

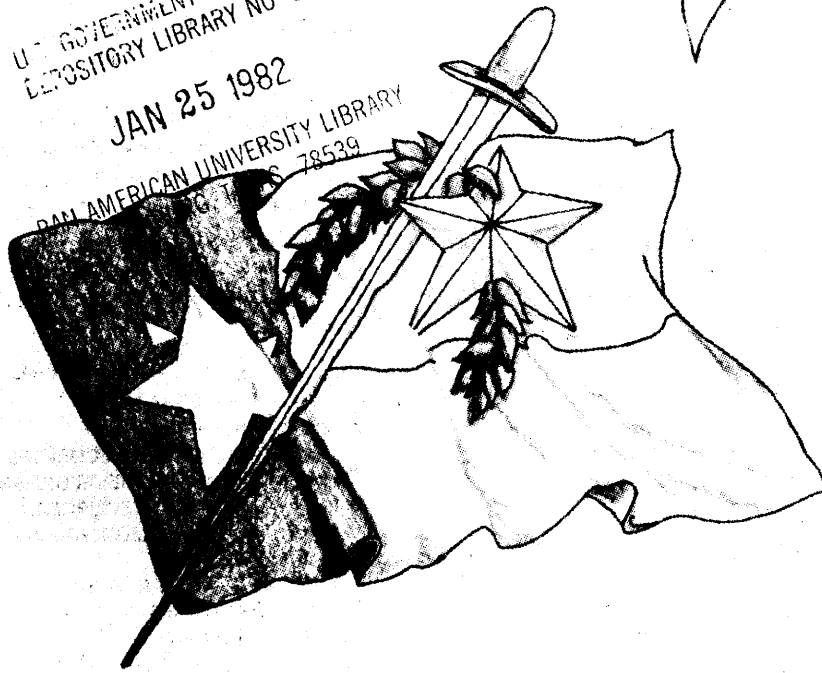
TXD S 500.6 R 263

Texas Register

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Highlights

Texas Animal Health Commission proposes new sections concerning brucellosis classifications; proposed date of adoption - February 22. . . page 264 ★ In the second part of a three-part serialization, the Texas Department of Human Resources proposes new rules within chapters concerning CCAD, child welfare services, intake and eligibility, family services, rehabilitation and self-support services, the Work Incentive Program, and community care for aged and disabled adults; proposed date of adoption - February 22. . . page 266 ★ Texas Department of Human Resources adopts new rules and amendments, and withdraws from consideration other rules and amendments, concerning early and periodic screening, diagnosis, and treatment; effective date of withdrawals - January 15; effective date - February 5. . . 294.

How To Use the Texas Register

Texas Register

The *Texas Register* (ISSN 0362-4781) is published twice a week at least 100 times a year. Issues will be published on every Tuesday and Friday in 1982 with the exception of January 5; April 27, November 16, November 30, and December 28, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7866.

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POSTMASTER: Please send Form 3579 changes to the Texas Register Division, P.O. Box 13824, Austin, Texas 78711-3824.

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

- Governor—appointments, executive orders, and proclamations
- Attorney General—summaries of requests for opinions, opinions, and open records decisions
- Emergency Rules—rules adopted by state agencies on an emergency basis
- Proposed Rules—rules proposed for adoption
- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register Division six months after proposal publication date
- Adopted Rules—rules adopted following a 30-day public comment period
- Open Meetings—notices of open meetings
- In Addition—miscellaneous information required to be published by statute or provided as a public service

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

How To Cite: Material published in the *Texas Register* is referenced by citing the volume in which document appears, the words "TexReg," and the beginning page number on which

that document was published. For example, a document published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: page 2 in the lower left-hand corner of this page is written: "7 TexReg 2 issue date," while on the opposite page, in the lower right-hand corner, page 3 is written "issue date 7 TexReg 3."

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

Texas Administrative Code

The *Texas Administrative Code* (TAC) is the approved, collected volumes of Texas administrative rules currently being published by Shepard's/McGraw-Hill, in cooperation with this office.

How To Cite: Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC 527.15:

1 indicates the title under which the agency appears in the *Texas Administrative Code* (a listing of all the titles appears below);

TAC stands for the *Texas Administrative Code*; 527.15 is the section number of the rule (27 indicates that the rule is under Chapter 27 of Title 1; 15 represents the individual rule within the chapter).

Table of TAC Titles

- TITLE 1. ADMINISTRATION
- TITLE 4. AGRICULTURE
- TITLE 7. BANKING AND SECURITIES
- TITLE 10. COMMUNITY DEVELOPMENT
- TITLE 13. CULTURAL RESOURCES
- TITLE 16. ECONOMIC REGULATION
- TITLE 19. EDUCATION
- TITLE 22. EXAMINING BOARDS
- TITLE 25. HEALTH SERVICES
- TITLE 28. INSURANCE
- TITLE 31. NATURAL RESOURCES AND CONSERVATION
- TITLE 34. PUBLIC FINANCE
- TITLE 37. PUBLIC SAFETY AND CORRECTIONS
- TITLE 40. SOCIAL SERVICES AND ASSISTANCE



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Contents

Proposed Rules

- Texas Animal Health Commission
- 264 Brucellosis
- Texas Department of Human Resources
- 266 CCAD
- 273 Child Welfare Services
- 281 Intake and Eligibility
- 282 Family Services
- 285 Rehabilitation and Self-Support Services
- 286 Work Incentive Program
- 288 Community Care for Aged and Disabled Adults

Withdrawn Rules

- Texas Department of Human Resources
- 291 Early and Periodic Screening, Diagnosis, and Treatment

Adopted Rules

- Board of Pardons and Paroles
- 293 Parole
- Texas Department of Human Resources
- 294 Early and Periodic Screening, Diagnosis, and Treatment

Open Meetings

- 299 Texas Animal Health Commission
- 299 State Board of Barber Examiners
- 299 State Commission for the Blind
- 299 Interagency Council for Early Childhood Intervention
- 299 Good Neighbor Commission
- 300 Office of the Governor
- 300 Texas Health Facilities Commission
- 300 State Board of Insurance
- 301 Lamar University
- 301 Board of Law Examiners
- 301 Legislative Redistricting Board of Texas

- 301 Texas Merit System Council
- 301 Texas Mohair Producers Board
- 301 Texas Board of Licensure for Nursing Home Administrators
- 301 Prosecutors Council
- 301 Public Utility Commission of Texas
- 302 State Purchasing and General Services Commission
- 303 Railroad Commission of Texas
- 304 State Securities Board
- 304 Texas Sesquicentennial Commission
- 304 Texas Water Commission
- 305 Texas Water Well Drillers Board
- 305 Regional Agencies

In Addition

- Texas Air Control Board
- 307 Amendment to Consultant Proposal Request
- 307 Applications for Construction Permits
- Comptroller of Public Accounts
- 307 Administrative Decision 11,928
- Texas Energy and Natural Resources Advisory Council
- 308 Contract Awards
- Texas Health Facilities Commission
- 309 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent
- 310 Correction of Error
- Houston-Galveston Area Council
- 310 Consultant Proposal Request
- North Central Texas Council of Governments
- 312 Consultant Proposal Request
- Texas Department of Public Safety
- 313 Correction of Error

Proposed Rules

Thirty days before an agency intends to permanently adopt a new or amended rule, or repeal an existing rule, it must submit a proposal detailing the action in the *Register*. The 30-day time period gives interested persons an opportunity to review and make oral or written comments on the rule. A public hearing on the proposal may also be granted if such a procedure is requested by a governmental subdivision or agency, or by an association consisting of at least 25 members.

Unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice, the proposal may not be adopted until 30 days after publication. The document, as published in the *Register*, must include a brief explanation of the proposed action; a fiscal statement indicating effect on state or local government; a statement explaining anticipated public benefits and possible economic costs to individuals required to comply with the rule; a request for public comments; a statement of legal authority under which the proposed rule is to be adopted (and the agency's interpretation of the legal authority); the text of the proposed action; and a certification statement. The certification information which includes the earliest possible date that the agency may file notice to adopt the proposal, and a telephone to call for further information, follows each submission.

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

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

4 TAC §§35.1, 35.4, 35.5

The Texas Animal Health Commission proposes amendments to §§35.1, 35.4, 35.5 concerning brucellosis. These amendments describe the new state classifications for areas of the state and define the criteria to be met for counties to be included. The present classifications of areas of the state will become obsolete and must be deleted from the definitions. In addition, the county of Wise is proposed for inclusion into the newly named "B" area, and deletion in the newly named "C" area. This county has met the necessary criteria for inclusion into the "B" area of the state.

Robert Mikeska, director of administration, has determined that for the first five-year period the rules will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Mikeska has also determined that for each year of the first five years the rule is in effect that:

(A) The public benefits anticipated as a result of

enforcing the rule as proposed will be providing uniformity between the Texas Bovine Brucellosis regulations and the U.S. Department of Agriculture, Uniform Methods and Rules (UM&R).

(B) There will be no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Jo Anne Conner, Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711.

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

John W. Holcombe
January 13, 1982

The amendments are proposed under Texas Civil Statutes, Article 7014f-1, which provides the Texas Animal Health Commission with the authority to adopt rules relating to the control and eradication of disease in livestock.

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

"B" area—An area of contiguous counties which has an accumulated 12-month herd infection rate due to field strain *B. abortus* that does not exceed 1.5% or 15 herds per 1,000. A 12-month adjusted MCI reactor prevalence rate not to exceed 3 reactors per 1,000 cattle tested (0.30%) must be maintained.

"C" area—An area of contiguous counties which

has an accumulated 12-month herd infection rate due to field strain *B. abortus* which exceeds 1.5% or 16 herds per 1,000 and has a 12-month adjusted MCI reactor prevalence rate exceeding three reactors per 1,000 cattle tested (0.30%).

[Class A brucellosis control area—A group of contiguous counties designated by the Texas Animal Health Commission for the purpose of achieving Class A status for the entire area.]

[Class A status—Status achieved when there is no infection due to field strain *B. abortus* in the area for 12 months except where field strain *B. abortus*, if detected, is traced to a source outside the area and the field strain *B. abortus* is not traced outside the affected herd and an approved surveillance program is in progress.]

[Class B brucellosis control area—A group of contiguous counties designated by the Texas Animal Health Commission for the purpose of achieving Class B status for the entire area.]

[Class B status—An area that does not exceed an annual 12 months prevalence rate of 1.0% of herd infection with field strain *B. abortus*. No county in the area shall have an annual prevalence rate exceeding 2.0% of the herds. The area must maintain an annual prevalence rate not to exceed five reactors per 1,000 cattle not in affected herds tested and the area has an approved surveillance program in progress.]

§35.4. "B" [Class A Brucellosis Control] Area.

(a) General provisions—The purpose of a "B" [Class A brucellosis control] area is to use all feasible methods of finding and eliminating brucellosis in an area so that the [this] area will become an [a Class A] area of higher classification at a later date. Any person may petition the commission to add counties to this area. A county to be considered for inclusion into the "B" [Class A control] area shall be contiguous to a county that is part of the "B" ["A" control] area. The herd infection rate for the county shall not exceed an accumulated 12 months herd infection rate due to field strain *B. abortus* of 1.5% or 15 herds per 1,000 and a 12-month adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (.030%) must be maintained [be less than 1.0%] at the time of filing the petition. Petitions are available from the central office. The provisions in §35.1 of this title (relating to Definitions), §35.2 of this title (relating to General Requirements), and §35.3 of this title (relating to Requirements for Certified Brucellosis—Free Herd of Cattle) shall apply in addition to the requirements of this section. When in conflict, the provisions of this section will prevail.

(b) Control area. Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, Erath, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Hood, Howard, Hudspeth, Hutchinson, Irion, Jack, Jeff Davis, Johnson, Jones, Kendall, Kerr, Kimble, Kin-

ney, King, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Menard, Midland, Mills, Mitchell, Montague, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Sterling, Stephens, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Wise, Yoakum, Young, and Zavala.

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

§35.5. "C" [Class B Brucellosis Control] Area.

(a) General provisions. The purpose of a "C" [Class B brucellosis control] area is to use all feasible methods of finding and eliminating brucellosis in an area so that this area or parts of this area may qualify for inclusion in an area of higher classification [will become a Class B Area] at a later date. The 12-month herd infection rate for the area due to field strain *B. abortus* exceeds 1.5% or 16 herds per 1,000. In addition, the area has a 12-month adjusted MCI reactor prevalence rate exceeding three reactors per 1,000 cattle tested (0.30%).

(b) Control area. Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bexar, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Cooke, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Medina, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Starr, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, [Wise,] Wood, and Zapata.

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

Issued in Austin, Texas, on January 12, 1982.

TRD-820443

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

Proposed date of adoption: February 22, 1982

For further information, please call (512) 475-4111.



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

(Editor's note: Because the Texas Department of Human Resources' rules have not yet been published in the Texas Administrative Code (TAC) they do not have designated TAC numbers. For the time being, the rules will continue to be published under their Texas Register Division numbers. However, the rules will be published under the agency's correct TAC title and part.

The text of all rules proposed for repeal by the Department of Human Resources 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.

This is the second part of a three-part serialization of DHR rules. Several chapters are contained within this serialization. A separate preamble for each follows the chapter heading.

CCAD

The Texas Department of Human Resources proposes new Rules 326.48.13.001, 326.48.20.001, 326.48.30.001-.007, 326.48.40.001-.004, and 326.48.90.001, concerning the program on community care for aged and disabled adults (CCAD). Some of these rules were adopted on an emergency basis, effective October 1, 1981, as a result of the Omnibus Budget Reconciliation Act of 1981. The other rules represent all of the program rules which have been updated, reorganized, and placed in a new chapter. There are no new policies proposed in the rules except for the changes made as a result of federal law.

These changes include the income eligibility criteria for CCAD services. The criteria are changed from 67% to 58% for Priority Levels 1, 2, and 3 and from 37% to 33% for Priority Level 4. Priority Levels 5 and 6 are deleted from the rules. Individuals who do not meet the current eligibility criteria will be denied at the time of reassessment.

David Hawes, director of programs budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Hawes has also determined that for the first five years the rules as proposed are in effect the public benefits anticipated as a result of enforcing the rules will be providing the public with current information specific to the community care services for aged and disabled adults. There will be no economic costs to persons required to comply with the rules.

Written comments on the proposals are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—271, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this Texas Register.

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

J. B. McReynolds
January 8, 1982

Definitions 326.48.13

New Rule 326.48.13.001 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

.001. Definitions of Program Terms.

(a) Abuse—The willful infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or the willful deprivation by a caretaker or one's self of goods or services which are necessary to avoid physical harm, mental anguish, or mental illness.

(b) Adult—A person 18 years old or older.

(c) Aged or elderly person—A person 65 years old or older.

(d) Community care/alternate care—Services provided within the client's own home, neighborhood, or community, as alternatives to institutional care. The terms community care and alternate care are synonymous.

(e) Emergency—An immediate threat to life, health, or property.

(f) Exploitation—The illegal or improper act or process of a caretaker or others using the resources of an adult for monetary or personal benefit, profit, or gain.

(g) Family—The following persons may be considered family members if they are living in the household or absent from the household for no more than six months during the year. They must be included when determining family size of the income eligible client.

(1) An adult and spouse, including common-law marriages.

(2) Natural or adopted minor children.

(3) Any other minor for whom the adult or couple is legally responsible.

(4) If a minor in subsection (b) or (c) of this section is a parent, his or her child is included.

(h) Fraud—A deliberate misrepresentation or intentional concealment of information for the purpose of obtaining or being reimbursed for the delivery of services to which the individual is not entitled. The services may have been provided either directly or on a contract basis by the department.

(i) Income eligible (IE)—Refers to an adult, who is not an SSI or AFDC recipient, but who qualifies, in part, for CCAD services on the basis of having an income that is equal to or less than the level established by the department.

(j) In-home services—Services provided to eligible recipients in their own homes or at a congregate meal site.

In-home services include family care, primary home care, home delivered meals, and congregate meals.

(k) **Institution**—Refers to a nursing home, state school, or state hospital.

(l) **Medicaid eligible**—An individual eligible for Medicaid as an SSI or AFDC recipient, by medical assistance only status while living in the community or through a federally approved waiver (Waiver 5).

(m) **Neglect**—The failure to provide for one's self the goods or services which are necessary to avoid physical harm, mental anguish, or mental illness; or the failure of a caretaker to provide the goods or services.

(n) **Out-of-home services**—Services delivered outside the recipient's home or in a DHR approved 24-hour living arrangement. These services include day activity and health services, adult foster care, and special services to the handicapped.

(o) **Prior approval**—Prior approval is the authorization given a contracted agency before service delivery begins.

(p) **Protective service agency**—A public or private agency, corporation, board, or organization that provides protective services to abused, exploited, or neglected elderly persons.

(q) **Self-sufficiency**—In evaluating a person's needs for CCAD services, self-sufficiency means a situation in which a person meets all of the following criteria:

- (1) is able to maintain his home in a safe and hazard-free condition;
- (2) is able to maintain his nutritional, medical, physical, personal care needs, and personal safety;
- (3) is able to obtain other needed community resources.

(r) **Supplemental Security Income (SSI)**—Monthly payments made by the Social Security Administration (SSA) to an aged or disabled individual, who meets the requirements for public aid. Eligibility for SSI is determined by the Social Security Administration (SSA).

(s) **Target population**—Aged or disabled adults in Texas, who qualify for CCAD services on the basis of age, income, and need. Clients receiving information and referral and adult protective services are identified on the basis of need only.

(t) **Unmet need**—Needs of recipients that cannot be met by family, friends, and other public and private agencies.



Services 326.48.20

New Rule 326.48.20.001 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

.001. Family Care Services Description.

(a) Family care services are available to adults functionally limited in the performance of daily activities. These services are competitively procured and provided through purchase-of-service agreements with licensed Class A home health agencies that participate in Medicare and Medicaid. Exceptions to this contracting procedure are specified in Rule 326.48.60.003. Family care services consist of assistance with personal care, household tasks, meal preparation, and escort.

(b) The maximum amount of family care to be authorized for a client is 20 hours per week.

Issued in Austin, Texas, on January 11, 1982.

TRD-820247 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Eligibility 326.48.30

New Rules 326.48.30.001-.017 are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

.001. **Eligibility for Services.** An applicant must meet income, age, and need criteria to be eligible for CCAD in-home and out-of-home services. Eligibility for adult protective services is determined on the basis of the client's need for protection from abuse, neglect, or exploitation. Persons who meet the eligibility criteria for any CCAD service except information and referral are eligible for case management services. Case management is also provided to persons who have been receiving protective services but are no longer in a state of abuse, neglect, or exploitation. Former protective services clients are eligible to receive case management services for a

Issued in Austin, Texas, on January 11, 1982.

TRD-820246 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

three-month period immediately following the closure of their protective services case.

.002. Income—Rules for Income Eligibles.

(a) The income component of eligibility is satisfied if the client or applicant is a recipient of SSI/AFDC or is income eligible, and has an income equal to or less than 33% or 58% of the state median income.

(b) The income eligibility criteria for community care services for persons who do not receive SSI or AFDC is set at 58% and 33% of the median income as adjusted for family size. The following charts establish the Title XX income limit for families of various sizes. The annual state median income for a family of four is \$23,416.

58% Level (Applies to Priority Group 1, 2, and 3.)

Family Size	Annual \$	Monthly \$
1	\$7,062.27	\$588.52
2	\$9,235.27	\$769.61
3	\$11,408.28	\$950.69
4	\$13,581.28	\$1,131.77
5	\$15,754.28	\$1,312.86
6	\$17,927.29	\$1,493.94

33% Level (Applies only to Priority Group 4.)

Family Size	Annual \$	Monthly \$
1	\$4,018.19	\$334.85
2	\$5,254.55	\$437.88
3	\$6,490.92	\$540.91
4	\$7,727.28	\$643.94
5	\$8,963.64	\$746.97
6	\$10,200.00	\$850.00

.003. Determination of Monthly Gross Income. Monthly gross income means the monthly sum of income received by an individual from the following sources.

(1) Money, wages, or salary include total money earnings received for work performed as an employee, including wages, salary, armed forces pay (include allotments from any armed forces received by a member of the family group from a person not residing in the household), commissions, tips, piece-rate payments, and cash bonuses earned before deductions are made for taxes including social security, bonds, pensions, union dues, and similar purposes.

(2) Net income from nonfarm self-employment includes gross receipts minus business expenses, professional enterprise, or partnership, which result in the individual's net income. Gross receipts include the value of all goods sold and services rendered. Expenses include costs of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (not personal income taxes or self-employment social security tax) and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income.

(3) Net income from farm self-employment includes gross receipts minus operating expenses from operation of a farm by a person on his own net income. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm

mortgages, farm building repairs, farm taxes (not personal income taxes or self-employment social security tax) and similar expenses. The value of fuel, food, or other farm products used for family living is not included as a part of net income.

(4) Social security benefits include social security pensions and survivors' benefits, permanent disability insurance payments made by the Social Security Administration before deductions for medical insurance, and railroad retirement insurance checks from the federal government.

(5) Dividends and interest include dividends from stockholdings on membership in associations, interest on savings or bonds, periodic receipts from estates or trust funds, net income from rental of a house, store, or other property, receipts from boarders or lodgers, and net royalties.

(6) Public assistance or welfare payments include public assistance payments such as AFDC, SSI, and general assistance (cash payments from a county or city).

(7) Pensions and annuities include pensions or retirement benefits paid to a retired person or his survivors by a former employer or by a union, either directly or through an insurance company. Periodic receipts from annuities or insurance are also included.

(8) Veterans' pensions include money paid periodically by the Veterans Administration to disabled members of the armed forces or to survivors of deceased veterans, subsistence allowances paid to veterans for education and on-the-job training, and refunds paid to ex-servicemen as GI insurance premiums.

(9) Educational loans and grants include money received as scholarships by students for educational purposes and used for current living costs. Include only that part actually used for current living costs. Include any maintenance or allowance used for current living costs provided by parents to a legal dependent over 18 who is a student.

(10) Unemployment compensation includes compensation received from government unemployment insurance agencies or private companies during periods of unemployment, and any strike benefits received from union funds.

(11) Worker's compensation includes compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the person.

(12) Alimony includes support paid to a divorced person by his former spouse.

(13) Child support includes court-ordered child support, any maintenance or allowance used for current living costs provided by parents to a minor child who is a student, or any informal child support payments made by an absent parent for the maintenance of a minor child.

.004. Income Exclusions. Income excluded from computation of the monthly gross income is as follows.

(1) Per capita payments to or funds held in trust for any individual in satisfaction of a judgement of the Indian Claims Commission or the court of claims.

(2) Money received from the sale of property, such as stocks, bonds, a farm house, or a car unless the person is engaged in the business of selling such proper-

ty in which case the net proceeds are counted as income from self-employment.

