darden, P.O. Box 518, Bandera, Texas 78003, (512) 796-3728.

**The Blanco County Appraisal District** met at 519 4th Street, Blanco, at 6:30 p.m. Information may be obtained from Kay Wright, P.O. Box 725, Blanco, Texas 78606, (512) 833-5073.

**The San Patricio County Appraisal District** met in Room 101 of the court house annex, Sinton, on April 9, 1981, at 9:30 a.m. Information may be obtained from Bennie L. Stewart, 313 North Rachal, Sinton, Texas (512) 364-5402.

**The South Texas Health Systems Agency**, Lower Rio Grande Valley Subarea Advisory Council, met at the Holiday

Inn, 1901 West Tyler, Harlingen, at 8 p.m. Information may be obtained from Ruben Saenz, Station 1, Box 2378, Kingsville, Texas 78363, (512) 595-5545.

**The Texas Municipal Power Agency**, Board of Directors, met at agency offices, 2225 East Randol Mill Road, Arlington, on April 9, 1981, at 9:30 a.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

Doc. No. 812139

## Meetings Filed April 3, 1981

**The Ellis County Tax Appraisal District** met at 411 Gibson Street, Waxahachie, on April 9, 1981, at 8 p.m. Information may be obtained from Gray Chamberlain, 411 Gibson Street, P.O. Box 217, Waxahachie, Texas 75165, (214) 937-3552.

**The High Plains Underground Water Conservation District 1**, Board of Directors, will meet in the conference room, 2930 Avenue Q, Lubbock, on April 14, 1981, at 10 a.m. Information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, (806) 762-0181.

**The Texas Municipal Power Agency**, Audit and Budget Committee, met in the Arlington Room of the Roadway Inn, Highway 360, Arlington, on April 8, 1981, at 4:30 p.m. Information may be obtained from Joel T. Rodgers, 2225 East Randol Mill Road, Arlington, Texas 76011, (817) 461-4400.

**The West Texas Health Systems Agency** met in Suite 700 of the Mills Building, 303 North Oregon, El Paso, on April 6, 1981, at 7 p.m. Information may be obtained from Molly Axline, 303 North Oregon, Suite 700, El Paso, Texas, (915) 532-2910.

Doc. No. 812173

## Meetings Filed April 6, 1981

**The Austin-Travis County MFI/MR Center**, Board of Trustees Personnel Committee, met in the conference room, 1430 Collier, Austin, on April 9, 1981, at 6 p.m. Information may be obtained from Cynthia C. Garcia, 1430 Collier, Austin, Texas 78704.

**The Bexar Appraisal District** met at 533 South Main, San Antonio, on April 9, 1981, at 5 p.m. Information may be obtained from the Bexar Appraisal District, 533 South Main Avenue, P.O. Box 9497, San Antonio, Texas, (512) 224-8511.

**The Deep East Texas Council of Governments**, Private Industry Task Force, will meet at Fortune Star Restaurant, 308 North Timberland Drive, Lufkin, on April 15, 1981, at noon. Information may be obtained from Julia Conn Watt, P.O. Box 1423, Lufkin, Texas.

**The East Texas Council of Governments**, Executive Committee, met in the Community Inn, 801 Highway 259, Kilgore, on April 8, 1981, at 6:30 p.m. Information may be obtained from Glynn J. Knight, 3800 Stone Road, Kilgore, Texas 75662, (214) 984-8641.

**The Gregg County Appraisal District** met in emergency session at Longview ISD Administration Building, 515 North Court Street, Longview, on April 7, 1981, at 7 p.m. Information may be obtained from William T. Carroll, 415 North Center, Suite 5, P.O. Box 6700, Longview, Texas, (214) 757-8214.

**The Golden Crescent Council of Governments**, Executive Committee, met in emergency session in the La Salle Room, Victoria Bank and Trust Building, 115 South Main, Victoria, on April 8, 1981, at 5 p.m. Information may be obtained from Joe Atkinson, P.O. Box 2028, Victoria, Texas 77901, (512) 578-1587.

**The Lower Colorado River Authority**, Power and Energy Committee, will meet at 3700 Lake Austin Boulevard, Austin, on April 10, 1981, at 10:30 a.m. Information may be obtained from the Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

**The Nortex Regional Planning Commission**, Executive Committee, will meet at McBride Land and Cattle Company, 501 Scott Street, Wichita Falls, on April 16, 1981, at noon. Information may be obtained from Edwin B. Daniel, 2101 Kemp Boulevard, Wichita Falls, Texas 76309, (817) 322-5281.

**The Palo Pinto Appraisal District** met at 603 South Oak, Mineral Wells, on April 9, 1981, at 7 p.m. Information may be obtained from H. H. Quillen, 100 Southeast 5th Street, Mineral Wells, Texas 76067, (817) 325-6871.