- (3) Withdrawals of bank deposits.
- (4) Money borrowed.
- (5) Tax refunds.
- (6) Gifts.
- (7) Lump sum inheritances or insurance payments.
- (8) The value of the current food stamp allotment under the Food Stamp Program.
- (9) The value of USDA donated foods.
- (10) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- (11) Earnings of a child under 14 years of age.
- (12) Loans and grants such as scholarships, obtained and used under conditions that preclude their use for current living cost.
- (13) Veterans Administration aid and attendance benefits, VA home-bound elderly benefits, and payment to certain eligible veterans for purchase of medications. Although aid and attendants on home-bound elderly benefits are excluded as income they must be considered as the primary source of funds for in-home provider payment.

.005. *Computation of Gross Income.*

(a) Income received more frequently than monthly, must be computed in the following manner for determination of gross monthly income.

- (1) Weekly income—multiply by 4.33.
- (2) Bi-weekly income—divide by two and multiply by 4.33.
- (3) Twice monthly income—multiply by two.

(b) Income received less than once a month is averaged by dividing the total number of months covered by the income into the total amount of money received. Income averaging is applied to income which may be received on a monthly basis but which is received less often. (For seasonal employment such as agricultural or construction work, it may be necessary to average seasonal employment income over a 12-month period.)

(c) When a seasonal earned income results from a combination of seasonal jobs that occur at different time periods, the earned income from all sources is averaged on a 12-month basis.

(d) When an individual terminates regular employment to pursue seasonal employment and subsequently returns to his regular job, the income from the combined sources is averaged over 12 months.

.006. *Age.* CCAD Title XX Services are delivered to persons 18 years or older.

.007. *Need.* Each applicant must score at least 25 points on the client needs assessment questionnaire or he will not be eligible for any CCAD service except adult protective services.

.008. *Client Need Levels.*

Rating	Score On Client Needs Assessment	Need Indicator
Critical	60+	Severe mental or physical impairment, resulting in life-endangering social and health needs.
High	50-59	Mental or physical impairment, resulting in extreme dependency on others in the performance of essential household and personal care tasks.
Medium	40-49	Mental or physical impairment, which prevents the client from performing most essential household and personal care tasks.
Low	25-39	Mental or physical impairment which prevents the client from performing some essential household and personal care tasks.

.009. *Eligibility/Priority Groups.* Needy persons are identified in an ordered scale, which allows the department to provide service first to those persons with greater needs. The CCAD program has established the following four priority groups based on client need and income.

(1) Persons 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% of the state median income (SMI), and whose scores on the client needs assessment questionnaire indicate "critical" needs (60+); or persons 18 or older, who are SSI recipients whose incomes are equal or less than 58% of the SMI, who have eligibility for or have been denied a level of care for a Title XIX intermediate care facility or skilled nursing facility, and have a score on the client needs assessment questionnaire that indicates "medium needs" or above (40+). Persons who have been denied a level of care are required to apply for services within 90 days from the denial date. Persons whose eligibility is based on a denied level of care are granted priority one status only once, and retain the status until the time of the next assessment.

(2) Persons 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% of the SMI, and whose scores on the client needs assessment questionnaire indicate "high" needs, (50-59).

(3) Persons 18 or older, who are SSI recipients or whose incomes are equal to or less than 58% of the SMI, and whose scores on the client needs assessment questionnaire indicate "medium" needs, (40-49).

(4) Persons 18 or older, who are SSI recipients or whose incomes are equal to or less than 33% of the SMI, and whose scores on the client needs assessment questionnaire indicate "low" needs, (25-39).

.010. *Eligibility for Specific CCAD Services.* Priority groupings direct services to clients with the highest assessed need and lowest income. Because of funding limitations certain CCAD services are available only to persons in the higher priority groups. Some services are not available in certain geographical areas of the state. DHR has the right to determine cases in which vendor or provider payments are made. Nursing home recipients are not eligible to receive out-of-home services.

.011. *Family Care.*

(a) A client must meet criteria for priority groups one or two as set out in Rule 326.48.30.009 to be eligible for family care.

(b) When reassessed, family care clients in priority groups one and two as set out in Rule 326.48.30.009 remain eligible for services if they obtain a client needs assessment score of at least 50 and above, and an income equal to or less than 58% of the state median income.

(c) Clients receiving family care services in priority group three as set out in Rule 326.48.30.009 on October 1, 1981, remain eligible for family care services if they continue to meet the criteria for that priority, or enter priority groups one or two as set out in Rule 326.48.30.009.

.012. *Congregate and Home-Delivered Meals.* A client must meet criteria for priority groups one through four as set out in Rule 326.48.30.009 to be eligible for congregate or home delivered meals.

.013. *Adult Foster Care.* Clients must meet criteria for priority groups one through four as set out in Rule 326.48.30.009, and have the approval of the CCAD unit supervisor, to be eligible for adult foster care.

.014. *Special Services to Handicapped Adults.* Clients must meet criteria for priority groups one through four as set out in Rule 326.48.30.009 to be eligible for special services to handicapped adults.

.015. *Eligibility For Adult Protective Services.* To be eligible for protective services, a client must be an adult who needs protection from abuse, neglect, or exploitation. Adult protective services are provided without regard to income.

.016. *Protective Services Priorities.* Limitations on funds available to DHR necessitate the setting of priorities to determine when and under what conditions services may be delivered or purchased. Setting priorities allows DHR to serve the greatest number of adults with the most critical need. Within available funds, priority for protective services is given to:

- (1) persons 65 years or older in a state of exploitation, or abuse or neglect by self or others, which involves an immediate threat to life;
- (2) persons 18-64 years old in a state of abuse or neglect by self or others, which involves an immediate threat to life;
- (3) adults in a state of abuse or neglect which may threaten the life of the individual; and
- (4) adults in a state of exploitation which may result in loss of the individual's property or well-being.

.017. *Eligibility for Case Management Services.* Clients must meet the eligibility criteria for either

in-home or out-of-home services, but they do not have to be receiving that service to receive case management. Clients receiving only information and referral services are not eligible for and do not require case management services.

Issued in Austin, Texas, on January 11, 1982.

TRD-820248

Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3365, ext. 2037.

Case Management 326.48.40

New Rules 326.48.40.001-.004 are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

.001. *Application for Services.*

(a) Applicants for CCAD services must have and be informed of the following rights and responsibilities.

(1) Right to fair hearing. The applicant/client or individual acting on his behalf may appeal denial, reduction, termination of services, or failure to act upon requests for services with reasonable promptness. The worker must inform the applicant/client of the procedures for requesting fair hearings.

(2) Nondiscrimination. In accord with the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 (§504), there must be no discrimination concerning receiving services on the basis of sex, religion, race, color, handicap, or national origin.

(3) Provision of information. The applicant/client must give all information necessary to establish eligibility. The worker must inform him that falsification of such information is grounds for prosecution.

(4) Reporting changes. The client must promptly report any changes in income or size of family, loss of assistance grant or Medicaid benefits, or any other changes in circumstances that affect eligibility for services. Willful failure to report changes, which results in the continuation of services for which the client is no longer eligible, may constitute fraud.

(5) Confidential nature of client information. Information collected to determine eligibility for services, whether collected by DHR staff or contracted agencies, is confidential under state and federal statutes and regulations. Information concerning an individual is generally available to that individual.

(6) Citizenship and residency. An individual who lives in Texas may qualify to receive services regardless of citizenship or duration of residency.

(7) Freedom to reject services. An individual can reject offers of service except for adult protective services.

(b) Persons making application as income eligibles must provide the caseworker with information on the number of family members and the total amount of gross income received by the family.

(c) The caseworker must determine eligibility for

services with regard to income in a face-to-face interview with client or the client's representative.

(d) An applicant (for services provided with regard to income) or his representative must sign the application form. Refusal to sign the application results in denial of CCAD services. The date of application is the date the applicant signs the application form.

(e) Department staff must make a decision on applications within 30 calendar days following the date the application was signed. The applicant must provide all information requested by the department staff for purposes of determining eligibility. Failure to cooperate in providing the information necessary for eligibility determination may result in a denial of services.

.002. Recertification.

(a) Eligibility for CCAD services must be recertified within six months (180 days) after the last assessment, or earlier if necessary.

(b) The same policies and procedures used in initial eligibility determination are used for recertification, except that SSI and AFDC eligibility is automatically verified.

.003. Denial, Reduction, Termination of Services.

(a) An applicant has the right to request an appeal of any decision that denies his benefits. A recipient has the right to request an appeal of any decision that reduces or terminates his benefits. Recipients must be notified 10 days in advance of a reduction or termination of services. Two additional days are added if the notice must be mailed to the recipient. The effective date of services reduced or terminated are shown in the following table.

If	Then
Termination or reduction is due to loss of eligibility as a Title XX income eligible, failure to meet the client needs assessment score or medical criteria for the service, or change in the client's need for the specific service.	Termination or reduction is effective 10 days from the date of the notice unless appealed and then services continue until the hearing officer gives a decision. The cost of providing services during that period is subject to recovery by the department from the client.

Termination is due to a loss of AFDC, SSI, or Medicaid eligibility.	Services continue only to the end of the month in which the individual is determined ineligible, even if appealed.
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Termination is due to a loss of physician's orders for the service.	Services continue only through the date the previous orders expire, even if appealed.
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Termination or reduction is based on budgetary constraints and/or change in federal law or state regulations, and services are reduced or terminated for an entire categorical client group.	Services continue only through the date of categorical termination, even if appealed.
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(b) CCAD services must be terminated in any of the following situations.

- (1) Recipient dies.
- (2) Recipient is admitted to an institution.
- (3) Physician requests service termination (Title XIX services only).

(4) Recipient requests service, termination or refuses to accept assistance, except involuntary protective services cases.

(5) Recipient becomes ineligible for Title XIX and Title XX services, unless eligible as a protective services case.

.004. Special Casework Procedures for Adult Foster Care.

(a) The department must provide each adult foster care provider with a completed purchase voucher for individual providers for each month in which a DHR foster care client lives in the home.

(b) Certification of an adult foster home means that the home is meeting all standards or appropriate waivers have been obtained.

(c) The department must reassess the adult foster care provider within 12 months from the date of the previous assessment. The adult foster home must be recertified within 12 months of the date of initial certification.

Issued in Austin, Texas, on January 11, 1982.

TRD-820249

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

**Contracting for CCAD Services
326.48.60**

New Rules 326.48.60.001-.004 are proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

.001. CCAD Contracts. CCAD contracts must conform to applicable federal regulations, the Title XIX and/or Title XX State Plans, applicable statutes, appropriate service standards, and the department's procurement requirements.

.002. Unit Rate Contracts. Unit rate contracts for CCAD are paid for each unit of service delivered at the rate set by the DHR board, unless the unit rate negotiated by the contractor in a competitive procurement is lower than the board approved rate. In these contracts, the unit rate is the negotiated unit rate.

.003. Methods of Contracting. CCAD uses three methods of contracting in the purchase of services:

(1) Competitive procurement. Contracts are let based on responses to requests for proposal (RFP) or invitations for bid (IFB). The contractor or contractors whose response offers the highest quality service at the most competitive rate are selected to provide service in the specified area (family care).

(2) Provider enrollment. Contracts are let to all provider applicants who conform to the service standards and agree to accept the established rate as compensation (DAHS, PHC, adult foster care).

(3) Sole source procurement. Certain specialized contracts (home-delivered meals, special services to handicapped adults) which are responsive to specific local

needs, and contracts grandfathered through executive decision (congregate meals, homemaker, and chore contracts grandfathered into family care) are renewed as long as they conform to service standards.

.004. *Close Out of Homemaker and Chore Contracts.* Homemaker and chore contracts converted to family care in fiscal year 1981 are exempt from competitive procurement and Title XVIII and Title XIX home health certifications through fiscal year 1983. These contracts are eligible for extension at the service level being provided at the time of conversion through fiscal year 1983. As family care contracts, they operate according to the rate and standards for family care.

Issued in Austin, Texas, on January 11, 1982.

TRD-820250 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Minimum Standards 326.48.90

New Rule 326.48.90.001 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

.001. *Standards for Adult Foster Care.* Providers of adult foster care services must meet these minimum standards.

(1) Provider responsibilities.

(A) Services must be provided according to the client's service plan.

(B) The provider must maintain in each client's file a written statement, signed by the client or client's representative, indicating needs or problems of the client.

(C) The provider must maintain the name, address, and telephone number of the following for each client.

(i) The person to be notified in case of emergency, if any.

(ii) The client's physician, if any.

(D) The provider must report significant changes in the client's condition to the department by the next working day after awareness of the change.

(E) The provider must document and investigate client complaints.

(F) The provider must report any situation considered to be an emergency to the client's family or doctor or other community resources, on the same day as awareness of the situation.

(G) The provider must notify the department about serious occurrences involving the provider, the home, or the clients. Notification in writing must occur no later than five working days after awareness of the occurrence.

(H) There must be no roomers, boarders, or other residents in the home, except those approved by the department.

(I) If at least one client remains in the home, the provider must ensure that another person is present in the home in the event he plans to be absent from the home for more than three hours.

(J) The provider must receive prior approval from the department if he plans to be absent for more than 24 hours.

(K) The adult foster care provider must file claims for services and agree to accept the claimed amount as full payment for services provided.

(L) The provider must notify the department of a change of residence. If the provider moves to another home, there must be a certification of the new home. Payment is not made for services delivered in an uncertified home.

(2) Provider qualifications. Providers must meet the following requirements.

(A) Must be able to perform the required duties and tasks.

(B) Must be able to communicate with the client and the client's family.

(C) Must not deliver direct services when he has a communicable disease or illness.

(D) Must be at least 18 years old.

(E) Must live in and share the same household (have common living areas). Detached living quarters do not constitute the same living area.

(F) Neither the provider nor the proprietor may be related to the DHR clients.

(G) Must be willing to provide three personal references at the time of application.

(3) Facility requirements. Adult foster homes must meet the following requirements.

(A) Must be certified for no more than three DHR adult clients in the home.

(B) Must make an arrangement with the DHR client for reimbursement of his own room and board costs.

(C) Must serve no more than three clients, including private pay.

(D) Must have bedrooms with at least 100 square feet of floor space per client in a single occupancy room, and at least 72 square feet of floor space per client, in a multiple occupancy room.

(E) Must have at least one telephone available in the home for clients to make local calls. Clients must not be charged for the use of the telephone.

(F) Must place emergency telephone numbers at or near the telephone.

(G) Must have either a conspicuously posted emergency/disaster evacuation plan that specifies what procedures residents follow in case of emergency, or documentation that evacuation drills are held regularly.

(H) Must provide each client with a bed, sufficient drawer and closet space for clothing, personal belongings, and toilet articles.

(I) Each client must be provided at least one chair in the bedroom.

(J) Must have at least one dining table for residents.

(K) Must provide space and furniture for the resident's visitors.

(L) Must provide at least one grab bar in the bathtub/shower area.

(M) Must provide a slip-proof surface in the bathtub/shower area.

(N) Must ensure that first aid supplies are on the premises.

(O) Must have obtained inspections to ensure that the proprietor or lessee(s) of the home comply with the following.

(i) The home must be inspected annually and certified to be structurally sound under applicable building codes. Hazardous conditions identified in the inspection must be corrected within the time specified by the inspector, or before the department's certification/recertification of the home.

(ii) The home must be inspected annually by fire safety authorities. Hazardous conditions identified in the inspection must be corrected within the time specified by the inspector, or before the department's certification/recertification of the home.

(iii) The home must be inspected annually by health authorities. Unsanitary and unsafe conditions identified in the inspection must be corrected within the time specified by the inspector, or before the department's certification/recertification of the home.

(P) Compliance with inspections is considered to have been met in a setting certified by Housing and Urban Development (HUD) as meeting requirements for §8 Rental Subsidy.

Issued in Austin, Texas, on January 11, 1982.

TRD-820251 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Child Welfare Services

The Texas Department of Human Resources proposes the following repeals and amendments to its rules on child welfare services. These rules were adopted on an emergency basis, effective October 1, 1981, as a result of the Omnibus Budget Reconciliation Act of 1981. This Act made numerous changes to the Title XX amendment to the Social Security Act and resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. This block grant represented a significant reduction in federal funding; therefore, the department had to limit the level of services to accommodate the reduction in funds.

The major rule changes in child welfare services delete the following: ongoing services to Priority III clients; services to unmarried and school-age parents; and ongoing services to juveniles, truants, and runaways in Priority II and III.

Rules on Priority I intake reports are amended to include truants, runaways, CHINS, or unmarried school-age parents alleged to have incurred Priority I abuse

or neglect. Also included are court-ordered services, when the nature of the service requires them to begin within 24 hours.

The rules on Priority II intake reports are amended to include all other children who are alleged or found to be abused or neglected or for whom a court orders services. Also, truants, CHINS, or unmarried school-age parents alleged to have incurred Priority II abuse or neglect are included.

The rules on Priority III intake reports are amended to delete abuse or neglect. The Priority III intake services are defined as reports including children who are not actually abused or neglected or threatened with abuse or neglected or threatened with abuse or neglect or for whom services are not court ordered. Reports will be taken and an investigation will be conducted to determine for reports on truants, CHINS, runaways, and unmarried school-age parents if Priority I and II abuse or neglect is involved. If not, a case will not be opened and referrals to community resources will be made as necessary. Department staff may supervise volunteers serving Priority III clients in closed cases and may develop community resources to serve Priority III clients.

As a result of the changes, all rules on purchased services for Priority III clients are deleted. Also, rules on purchased services for truants, runaways, juveniles, and unmarried school-age parents have been deleted.

The child welfare rules about AFDC foster care eligibility are amended to reflect the AFDC omnibus changes. These include references to the AFDC age requirements, real or personal property limit, degree of relationship, and stepparent income. References to foster children attending college are deleted.

David Hawes, director of program's budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rules. The estimated reduction in cost to state government will be 1,065,532 in 1982 and \$1,308,616 for each year during years 1983-1986. The estimated loss in revenue for state government will be \$1,065,532 in 1982 and \$1,308,616 for each year during years 1983-1986. If all counties and school districts elect to provide the services which were provided through contracts with the department, the estimated additional cost will be \$1,065,532 in 1982 and \$1,308,616 for each year during years 1983-1986. The estimated loss in revenue to the counties and school districts will be \$1,065,532 in 1982, and \$1,308,616 for each year during years 1983-1986.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect the public benefits anticipated will be that a reduction of services to clients in lower priority groups will enable a maintenance of current mandated services for higher priority groups. There will be no economic costs to individuals who are required to comply with the rules as proposed.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—258, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Texas Register*.

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

J. B. McReynolds
January 6, 1982

Legal Base for Child Welfare Services 326.50.71

The amendments to Rules 326.50.71.013 and .018-.021 are proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.013. Eligibility for Protective Services for Children.

(a) All children and their families in need of protective services may receive these services without regard to income when the need for protective services is documented. For directly delivered protective services, a worker documents the need for services by completing and filing in the case record the child protective services intake and canris report. Need must be redetermined every six months for services to continue. Redetermination of need is documented by case recording when completed. Protective services are delivered consistent with the priorities of the Protective Services for Children Program.

(b) In purchase of service contracts serving clients in need of protective services, the criteria for eligibility and the way eligibility is determined differ by the service given. [The criteria for eligibility and methods of determining eligibility by type of service are as follows:]

[(1)] Purchased emergency shelter, community treatment services, emergency homemaker services, and protective day care are given without regard to income to all clients needing them who are in open protective services cases. A DHR worker determines eligibility by indicating on the report form a need for protective services. The worker authorizes the client to receive the purchased service by completing the eligibility for services without regard to income form which is given to and kept by the contract service agency. The worker must reauthorize services on the form every six months for services to continue.

[(2)] Purchased services for juveniles are given without regard to income to abused, neglected, or exploited children, or children at risk of abuse, neglect, or exploitation. The contract service agency documents eligibility by completing the eligibility form before beginning services and every six months if services are to continue.

[(3)] Purchased services for unmarried and/or school-age parents are given to clients who need them without regard to income. The contract services agency documents eligibility by completing the eligibility form before beginning services and every six months if services are to continue.]

.018. Priority I Services and Responsibilities.

(a) Intake services—Children in Priority I intake

reports include those alleged or found to be abused or neglected [or otherwise in need of protection] to the extent that they are in immediate danger of death or serious physical harm, or those for whom court-ordered services must begin immediately. Immediately upon receiving the report, but in no case later than 24 hours, the following must be done:

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

(b) Priority I intake reports include the following:

(1)-(13) (No change.)

(14) Truants, runaways, CHINS, or unmarried school-age parents alleged to have incurred Priority I abuse or neglect.

(15) Court-ordered services, when the nature of the services requires them to begin within 24 hours.

(c) In home/removal services—When the findings of the investigation of a Priority I intake report indicate that the child will need continuing protection, social and court-related services must be provided [to him] in his own home to attempt to keep removal from becoming necessary or, if necessary, [services] to remove him from his home [must be provided]. If removal is necessary to protect the child, a court order should be sought before removal as the legal basis for the removal. In situations in which a child's health or physical safety is in immediate danger, an emergency removal would be appropriate if a court order cannot be obtained before removal without harming or endangering the child. The services for children in DHR's managing conservatorship must emphasize permanent planning for children.

(d)-(g) (No change.)

.019. Priority II Services and Responsibilities.

(a) Intake services—Priority II intake reports include all other children who are alleged or found to be abused or neglected or for whom a court orders services [otherwise in need of protection for any immediate danger or harm]. As soon as possible after receiving the report, but in no case more than the length of time agreed upon in the annual regional service plan between the region and the program manager for protective services for children, the region must begin intake services to these children. Law enforcement should be notified of Priority II harm to children in accord with discussions reached with local police departments. The notification should be made as soon as the worker confirms that the child's situation is the type about which the child welfare unit has agreed to notify the local law enforcement agency.

(b) Priority II intake reports include the following:

(1)-(10) (No change.)

(11) Truants, runaways, CHINS, or unmarried school-age parents alleged to have incurred Priority II abuse or neglect. [A school-age or unmarried parent seeks help in planning for the safe birth and care of the baby when there is no other resource to help the youth.]

[(12) Runaways under Chapters 15 and 34, Texas Family Code, immediately needing services or placement for whom there are no resources other than DHR.

[(13) Chronic truants under Chapters 15 and 34, Texas Family Code, are reported when the school has taken every action possible, including court, for whom there are no resources other than DHR.

[(14) DHR is court-ordered to provide services

or placement for juveniles in need of supervision (CHINS).

(15) A youth needs available contracted services for juveniles or for unmarried or school-age parents and there are no resources other than DHR.]

(12)((16)) Children for whom interstate protective placement is needed under the interstate compact on the placement of children, or other laws pertaining to the interstate placement of children.

(13)((17)) Monitoring reports of abuse/neglect in public schools and in facilities regulated by the licensing branch [Division].

(14)((18)) Court-ordered services when the nature of the services does not require that they begin in 24 hours [social studies on adoption petitions and on disputed conservatorships].

(c)-(e) (No change.)

.020. *Priority III Services and Responsibilities.*

(a) **Priority III services and responsibilities may be provided only after Priorities I and II services have been provided and when resources are available. They may not be available in all parts of the state. Department direct delivery staff and purchase of service funds may not be used to provide in-home/removal/court-related services to Priority III clients.** [Intake services—Protective intake services for children not actually endangered or harmed may be delivered when regional and community needs exist and resources allow.] As allowed by licensing standards, qualified and adequately supervised volunteers, case aides, or field placement students may be assigned primary responsibility for Priority III responsibilities and services.

(b) **Intake services—Priority III intake reports include children who are not actually abused or neglected or threatened with abuse or neglect or for whom services are not court-ordered.**

(c)((b)) Priority III intake reports include the following:

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

(6) **Runaways** [A runaway] covered under Chapters 15 and 34, Texas Family Code, **needing services or placement** for whom there are no resources other than DHR [is reported].

(7)-(8) (No change.)

(9) **Chronic truants covered under Chapters 15 and 34 of the Texas Family Code reported when the school has taken every action possible, including court, for whom there are no resources other than DHR.**

(10) **An unmarried school-age parent seeking immediate help in planning for the safe birth and care of the baby when there are no other resources to help the youth.**

(d)((c)) **Information and referral** [In-home/removal services]—When the findings of the investigation indicate that the child and family need continuing contact to help the situation from deteriorating into abuse or neglect, **they should be referred to available resources and the department's case must be closed** [services should be provided as resources allow. Removal would seldom be necessary to protect these children. Emergency removal procedures would rarely be applicable in these situations].

(e)((d)) Out-of-town inquiries not related to investigations of child abuse or neglect nor to child placing.

(f)((e)) Development of community resources to provide Priority III services.

(g)((f)) Public information for Priority III services. **After provision of Priority I and II services, department staff and purchase of service funds may be used for, but are not limited to use in, the following community development activities:**

(1) **Assistance through purchase of service contracts in developing volunteer or nonvolunteer community resources which are funded by the community to provide services to Priority III clients.**

(2) **Supervision by department staff of volunteers providing services to Priority III clients.**

.021. *Child Welfare Earned Funds Contracts.*

(a) Child welfare earned funds (CWEF) are used to contract for needed services in addition to those in the local community. CWEF are also used to assist communities to provide new or expanded services to children when local funding for needed services is insufficient. CWEF may not diminish the county's financial commitment to provide services, replace foster care assistance funds, or be used for match money for Title XX purchase of service contracts. **All clients served by CWEF/Title IV-B contracts must be in an open protective services case and the services must be delivered consistent with the program's priorities.**

(b) (No change.)

Issued in Austin, Texas, on January 11, 1982.

TRD-820252

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Protective Services for Children

**326.50.72.035, .037, .064-.066,
.069, .074, .075, .092, .094, .098**

The amendments to Rules 326.50.72.035, .037, .064-.066, .069, .074, .075, .092, .094, and .098 are proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.035. *Clarification of Report of a Child in Need of Protective Services.*

(a) When a report is received of a child in need of protection, the worker must try to get full information on the situation from the complainant. **Even though the report may appear initially to be Priority III, all available information should be obtained to determine whether abuse/neglect allegations are involved in the reported situation and whether the report should be classified as Priority I or II.** The complainant must be encouraged to give his name, although anonymous reports are accepted and investigated thoroughly since a complainant may not want to give his name because he fears retaliation. The complainant should understand that his identity will not

be revealed to the parents, but it may be given to the county or district attorney if legal intervention is necessary to protect the child. The complainant's willingness to testify in court, if necessary, should be determined.

(b) Intake staff must record the report. They should respond to the complaint as follows.

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

(3) Once it is decided that a report or referral is to be investigated, the following steps must be taken.

(A) (No change.)

(B) The report is ranked and actions are taken to begin the investigation, inform the supervisor, and notify law enforcement within time frames set in the department's priorities.

(C)(B) Immediately upon taking a complaint appearing to involve abuse or neglect, an inquiry is made to the Child Abuse and Neglect Reporting and Inquiry System (CANRIS) by telephoning the designated telecommunications center to determine if previous incidents of abuse or neglect involving this family have been reported.

(D)(C) If the complaint was not reported as involving nor does it appear to involve abuse or neglect, and therefore will not be reported to CANRIS, then all persons in the case must be registered on SSMS via the SSMS client registration form.

(c) (No change.)

.037. Investigation of Reports of Abuse or Neglect.

(a) When an abuse or neglect report is received, a [report falls within DHR's protective services responsibility, the] worker must investigate to determine whether the abuse and neglect occurred and whether the child needs protective services. The investigation is made in a nonaccusatory and nonpunitive manner. Protection will be provided for the child when needed. Priorities for how quickly to start the investigation are based on the seriousness of the child's situation. The investigation should be completed within 30 days if possible.

(b)-(g) (No change.)

.064. Truant and Runaway Children.

(a) The department receives reports on [provides protective services for] truant and runaway children under the following circumstances:

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

(b) The department investigates the report according to the department's priorities to determine if abuse or neglect of the child has occurred. If abuse or neglect has occurred, services may be provided.

.065. Children in Need of Supervision (CHINS).

DHR provides protective services for children ages 10 through 17 who are referred to DHR by the court for violation of §51.03(b), Conduct Indicating a Need for Supervision, of the Texas Family Code [or by others concerned for the youth's need for supervision to divert him from the criminal justice system]. These services must be delivered consistent with the department's priorities. CHINS offenses include the following:

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

.066. Unmarried and School-Age Parents. The department receives reports on unmarried and school-age parents. Investigations are made on referrals of unmarried parents, of any age, and for school-age parents

whether married or not, according to the department's priorities to determine if abuse or neglect has occurred. If abuse or neglect has occurred, services may be provided on the basis of the abuse or neglect. [DHR provides protective services for unmarried parents, of any age, and for school-age parents under age 21, whether married or not, who need assistance in planning for the birth, care, and rearing of their child, as a primary preventive measure and service against child abuse and neglect of the child. Parents under age 21 do not need to be in school to receive the services. Unmarried or school-age parents with one or more children may be high-risk and may need protective services to prevent or remedy sexual abuse of themselves or abuse or neglect of the child. AFDC mothers, age 9 to 21, have been identified as one group for whom protective services may be needed to prevent or remedy sexual abuse and/or neglect.]

.069. Investigation of Reports Not Alleging Abuse or Neglect [Referral of a Truant, Runaway, or CHINS Youth or Unmarried School-Age Parents].

(a) Referrals not alleging abuse or neglect fall into two categories and are responded to as indicated.

(1) Court-ordered nonabuse/neglect services—The department must provide the services ordered by the court. These services include:

(A) social study on adoption petition or disputed conservatorship;

(B) in-home or placement services for children under the court's jurisdiction.

(2) Community or self-referrals not alleging abuse or neglect—optional services.

(b) The investigation of a referral not alleging abuse or neglect is as follows:

(1) for court-ordered social studies on adoptive petitions or disputed conservatorship, see Rule 326.50.73.072.

(2) for all other referrals:

(A) an investigation and/or social study into the circumstances of the referred child (if abuse or neglect is suspected during the investigation, department policies must be followed),

(B) an assessment of the child's need for protection and services,

(C) information, referral, and linkage to needed family and community resources, for all noncourt-ordered services,

(D) the provision of needed in-home or placement protective action, for court-ordered services,

(E) a report of the findings of the investigation to the family, complainant, and to the court, if the service was court ordered,

(F) if the investigation involves truancy or runaway, a report to the court, district or county attorney, and local law enforcement agency must be made.

[Referrals of youth age 10-17 or unmarried or school-age parents must be investigated. The intake procedure must involve:

(1) an investigation and/or social study into the circumstances of the referred youth;

(2) an assessment of the youth's or unmarried or school-age parent's need for protection and services;

(3) the provision of needed protective action;

{(4) information, referral, and linkage to needed family and community resources;

{(5) a documentation of whether the youth's situation involves abuse or neglect;

{(6) a determination of whether the youth needs in-home protective services;

{(7) the report of the investigation to the family and complainant;

{(8) reports to the court, district or county attorney, and local law enforcement agencies must be completed.]

.074. In-Home Protective Services for Children.

(a) The goal of in-home protective services for children is to prevent the need for removal of children from their homes. DHR must determine from the findings of its investigation whether protective services are needed because of abuse or neglect and when needed, if they can be effectively provided in the home. If the child is not in immediate danger of permanent harm, and the parents are willing to and capable of, improving the problem situation, DHR must work with the family to improve the care of the child and to provide or to arrange for other services as needed. AFDC or SSI recipients or income eligible clients who receive child protection services may be provided any DHR social, medical, and financial services available in the community. Clients must apply for, be eligible for, and be able to utilize the services.

(b)-(c) (No change.)

.075. Plan of Services for In-Home Protective Services for Children.

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

(c) The service plan must be updated as changes occur. The worker and family must reassess the service plan at a minimum of every six months. The supervisor must approve the initial and updated service plans. The service plan must include:

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

(8) **Required information when the child is also a truant, runaway, CHINS, or unmarried school-age parent.**

(9) **Time frames for reports to the courts for the cases when in-home services are court ordered. Reports on the child's circumstances must be made when the court indicates, but in no case less often than every six months.**

(d)-(f) (No change.)

.092. Abuse, Neglect, or Court-Ordered [Ongoing Protective] Services for Truant, Runaway, or CHINS Youth.

(a) **When truancy and runaway behavior is a major factor which contributes to abuse or neglect in the family, the worker should work toward the goals for protective services for children.** [Ongoing protective services are given to children, ages 10 through 17, by referring the youth to other community and family resources, direct delivery of services, and/or purchase of service contracts. The worker/provider must mutually determine a service plan with the youth and family within one month of referral and must re-evaluate the plan with them every six months. The worker/provider must make at least one contact with the family and the youth per month or document in the case record why the youth and family were

not contacted.] **In addition, ongoing protective services for youth are also directed toward keeping juveniles out of the criminal justice system and enlarging [the protective services worker should seek to enlarge] the youth's opportunities for socially productive and responsible roles. The youths should not be placed in groups made up solely of delinquent or predelinquent youth. Youth ages 18 to 19 [21] may be given continuing placement services if they were being served by the department when they became 18 and are completing secondary school or vocational training.**

(b) The worker[/contract provider] **may [must] provide or offer services to the youth and his [or her] family directed to one or more of the following.**

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

(c) The worker[/contract provider] **should [must] assess the need for legal, law enforcement, medical, and/or psychiatric [and/or protective] intervention. If the assessment indicates that intervention is necessary, the worker[/contract provider] should [must] provide or arrange services as resources allow.**

.094. Alternative Living Arrangements.

(a) (No change.)

(b) **Alternate living arrangements the worker, youth, and family should explore are:**

(1) (No change.)

(2) **Substitute care [Foster family home] placement with DHR or another child-placing agency or institutional facility providing basic or specialized care.**

{(3) Foster group home placement with DHR or another child-placing agency.]

{(3){(4)} Half-way house living arrangement through TRC or another child placing agency.

{(5) Institutional placement in a facility providing basic or specialized care.]

{(4){(6)} Educational, boarding, vocational, or military schools.

{(5){(7)} Emancipation.

{(6){(8)} **Independent living arrangement—An independent living arrangement is a nonrelative, nonlicensed situation in which the older child whose minority status has not been removed has placed himself without parental, court, or DHR permission or condonation. The department may not seek or place a child in an independent living arrangement or pay for the placement. However, the department may allow the older child to continue living independently after the older child has placed himself when the older child is not in physical danger, is not in danger of exploitation, or has run away from approved placements, and the only alternative living arrangement is a Texas Youth Council or juvenile probation detention facility which is an inappropriate placement for the child. The worker should give the child in an independent living arrangement the full range of the department's available services which the youth will accept and are appropriate to his needs, including helping the older child to leave the independent living arrangement if it proves harmful to him. The worker should intervene more and use a greater degree of legal authority, the younger the child is, and if the effects of placement are harmful to the child the department should notify law enforcement of any aspect of the placement which ap-**

pears unlawful. When an older child in the managing conservatorship of the department places himself in an independent living arrangement, the worker must document in the case record: who made the placement decision and who physically placed the child, whether the child is related to the provider in the independent living arrangement, the goal the child is working towards, how the child is moving toward the goal and the timetable, who is providing financial assistance, and what this living arrangement is providing this child. The courts should be sent a copy of the worker's findings and should be kept informed in writing of any significant changes in the living arrangement so that the court may involve itself as it deems appropriate in the child's situation. This ensures that judicial expertise and authority may be jointly responsible with DHR for the child's situation. The parents, when parental rights are not terminated, should be notified and kept informed of the child's circumstances. If the worker and supervisor have any questions as to whether this home is subject to licensing or certification as an agency home, contact should be made with the appropriate regional staff.

.098. Abuse or Neglect [Ongoing Protective] Services to [for] Unmarried or School-Age Parents.

(a) In addition to services to prevent further abuse or neglect, [The department offers on-going protective services to unmarried and school-age parents by linking the parents to community and family resources, direct delivery of services, and purchasing services. Services to this client group are given as primary prevention of child abuse and neglect. Work with unmarried and school-age parents is mainly directed toward planning for the care and rearing of the baby.] the worker [/contract provider] may [must] help the unmarried school-age parent and her family [parents] consider all the alternatives available for planning and caring for the baby. These alternatives could include any of the following: pregnancy termination, planning for adoption, or keeping and caring for the baby. If after all alternatives have been explored and the mother has decided on pregnancy termination, the worker [/contract provider] must refer her to appropriate resources. If the parent(s) choose to keep the child, the worker [/contract provider] must explore with the mother her financial ability to support the child and make plans for herself and the child and refer her to a family planning agency.

(b) (No change.)

(c) If the mother and significant others decide to place the child in adoption through DHR, the worker [/contract provider] must obtain a social history of the baby's background, obtain necessary legal work, and explore the need for and availability of foster care/maternity home care for mother and/or child. [In a contract agency which is not a licensed child-placing agency, the provider must refer to a licensed child-placing agency and other needed services where available.] The department will join the parents in a court petition to terminate the parent-child relationship and place managing conservatorship with the department. An affidavit of relinquishment should be executed by the parents, as outlined in §15.03 of the Texas Family Code. If the child is not the legitimate child of the alleged father, an affidavit of status of the child must be executed by the mother, if at all possible,

as outlined in §15.04 of the Texas Family Code. If the parents wish to establish paternity or petition the court for child support, the worker should help the parents get legal advice and services. If there are other legal problems, the worker should help the unmarried or school-age parents get legal advice and services in the community. A full social history about the baby must be obtained to aid in adoption placement. The worker should find out whether foster care or residential care in a maternity home may be available to the unmarried mother. Such living arrangements may be paid for by local funds or by the family, the father of the unborn child, another agency, or community resource.

Issued in Austin, Texas, on January 11, 1982.

TRD-820253 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355, ext. 2037.

326.50.72.096, .097

The repeal of Rules 326.50.72.096 and .097 is proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.096. Contract Services for Juveniles.

.097. Providers of Contract Services for Juveniles.

Issued in Austin, Texas, on January 11, 1982.

TRD-820254 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355, ext. 2037.

**Foster Care Placement Services
326.50.74.101**

The repeal of Rule 326.50.74.101 is proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.101. College Attendance.

Issued in Austin, Texas, on January 11, 1982.

TRD-820255 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355, ext. 2037.

326.50.74.106, .156-.158, .164

The amendments to Rules 326.50.74.106, .156-.158, and .164 are proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.106. Foster Care Services for 18 Year Olds [after Age 18]. In most cases, foster care services must terminate at age 18 as the [when a] child is legally an adult. However, persons age 18 [to 21] may continue in foster care or continue receiving services if they were [are] being served by protective services when they became [become] age 18 and are enrolled full time in a secondary school (or equivalent level of technical or vocational training) and reasonably expected to graduate or complete training before reaching age 19. [completing school or vocational training. If foster care is to continue, it is voluntary and the youth must understand the terms and conditions of continuance.]

.156. Eligibility for AFDC Foster Care, MAO Foster Care, and State Paid Foster Care. The following eligibility requirements apply to Type Program 08, 09, and 10. To be eligible for Type Program 08, 09, or 10 benefits, the child must meet all of the following criteria:

(1) (No change.)

(2) The child must be under the age of 18, or age 18 [21] if a full-time student in a secondary school (or the equivalent level of vocational or technical training), if reasonably expected to graduate or complete training before reaching age 19 [regularly attending school]. Foster care assistance can be continued through the month of the child's 18th birthday. If the child is reasonably expected to graduate or complete training on or before his 19th birthday, foster care assistance can be continued through the month of graduation/completion. A birth certificate should be filed in the child's record as proof of age. This requirement is considered met if efforts have been made to obtain a birth certificate.

(3)-(7) (No change.)

.157. Additional Eligibility Requirements for Type Program 08 Only

(a) (No change.)

(b) AFDC relationship and domicile.

(1) The child must meet relationship and domicile criteria. Relationship and domicile are established when a child was living with one of the following relatives during the month court proceedings were initiated or during the six months prior to the month court proceedings were initiated.

(A) (No change.)

(B) Grandfather or grandmother (extended to the degree [all degrees] of "great" and "great-great" relationships).

(C) (No change.)

(D) Uncle or aunt (extended to the degree [all degrees] of "great" and "great-great" relationships).

(E) First cousin (not removed to any extent).

(F) Nephew or niece (extended to great-niece).

(G)-(I) (No change.)

(J) Step-great or great-great grandparent.

(2) Except for the spouses of the stepbrother, stepsister, stepfather, and stepmother and step-great or

great-great grandparents, all relatives listed in paragraph (1) of this subsection are qualified relatives [if the child lived with the relative and spouse as a family unit prior to their separation due to death, divorce, or desertion].

(c)-(f) (No change.)

(g) Need—Need must be established and documented by determining if the child's family was living at subsistence level based on the best information available about the number of family members and the amount of income available to the family according to current AFDC single figure needs. Although under Texas law no legal ties exist between stepparents and stepchildren, federal regulations require a stepparent's income to be considered in determining whether the child's needs are being met. Therefore need must be determined in relation to a child's legal parent and stepparent. Stepparent income is considered only if the stepparent was ceremonially married to the child's legal parent.

(h)-(j) (No change.)

.158. Special Circumstances Regarding Eligibility for Type Programs 08, 09, and 10.

(a)-(e) (No change.)

(f) Eligibility for students age 18[-21].

(1) Students age 18 [-21] may continue to receive foster care assistance if the student is regularly attending a secondary school [college], vocational, or technical training and plans to finish by his 19th birthday and if the student continues to meet other eligibility criteria.

(2) Continuing managing conservatorship is not necessary if the department was managing conservator prior to the student's 18th birthday. If education of the student age 18 [-21] is discontinued or interrupted except for illness, semester breaks, or summer vacation, eligibility is discontinued and the student cannot be reinstated for foster care assistance.

(3) When a student who is eligible for foster care assistance is temporarily residing in a dormitory while attending college, his residence is considered to be the licensed foster care facility. The foster home or institution must retain space for the student and continued parental responsibility while the student is in school.]

(3)[(4)] Payment is made to the foster care facility and must be used for the student's maintenance and expense while attending school. Financial arrangements must be recorded in the case record and be available for audit.

(4)[(5)] A case worker must be assigned to the student and foster facility as long as the student's case is open.

(g) (No change.)

.164. Determination of Amount of Foster Care Payment. Income received by the child is deducted from the foster care payment on a month-to-month basis. This includes income received from child support, SSI, RSDI, VA benefits, any other dependent or survivor's income, or other income from private sources. Income for children in the managing conservatorship of the department must be paid to the department as managing conservator. It may not be paid directly to the provider as caregiver. Nonrecurring lump sum payments, except special AFDC payments, received after certification are considered income. If the lump sum payment plus any other count-

able income, earned or unearned, received during the month is equal to or greater than the cost of care, a period of ineligibility exists. The period of ineligibility is determined by dividing the amount of the lump sum plus other countable income by the monthly cost of care. The resulting quotient equals the number of whole months for which the child is ineligible for benefits. Any remaining funds must be used as unearned income in the first month following the period of ineligibility. Income from the following sources is exempted from the deduction:

- (1)-(2) (No change.)
- (3) RSDI benefits received by an 18[-21] year old student.
- (4)-(5) (No change.)

Issued in Austin, Texas, on January 11, 1982.

TRD-820256 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355,
 ext. 2037.

Out-of-Town Inquiries 326.50.76

The amendments to Rule 326.50.76.031 are proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.031. OTIs Received from Other Agencies.

(a) The local protective services unit determines whether it can provide the service requested by another agency by considering the degree of danger to the child, type of referral, type of referrant, and local DHR caseload priorities. The response to an out-of-town inquiry must be provided consistent with child protective service priorities. In general, DHR responds to OTIs as follows.

- (1) (No change.)
 - (2) Protective services complaint, referral, or investigation: DHR must respond to OTIs to [act to] protect children referred [for protective services] when there are [definite] allegations of abuse or neglect.
 - (3) (No change.)
- (b)-(c) (No change.)

Issued in Austin, Texas, on January 11, 1982.

TRD-820257 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355,
 ext. 2037.

Case Closure 326.50.77

The amendments to Rule 326.50.77.007 are proposed under the Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department

to administer public assistance programs and child welfare services.

.007. Procedure.

- (a) (No change.)
- (b) A child's case must stay open and a service plan active as long as:

(1)-(4) (No change.)

(5) The child is receiving AFDC foster care, state paid, or Medicaid only foster care. This includes a person 18 years old who is in a secondary school (the equivalent level of vocational or technical training) and reasonably expected to graduate or complete the training before reaching his 19th birthday.

(6)-(10) (No change.)

(c) (No change.)

(d) If the investigation of a Priority III intake report reveals that abuse or neglect has not occurred in the reported situation, the case must not be opened for ongoing services. If the child and family need continuing contact to prevent the situation from deteriorating into abuse or neglect, they should be referred to available community resources. A child's case may be closed only when the following conditions are met.

(1) The court has dismissed, transferred, or otherwise ended DHR's conservatorship or consummated the child's adoption, or the person reaches [becomes] 18 years of age. When the court dismisses, transfers, or otherwise ends conservatorship, or consummates the child's adoption, the worker must get a court order explaining final legal action for filing in the cases record before closing the case. When a person in DHR's conservatorship turns 18, services may continue for a limited period.

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

(C) When he is in foster care and in a secondary school (or the equivalent level of vocational or technical training) and reasonably expected to graduate or complete the training before reaching his 19th birthday [school or training].

(D) (No change.)

(2) (No change.)

(e) (No change.)

Issued in Austin, Texas, on January 11, 1982.