**The Region VI Education Service Center**, Board of Directors, met at 3332 Montgomery Road, Huntsville, on April 9, 1981, at 5 p.m. Information may be obtained from M. W. Schlotter, 3332 Montgomery Road, Huntsville, Texas, (713) 295-9161.

**The San Antonio River Authority**, Board of Directors, will meet in the conference room, 100 East Guenther Street, San Antonio, on April 15, 1981, at 2 p.m. Information may be obtained from Fred N. Pfeiffer, P.O. Box 9284, 100 East Guenther Street, San Antonio, Texas, (512) 227-1373.

**The San Jacinto River Authority**, Board of Directors, met in emergency session at the Lake Conroe Building, dam site, Highway 105 West, Conroe, on April 7, 1981, at 2 p.m. Information may be obtained from Jack K. Ayer, P.O. Box 329, Conroe, Texas, (713) 588-1111.

**The Trinity River Authority of Texas**, Executive Committee, met in the executive conference room, 5300 South Collins, Arlington, on April 9, 1981, at 2:30 p.m. The Utility Services Committee met at the same location, April 8, 1981, at 10 a.m. Information may be obtained from Geri Elliot, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

Doc. No. 812226

### Meetings Filed April 7, 1981

**The Brazos River Authority**, Board of Directors Lake Management Committee, will meet at 4400 Cobbs Drive, Waco, on April 14, 1981, at 9:30 a.m. Information may be obtained from Mike Bukala, P.O. Box 7555, Waco, Texas 76710, (817) 776-1441.

**The Central Plains MH/MR Center**, Board of Trustees, will meet at 2601 Dimmitt Road, Plainview, on April 23, 1981, at 7 p.m. Information may be obtained from Rick Van Hersh, 2700 Yonkers, Plainview, Texas 79072, (806) 296-2726.

Doc. No. 812249

The following documents are required to be published in the *Register*: applications to purchase control of state banks filed by the Banking Commissioner of Texas pursuant to Texas Civil Statutes, Article 342-401a(B)(6); changes in interest rate filed by the Savings and Loan Commissioner of Texas pursuant to Texas Civil Statutes, Article 5069-1.07; and consultant proposal requests and awards filed by state agencies, regional councils of government, and the Texas State Library pursuant to Texas Civil Statutes, Article 6252-11c. In order to allow agencies to communicate information quickly and effectively, other information of general interest to the public of Texas is published as space allows.

## Texas Energy and Natural Resources Advisory Council

### Consultant Contract Awards

#### Radian Corporation

In compliance with Vernon's Annotated Texas Statutes, Article 6252-11c, Texas Energy and Natural Resources Advisory Council furnishes this notice of consultant contract award. The consultant proposal request appeared in the February 3, 1981, issue of the *Texas Register* (6 TexReg 525).

**Description of Project.** Project 80-C-8-1 is a study to define the potentials for cost and energy savings in developing technologies to improve the efficiency of energy use, leading to long range prioritization of funding.

**Contractor; Total Value; Period of Contract.** The contractor is Radian Corporation, P.O. Box 9948, 8501 Mo-Pac Boulevard, Austin, Texas 78766. The total value of the contract is \$34,345. The beginning date of the contract is March 31, 1981, and the ending date of the contract is August 31, 1981.

**Due Dates for Reports.** Progress reports are due the 15th of each month, a draft final report is due August 31, 1981, and a final report is due October 31, 1981.

Issued in Austin, Texas, on March 31, 1981.

Doc. No. 812167 Roy R. Ray, Jr., Director  
Technology Development Division  
Texas Energy and Natural Resources  
Advisory Council

Filed: April 3, 1981, 9:05 a.m.

For further information, please call (512) 475-0414.

#### Touche Ross and Company

In compliance with Vernon's Annotated Texas Statutes, Article 6252-11c, the Texas Energy and Natural Resources Advisory Council furnishes this notice of consultant contract of award. The consultant proposal request appeared in the February 6, 1981, issue of the *Texas Register*, (6 TexReg 576).

**Contractor; Description of Project.** The Texas Energy and Natural Resources Advisory Council has contracted with Touche Ross and Company, Americanbank Tower, Suite 1400, 221 West 6th Street, Austin, Texas 78701. The contractor will provide a complete evaluation of the 1980 Innovative Energy Conservation Grant Program for Local Governments and the 1980 Comprehensive Community Energy Management Planning Program.

**Period of Contract; Total Value; Due Dates for Reports.** The contractor will be retained for a period beginning March 27, 1981, and ending December 31, 1981. The total value of the contract is \$39,900. Drafted reports and final reports are due during the months of the contract period—April through December.

Issued in Austin, Texas, on March 20, 1981.