TRD-820258 Marlin W. Johnston
 Commissioner
 Texas Department of Human
 Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355,
 ext. 2037.

Standards for Protective Services 326.50.80

The amendments to Rules 326.50.80.001 and .006 are proposed under Human Resources Code, Title 2, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

.001. Protective Services for Abused and Neglected Children.

- (a) Standards for intake (includes information and referral).

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

(3) Priority I and II intake reports.

(A) Children in Priority I intake reports include those alleged or found to be abused or neglected [or otherwise in need of protection], to the extent that they are in immediate danger of death or serious physical harm or those for whom court-ordered services must begin immediately. Immediately upon receiving the report, but in no case later than 24 hours, the following must be done:

(i)-(iii) (No change.)

(B) Priority II intake reports include all other children who are alleged or found to be abused or neglected, or for whom services are legally required [otherwise in need of protection from immediate danger or harm]. As soon as possible, but in no case more than the length of time agreed upon in the annual regional service plan between the region and the program manager for protective services for children, the region must begin intake services to these children. The investigation must be conducted by worker or above level direct delivery staff, except where otherwise noted.

(4)-(7) (No change.)

(b)-(e) (No change.)

.006. Title XX Contracts.

(a) (No change.)

(b) Standards for contracted juvenile services. The provider must meet the standards as defined in Rule 326.50.80.005, Protective Services for Juveniles.

[(c) Standards for contracted unmarried and/or school-age parents' services. The provider must meet the standards as defined in Rule 326.50.80.004, Protective Services for Unmarried or School-Age Parents.]

(b)[(d)] Standards for contracted community treatment services.

(1)-(4) (No change.)

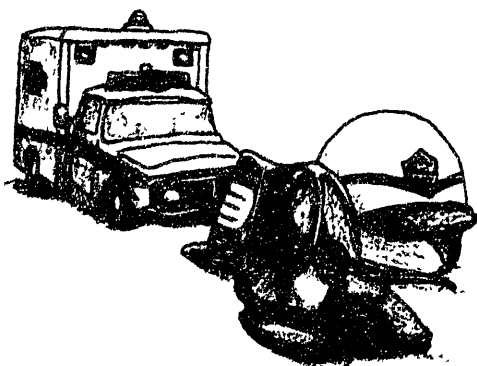
(c)[(e)] Standards for contracted emergency homemaker services.

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

Issued in Austin, Texas, on January 11, 1982.

TRD-820259 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.



Standards for Protective Services 326.50.80

The repeal of Rules 326.50.80.004 and .005 is proposed under the Human Resources Code, Chapters 22 and 41, which authorize the department to administer public assistance programs and child welfare services.

- .004. Protective Services for Unmarried or School-Age Parents.
- .005. Protective Services for Juveniles.

Issued in Austin, Texas, on January 11, 1982.

TRD-820260 Marlin W. Johnson
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Intake and Eligibility

The Texas Department of Human Resources proposes the repeal of the following rules.

- Rules 326.52.24.001-.007,
- Rules 326.53.61.008-.034,
- Rules 326.53.62.002, .005-.019,
- Rules 326.53.63.075,
- Rules 326.53.64.001-.007,
- Rules 326.53.65.001-.004, and
- Rules 326.53.66.001-.005.

At the same time, the department is adding a new chapter concerning family self-support services to its agency rules. Several formerly separate social and medical programs have been combined into the new Family Self-Support Services Program and new policies and delivery systems have been designed. The generic family support concept merges the staff specialized in family planning, work incentive (WIN), and day care and child development. This generic staff will now deliver services aimed at meeting employment-related and health needs of AFDC recipients. The new delivery process also involves the AFDC eligibility staff in an initial information and screening function.

The major features of the new policies and procedures are:

Services will focus on meeting the health and employment-related needs of AFDC and SSI recipients.

DHR family support workers will serve current AFDC and SSI recipients referred by workers in income assistance, protective services, community care for aged and disabled adults, and contracted providers.

As part of the AFDC application interview, income assistance workers will screen clients eligible for AFDC to determine their employment potential. Employable clients will be referred to family support workers for a more thorough

employability assessment, and assistance in removing barriers to employment.

Income assistance workers will continue to provide eligible AFDC clients basic information about EPSDT and other family self-support services (family planning, day care, etc.). Clients interested in receiving these services will be referred to family support workers.

Highest priority for day care services will continue to be given to protective services clients and employable AFDC and SSI recipients.

The integration of family self-support services and staff functions will increase efficiency in the program delivery system. Interlocking multiple computerized reporting systems and service delivery procedures will reduce duplication of efforts of staff and assist in improving client case management. The results will be improved client access to appropriate services without increasing staff or costs.

On October 1, 1981, the department adopted, on an emergency basis, various rules in the Family Self-Support Services Program (6 TexReg 3727). The emergency rules were adopted as a result of the Omnibus Budget Reconciliation Act of 1981 which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. The block grant represented a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. The proposed family self-support rules reflect the Omnibus-related changes adopted in October 1981.

The Family Self-Support Services Program combines a number of service areas which were previously separate programs. The department is therefore proposing the repeal of several rule chapters which will be incorporated in the new family self-support services rules. This is being done to avoid duplication and to ensure that policy related to family self-support is covered in only one rule chapter. The department is proposing the repeal of the following rules.

- Work Incentive Program (326.56)
- Child Development Programs (326.60)
- Family Services (326.53)
- Rehabilitation and Self-Support Services (326.54)

Several rules in Chapter 13 (AFDC) and Chapter 52 (Intake and Eligibility) will also be repealed.

David Hawes, director of programs budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rules. Additional costs to the state are estimated to be: \$192,376 for fiscal year 1982; and \$213,757 for each fiscal year 1983 through 1986. There is no estimated loss or increase in revenue, nor are there fiscal implications for units of local government.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be that services will be targeted to clients with the most need and the greatest potential for becoming self-supporting. There are no economic costs to persons required to comply with the proposals.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division - 181, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Texas Register*.

The department hereby certifies that the proposals have been reviewed by legal counsel and found to be within the agency's authority to adopt.

J. B. McReynolds
January 8, 1982

Eligibility for Vietnamese, Cambodian, and Laotian Refugees 326.52.24

The repeal of Rules 326.52.24.001-.007 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .001. *Social Services Eligibility for Vietnamese, Cambodian, and Laotian Refugees.*
- .002. *Available Services.*
- .003. *Payment for Purchased Social Services.*
- .004. *Eligibility for Foster Care Assistance.*
- .005. *Foster Care Payments.*
- .006. *Eligibility for Medical Assistance for Refugee Foster Children.*
- .007. *Case Folders for Vietnamese, Cambodian, and Laotian Refugees.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820261 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Family Services

The Texas Department of Human Resources proposes to add a new chapter of rules about family self-support services to its agency rules. Several formerly separate social and medical programs have been combined into the new Family Self-Support Services Program and new policies and delivery systems have been designed. The generic family support concept merges the staff specialized in family planning, work incentive (WIN), and day care and child development. This generic staff will now deliver services aimed at meeting employment-related and health needs of AFDC recipients. The new delivery process also in-

volves the AFDC eligibility staff in an initial information and screening function.

The major features of the new policies and procedures are:

Services will focus on meeting the health and employment-related needs of AFDC and SSI recipients.

DHR family support workers will serve current AFDC and SSI recipients referred by workers in income assistance, protective services, community care for aged and disabled adults, and contracted providers.

As part of the AFDC application interview, income assistance workers will screen clients eligible for AFDC to determine their employment potential. Employable clients will be referred to family support workers for a more thorough employability assessment, and assistance in removing barriers to employment.

Income assistance workers will continue to provide eligible AFDC clients basic information about EPSDT and other family self-support services (family planning, day care, etc.). Clients interested in receiving these services will be referred to family support workers.

Highest priority for day care services will continue to be given to protective services clients and employable AFDC and SSI recipients.

The integration of family self-support services and staff functions will increase efficiency in the program delivery system. Interlocking multiple computerized reporting systems and service delivery procedures will reduce duplication of efforts of staff and assist in improving client case management. The results will be improved client access to appropriate services without increasing staff or costs.

On October 1, 1981, the department adopted, on an emergency basis, various rules in the Family Self-Support Services Program (6 TexReg 3727). The emergency rules were adopted as a result of the Omnibus Budget Reconciliation Act of 1981, which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. The block grant represented a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. The proposed family self-support rules reflect the Omnibus-related changes adopted in October 1981.

The Family Self-Support Services Program combines a number of service areas which were previously separate programs. The department is therefore proposing the repeal of several rule chapters which will be incorporated in the new family self-support services rules. This is being done to avoid duplication and to ensure that policy related to family self-support is

covered in only one rule chapter. The department is proposing the repeal of the following rules:

- Work Incentive Program (326.56)
- Child Development Programs (326.60)
- Family Services (326.53)
- Rehabilitation and Self-Support Services (326.54)

Several rules in Chapter 13 (AFDC) and Chapter 52 (Intake and Eligibility) will also be repealed.

David Hawes, director of programs budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rules. Additional costs to the state are estimated to be \$192,376 for fiscal year 1982; and \$213,757 for each fiscal year 1983-1986. There is no estimated loss or increase in revenue, nor are there fiscal implications for units of local government.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be that services will be targeted to clients with the most need and the greatest potential for becoming self-supporting. There are no economic costs to persons required to comply with the proposals.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—181, Texas Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769 within 30 days of publication in this *Texas Register*.

The department hereby certifies that the proposals have been reviewed by legal counsel and found to be within the agency's authority to adopt.

J. B. McReynolds
January 8, 1982

Family Services Delivery System 326.53.61

The repeal of Rules 326.53.61.008-.034 is proposed under the Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .008. Program Description.
- .009. Eligibility.
- .010. Explanation of Service Delivery System.
- .011. Crisis Intervention Services.
- .012. Services for Adolescents.
- .013. Housing Improvement Services.
- .014. Home Management Services.
- .015. Establishment of AFDC Protective Payee.
- .016. Priority of Mandatory Protective Payees in Relation to Child Support Cases.
- .017. Mandatory Third-Party Payees in Relation to Nonparticipation in WIN.
- .018. Emergency Homemaker Services.

- .019. *Community Services for Families.*
- .020. *Purchased Social Services.*
- .021. *Responsibilities of Family Services Workers.*
- .022. *Intake.*
- .023. *Registration.*
- .024. *Recording.*
- .025. *Service Plan.*
- .026. *Case Monitoring.*
- .027. *Case Reassessment.*
- .028. *Case Termination/Transfer.*
- .029. *Description of Information and Referral.*
- .030. *Resource Development.*
- .031. *Education.*
- .032. *Counseling.*
- .033. *Support Services.*
- .034. *Outreach.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820262 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355, ext. 2037.

Family Planning 326.53.62

The repeal of Rules 326.53.62.002 and .005-.019 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .002. *Authorized Family Planning Benefits.*
- .005. *Natural Family Planning.*
- .006. *Medical Malpractice Liability.*
- .007. *Complaints against Providers.*
- .008. *Record Retention.*
- .009. *Eligibility Determination Procedures.*
- .010. *Qualifications of Providers.*
- .011. *Waiver for Natural Family Planning Providers.*
- .012. *Definition.*
- .013. *Statutory References.*
- .014. *Eligibility.*
- .015. *Contracted Provider Services.*
- .016. *Medical Services.*
- .017. *Description of Purchased Social/Educational Services.*
- .018. *Responsibility of the Worker.*
- .019. *Family Planning Contract Agreement.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820263 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355, ext. 2037.

Day Care Services for Children 326.53.63.

The repeal of Rule 326.53.63.075 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .075. *Texas Quality Child Care Requirements (Specifications for Purchase).*

Issued in Austin, Texas, on January 11, 1982.

TRD-820264 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355, ext. 2037.

Health-Related Services 326.53.64

The repeal of Rules 326.53.64.001-.007 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .001. *Definition.*
- .002. *Eligibility.*
- .003. *Providers of Services.*
- .004. *EPSDT Health-Related Services.*
- .005. *EPSDT Referrals for Diagnostic and Treatment Services.*
- .006. *EPSDT Dental Services.*
- .007. *Non-EPSDT Health-Related Services.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820265 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355, ext. 2037.

Housing Improvement Services 326.53.65

The repeal of Rules 326.53.65.001-.004 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .001. *Definition.*
- .002. *Eligibility.*
- .003. *Providers of Services.*
- .004. *Responsibility of the Family Services Worker.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820266 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
 For further information, please call (512) 441-3355, ext. 2037.

Other Services 326.53.66

The repeal of Rules 326.53.66.001-.005 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department of administer public assistance.

- .001. *Home Management Services.*
- .002. *Services for Unmarried and School-Age Parents.*
- .003. *Emergency Homemaker Services.*
- .004. *Social Rehabilitation Services.*
- .005. *Community Services for Families.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820267 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982.
For further information, please call (512) 441-3355,
ext. 2037.

Rehabilitation and Self-Support Services

The Texas Department of Human Resources proposes to repeal Rules 326.54.81.001 and .002, and 326.54.82.001, .007-.010, and add a new chapter of rules concerning family self-support services to its agency rules. Several formerly separate social and medical programs have been combined into the new Family Self-Support Services Program and new policies and delivery systems have been designed. The generic family support concept merges the staff specialized in family planning, work incentive (WIN), and day care and child development. This generic staff will now deliver services aimed at meeting employment-related and health needs of AFDC recipients. The new delivery process also involves the AFDC eligibility staff in an initial information and screening function.

The major features of the new policies and procedures are:

Services will focus on meeting the health and employment-related needs of AFDC and SSI recipients.

DHR family support workers will serve current AFDC and SSI recipients referred by workers in income assistance, protective services, community care for aged and disabled adults, and contracted providers.

As part of the AFDC application interview, income assistance workers will screen clients eligible for AFDC to determine their employment potential. Employable clients will be referred to family support workers for a more thorough employability assessment, and assistance in removing barriers to employment.

Income assistance workers will continue to provide eligible AFDC clients basic information about EPSDT and other family self-support ser-

vices (family planning, day care, etc.). Clients interested in receiving these services will be referred to family support workers.

Highest priority for day care services will continue to be given to protective services clients and employable AFDC and SSI recipients.

The integration of family self-support services and staff functions will increase efficiency in the program delivery system. Interlocking multiple computerized reporting systems and service delivery procedures will reduce duplication of efforts of staff and assist in improving client case management. The results will be improved client access to appropriate services without increasing staff or costs.

On October 1, 1981, the department adopted, on an emergency basis, various rules in the Family Self-Support Services Program (6 TexReg 3727). The emergency rules were adopted as a result of the Omnibus Budget Reconciliation Act of 1981 which made numerous changes to the Title XX amendment to the Social Security Act. This Act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. The block grant represented a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. The proposed family self-support rules reflect the Omnibus-related changes adopted in October 1981.

The Family Self-Support Services Program combines a number of service areas which were previously separate programs. The department is therefore proposing the repeal of several rule chapters which will be incorporated in the new Family Self-Support Services rules. This is being done to avoid duplication and to ensure that policy related to family self-support is covered in only one rule chapter. The department is proposing the repeal of the following rules:

- Work Incentive Program (326.56)
- Child Development Programs (326.60)
- Family Services (326.53)
- Rehabilitation and Self-Support Services (326.54)

Several rules in Chapter 13 (AFDC) and Chapter 52 (Intake and Eligibility) will also be repealed.

David Hawes, director of programs budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rules. Additional costs to the state as estimated to be: \$192,376 for fiscal year 1982; and \$213,757 for each fiscal year 1983 through 1986. There is no estimated loss or increase in revenue, nor are there fiscal implications for units of local government.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be that services will be targeted to clients with the most need and the greatest

potential for becoming self-supporting. There are no economic costs to persons required to comply with the proposals.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—181, Texas Department of Human Resources 153-B, P.O. Box 2060, Austin, Texas 78769, within 30 days of publication in this *Texas Register*.

The department hereby certifies that the proposals have been reviewed by legal counsel and found to be within the agency's authority to adopt.

J. B. McReynolds
January 8, 1982

Overview 326.54.81

The repeal of Rules 326.54.81.001 and .002 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .001. *Overview of Rehabilitation and Self-Support Services.*
- .002. *Program Definition.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820268 Martin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355, ext. 2037

DPW-VR Program 326.54.82

The repeal of Rules 326.54.82.001 and .007-.010 is proposed under Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance

- .001. *Eligibility for DHR VR Program.*
- .007. *Referral Responsibilities and Procedures.*
- .008. *DHR Provided Social Services.*
- .009. *Resources for Services.*
- .010. *Social Rehabilitation Program.*

Issued in Austin, Texas, on January 11, 1982.

TRD 820269 Martin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441 3355, ext. 2037

Work Incentive Program

The Texas Department of Human Resources proposes to repeal Rules 326.56.00.001-.007 and 326.56.90.001-.031 and add a new chapter of rules about family self support services to its agency rules. Several formerly separate social and medical programs

have been combined into the new Family Self-Support Services Program and new policies and delivery systems have been designed. The generic family support concept merges the staff specialized in family planning, work incentive (WIN), and day care and child development. This generic staff will now deliver services aimed at meeting employment-related and health needs of AFDC recipients. The new delivery process also involves the AFDC eligibility staff in an initial information and screening function.

The major features of the new policies and procedures are:

Services will focus on meeting the health and employment-related needs of AFDC and SSI recipients.

DHR family support workers will serve current AFDC and SSI recipients referred by workers in income assistance, protective services, community care for aged and disabled adults, and contracted providers.

As part of the AFDC application interview, income assistance workers will screen clients eligible for AFDC to determine their employment potential. Employable clients will be referred to family support workers for a more thorough employability assessment, and assistance in removing barriers to employment.

Income assistance workers will continue to provide eligible AFDC clients basic information about EPSDT and other family self-support services (family planning, day care, etc.). Clients interested in receiving these services will be referred to family support workers.

Highest priority for day care services will continue to be given to protective services clients and employable AFDC and SSI recipients.

The integration of family self-support services and staff functions will increase efficiency in the program delivery system. Interlocking multiple computerized reporting systems and service delivery procedures will reduce duplication of efforts of staff and assist in improving client case management. The results will be improved client access to appropriate services without increasing staff or costs

On October 1, 1981, the department adopted, on an emergency basis, various rules in the Family Self-Support Services Program (6 TexReg 3727). The emergency rules were adopted as a result of the Omnibus Budget Reconciliation Act of 1981 which made numerous changes to the Title XX amendment to the Social Security Act. This act resulted in the establishment of a block grant of federal funds for social services to needy citizens of the state. The block grant represented a significant reduction in federal funding; therefore, the department must limit the level of services provided to accommodate the reduction in funds. The proposed family self-support rules reflect the Omnibus-related changes adopted in October 1981.

The Family Self-Support Services Program combines a number of service areas which were previously separate programs. The department is therefore proposing the repeal of several rule chapters which will be incorporated in the new family self-support services rules. This is being done to avoid duplication and to ensure that policy related to family self-support is covered in only one rule chapter. The department is proposing the repeal of the following rules:

- Work Incentive Program (326.56)
- Child Development Programs (326.60)
- Family Services (326.53)
- Rehabilitation and Self-Support Services (326.54)

Several rules in Chapter 13 (AFDC) and Chapter 52 (Intake and Eligibility) will also be repealed.

David Hawes, director of programs budget and rate setting, has determined that for the first-five year period the rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rules. Additional costs to the state are estimated to be \$192,376 for fiscal year 1982; and \$213,757 for each fiscal year 1983-1986. There is no estimated loss or increase in revenue, nor are there fiscal implications for units of local government.

Mr. Hawes has also determined that for each year of the first five years the rules as proposed are in effect, the public benefit anticipated as a result of enforcing or administering the rules will be that services will be targeted to clients with the most need and the greatest potential for becoming self-supporting. There are no economic costs to persons required to comply with the rules.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—181, Department of Human Resources 153-B, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Texas Register*.

The department hereby certifies that the proposals have been reviewed by legal counsel and found to be within the agency's authority to adopt.

J. B. McReynolds
January 8, 1982

Standards 326.56.60

The repeal of Rules 326.56.60.001-.007 is proposed under the Human Resources Code, Title 2, Chapter 22, 31, and 51, which authorizes the department to administer public assistance

- .001. *Appraisal Standards.*
- .002. *Standards for Assisting the Client To Obtain Basic Necessities and Rights.*
- .003. *Standards for Counseling*
- .004. *Standards for Arranging WIN Child Day Care.*
- .005. *Standards for Monitoring WIN Day Care.*

- .006. *SAU/WIN Medical Examinations.*
- .007. *Standards for Providing 60-Day Counseling.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820275 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Glossary of WIN Terms 326.56.90

The repeal of Rules 326.56.90.001-.031 is proposed under the Human Resources Code, Title 2, Chapters 22, 31, and 51, which authorize the department to administer public assistance.

- .001. *Adjudication.*
- .002. *Appraisal.*
- .003. *Certification.*
- .004. *Deregistration.*
- .005. *Employability Plan (EP).*
- .006. *Exempt.*
- .007. *Follow-Through.*
- .008. *Full-Time Employment.*
- .009. *Income Maintenance Unit (IMU).*
- .010. *Institutional Training.*
- .011. *Labor Market Exposure (LME).*
- .012. *Orientation.*
- .013. *Part-Time Employment.*
- .014. *Placement.*
- .015. *Potential Follow-Through.*
- .016. *Registrant.*
- .017. *Registrant/Applicant.*
- .018. *Registrant/Recipient.*
- .019. *Registration.*
- .020. *Self-Support Services Plan.*
- .021. *Sixty-Day Counseling.*
- .022. *Social Services.*
- .023. *Suspense.*
- .024. *TEC/WIN Requested Social Services.*
- .025. *Unassigned Recipient.*
- .026. *WIN/OJT (On-the-Job Training).*
- .027. *WIN-PSE (Public Service Employment).*
- .028. *Work Experience.*
- .029. *Working Registrant Status.*
- .030. *Component.*
- .031. *Intensive Manpower Services (IMS) Component.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820276 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Community Care for Aged and Disabled Adults

The Texas Department of Human Resources proposes new rules and the repeal of Rules

- 326.58.51.020-.042,
- 326.58.52.029-.036,
- 326.58.53.050-.060,
- 326.58.54.015-.031,
- 326.58.55.020-.041,
- 326.58.56.001-.011, and
- 326.58.57.001-.005

The rules concern the program on community care for aged and disabled adults (CCAD). Some of these rules were adopted on an emergency basis, effective October 1, 1981, as a result of the Omnibus Budget Reconciliation Act of 1981. The other rules represent all of the program rules which have been updated, reorganized, and placed in a new chapter. There are no new policies proposed in the rules except for the changes made as a result of federal law.

These changes include the income eligibility criteria for CCAD services. The criteria are changed from 67% to 58% for Priority Levels 1, 2, and 3 and from 37% to 33% for Priority Level 4. Priority Levels 5 and 6 are deleted from the rules. Individuals who do not meet the current eligibility criteria will be denied at the time of reassessment.

David Hawes, director of programs budget and rate setting, has determined that for the first five-year period the rules will be in effect, there will not be fiscal implications to state or local government as a result of enforcing or administering the rules.

Mr. Hawes has also determined that for the first five years the rules as proposed are in effect the public benefits anticipated as a result of enforcing the rules will be providing the public with current information specific to the community care services for aged and disabled adults. There will be no economic costs to persons required to comply with the rules.

Written comments on the proposals are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division-- 271, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Texas Register*.

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

J. B. McReynolds
January 8, 1982

Alternate Care Services 326.58.51

The repeal of Rules 326.58.51.020-.042 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

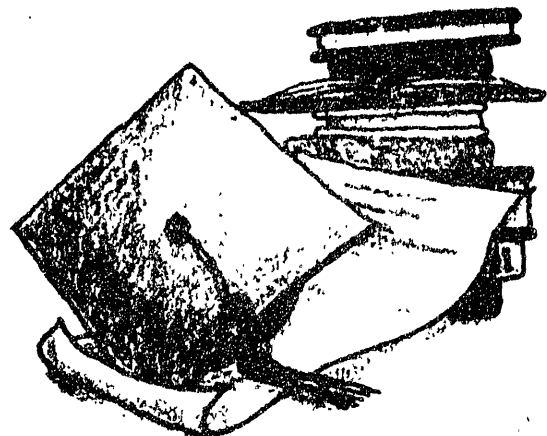
- .020. Program Description.
- .021. Definitions of Program Terms.
- .022. Eligibility for Services.
- .023. Identification of Client Need Levels.
- .024. Summary of In-Home Eligibility Characteristics.
- .025. Summary of Out-of-Home Eligibility Characteristics.
- .026. Request for Services or Information.
- .027. Information and Referral.
- .028. Eligibility Certification.
- .029. Client's Rights and Responsibilities.
- .030. Eligibility for In-Home Services.
- .031. Eligibility for Out-of-Home Services.
- .032. Eligibility for Case Management Services.
- .033. Eligibility for Protective Services.
- .034. Notification of Eligibility or Ineligibility.
- .035. Service Description.
- .036. Eligibility Recertification.
- .037. Assessment and Reassessment of Client's Needs.
- .038. Development of Service Plan.
- .039. Service Plan Elements.
- .040. Referral to Contract Agencies.
- .041. Level of Care Denied.
- .042. Potential Client for Alternate Care.

Issued in Austin, Texas, on January 11, 1982.

TRD-820277

Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Proposed date of adoption, February 15, 1982
For further information, please call (512) 441-3355, ext. 2037.



Home Care Program 326.58.52

The repeal of Rules 326.58 52.029-.036 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs

- .029. *Purchase of Service (POS) Procedures—Contracts.*
- .030. *Definition—POS*
- .031. *Purchase of Service Case Management Procedures.*
- .032. *Cost Reimbursement Only.*
- .033. *Cost Reimbursement with Ceiling on Budgetary Unit Cost.*
- .034. *Start-Up Costs on Contracts.*
- .035. *Ceilings on Budgetary Unit Costs.*
- .036. *Contract Format.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820278 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption, February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Protective Services 326.58.53

The repeal of Rules 326.58 53.050-.060 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs

- .050. *Service Description.*
- .051. *Protective Services Definitions.*
- .052. *Protective Services Priorities.*
- .053. *Protective Services Eligibility Determination.*
- .054. *Intake*
- .055. *Investigation*
- .056. *Diagnostic Evaluation*
- .057. *Service Plan Development.*
- .058. *Protective Case Management.*
- .059. *Guardianship.*
- .060. *Civil Commitment*

Issued in Austin, Texas, on January 11, 1982.

TRD-820279 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption, February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037

Health-Related Services 326.58.54

The repeal of Rules 326.58.54.015-.031 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

- .015. *Definitions.*
- .016. *In-Home Service Plans.*
- .017. *Monitoring for In-Home Services.*
- .018. *Chore Services Description.*
- .019. *Chore Service Task Descriptions.*
- .020. *Family Care Services Description.*
- .021. *Family Care Task Descriptions.*
- .022. *Recruitment.*
- .023. *Task Assignment—Individual Providers.*
- .024. *Individual Provider Agreement.*
- .025. *Approval for Payment.*
- .026. *Ceiling on Family Care Service by Individual Provider.*
- .027. *Levels of Authorized Service—Individual Provider.*
- .028. *Termination of Approval for Payment.*
- .029. *Interim Transition Procedures.*
- .030. *Homemaker Services Description.*
- .031. *Homemaker Task Descriptions.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820280 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption, February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037

Out-of-Home Services 326.58.55

The repeal of Rules 326.58 55.020-.041 is proposed under the Human Resources Code, Title 2 Chapter 22, which authorizes the department to administer public assistance programs.

- .020. *Health Assessment Services.*
- .021. *Alternative Living Plans.*
- .022. *Assessment of Client Needs.*
- .023. *Certification of Client's Need.*
- .024. *Processing Foster Family Home Requests.*
- .025. *Recruitment of Homes, Living Sites.*
- .026. *Development of Service Plan.*
- .027. *Study of Foster Family.*
- .028. *Payment Procedures.*
- .029. *Certification*
- .030. *Definition*
- .031. *Out-Of-Home Service Plan.*
- .032. *Services Description—Day Activity.*
- .033. *Task Descriptions—Day Activity.*
- .034. *Home-Delivered and Congregate Meals.*
- .035. *Purchasing and Storing of Food.*
- .036. *Menu Planning, Preparation, and Service.*
- .037. *Personal Care—Congregate Meals Only.*

- .038. *Counseling—Congregate Meals Only.*
- .039. *Recreational and Educational Activities—
Congregate Meals Only.*
- .040. *Health Assessment Services.*
- .041. *Health Assessment Services Casework
Procedures.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820281 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Standards 326.58.56

The repeal of Rules 326.58.56.001-.011 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the department to administer public assistance programs.

- .001. *Intake.*
- .002. *Eligibility Determination.*
- .003. *Client Needs Assessment.*
- .004. *Service Plan and Reassessment.*
- .005. *Service Initiation.*
- .006. *Reporting and Follow-up.*
- .007. *Case Monitoring.*
- .008. *Case Recording.*
- .009. *Referral and Follow-up.*

- .010. *Individual Provider/Family Care.*
- .011. *Individual Provider/Alternative Living Plans
(ALP).*

Issued in Austin, Texas, on January 11, 1982.

TRD-820282 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Title XIX Primary Home Care 326.58.57

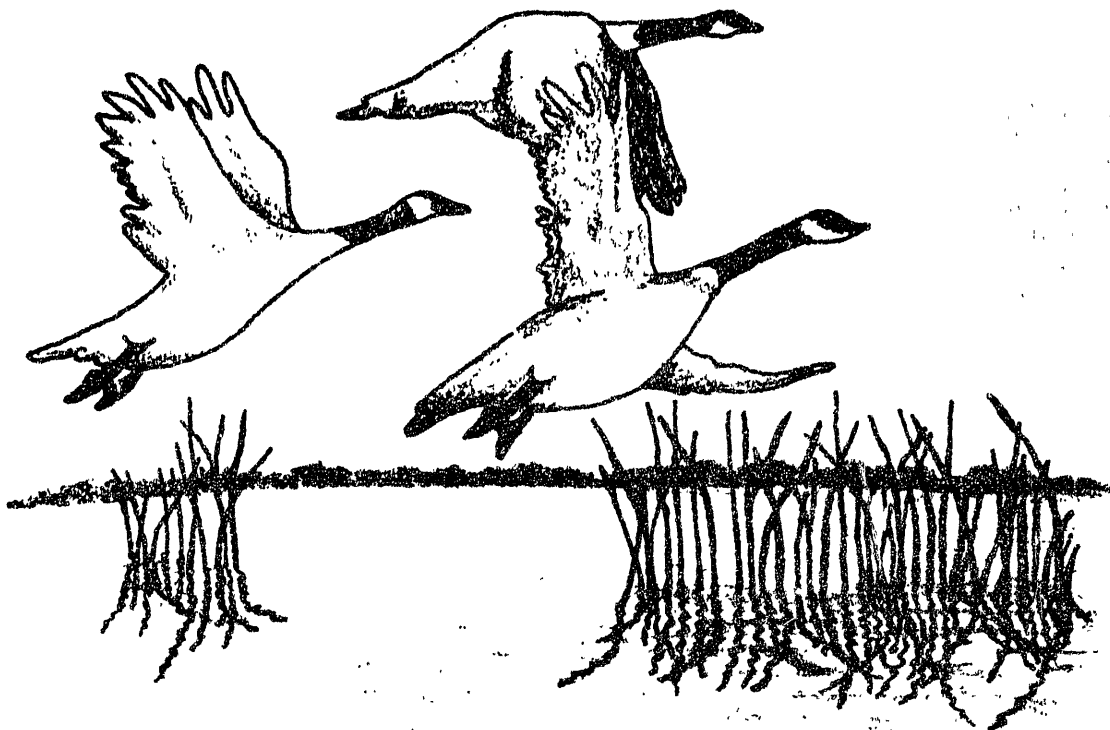
The repeal of Rules 326.58.57.001-.005 is proposed under the Human Resources Code, Title 2, Chapter 22, which authorizes the Texas Department of Human Resources to administer public assistance programs.

- .001. *Definition and Description.*
- .002. *Eligibility.*
- .003. *Prior Approval Nurse.*
- .004. *Referral to Contract Agencies.*
- .005. *Contracting Procedures.*

Issued in Austin, Texas, on January 11, 1982.

TRD-820283 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.



An agency may withdraw proposed action or the remaining effectiveness of emergency action on a rule by filing a notice of withdrawal with the Texas Register Division. The notice is generally effective immediately upon filing with the division.

If a proposal is not adopted or withdrawn within six months after the date of publication in the *Register*, it will automatically be withdrawn by the Texas Register Division. Notice of the withdrawal will appear in the next regularly scheduled issue of the *Register*. The effective date of the automatic withdrawal will appear immediately following the published notice.

No further action may be taken on a proposal which has been automatically withdrawn. However, this does not preclude a new proposal or an identical or similar rule following normal rulemaking procedures.

Withdrawn Rules

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Early and Periodic Screening, Diagnosis, and Treatment

(Editor's note: The following proposals concerning early and periodic screening, diagnosis, and treatment have been withdrawn from consideration by the Texas Department of Human Resources. The text of the new and amended sections as proposed appeared in the August 1, 1980, issue of the Texas Register (5 Tex-Reg 3015).

Overview

Rule 326.39 11.001(b) (amend)
TRD-820452

Penalties

Rules 326.39.12.003(a), (b), and (d) (new)
TRD-820455
Rules 326.39.12.004(c), .005(c), .006, .007
(new)
TRD-820456
Rule 326.39.12.005 (new)
TRD-820457
Rule 326.39.12.008 (new)
TRD-820458

Administration

Rule 326.39.13.001 (amendment)
TRD-820459

Definitions

Rules 326.39.14.004-.008 (new)
TRD-820462

Periodicity

Rules 326.39.22.003 (b) (new)
TRD-820470

Outreach

Rules 326.39.23.001-.003 (new)
TRD-820471

Arranging EPSDT Services

Rules 326.39.24.001, .002, .004-.006
(new)
TRD-820472
Rule 326.39.24.003(b) (new)
TRD-820472

Responsibilities of DHR Staff

Rules 326.39.25.001 and .002 (new)
TRD-820475

Coordination

Rules 326.39.26.001-.004 (new)
TRD-820476

Documentation

Rule 326.39.27.001 (new)
TRD-820477

Recipient Rights

Rule 326.39.28.003 (new)
TRD-820479

Medical Phase

Rules 326.39.31.003, .005, .007, .008
(amendment)
TRD-820482

EPSDT Follow-up

Rules 326.39.41.001 and .002 (new)
TRD-820484

Medical Follow-Up Services

Rules 326.39.43.006 and .007 (new)
TRD-820487

Dental Follow-up Services

Rule 326.39.44.010 (new)
TRD-820489

Providers

Rules 326.39.52.002 and .003 (new)
TRD-820496

Special Cases

Rules 326.39.53.002(c), (d) (new)
TRD-820541
Rule 326.39.53.003 (new)
TRD-820498

Dental Utilization Review
Rules 326.39.54 001 006 (new)
TRD-820499

Issued in Austin, Texas, on January 15, 1982.

Susan L. Johnson
Administrator
Policy Development Support
Division
Texas Department of Human
Resources



Filed: January 15, 1982
For further information, please call (512) 441-3355,
ext. 2037.

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the Texas Register Division, unless a later date is specified or unless a federal statute or regulation requires implementation of the action on shorter notice.

The document, as published in the *Register*, must indicate whether the rule is adopted with or without changes to the proposal. The notice must also include paragraphs which: explain the legal justification for the rule; how the rule will function; contain comments received on the proposal; list parties submitting comments for and against the rule; explain why the agency disagreed with suggested changes; and contain the agency's interpretation of the statute it adopted the action under.

If an agency adopts the rule without any changes to the proposed text, only the preamble of the notice and statement of legal authority will be published. The text of the rule, as appropriate, will be published only if final action is taken with alterations to the proposal. The certification information, following the submission, contains the effective date of the final action, the proposal's publication date, and a telephone number to call for further information.

Adopted Rules

TITLE 37. PUBLIC SAFETY AND CORRECTIONS Part V. Board of Pardons and Paroles

Chapter 145. Parole Revocation of Administrative Release (Parole and Mandatory Supervision)

37 TAC §§145.41, 145.45, 145.47, 145.53

The Board of Pardons and Paroles adopts amendments to §§145.41(b), 145.45(g) and (h), 145.47, 145.53(a) (205.03.03 001(b), 005(g) and (h), .014, and .020(a)) without changes to the proposed text published in the December 4, 1981, issue of the *Texas Register* (6 TexReg 4426).

The amendments are adopted to codify the board's existing policy and to reduce public uncertainty, increase public safety by quicker and more effective action on recidivists, and save county governments expenditures by a reduction in the length of time releasees are held in county jails before being returned to the Texas Department of Corrections.

Administrative releasees who receive felony convictions (with prison sentences for offenses committed while on release will be revoked without the necessity of a hearing. Judicial reversal of a conviction forming the basis for such a revocation would entitle the releasee to immediate reinstatement to administrative release status.

No comments were received regarding adoption of the amendments.

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

Charles E. Walker, Jr.
January 14, 1982

The amendments are adopted under the following legal authority: Texas Constitution, Article IV, §11, and Texas Code of Criminal Procedure, Article 42.12, §22, which provide the Board of Pardons and Paroles with the authority to make rules and regulations concerning revocation hearings.

Issued in Austin, Texas, on January 14, 1982.

TRD 820445 Ruben M. Torres
Chairman
Board of Pardons and Paroles

Effective date February 4, 1982
Proposal publication date December 4, 1981
For further information, please call (512) 475 4525.

37 TAC §145.71

The Board of Pardons and Paroles adopts amendments to §145.71(a) (205.03.05.001(a)) without changes to the proposed text published in the December 4, 1981, issue of the *Texas Register* (6 TexReg 4428).

The amendments remove existing language which provides that there is no right to reinstatement to administrative release after revocation in certain cases. The amendments also bring the board rule into conformity with other rule adoptions which precede this submission.

An administrative releasee revoked without a hearing on the basis of a new felony conviction with penal in-

carceration is allowed the right to reinstatement to administrative release when the new felony conviction has been reversed.

No comments were received regarding adoption of the amendments.

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

Charles E. Walker, Jr.
January 14, 1982

The amendments are adopted under the following legal authority: Texas Constitution, Article IV, §11, and Texas Code of Criminal Procedure, Article 42.12, §22, which provide the Board of Pardons and Paroles with the authority to make rules and regulations concerning revocation hearings.

Issued in Austin, Texas, on January 14, 1982.

TRD-820516 Ruben M. Torres
 Chairman
 Board of Pardons and Paroles

Effective date: February 4, 1982
Proposal publication date: December 4, 1981
For further information, please call (512) 475-4525.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources Early and Periodic Screening, Diagnosis, and Treatment

The Texas Department of Human Resources adopts certain amendments and new sections to its chapter concerning early and periodic screening, diagnosis, and treatment (EPSDT), as proposed in the August 1, 1980, issue of the *Texas Register* (5 TexReg 3021). The department is also adopting the repeal of duplicative rules, notice of which also appeared in the August 1, 1980, issue. Most of the proposals are adopted without changes, and a list of these rules follows the preamble.

Since the proposal of the EPSDT rules and amendments, the department has shifted EPSDT policies and procedures from a self-contained handbook to become a component of a new family self-support services handbook. Many of the proposed rules are not being adopted because they represent internal procedures or relate to policy no longer in effect because of service integration.

Changes to the EPSDT rules proposed in the August 1, 1980, issue of the *Texas Register* include the following. (The text of these rules appears after the list of rules adopted without changes.)

Rule 326.39.22.005 on eligibility has been changed to read all "Medicaid" recipients, instead of listing all categorical programs which have Medicaid eligibility.

The language in Rule 326.39.22.004, concerning exceptions to periodicity has been changed because of a federal recommendation concerning comparability of service.

Minor language changes were made in Rule 326.39.28.002, concerning confidentiality of records, to clarify the policy on disclosure of information about Medicaid recipients.

Rule 326 39 31.001 has been retitled Medical Screening Services, which is a name change that better represents the content of the rule.

The majority of the adopted rules and amendments are existing department policy which was reorganized and reworded. Two major changes to existing policy being adopted pertain to the periodicity schedule for medical screening which now allows up to six screenings in the first two years of life, and reference to an expanded screening provider base with approved public and private health providers doing screening.

The adoption of these rules, amendments, and repeals will allow for the provision of services to clients in an effective and efficient manner according to agency policy.

One comment was received regarding adoption of the August 1980 proposals. The Legal Aid Society of Central Texas was against the change in the medical screening periodicity schedule and the dental service periodicity schedule. The department did not agree with the group's recommendations on the grounds that the change in medical periodicity offers more flexibility to providers and more screenings in the first two years of a child's life. Also, the dental periodicity was not changed from previous department policy, but was merely restated with a stricter enforcement of existing policy. However, this matter is now in litigation and upon receipt of a final decision, the department's rules may need to be amended.

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

J B McReynolds
January 8, 1981

The following new rule and repeals are adopted under the Human Resources Code, Chapters 22 and 32, which authorize the department to administer public assistance programs and medical assistance.

Penalties
Rules 326.39.12.001, 002 (repeal)
TRD-820453

Administration
Rules 326.39.13.005-.011 (repeal)
TRD-820460

Operation
Rule 326.39.14.002 (repeal)
TRD-820461

EPSDT Documentation
Rules 326.39.15.001-.003 (repeal)
TRD-820463

Operating Policies

Rules 326.39.17.001-.008 (repeal)
TRD-820464

Definitions

Rules 326.39.20.001-.007 (repeal)
TRD-820465

Periodicity

Rule 326.39.21.004 (repeal)
TRD-820466

Transportation Services

Rule 326.39.22.001 (repeal)
TRD-820468

Medical Phase

Rules 326.39.31.002, .006, .009-.011 (repeal)
TRD-820481

Medical Diagnosis and Treatment

Rules 326.39.32.001-.007 (repeal)
TRD-820483

Eligibility for Dental Services

Rules 326.39.42.001, .003, .004 (repeal)
TRD-820485

Dental Providers

Rules 326.39.43.001-.005 (repeal)
TRD-820486

Dental Program Benefits

Rules 326.39.44.001, .002, .004-.008 (repeal)
TRD-820488

Dental Program Responsibilities

Rules 326.39.45.001-.003 (repeal)
TRD-820490

Dental Office Practices

Rules 326.39.46.001-.004 (repeal)
TRD-820491

Fee Schedule

Rules 326.39.47.001-.003 (repeal)
TRD-820492

Dental Provider Claims

Rules 326.39.48.001, .003 .015 (repeal)
TRD-820493

Dental Services

Rules 326.39.51.001-.004 (new)
TRD-820494

Dental Utilization Review

Rules 326.39.62.001-.009 (repeal)
TRD-820500

Mobile Dental Units

Rules 326.39.64.001-.004 (repeal)
TRD-820501

Request Card Procedures

Rules 326.39.65.001
TRD-820513

Issued in Austin, Texas, on January 11, 1982.

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: February 5, 1981

Proposal publication date: August 1, 1980

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

Overview 326.39.11

The amendments to Rule 326.39.11.001 are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the Texas Department of Human Resources to administer public assistance programs and medical assistance.

.001. Program Description.

(a) The Texas Department of Human Resources is the single state agency designated to administer the Texas Medical Assistance Program under Title XIX of the Social Security Act (Medicaid).

(b) The department contracts with approved public and private providers of EPSDT medical and dental services. Outreach and follow-up support services are provided by DHR field staff.

Issued in Austin, Texas, on January 11, 1982.

TRD-820451 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: February 5, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Penalties 326.39.12

New Rules 326.39.12.003 and .004 are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the Texas Department of Human Resources to administer public assistance programs and medical assistance.

.003. Legal Base. DHR must provide required EPSDT screening and treatment services to eligible families or recipients who request these services. The periodicity schedule determines when specified screening services are delivered. DHR must provide any EPSDT services requested by the recipient according to periodic eligibility for service.

.004. Informing.

(a) DHR must inform each family of the availability of EPSDT services no later than 60 days after the AFDC certification date. This must be done in writing and using face-to-face contact in clear, nontechnical language. DHR must use procedures suitable for informing persons who are illiterate, blind, deaf, or cannot understand the English language.

(b) All new eligibles and families who become eligible after a period of ineligibility must be properly informed. However, a family need not be informed more than twice in a 12-month period. Families with no member receiving any EPSDT services must be informed in writing of EPSDT at least once each year.

Issued in Austin, Texas, on January 11, 1982.

TRD-820454 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: February 5, 1982

Proposal publication date: August 1, 1980

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

Eligibility 326.39.21

New Rule 326.39.21.005 is adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the Texas Department of Human Resources to administer public assistance programs and medical assistance

.005. *Eligibility for Services.* All Medicaid recipients under age 21 are eligible for EPSDT services. Services can be continued through the month the eligible recipient becomes 21.

Issued in Austin, Texas, on January 11, 1982.

TRD-820467 Marlin W. Johnston
Commissioner
Texas Department of Human Resources

Effective date February 5, 1982
Proposal publication date August 1, 1980
For further information, please call (512) 441-3355, ext 2037

Periodicity 326.39.22

New Rules 326.39.22.002-.004 are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs and medical assistance.