Doc. No. 812170 Larry Morgan, Coordinator for Local  
Governments Program  
Conservation Division  
Texas Energy and Natural Resources  
Advisory Council

Filed: April 3, 1981, 9:49 a.m.

For further information, please call (512) 475-0414.

## Texas Health Facilities Commission

### Applications for Declaratory Ruling, Exemption, Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of April 1-3, 1981.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in §511.5 (315.20.01.050). Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Texas Civil Statutes, Article 4418(h), §3.02 or §3.03, and §505.81 and §505.82 (315.17.04.010 and .030), §§505.91-505.93 (315.17.05.010, .020, and .030), §§507.81-507.83 (315.18.04.010, .020, and .030), and §§507.91-507.93 (315.18.05.010, .020, and .030).

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

All Saints Episcopal Hospital, Fort Worth (4/3/81)  
AH81-0331-017

EC—Request to construct a security wall along 8th Avenue and Harrison Avenue, install sprinklers, landscape, and install new security lights around Harrison Avenue parking lot, and street improvements regarding parking

All Saints Episcopal Hospital, Fort Worth (4/3/81)  
AH81-0331-019

EC—Request to reconstruct and resurface the main visitors parking lot, including a small unpaved area

All Saint Episcopal Hospital, Fort Worth (4/3/81)  
AH81-0331-015

EC—Request to purchase and install a permanent sign in front of the hospital

All Saints Episcopal Hospital, Fort Worth (4/3/81)  
AH80-0523-035A (033181)

AMD/CN—Request to extend the completion deadline in Certificate of Need AH80-0523-035, which authorized the acquisition of an angiography unit

San Angelo Center, Carlsbad (4/2/81)  
AA81-0330-027

EC—Request to construct a 32-foot by 51-foot addition to house the vocational rehabilitation program

Citizens General Hospital, Houston (4/2/81)  
AH81-0330-015

EC—Request to acquire a Phillips BV-22 mobile image intensifier surgical c-arm for use in one of the operating rooms

Compicare, Inc., San Antonio (4/2/81)  
AO79-1119-027A (033081)

AMD/CN—Request to extend the completion deadline as well as increase the project cost in Certificate of Need AO79-1119-027, which authorized the expansion of an existing HMO in San Antonio

Issued in Austin, Texas, on April 6, 1981.

Doc. No. 812228 Linda E. Zatopek  
Assistant General Counsel  
Texas Health Facilities Commission

Filed: April 6, 1981, 9:55 a.m.  
For further information, please call (512) 475-6940.

## Texas Department of Human Resources

### Technical Information Workshop for Day Activity and Health Services (DAHS) Contractors

The Department of Human Resources will hold a technical information workshop to provide explanations of department

forms, policies, procedures, and standards, and to answer questions on DAHS contracting, at 9 a.m. on April 23, 1981, in Room 5A3, 1708 East Anderson Lane, Austin. Individuals interested in contracting with the department to provide day activity and health services are invited to participate. Adopted DAHS rules appear in this issue of the *Register*.

Please contact Pat Gladden, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, (512) 835-0440, extension 2580, for further information.

Issued in Austin, Texas, on April 2, 1981.

Doc. No. 812150 Marlin W. Johnston  
Acting Commissioner  
Texas Department of Human Resources

Filed: April 2, 1981, 2:25 p.m.  
For further information, please call (512) 441-3355, ext. 2037.

## Texas Judicial Council Public Meeting

The Texas Judicial Council will meet at 1:30 p.m. on Friday, April 10, 1981, at the Texas Law Center, 1414 Colorado, Austin. A summary of the agenda includes a report on staff activities, discussion of pending legislation, and committee reports.

For further information contact C. Raymond Judice, executive director, Texas Law Center, 1414 Colorado, Suite 600, Austin, Texas 78701, (512) 475-2421.

Issued in Austin, Texas, on April 1, 1981.

Doc. No. 812125 Jim Hutcheson  
Chief Counsel  
Texas Judicial Council

Filed: April 1, 1981, 1:57 p.m.  
For further information, please call (512) 475-2421.

## Legislative Information System of Texas

### Toll-Free Telephone Number

The Texas Senate and House of Representatives are providing information on the activities of the 67th Legislature through a toll-free statewide WATS line to the Legislative Information System of Texas (LIST).

Information available includes bill status, schedules and agendas of committee meetings and hearings, and lists of bills by author, committee, and subject.

The LIST statewide toll-free telephone number is **1-800-252-9693** for calls from outside the Austin area. For calls originating in Austin, the telephone number is (512) 475-3026.

Each issue of the *Register* includes a conversion table of *Texas Administrative Code* titles affected for that issue. Once a month a guide to agency activity for the previous month is published, as well as a cumulation of TAC titles affected for the previous month. Quarterly and annual indexes to the *Texas Register* are published separately and bound in light blue for distinction.

## TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

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