.002. *Periodicity Schedule.*

(a) Screening services are available once during each of the following time periods:

- (1) First month of life (neonatal).
- (2) One month through five months.
- (3) Six months through 11 months.
- (4) 12 months through 23 months.
- (5) Two years through three years.
- (6) Four years through five years.
- (7) Six years through 10 years.
- (8) 11 years through 15 years.
- (9) 16 years through 20 years.

(b) Up to six screening visits are allowed in the first two years of a child's life

(c) Routine dental services are available to eligible recipients once every three years

(d) All dental services, with the exception of emergency services, require prior authorization.

(e) All eligibles three years of age and over must be referred directly to a dentist for an examination.

(f) Eligibles under age three should go to medical screening to determine if there is a need for a dental referral; however, this is not required. Prior authorization is still required for children under three.

.003. *Periodic Rescreening Due Date.*

(a) The due date for periodic rescreening is defined as the earlier of:

(1) The date of the offer of support services to have the child rescreened, or

(2) The last day of the month in which the child's age exceeds the oldest allowable age for that rescreening in the periodicity schedule.

(b) Periodic dental examination and treatment are available three years from the date of last dental service.

.004. *Exceptions to Periodicity.* State office must approve all exceptions to periodicity. Exceptions must not be authorized more often than every 12 months.

Issued in Austin, Texas, on January 11, 1982.

TRD 820469 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Effective date February 5, 1982
Proposal publication date August 1, 1980
For further information, please call (512) 441-3355, ext. 2037

Arranging EPSDT Services 326.39.24

New Rule 326.39.24.003 is adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the Texas Department of Human Resources to administer public assistance programs and medical assistance.

.003. *Exceptions to Timely Delivery.* Exceptions to standards for the timely delivery of services can be made if:

(1) The recipient or family loses eligibility. This means that the recipient or family does not have a valid medical care identification card or Medicaid verification letter for the date that a medical screening or the first encounter for diagnosis and treatment is scheduled.

(2) The recipient or family could not be located despite a good faith effort to do so. This means that no personal contact can be made with an adult member of the recipient's family

(3) The recipient's failure to receive necessary services in a timely manner was due to an action or decision of the family or recipient rather than a failure of DHR to offer and provide support services.

Issued in Austin, Texas, on January 11, 1982

TRD-820473 Marlin W Johnston
Commissioner
Texas Department of Human Resources

Effective date February 5, 1982
Proposal publication date August 1 1980
For further information, please call (512) 441-3355, ext 2037

Recipient Rights 326.39.28

New Rules 326.39.28.001, 002, and 004-.007 are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs and medical assistance.

.001. *Recipient Rights.*

(a) Acceptance of all EPSDT services must be voluntary. Acceptance or refusal of EPSDT services does not affect eligibility for or benefits of any other DHR service.

(b) A recipient who refuses EPSDT services may, at a later time, request and be provided such services if still eligible for Medicaid.

(c) All EPSDT records about recipients are considered confidential information.

.002. Confidentiality of Records.

(a) Public law and Medicaid regulations prohibit the disclosure of information about Medicaid recipients without consent, except for purposes directly connected to the administration of the program. Eligibility information will be provided to screening, diagnosis, and treatment providers and other information for which the recipient gives consent. Medicaid providers of screening, diagnosis, and treatment are not considered to be directly connected with the administration of the program. Consequently, screening, diagnosis, and treatment providers are not entitled to confidential information, including lists of names and addresses of recipients, without the consent of the recipient.

(b) Contracted agencies performing certain administrative functions are considered an extension of DHR in exercising its responsibilities to ensure effective program operations. Such agencies, including TDH and contractors for outreach, follow-up, and transportation, may receive confidential information without an individual recipient's consent to the extent that it is necessary in the administration of the contract. However, these agencies are bound by the same standards of confidentiality as DHR. They must provide effective safeguards to ensure confidentiality.

.004. Consent. Consent by a person who may legally give consent is necessary for participation in EPSDT. Consent requires the free exercise of choice without any force, fraud, deceit, constraint, or coercion by an individual or his legally authorized representative. The basic elements necessary to consent include:

- (1) A fair explanation of the procedures to be followed and their purposes.
- (2) A description of any discomforts and risks which can reasonably be expected.
- (3) A description of benefits which can reasonably be expected.
- (4) An offer to answer any questions about the procedures.
- (5) A statement that the person is free to not consent or withdraw consent and discontinue participation at any time without any loss of other department benefits and services.

.005. Who May Give Consent for Medical Services. Persons who may legally give consent for EPSDT medical services are identified in Chapter 35 of the Texas Family Code.

.006. Release of Medical Information.

(a) Authorization to release medical information is necessary to share screening results with diagnosis and treatment providers, such as those listed on the bottom of the screening form and for those providers to share information with DHR and TDH. The authorization to release medical information form meets this requirement.

(b) Only those adults who have legal authority over a minor may consent to the release of a minor's medical information. These adults are parents, guardians, or managing conservators. In the case of a foster child, an authorized DHR representative may consent to release information.

(c) Authorization to release medical information must be in writing. If the recipient requests that information be released, a written authorization must be filed in the case record.

(d) If another agency or individual, not contracted with DHR to provide services, requests information directly, that agency or individual must provide a release signed by the recipient. The release must be filed in the case record. In addition, that agency must be subject to a standard of confidentiality comparable to that of DHR, and the requested information must be necessary to the administration of the Medical Assistance Program under Title XIX.

(e) Statistical information or other general information which does not identify individuals is not subject to the preceding restrictions.

(f) Recipients may give a copy of screening results in their possession to anyone they see fit. For this reason, recipients should be encouraged to keep their copy of the screening form, to be used for day care, foster care, Headstart, or any other program requiring medical records.

.007. Freedom of Choice.

(a) All EPSDT recipients have the right to choose participating providers of medical screening, dental, and diagnosis and treatment services.

(b) Selection assistance provided to the recipient must be free of worker preferences or prejudices.

Issued in Austin, Texas, on January 11, 1982.

TRD-820478

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: February 5, 1982

Proposal publication date: August 1, 1980

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

Medical Phase 326.39.31

The amendments to Rules 326.39.31.001 and .004 are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs and medical assistance.

.001. Medical Screening Services. Medical screening services are provided under the EPSDT program to ensure that children who are Medicaid recipients have continuous well-child care. The objectives of screening are:

(1) The identification of children who have suspected health problems or needs by using quick and simple procedures.

(2) The referral of the child for definitive diagnosis/treatment if indicated by the screening so that health problems are prevented, corrected, or managed effectively. The following medical screening services will be available to clients.

- (A) Health and developmental history.
- (B) Unclothed physical examination.
- (C) Developmental assessment.

(D) Immunizations appropriate for age and health history.

(E) Assessment of nutritional status.

(F) Vision testing.

(G) Hearing testing.

(H) Laboratory procedures appropriate for age and population groups.

(I) For children three years of age and over, dental services furnished by direct referral to a dentist for diagnosis and treatment.

.004. Primary Responsibilities of Medical Screening Providers. The primary responsibilities of medical screening providers are:

(1) To conduct medical screening according to policies and procedures established by the Department of Human Resources.

(2) To provide clinic surroundings which will establish a good relationship between clinic personnel and the recipient and his family.

(3) To interpret medical screening results to the parent, conservator, responsible adult and/or recipient during the exit interview.

Issued in Austin, Texas, on January 11, 1982.

TRD-820480

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: February 5, 1982

Proposal publication date: August 1, 1980

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

Providers 326.39.52

New Rule 326.39.52.001 is adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the department to administer public assistance programs and medical assistance.

.001. Approved Dental Providers. Dental providers include:

(1) Licensed private dentists in Texas who have established a provider relationship with the Texas Department of Human Resources under the EPSDT Program.

(2) Local public health dental clinics with established provider relationships with DHR under the EPSDT Program.

Issued in Austin, Texas, on January 11, 1982.

TRD-820495

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: February 5, 1982

Proposal publication date: August 1, 1980

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

Special Cases 326.39.53

New Rules 326.39.53.001, .002, and .004 are adopted under the authority of the Human Resources Code, Title 2, Chapters 22 and 32, which authorize the Texas Department of Human Resources to administer public assistance programs and medical assistance.

.001. Change of Provider. A change of provider can be made for one or more of the following reasons.

(1) Treatment by a specialist is indicated.

(2) The provider does not want to continue treatment with this particular recipient because of "no shows," personality conflict, or unavailability of appointment time.

(3) The recipient prefers a provider nearer to home or place of employment.

(4) The recipient does not want to continue treatment with the provider because of conflicts with the provider's office.

.002. Interrupted or Incomplete Treatment Plans.

(a) An interrupted or incomplete treatment plan occurs when all the services authorized in the treatment plan are not rendered and the dental provider is paid for the portion of the services actually rendered.

(b) To be eligible for subsequent treatment, the recipient must have a valid medical care identification card or Medicaid verification letter.

.004. Absence of Services Reported by Utilization Review Committee.

(a) In some cases the utilization review shows unacceptable or questionable results and the review dentist reports an absence of services and a need for the procedure in question.

(b) The director, EPSDT Dental Services, DHR, can permit the initial provider to complete the service involving the absence. After the provider makes an overpayment settlement covering discrepancies, he can submit a new treatment plan for authorization to complete needed treatment.

(c) If the recipient cannot or does not want to return to the initial provider, he can go to another provider.

Issued in Austin, Texas, on January 11, 1982.

TRD-820497

Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Effective date: February 5, 1982

Proposal publication date: August 1, 1980

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

Agencies with statewide jurisdiction must give a least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. Although some notices may be received too late for publication before the meeting is held, all those filed are published in the *Register*. Notices concerning state agencies, colleges, and universities must contain the date, time, and location of the meeting, and an agenda or agenda summary. Published notices concerning county agencies include only the date, time, and location of the meeting. These notices are published alphabetically under the heading "Regional Agencies" according to the date on which they are filed.

Any of the governmental entities named above must have notice of an emergency meeting, or an emergency revision to an agenda, and the reason for such emergency posted for at least two hours before the meeting is convened. Emergency meeting notices filed by all governmental agencies will be published. However, notices of emergency additions or revisions to a regional agency's agenda will not be published since the original agenda for the agency was not published.

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

Open Meetings

Texas Animal Health Commission

Thursday, January 28, 1982, 1 p.m. The Texas Animal Health Commission will meet in the district courtroom, Jim Wells County Courthouse, 200 North Almond, Alice. According to the agenda, the commission will hold a public hearing on the Texas Bovine Brucellosis Program.

Contact: Jo Anne Conner, 10th Floor, Sam Houston Building, Austin, Texas, (512) 475-4111.

Filed: January 14, 1982, 3:48 p.m.
TRD-820441

Friday, January 29, 1982, 1 p.m. The Texas Animal Health Commission will meet in Room 240, Wichita Falls Activities Center, 10th and Indiana Streets, Wichita Falls. According to the agenda, the commission will hold a public hearing on the Texas Bovine Brucellosis Program.

Contact: Jo Anne Conner, 10th Floor, Sam Houston Building, Austin, Texas, (512) 475-4111.

Filed: January 14, 1982, 3:48 p.m.
TRD-820442

State Board of Barber Examiners
Tuesday, February 2, 1982, 8 a.m. The State Board of Barber Examiners will meet in Suite H-111, 5555 North Lamar, Austin.

Items on the agenda include minutes of previous meeting; signing teachers' licenses, and school permits; interviewing out-of-state applicants; scheduling dates for inspections of barber schools where ownership has changed—Fort Worth, Waco, San Angelo, Odessa, Wichita Falls; reports and letters to the board; and executive session.

Contact: Mary Jo McCrorey, 5555 North Lamar, H-111, Austin, Texas 78751, (512) 458-2241.

Filed: January 18, 1982, 9:13 a.m.
TRD-820559

State Commission for the Blind

Thursday, January 18, 1982, 10 a.m. The Texas Committee on Purchases and Services of Blind and Severely Disabled Persons of the State Commission for the Blind will hold a rescheduled meeting in Room 295, 909 West 45th Street, Austin. Items on the agenda include approval of past minutes; committee reports—Committee on Rules and Regulations and Sunset Review Committee; price changes; and new products and services. The meeting was originally scheduled for January 14, 1982.

Contact: Mat Geng, 314 West 11th Street, Room 431, Austin, Texas 78701, (512) 475-2118.

Filed: January 18, 1982, 9:53 p.m.
TRD-820561

Interagency Council on Early Childhood Intervention

Wednesday, January 27, 1982, 9 a.m. The Interagency Council on Early Childhood Intervention will meet in Room T-507, Texas Department of Health, 1100 West 49th Street, Austin. According to the agenda summary, the council will consider: the interagency council and advisory committee operational procedures; the submission and review process covering grant proposals for programs of intervention services and the establishing of rules for grant proposals, review, and evaluation; issues regarding interagency procedures; public awareness and training; and an executive session.

Contact: James P. Rambin, 1100 West 49th Street, Austin, Texas, (512) 458-7241.

Filed: January 15, 1982, 3:41 p.m.
TRD-820537

Good Neighbor Commission

Friday, January 22, 1982, 9 a.m. The Good Neighbor Commission will meet at the Sheraton Crest Inn, Austin. According to the agenda summary, the commission will consider approval of minutes of previous meetings; special reports; chairman's report; staff reports; resolutions of appreciation for former commissioners; report of the Administrative Committee; report of

the Program Development Committee; election of officers; appointment of standing committees; and date and place of next meeting.

Contact: Bob Watson, P.O. Box 12077, Austin, Texas 78711, (512) 475-3581.

Filed: January 11, 1982, 2:54 p.m.
TRD-820435

Office of the Governor

Monday, January 25, 1982, 10 a.m. The Governor's Task Force on the Intellectually Handicapped Citizens and Criminal Justice System will meet in the Criminal Justice Conference Room, third floor, Sam Houston Building, Austin. Items on the agenda include organization and purpose of task force; definition of the problem—background, existing legislation, relevant data, and possible solutions; and future work plan.

Contact: John Newton, P.O. Box 1148, Austin, Texas 78767, (512) 472-8387.

Filed: January 15, 1982, 2:10 p.m.
TRD-820533

Tuesday, January 26, 1982, 10 a.m. The Crime Stoppers Advisory Council will meet in Room 310, Old Supreme Court Room, State Capitol. Items on the agenda include status of local crime stoppers programs; status report on current operations of Crime Stoppers Advisory Council; crime stoppers training; discussion on proposed reward schedule; discussion of goals and objectives of council; and discussion of possible memberships of council in Crime Stoppers, U.S.A.

Contact: Pete Wassdorf, P.O. Box 12428, Austin, Texas 78711.

Filed: January 15, 1982, 2:11 p.m.
TRD-820534

Thursday, January 28, 1982, 9 a.m. The Governor's Task Force on Small Business will meet in Rooms 202 and 203, Texas Law Center, 1414 Colorado, Austin. Items on the agenda include the following: approval of minutes; staff reports on small business education and capital formation and retention; and a subcommittee meeting.

Contact: Arturo Flores, P.O. Box 707, Eagle Pass, Texas, (512) 773-2305.

Filed: January 15, 1982, 2:11 p.m.
TRD-820535

Friday, January 29, 1982, 10:30 a.m. The Governor's Task Force on Equal Opportunities for Women and Minorities will meet in Room 117, Sam Houston Building,

Austin. Items on the agenda include: staff report on federal equal employment laws; discussion of subcommittee topics and responsibilities; and subcommittee meetings as necessary.

Contact: Adele Hedges, P.O. Box 299001, Houston, Texas 77299, (713) 757-6252.

Filed: January 14, 1982, 3:31 p.m.
TRD-820446

Texas Health Facilities Commission

Friday, January 29, 1982, 10 a.m. The Texas Health Facilities Commission will meet in Suite 305, the Jefferson Building, 1600 West 38th, Austin, to consider the following applications:

Certificate of Need

Leisure Lodge-Euless, Euless
AN81-0730-016

Health Services International of
Bryan, Bryan
AS81-0422-044

Health Services International of
El Paso, El Paso
AS81-0422-040

Mercy Hospital of Laredo, Laredo
AH31-0605-021

Doctors Hospital of Laredo, Inc.,
Laredo
AH81-0814-030

Medicel Arts Hospital of Dallas,
Dallas
AH81-0716-012

Reissuance of Certificate of Need
Mercy Hospital of Jourdanon,
Jourdanon
AH80-0627-007R (120481)

Notice of Intent To Acquire an
Existing Health Care Facility
Wentworth Carter and Norma
Carter, Seogoville
AN81-1223-019

Contact: Linda E. Zatopek, P.O. Box
15023, Austin, Texas 78761.

Filed: January 18, 1982, 9:42 a.m.
TRD-820562

State Board of Insurance

Monday, January 25, 1982, 1 p.m. The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 350, 1110 San Jacinto Street, Austin, in Docket 6694—to consider the application of Richard B. Burns to acquire control of Gibson National Life Insurance Company, Seagoville.

Contact: J.C. Thomas, 1110 San Jacinto,
Austin, Texas 78786, (512) 475-4353.

Filed: January 15, 1982, 3:32 p.m.
TRD-820536

Tuesday, January 26, 1982, 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 Street, Austin, in Docket 6687—to consider the application of North Texas Medicare, Inc., for a certificate of authority to operate a health maintenance organization in Texas.

Contact: J. C. Thomas, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-4353.

Filed: January 14, 1982, 3:59 p.m.
TRD-820444

Monday, February 1, 1982, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 414, 1110 San Jacinto Street, Austin, to consider the appeal of Sea Island Towers Condominium Association from the decision of the Texas Catastrophe Property Insurance Association.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas, (512) 475-2950.

Filed: January 15, 1982, 10:34 a.m.
TRD-820503

The State Board of Insurance will meet in Room 414, 1110 San Jacinto, Austin, to consider the commissioner's report, fire marshal's report, and to conduct an executive session on personnel matters, on the following dates:

Tuesday, February 2, 1982, 2 p.m.

Tuesday, February 9, 1982, 2 p.m.

Tuesday, February 16, 1982, 2 p.m.

Tuesday, February 23, 1982, 2 p.m.

Contact: Pat Wagner, 1110 San Jacinto
Street, Austin, Texas 78786, (512) 475-2950.

Filed: January 15, 1982, 10:35 a.m.
TRD-820504, 820505, 820508,
8820509

Friday, February 12, 1982, 9 a.m. The State Board of Insurance will hold a public hearing to consider the plea to the jurisdiction filed by Texas Catastrophe Property Insurance Association in the appeal of Glenn McGehee, doing business as Ocean Palm Center and Ocean Palm International, Inc., from action of TCPIA.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: January 15, 1982, 10:35 a.m.
TRD-820506

Tuesday, February 16, 1982, 9 a.m. The State Board of Insurance will conduct a public hearing to consider the appeal of Glenn McGehee and wife, Carmen McGehee, from the decision of the Texas Catastrophe Property Insurance Association.

Contact: Pat Wagner, 1110 San Jacinto, Austin, Texas, (512) 475-2950.

Filed: January 15, 1982, 10:35 a.m.
TRD-820507

Lamar University

Friday, January 22, 1982, 9 a.m. The Lamar University Board of Regents will meet in the Spindletop Room, Mary and John Gray Library, main campus, Beaumont. According to the agenda summary, the board will consider: inauguration of new regents; organization of Board of Regents; appointment of foundation trustees; minutes of November 19, 1981; president's reports; approval of small class report; development leaves; Brown Center fee schedule; contractor bid for J. E. Gray Institute; bids for facilities construction; October/November financial reports; executive session; and report of Development and Public Relations Committee.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, (713) 838-8403.

Filed: January 15, 1982, 1:16 p.m.
TRD-820567

Board of Law Examiners

Friday and Saturday, January 22 and 23, 1982, 8:30 a.m., daily. The Board of Law Examiners will meet on Friday in emergency session at Texas Law Center, Austin, and Saturday at the Residence, 935 Posada, Austin. Items on the agenda include: minutes of the November 1981 meeting; budget review; board review and approval of account authorization and signing procedures and approval of new release form; consideration of individual questions of eligibility; hearings on and consideration of matters of character and fitness; and discuss examination procedures and preparation of February examination questions. The emergency status is necessary because all board members have already scheduled for travel from out-of-town locations and those

appearing before the board have been notified of date and time.

Contact: Wayne E. Denton, Texas Law Center, Suite 505, Austin, Texas 78701, (512) 475-4137.

Filed: January 15, 1982, 3:53 p.m.
TRD-820540

Legislative Redistricting Board of Texas

Tuesday, January 19, 1982, 1 p.m. The Legislative Redistricting Board of Texas met in emergency session in Senate Chambers of the State Capitol. Items on the agenda include: call to order; consideration of nunc pro tunc order correcting clerical errors in Legislative Redistricting Board Plan 1 (Senate Plan); §§ 5 and §18; and adjournment. The emergency status was necessary as litigation was pending regarding state senatorial districts. Trial began on January 18, 1982.

Contact: Robert I. Kelly, P.O. Box 12128, Austin, Texas 78711, (512) 475-2736.
TRD-820555

Texas Merit System Council

Thursday and Friday, January 28 and 29, 1982, 9 a.m. and 1 p.m. Thursday, and 9:30 a.m. Friday. The Texas Merit System Council will meet in 507 Brown Building, Eighth and Colorado Streets, Austin. Items on the agenda include appeal hearings; budget matters; rule changes of regulation for a merit system of personnel administration; situation regarding the Texas Employment Commission test centers as affected by the reduction in force; and staff needs for the next biennium. The council will also meet in executive session.

Contact: F. Kemp Dixon, P.O. Box 1389, Austin, Texas 78767, (512) 477-9665.

Filed: January 18, 1982, 9:44 a.m.
TRD-820563 and 820564

Texas Mohair Producers Board

Wednesday, January 27, 1982, 2 p.m. The Texas Mohair Producers Board of the Texas Department of Agriculture will meet in the River Club Meeting Room, 800 West Avenue D, San Angelo. Items on the agenda include: financial and collections reports; market report; report on progress of biennial election of directors; and report on state agriculture program.

Contact: Fred Campbell, P.O. Box 5337, San Angelo, Texas 76902, (915) 655-3161.

Filed: January 14, 1982, 4:32 p.m.
TRD-820447

Texas Board of Licensure for Nursing Home Administrators

Wednesday and Thursday, February 10 and 11, 1982, 2 p.m., daily. The Texas Board of Licensure for Nursing Home Administrators will meet at 3407 IH 35 North, Austin. According to the agenda summary, the board will consider agenda approval; November minutes approval; committee reports; state agency reports; report of chair; executive director's report; designation of alternate fiscal agent; rule waiver requests; and hearing officer's report.

Contact: Karl E. Bishop, 3407 IH 35 North, Austin, Texas, (512) 479-0922.

Filed: January 14, 1982, 3:32 p.m.
TRD-820439

The Prosecutor Council

Monday and Tuesday, January 25 and 26, 1982, 2 p.m. and 9 a.m., respectively. The Prosecutor Council will meet in Room 204, Texas Law Center, 1414 Colorado, Austin. Items on the agenda include: organization of the council; approval of minutes of October 2, 1981 meeting; adoption of annual report of 1981; executive director's report for September-December 1981; consideration of contract for basic prosecution course and investigators school; consideration of asking attorney general for an opinion interpreting rider on travel funds; consideration of contracting for civil course for prosecutors; adoption of travel attendance guidelines; consideration of other possible projects; consideration of looseleaf notebook for information and indictments; and setting date for next meeting. The council will meet in executive session to review pending complaints.

Contact: John Cook, P.O. Box 13555, Austin, Texas, (512) 475-6825.

Filed: January 14, 1982, 3:08 p.m.
TRD-820438

Public Utility Commission of Texas

Thursday, January 21, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct an emergency hearing on the merits in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4265—appeal of Southwestern Electric Service Company from the rate ordinances of the City of Alto, et al. The emergency status was necessary so that it may be heard in consolidation with Docket 4150 which contains the same parties and issues.

Contact: Carolyn E. Shellman, 7800 Shoal

Creek Boulevard, Austin, Texas 78757,
(512) 458-0100.

Filed: January 14, 1982, 3:32 p.m.
TRD-820440

Monday, January 25, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing on the merits in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4026—application of Kerrville South Water Company for authority to increase rates within Kerr County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 14, 1982, 2:20 p.m.
TRD-820434

Tuesday, January 26, 1982, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4259—application of Fort Belknap Cooperative, Inc., for a rate/tariff revision.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 15, 1982, 3:42 p.m.
TRD-820538

Thursday, January 28, 1982, 2 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3773—application of Community Public Service Company for determination of the effect of a final order of the public utility commission.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 15, 1982, 10:34 a.m.
TRD-820510

Friday, January 29, 1982, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4089—petition of Houston Lighting and Power Company for review of rate ordinances of the Cities of Pasadena, et al.

Contact: Carolyn E. Shellman, 7800 Shoal

Creek Boulevard, Austin, Texas 78757,
(512) 458-0100.

Filed: January 18, 1982, 9:16 a.m.
TRD-820557

Friday, February 12, 1982, 1:30 p.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4238—application of Walker Village Water System for a certificate of convenience and necessity within Montgomery County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 15, 1982, 3:42 p.m.
TRD-820539

Tuesday, February 23, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 4363—inquiry into the rate increase of Randolph Properties (water).

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 15, 1982, 10:33 a.m.
TRD-820511

Tuesday, March 23, 1982, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Dockets 3654 and 4028—application of Danville Water Supply Corporation to amend its certificate of convenience and necessity within Collin County and application of the City of Frisco for water and sewer certificates of convenience and necessity within Denton and Collin Counties.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 15, 1982, 10:36 a.m.
TRD-820512

Tuesday, April 6, 1982, 9 a.m. The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on the merits in Docket 4224—application of Texas Electric Service Company, Texas Power and Light Company, and Dallas Power and Light Company to amend tariffs to establish a procedure for approval of payments to affiliates in connection with the fuel cost factor tariff schedule of each company.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: January 18, 1982, 9:16 a.m.
TRD-820558

State Purchasing and General Services Commission

Wednesday, January 27, 1982, 1:30 p.m.

The State Purchasing and General Services Commission will meet in Room 916, LBJ Building, 111 East 17th Street, Austin. Items on the agenda include: review for adoption rule changes on payment of restocking charges; presentation of Affirmative Action Program; expiration of one-year terms, members of the Policy Advisory Committee; status report on William B. Travis Building; status report on Human Services Center; report of appearance before House Energy Resources Committee; staff review of expansion requirements, Supreme Court building; report of estimated savings realized by use of life cycle cost benefit analysis; implementation of automated real property inventory system; PUC final order on Docket 3920, December 11, 1981, cost impact; information reports on: completion of governor's mansion renovation, status of G. J. Sutton state office building renovation, proposed MBO Program; report from internal auditor/liaison officer; state purchasing and general services commission monthly reports; and time and date for next meeting of the commission.

Contact: Homer A. Foerster, P.O. Box 13047, Austin, Texas 78711, (512) 475-2211.

Filed: January 18, 1982, 9:56 a.m.
TRD-820566

Friday, January 29, 1982, 10 a.m. The Advisory Planning Council for the Human Services Center Project of the State Purchasing and General Services Commission, will meet on the second floor conference room, Central Services Building, 1711 San Jacinto Street, Austin. Items on the agenda include: review of the progress of master planning on the Human Services Center, and setting a time and date for the next meeting.

Contact: Larry W. Gooch, Facilities Planning and Construction Division, P.O. Box 13047, Austin, Texas 78711, (512) 475-3560.

Filed: January 18, 1982, 9:56 a.m.
TRD-820560

Railroad Commission of Texas
Monday, January 18, 1982, 9 a.m. The following divisions made emergency additions to the agendas of meetings held on this day, at 1124 IH 35 South, Austin.

The Oil and Gas Division, which met in the first floor auditorium, added the following.

Docket 3-76,730 and 3-76,729: regarding hearings to investigate complaints and allegations of General Production Corporation concerning the Humble Exploration Company, Inc.'s Teresa Garrett Unit Well 1, Giddings (Austin Chalk, Gas) Field and Humble Exploration Company, Inc.'s Ruth Gallip Unit Well 1, Giddings (Austin Chalk) Field, Lee County.

Docket 3-77,343: regarding hearing to investigate complaints and allegations of Joe D. Burtschell concerning the Humble Exploration Company, Inc.'s Lauren B. Unit Well 1, Giddings (Austin Chalk) Field, Lee County.

These items were properly noticed for the meeting of January 11, 1982, and passed at that meeting. Consideration was made on less than seven days notice as a matter of urgent public necessity.

Contact: John W. Camp, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1285.

Filed: January 15, 1982, 2:36 p.m.
TRD-820517

The Surface Mining and Reclamation Division, which met in Room 107, added consideration of the following:

§§11.136-11.139 (051.07.03.205-.209)
§11.81 (051.07.03.050) and
§11.131 (051.07.03.200).

The rules affect proper plugging and closure of test holes drilled in connection with uranium ore exploration. The matter was considered on less than seven days notice as a matter of urgent public necessity because improper plugging and closure of test holes threatens the state's subsurface water resources and immediate correction is necessary to protect the public health and safety.

Contact: J. Randel (Jerry) Hill, 105 West Riverside Drive, Austin, Texas, (512) 475-8751.

Filed: January 15, 1982, 2:42 p.m.
TRD-820518

The Transportation Division, which also met in the first floor auditorium, added consideration of the following.

Docket 00001B06A: application of Greyhound Lines, Inc., Greyhound Tower, Phoenix, Arizona, to amend motor bus Certificate 1B to authorize the

transportation of passengers, and their baggage between Houston and Spring Valley, serving no intermediate points, and returning over the same route (consideration of final order).

Docket 003983A5A: application of Greyhound Lines, Inc., Greyhound Tower, Phoenix, Arizona, to amend limited common carrier Certificate 3983 to authorize the transportation of mail, newspapers, parcels, and express packages, subject to the usual restrictions placed on motor bus companies in intrastate commerce as follows: between Houston and Spring Valley—from Houston over IH 10 to Spring Valley, serving no intermediate points, and returning over the same route; coordinating the authority with all existing authority presently held by applicant in order to provide through transportation service (consideration of final order).

These matters were properly noticed for consideration by the commission in open meeting on January 11, 1982, were passed at such meeting, and were considered on less than seven days' notice as a matter of urgent public necessity.

Contact: Owen T. Kinney, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1330.

Filed: January 15, 1982, 2:40 p.m.
TRD-820519

Monday, January 25, 1982, 9 a.m. The following divisions of the Railroad Commission of Texas will meet at 1124 IH 35 South, Austin. The agendas and meeting rooms follow.

The Administrative Services Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Roger Dillon, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1211.

Filed: January 15, 1982, 2:38 p.m.
TRD-820520

The Automatic Data Processing Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Bob Kmetz, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1204.

Filed: January 15, 1982, 2:36 p.m.
TRD-820521

The Flight Division will meet in Room 107

to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Ken Fossler, 1124 IH 35 South, Austin, Texas 78704, (512) 445-1103.

Filed: January 15, 1982, 2:36 p.m.
TRD-820522

The Gas Utilities Division will meet in Room 107 to consider Gas Utilities Dockets 3342, 3346, 3347, 3348, 3349, 3350, 3352, 3336, 3337, 1148, 1213, 1224, 1225, 1407, 1446, 3313, 3345, and the director's report.

Contact: Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas, (512) 475-0461.

Filed: January 15, 1982, 2:38 p.m.
TRD-820523

The Office of Information Services will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Brian W. Schaible, P.O. Drawer 12967, Austin, Texas 78711.

Filed: January 15, 1982, 2:39 p.m.
TRD-820524

The Liquefied Petroleum-Gas Division will meet in the first floor auditorium to consider §9.21 (051.05.03.019), application for an exception to a safety rule; §9.30 (051.05.03.310), submission of drawings, plans and reports, and specifications; §9.204 (051.05.03.189), direct gas-fired tank heaters; §9.113 (051.05.03.108), location of industrial or large commercial storage containers, which are all to be published in the *Texas Register* for public comments. The commission will also consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Hugh F. Keepers, P.O. Drawer 12967, Austin, Texas 78711, (512) 475-1301.

Filed: January 15, 1982, 2:34 p.m.
TRD-820525

The Oil and Gas Division will meet in the first floor auditorium to consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Contact: Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, (512) 445-1307.

Filed: January 15, 1982, 2:42 p.m.
TRD-820526

Addition to the above agenda:
Category determinations under

§§102(c)(1)(B), 102(c)(1)(C), 103,
107, and 108 of the Natural Gas
Policy Act of 1978

Contact: Madalyn J. Girvin, P.O.
Drawer 12967, Austin, Texas, 78711,
(512) 445-1273.

Filed: January 15, 1982, 2:39 p.m.
TRD-820527

The Personnel Division will meet in the first floor auditorium to consider and act on the division director's report on division administration, budget, procedures, and personnel matters.

Contact: Herman L. Wilkins, P.O.
Drawer 12967, Austin, Texas 78711, (512)
445-1120.

Filed: January 15, 1982, 2:37 p.m.
TRD-820528

The Office of Special Counsel will meet in the third floor conference room to consider and act on the division director's report relating to pending litigation, Sunset Commission review procedures, and other budget, administrative, and personnel matters.

Contact: Walter Earl Lillie, 1124 IH 35
South, Austin, Texas 78704, (512)
445-1186.

Filed: January 15, 1982, 2:37 p.m.
TRD-820529

The Surface Mining and Reclamation Division will meet in the first floor auditorium to consider adoption of final rules regarding uranium exploration hole drilling and the division director's report on division administration, budget, procedures, and personnel matters.

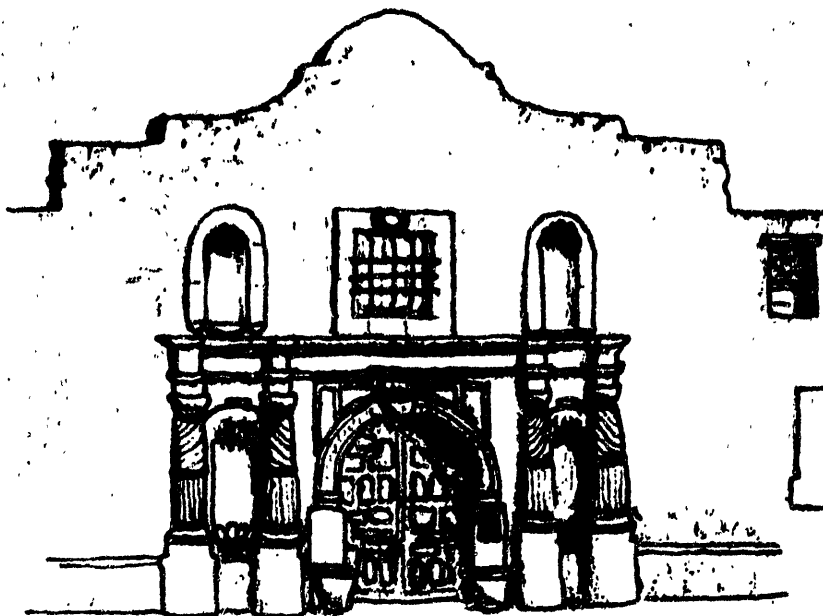
Contact: J. Randel (Jerry) Hill, 105 West
Riverside Drive, Austin, Texas, (512)
475-8751.

Filed: January 15, 1982, 2:37 p.m.
TRD-820530

The Transportation Division will meet in the first floor auditorium, Room 107, to consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Contact: Owen T. Kinney, 1124 IH 35
South, Austin, Texas 78704, (512)
445-1330.

Filed: January 15, 1982, 2:41 p.m.
TRD-820531



State Securities Board

Monday, January 25, 1982, 9 a.m. The securities commissioner of the State Securities Board will conduct a hearing at 1800 San Jacinto Street, Austin, for the purpose of determining whether the registration of Government Securities Corporation of Texas as a general securities dealer in Texas should be granted.

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

Filed: January 15, 3:27 p.m.
TRD-820532

Texas Sesquicentennial Commission

Monday, February 1, 1982, 2 p.m. The Texas Sesquicentennial Commission will meet in Senate Chambers of the State Capitol. Items on the agenda include: a call to order and welcome of membership, Chris V. Semos, chairman; Marketing Committee report, Frank Hildebrand, Marketing Committee chairman; Program Committee report, Jack Maguire, Program Committee chairman; review of capitol centennial activities and publicity, Randy M. Lee, executive director; recent developments regarding the "Texas Independence Express," Randy M. Lee; staff progress report and plans for the spring, Randy M. Lee; and other business.

Contact: Randy M. Lee, Texas Ses-
quicentennial Commission, P.O. Box 1986,
Austin, Texas 78767.

Filed: January 15, 1982, 10:34 a.m.
TRD-820502

Texas Water Commission

Thursday, February 25, 1982, 10 a.m. The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress, Austin, for a hearing on Application 4183 of the City of Fort Worth for a permit to maintain an existing dam and reservoir on an unnamed tributary of Sycamore Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational purposes in Tarrant County.

Contact: Mary Ann Hefner, P.O. Box
13087, Austin, Texas 78711, (512)
475-4514.

Filed: January 15, 1982, 11:05 a.m.
TRD-820515

Monday, January 25, 1982, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress, Austin. Items on the agenda include: water district applications for bond issues; amendment to bond issue; approval to proceed with sale of second installment of bond issue; release from escrow; use of surplus funds; water quality permits, amendments, and renewals; final decision on waste disposal well permit; and setting of a hearing date for temporary permit docket.

Contact: Mary Ann Hefner, P.O. Box
13087, Austin, Texas 78711, (512)
475-4514.

Filed: January 14, 1982, 2:58 p.m.
TRD-820436

Texas Water Drillers Board

Thursday, January 21, 1982, 1:30 p.m. The Texas Water Drillers Board will conduct an emergency meeting in the VIP Room, San Antonio Convention Center, San Antonio. According to the agenda summary the meeting will be held to discuss recent changes in the Texas Department of Health's requirements concerning public water supply wells and the necessary revisions to the Water Well Drillers board substantive rules. The emergency status was necessary because the Texas Ground Water Association, a chapter of the National Water Well Association, is holding its annual convention in San Antonio at the time and place of referenced meeting, and its members need to be informed of the requirements and should participate in formation of rules.

Contact: M. Arcelia Izquierdo, P.O. Box 13087, Austin, Texas 78711, (512) 475-4338.

Filed: January 15, 1982, 11:05 a.m.
TRD-820514

Regional Agencies

Meetings Filed January 14

The Brazos Valley Region MH/MR Authority, Executive Committee of the Board of Trustees, met in Building E, 707 Texas Avenue South, College Station, on January 21, 1982, at 1 p.m. The Board of Trustees met on the same day, at the same location, at 1:30 p.m. Information may be obtained from Anne Pye Shively, 707 Texas Avenue South, Suite 225-C, College Station, Texas 77840, (713) 696-8585.

The Camino Real Health Systems Agency, Inc., Board of Directors, met in the second floor conference room, 410 South Main Avenue, San Antonio, on January 20, 1982, at 7 p.m. Information may be obtained from Jose Antonio Contreras, 410 South Main Avenue, Suite 212, San Antonio, Texas 78204, (512) 225-4426.

The Central Counties Center for MH/MR Services, Board of Trustees, met at 415 North College, Killeen, on January 21, 1982, at 7:45 p.m. Information may be obtained from Steven B. Schnee, P.O. Box 518, Temple, Texas 76503-0518.

The Edwards Underground Water District, Executive Committee, met in Room 1200 of the Tower Life Building, San Antonio, on January 18, 1982, at 10 a.m. Information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, (512) 222-2204.

The Lower Colorado River Authority, committees, met at 3700 Lake Austin Boulevard, Austin, on January 20, 1982. Times and committee names follow.

8:30 a.m. Parks and Lands Committee

9:30 a.m. Water and Flood Control Committee

10:30 a.m. Audit Committee

1:30 p.m. Finance and Administration Committee

2:30 p.m. Personnel, Compensation, Pension Trust, and Benefit Committee

3:30 p.m. Power and Energy Committee

The Board of Directors met at the same location on January 21, 1982, at 9 a.m. Information may be obtained from Elof H. Soderberg, P.O. Box 220, Austin, Texas 78767, (512) 473-3200.

The North Texas Municipal Water District, Board of Directors, will meet in the district's offices, Highway 78 at Brown Street, Wylie, on January 28, 1982, at 4 p.m. Information may be obtained from Carl W. Riehn, P.O. Drawer "C", Wylie, Texas 75098, (214) 442-5405.

The Northeast Texas Municipal Water District, Board of Directors, held an emergency rescheduled meeting at 1003 Linda Drive, Dangerfield, on January 18, 1982, at 7 p.m. The meeting was originally scheduled for January 14, 1982 (7 TexReg 143). Information may be obtained from Homer Tanner, P.O. Box 680, Dangerfield, Texas 75638, (214) 645-2241.

The Panhandle Regional Planning Commission, Texas Panhandle Employment and Training Planning, Business, and Youth Council, met in the first floor conference room, Gibraltar Building, Eighth and Jackson, Amarillo, on January 19, 1982, at 2:30 p.m. The Texas Panhandle Employment and Training Alliance met at the same location on January 20, 1982, at 10:30 a.m. The Board of Directors met at the same location on January 21, 1982, at 1:30 p.m. Information may be obtained from Polly Jennings, P.O. Box 9257, Amarillo, Texas 79105.

The Permian Basin Health Systems Agency, Governing Body, met in the conference room; Permian Basin Regional Planning Commission office, Midland Air Terminal, Midland, on January 20, 1982, at 7:30 p.m. Information may be obtained from Jeanne Kaferle, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

TRD-820433

Meetings Filed January 15

The Canadian River Municipal Water Authority, Board of Directors, held a rescheduled meeting at K-Bob's Restaurant, 1300-C Olton Road, Plainview, on January 20, 1982, at 10:30 a.m. The meeting was originally scheduled for January 13, 1982 (7 TexReg 90). Information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, (806) 865-3325.

The Coastal Bend Council of Government's, will meet in the central jury room, county courthouse, Corpus Christi, on January 22, 1982, at 2 p.m. Information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas 78408, (512) 883-5743.

The Gillespie County Appraisal District, Board of Directors, will meet in the county courtroom, county courthouse, Fredericksburg, on January 27, 1982, at 9 a.m. Information may be obtained from Gary Neffendorf, P.O. Box 111, Fredericksburg, Texas 78624, (512) 997-7521.

The Harris County Appraisal District, Board of Directors, met 3737 Dacoma, Houston, on January 18, 1982, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.

The Lower Rio Grande Valley Development Council, Board of Directors, met at the Harlingen Chamber of Commerce, Harlingen, on January 21, 1982, at 1 p.m. Information may be obtained from Robert A. Chandler, 207 Texas Commerce Bank Building, McAllen, Texas 78501, (512) 682-3481.

The North Plains Water District, Board of Directors, will meet in the district office, 702 East First, Dumas, on January 22, 1982, at 10 a.m. Information may be obtained from Orval E. Allen, P.O. Box 795, Dumas, Texas 79029, (806) 935-6401.

The Pecan Valley MH/MR Region, Board of Trustees, met at the First United Methodist Church, 204 East Pearl Street, Granbury, on January 20, 1982, at 8 a.m. Information may be obtained from Dr. Theresa Mulloy, P.O. Box 973, Stephenville, Texas, (817) 965-7806.

The South Texas Development Council, Government Application Review Committee, met in the Zapata Community Center, Zapata, on January 21, 1982, at 10 a.m. Information may be obtained from Adriana Rodriguez, P.O. Box 2187, Laredo, Texas 78041, (512) 722-3995.

The Tri-Region Health Systems Agency, Concho Valley Subarea Advisory Council, met in the Crystal Room, Cactus Hotel, 36 East Twohig, San Angelo, on January 21, 1982, at 7 p.m. Information may be obtained from Susan K. Bennett, 2642 Post Oak Road, Abilene, Texas, (915) 698-9481.

The West Central Texas Council of Governments, Executive Committee, met at 1025 East North 10th Street, Abilene, on January 20, 1982, at 12:45 p.m. Information may be obtained from Bobbie T. Gallagher, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-820448

Meetings Filed January 18

The Brazos Valley Development Council, Executive Committee, held an emergency rescheduled meeting in the council office, 3006 East 29th Street, Bryan, on January 21, 1982, at 1:30 p.m. The meeting was originally scheduled for January 14, 1982. Information may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas 77805-4128, (713) 822-7421.

The Deep East Texas Council of Governments, Area Agency on Aging—Regional Aging Advisory Council's Project Review Committee, held an rescheduled meeting in the Angelina County Senior Citizens Center, 2801 Valley Avenue, Lufkin, on January 21, 1982, at 1:30 p.m. The meeting was originally scheduled for January 14, 1982. Information may be obtained from Martha Jones, P.O. Drawer 1170, Jasper, Texas 75951, (713) 384-5704.

The Region XI Education Service Center, will meet at 3001 North Freeway, Fort Worth, on January 26, 1982, at 7:30 p.m. Information may be obtained from R. P. Campbell, Jr., 3001 North Freeway, Fort Worth, Texas 76106, (817) 623-5311, ext. 102.

The Region XVII Education Service Center, Board of Directors, will meet at 4000 22nd Place, Lubbock, on February 2, 1982, at 10 a.m. Information may be obtained from Ray Lanier, 4000 22nd Place, Lubbock, Texas 79410, (806) 792-4000.

The Hansford County Appraisal District, Board, will meet at 13 West Kenneth Avenue, Spearman, on January 27, 1982, at 3 p.m. Information may be obtained from Alice Peddy, P.O. Box 567, Spearman, Texas, 79081, (806) 659-5575.

The Kendall County Appraisal District, Board of Directors, will meet at the appraisal district office, Professional Building, 207 East San Antonio Street, Boerne, on January 25, 1982, at 7 p.m. Information may be obtained from Sue R. Wiedenfeld, P.O. Box 788, Boerne, Texas 78006, (512) 249-8012.

The Limestone County Central Appraisal District, Board of Directors, met in emergency session in Room 6, appraisal district office, Mexia City Hall, on January 20, 1982, at 7 p.m. Information may be obtained Clydene Hyden, P.O. Box 266, Mexia, Texas 76667, (817) 562-5385, ext. #35.

The MH/MR Regional Center of East Texas, Board of Trustees Business Ex-

ecutive Committee, met on the second floor, Peoples Plaza Building, Tyler, on January 18, 1982, at noon. Information may be obtained from Richard J. DeSanto, P.O. Box 4359, Tyler, Texas 75712, (214) 597-1351.

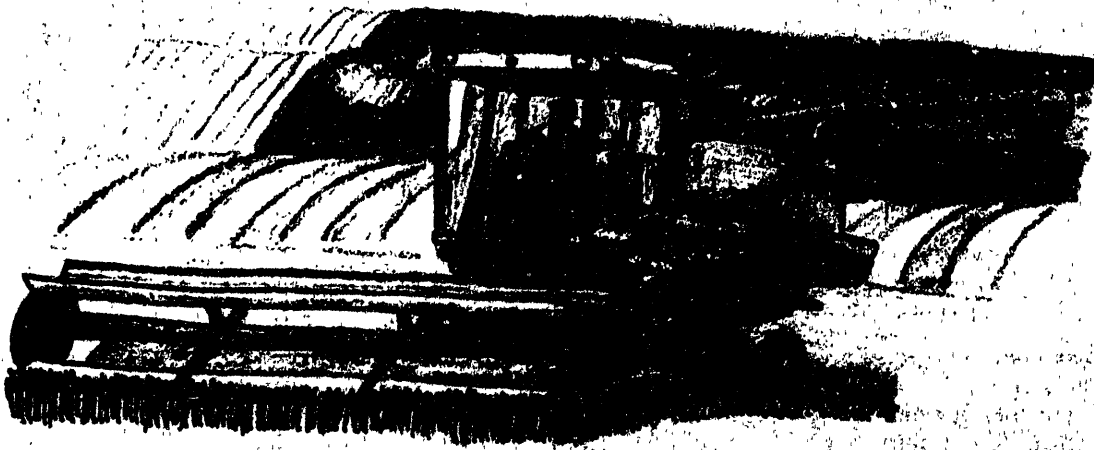
The Permian Basin Regional Planning Commission, Board of Directors, will meet at the Big Spring Country Club, Big Spring, on January 22, 1982, at 2 p.m. Information may be obtained from Pam Hammit, P.O. Box 6391, Midland, Texas 79701, (915) 563-1061.

The South Plains Health Systems, Inc., Executive Committee, met in the George M. Brewer Assembly Room, Methodist Hospital, 3615 19th Street, Lubbock, on January 21, 1982, at 7:30 p.m. Information may be obtained from Ronald D. Warner, 1217 Avenue K, Lubbock, Texas 79401.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office of the filter plant on Proctor Lake, Comanche County, on January 28, 1982, at 6:30 p.m. Information may be obtained from Lowell G. Pittman, P.O. Box 67, Comanche, Texas, (817) 879-2258.

The West Texas Health Systems Agency, Governing Body, met in the Durango Room, Granada Royale Hotel, 6100 Gateway East, El Paso, on January 21, 1982, at 7:30 p.m. Information may be obtained from Cory Vaughan, 303 North Oregon, Suite 700, El Paso, Texas 79901, (915) 532-2910.

TRD-820448



The Register is required by statute to publish applications to purchase control of state banks (filed by the banking commissioner); notices of rate ceilings (filed by the consumer credit commissioner); changes in interest rate and applications to install remote service units (filed by Texas Savings and Loan commissioner) and consultant proposal requests and awards (filed by state agencies, regional councils of government, and the Texas State Library and Archives Commission).

In order to aid agencies in communicating information quickly and effectively, other information of general interest to the public is published as space allows. This often includes applications for construction permits (filed by the Texas Air Control Board); applications for amendment, declaratory ruling, and notices of intent (filed by the Texas Health Facilities Commission); applications for waste disposal permits (filed by the Texas Water Commission); and notices of public hearing.

In Addition

Texas Air Control Board Amendment to Consultant Proposal Request

The Texas Air Control Board, pursuant to Texas Civil Statutes, Article 6252-11c, published a consultant proposal request in the December 11, 1981, issue of the *Texas Register* (6 TexReg 4647). The board amends that proposal by extending the deadline for invitation for offers of services from January 13 to January 31, 1982.

Issued in Austin, Texas, on January 12, 1982.

TRD-820408

Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: January 13, 1982, 9:17 a.m.

For further information, please call (512) 451-5711 ext. 354.

Union Carbide Corp., Texas City; Synthesis Gas
Unit 2 (SGU-2); 3301 Fifth Avenue South; 8998;
new source

Issued in Austin, Texas, on January 11, 1982.

TRD-820415

Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: January 13, 1982, 9:53 a.m.

For further information, please call (512) 451-5711, ext. 354.

Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of January 4-8, 1982.

Information relative to the applications listed below, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the central office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the central office of the Texas Air Control Board at the address stated above, and at the regional office for the Air Quality Control Region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

Comptroller of Public Accounts Administrative Decision 11,928 (Inheritance Tax)

For copies of the following opinion selected and summarized by the administrative law judges, contact the administrative law judges, P.O. Box 13528, Austin, Texas 78711. Copies will be furnished without charge and edited to comply with confidentiality statutes.

Summary of Decision. The only permissible deductions for debts due by the estate under Texas Taxation-General Annotated, Article 14.10, (Vernon Supp. 1980-1081) are for those debts owing at the time of the decedent's death. *Calvert v. Coke*, 458 S.W.2d 913, 916 (Tex. 1970). Hence, interest expense on income tax deficiencies accrued and paid after death, on deferred federal estate taxes, and on deferred Texas inheritance taxes are not permissible deductions.

Issued in Austin, Texas, on January 15, 1982.

TRD-820552

Bob Bullock
Comptroller of Public Accounts

Filed: January 15, 1982, 3:27 p.m.

For further information, please call (512) 475-1938.

Texas Energy and Natural Resources Advisory Council Contract Awards

The Texas Energy and Natural Resources Advisory Council (TENRAC) furnishes this notice of contract award. The request for proposals appeared in the August 28, 1981, issue of the *Texas Register* (6 TexReg 3194). This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information.

Description of Project. Project 78-G-2-3c-2 is a study to continue work on the project for geothermal resource assessment in Hueco Tanks and Presidio Bolson regions of Trans-Pecos, Texas/New Mexico, carried out under three previous interagency contracts, IAC(80-81)0917, IAC(80-81)1428, and IAC(80-81)1832, and as set forth in Article III of the U.S. Department of Energy-TENRAC Cooperative Agreement DE-FC07-79ID12080. The contractor will provide the following services:

- (1) completion of the present deep drilling work now in progress in Hueco Tanks, and conduct drilling in Presidio Bolson in accordance with the approved drilling plan;
- (2) data acquisition;
- (3) data analysis and synthesis;
- (4) periodic project reporting (all generated data shall be assembled, compiled, and transmitted to the project technical monitor).

Contractor. The contractor is the University of Texas at El Paso, Department of Geological Sciences, El Paso, Texas 79968. The total value of the contract is \$103,164. The beginning date of the contract is September 1, 1981; ending date of the contract is June 15, 1982.

Due Dates for Reports. Progress reports are due on a periodic basis as determined to be desirable or necessary for project review purposes. A draft final report is due April 30, 1982; a final report is due May 31, 1982.

Issued in Austin, Texas, on January 11, 1982.

TRD-820399 Roy R. Ray, Jr., Director
Technology Development
Division
Texas Energy and Natural
Resources Advisory Council

Filed: January 12, 1982, 1:51 p.m.
For further information, please call (512) 475-0414.

The Texas Energy and Natural Resources Advisory Council (TENRAC) furnishes this notice of contract award. The request for proposals appeared in the January 1, 1980, issue of the *Texas Register* (5 TexReg 26). This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information.

Description of Project. Project 80-B-1-1c is a study to specifically include research, development, and demonstration of nongrain feedstock technologies for alcohol fuel production.

Contractor. The contractor is Texas A&M University, Department of Agricultural Engineering, College Station,

Texas 77843. The total value of the contract is \$162,500. The beginning date of the contract is November 13, 1981, and the ending date of the contract is August 31, 1983.

Due Dates for Reports. Progress reports are due on January 1, April 1, July 1, and October 1, 1982; and January 1 and April 1, 1983. A draft final report is due July 1, 1983; a final report is due August 31, 1983.

Issued in Austin, Texas, on January 11, 1982.

TRD-820400 Roy R. Ray, Jr., Director
Technology Development
Division
Texas Energy and Natural
Resources Advisory Council

Filed: January 12, 1982, 1:51 p.m.
For further information, please call (512) 475-0414.

The Texas Energy and Natural Resources Advisory Council (TENRAC) furnishes this notice of contract award. The request for proposals appeared in the April 17, 1981, issue of the *Texas Register* (6 TexReg 1501). This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information.

Description of Project. Project 82-B-1-10B is a study to identify genotypes selected from three unconventional species that possess exceptional biomass productivity based on drought and salinity tolerance.

Contractor. The contractor is Texas Tech University, Department of Biological Sciences, P.O. Box 4149, Lubbock, Texas 79409. The total value of the contract is \$8,333. The beginning date of the contract is November 13, 1981, and the ending date of the contract is August 31, 1983.

Due Dates for Reports. Progress reports are due on January 1, April 1, July 1, and October 1, 1982; and January 1 and April 1, 1983. A draft final report is due July 1, 1983, and a final report is due August 31, 1983.

Issued in Austin, Texas, on January 11, 1982.

TRD-820401 Roy R. Ray, Jr., Director
Technology Development
Division
Texas Energy and Natural
Resources Advisory Council

Filed: January 12, 1982, 1:51 p.m.
For further information, please call (512) 475-0414.

The Texas Energy and Natural Resources Advisory Council (TENRAC) furnishes this notice of contract award. The request for proposals appeared in the April 17, 1981, issue of the *Texas Register* (6 TexReg 1501). This notice of contract award does not come under Texas Civil Statutes, Article 6252-11c, but is furnished as public information.

Description of Project. Project 82-B-1-10A is a study to identify genotypes selected from three unconventional species that possess exceptional biomass productivity based on drought and salinity tolerance.

Contractor. The contractor is Texas A&M University, Department of Plant Sciences, College Station, Texas

77843. The total value of the contract is \$3,333. The beginning date of the contract is November 25, 1981; ending date of the contract is August 31, 1983.

Due Dates for Reports. Progress reports are due on January 1, April 1, July 1, and October 1, 1982; and January 1 and April 1, 1983. A draft final report is due July 1, 1983, and a final report is due August 31, 1983.

Issued in Austin, Texas, on January 11, 1982.

TRD-820402 Roy R. Ray, Jr., Director
Technology Development
Division
Texas Energy and Natural
Resources Advisory Council

Filed: January 12, 1982, 1:51 p.m.
For further information, please call (512) 475-0414.

Texas Health Facilities Commission

Applications for Amendment, Declaratory Ruling, and Notices of Intent

Notice is hereby given by the Texas Health Facilities Commission of applications accepted as of the date of this publication. In the following list, the applicant is listed first, file number second, the relief sought third, and a description of the project fourth. DR indicates declaratory ruling; AMD indicates amendment of previously issued commission order; CN indicates certificate of need; PFR indicates petition for reissuance; NIE indicates notice of intent to acquire major medical equipment; NIEH indicates notice of intent to acquire existing health care facilities; NIR indicates notice of intent regarding a research project; and NIE/HMO indicates notice of intent for exemption of HMO-related project; EC indicates exemption certificate.

Should any person wish to become a party to any of the above-stated applications, that person must file a proper request to become a party to the application within 15 days after publication. If the 15th day is a Saturday, Sunday, state or federal holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, state or federal holiday. A request to become a party should be mailed to the chair of the commission at P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. on the last day allowed for filing of a request.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in Commission §515.9. Failure of a party to supply the necessary information in the correct form may result in a defective request to become a party.

Filed January 13

Spohn Hospital, Corpus Christi
AH80-1113-009A (010782)
CN/AMD—Request to extend the completion
deadline in Certificate of Need AH80-1113-009,

which authorized Spohn Hospital to remodel and expand cafeteria facilities; add new services including a scramble service center, a fast line service, and conventional cafeteria line; and purchase related equipment.

Filed January 15

Valley Hemodialysis Center, Inc., McAllen
AS80-1007-023A (011382)
CN/AMD—Request to extend the completion
deadline in Certificate of Need AS80-1007-023
which authorized the construction of an 8,753
square foot replacement facility with 22 dialysis
stations.

Radiology Associates of Fort Worth, Arlington
AS82-0111-034

NIE—Request for a declaratory ruling that a certificate of need is not required prior to the acquisition of a High Resolution Deltascan 2060 Total Body C.T. Scanner to be used in an outpatient privately owned radiology office.

Universal Health Services, Inc./Universal Health
Services of Victoria, Inc., Victoria
AH82-0111-030

NIEH—Request for a declaratory ruling that a certificate of need is not required prior to the acquisition of the stock of Doctors' Hospital of Victoria, Inc., which includes the previously approved Certificate of Need AH80-1126-036 relating to a 106-bed acute care hospital to be located in Victoria, and which will be acquired by UHS through an eight year lease/purchase agreement.

Universal Health Services, Inc./Universal Health
Services of Victoria, Inc., Victoria
AH82-0111-032

NIEH—Request for a declaratory ruling that a certificate of need is not required prior to the acquisition of the stock of Doctor's Hospital of Victoria, Inc., which owns and operates an existing 50-bed hospital located in Victoria, known as Doctors' Hospital South.

Issued in Austin, Texas, on January 15, 1982.

TRD-820414 & Linda E. Zatopek
820-899 Assistant General Counsel
Texas Health Facilities
Commission

Filed: January 15, 1982, 9:45 a.m.
For further information, please call (512) 475-8940.



Correction of Error

Two submissions filed by the Texas Health Facilities Commission did not appear in their entirety as published in the January 8 and January 12, 1982, issues of the *Texas Register* (7 TexReg 94) and (7 TexReg 169), respectively. Both submissions concerned notices of applications accepted for amendment, declaratory ruling, and notice of intent.

The document published in the January 8 issue should have contained the following applications.

Community Medical Supporters, Inc.,
Hempstead
AO79-1220-022A (122181)

CN/AMD—Request to increase the project cost to \$259,000 in Certificate of Need AO79-1220-022, which authorized the construction of a medical and dental clinic in Hempstead, to include two dental operatories, six examination rooms, an emergency area, laboratory, and necessary office, storage, and reception areas.

Harris County Hospital District for Casa de
Amigos Health Center, Houston
AS81-1109-047

DR—Request for a declaratory ruling that a certificate of need is not required for the Harris County Hospital District to relocate, replace, and expand the Casa de Amigos Health Center, which provides primary health care services to the eligible indigent. The center currently occupies 8,730 gross square feet, and the replacement center will contain approximately 17,000 square feet. No new services will be provided as a result of the project.

Wentworth Carter and Norma Carter, Seagoville
AH81-1223-019

NIEH—Request for a declaratory ruling that a certificate of need is not required prior to the acquisition of Silent Night Nursing Home, an existing 62-bed ICF facility located in Lancaster.

The document published in the January 12 issue should have contained the following applications:

William E. Campbell and John Campbell, doing
business as Fairpark Healthcare Center, Inc.,
Dallas
AN81-1230-015

NIEH—Request for a declaratory ruling that a certificate of need is not required prior to the acquisition of Fairpark Healthcare Center, an existing 120-bed ICF nursing facility located in Dallas, from Sunbelt Living Centers, Inc.

Fort Bend Nursing Home, Rosenberg
AN79-0323-003A (123181)

CN/AMD—Request to extend the project completion deadline and to increase the project cost in Certificate of Need AN79-0323-003, which authorized the construction of a 19,214-square-foot, 64-bed ICF-III addition to an existing 54-bed ICF-III facility in Rosenberg.

Houston-Galveston Area Council Consultant Proposal Request Chambers County Thoroughfare Development Plan

Proposal Content. Proposals should be limited to 15 pages, excluding resumes of assigned personnel and firm experience, and should contain at least the following items.

(1) Abstract—The abstract should focus upon highlights of the proposal. Limit, one page.

(2) Study methodology—This should outline the firm's approach and tasks to perform the work outlined in Scope of Work, Part B.

(3) Management plan—The management plan must contain a schedule of work, qualifications and assignment of personnel, and an outline of the means by which the work will be coordinated with other related work. One paragraph summaries of qualifications and experience should be submitted for all personnel assigned to the project. The assignment of personnel must specifically contain the percent of time by personnel for each task included in the Scope of Work.

(4) Related work—Work closely related to that described in the Scope of Work, which has been conducted by the prime contractor, any of his subcontractors, or specific individuals named in the management plan, shall be briefly described in this part of the proposal. Specific emphasis should be placed upon related work undertaken within the H-GAC planning area. Limit, two pages.

(5) Budget—A preliminary outline budget shall be presented in this part of the proposal. The purpose of this budget is not to solicit competitive bids, but rather to specify the distribution of dollars between the prime contractor and each subcontractor for each task described in the scope of work. A preliminary total project budget shall also be prepared, specifying total personnel salaries, overhead, billables, and fixed fee for the prime contractor and each subcontractor.

Budget and Time Limitations. The total amount anticipated for this contract is \$30,000. A total of six months is available for conducting this study from date of execution of a contract with the selected firm.

Minority Business Enterprise Utilization Provisions. Each proposer shall take affirmative action, and shall make every possible effort to utilize minority business enterprises in the performance of work under this contract. Nothing in this provision shall be construed to require the utilization of any minority business enterprise which is either unqualified or unavailable.

Criteria for Evaluation. The proposals will be evaluated based upon the following criteria.

(1) Comprehension of study requirements and important characteristics of approach and methodology.

(2) Qualifications of personnel assigned.

(3) Previous related work experience.

Reports and Presentations. It is anticipated that some interim reports and presentations will be required, in addition to the final report. The number of reports and

presentations and the financial responsibility for producing the final report will be subjects for negotiation with the selected firm.

Selection Procedure. After receipt of proposals, an evaluation will be made, and it is anticipated that two to three firms will be selected for oral presentations and interviews. Selection will be made jointly by representatives of the H-GAC board of directors and the county commissioners court. The H-GAC and the county retain the prerogative to select from the firms asked to make oral presentations initially or to call in additional firms for oral interviews. Any or all proposals may be rejected if it is deemed to be in the best interests of the Houston-Galveston Area Council or the county.

Assurances. The H-GAC will comply with Title VI of the Civil Rights Act of 1964 (Public Law 88-352) and in accordance with Title VI of the Act, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.

Part B. Scope of Work
Chambers County Thoroughfare Development Plan

Chambers County, though basically rural, is rapidly experiencing urban growth from Harris County to the east. It is the responsibility of the Houston-Galveston Area Council, acting as the Metropolitan Planning Organization, to provide for multimodal transportation planning in the 13-county Gulf Coast State Planning Region. As such, H-GAC wishes to initiate a countywide thoroughfare development plan, as part of its Unified Work Program in 1982, which, upon adoption by the Chambers Commissioners Court, may provide the mechanism for future roadway linkages within Chambers County.

Objective. The objective of the study is to delineate a countywide roadway network based on existing constraints, in the form of a long-range thoroughfare plan to be adopted by Chambers County Commissioners Court to provide the guidelines for future roadway development by private or public agencies.

Scope and Methodology. Six basic elements are envisioned in this thoroughfare development study.

Review existing conditions—This element will involve the assembly and review of the existing traffic data, planning programs, and related studies of all incorporated areas within Chambers County and adjacent municipalities in other counties to determine the pattern of development and adequacy of the existing system. The Freeway and Thoroughfare Horizon Study Plan, a preliminary general long-range highway development plan released by the Houston-Galveston Regional Transportation Study Office of the State Highways and Public Transportation, and the Liberty County Thoroughfare

Development Plan, as published recently by H-GAC should be considered and used as references. Identification of current constraints should include, but not be

limited to, river crossings, railroad lines and crossings, drainage systems, flood plains, national forests, pipe lines, and logical roadway connectors both inside and outside the county boundary. The functional classification of the existing roadway network will be determined. Particular attention should be directed toward the improvement in capacity and continuity of the thoroughfare crossing jurisdictional boundaries, so as not to reduce the operational efficiency of the proposed system. Consultation with local governments and commissioners court on matters concerning existing and projected land use is emphasized to ensure proper input to the thoroughfare planning.

Analyze projected growth—To measure the magnitude of system improvement, it is necessary to evaluate the projected growth in population and employment, based upon existing H-GAC data and/or appropriate data furnished by Chambers County, as related to increases in traffic movements. The east-west movements between Chambers County and Harris County warrant special analysis. The north-south direction of travel will also be evaluated to establish needs.

Determine design standards—Roadway geometrics and cross-sections including right-of-way requirements for various functional classification will be developed and standardized.

Delineate thoroughfare plan—A long-range thoroughfare system will be developed based upon the review and analysis previously described. This plan should include all unincorporated and undeveloped areas anticipated to constitute the "urban extension" areas. Emphasis should be placed on the thoroughfares as being supplement to rather than as substitutes for the committed state highway system. The recommended plan should be specifically defined for governmental actions necessary for right-of-way protection relative to incremental development along undeveloped thoroughfares.

Define staged implementation program—The implementation of the thoroughfare plan should be staged at appropriate time intervals with priorities-listed for projects within each stage. Provisions should be made for modification to the proposed plan implementation programs due to changes in apportionment of state and local funds as well as changes in land use and growth activities.

Identify sources of funding and estimate cost—Sources of funding should be ranked according to availability and on a local-match basis. Financing of local projects recommended for bond election at various stages of implementation should be provided. Cost estimate of each project should be based on the established unit price structure as used in engineering practice.

Product. A long-range thoroughfare plan for Chambers County which must include detailed discussions of the foregoing elements, supporting data and analyses, and

appropriate graphics to illustrate various functional classifications and stage implementation.

Issued in Houston, Texas, on January 12, 1982.

TRD-820431

William F. Kopecky, P.E.
Transportation Manager
Houston-Galveston Area Council

Filed: January 14, 1982, 9:16 a.m.

For further information, please call (713) 627-3200.

North Central Texas Council of Governments Consultant Proposal Request

Contact. Douglas A. Allen, transportation planner, North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

Due Date. The due date for proposals is February 12, 1982, at 4:45 p.m., in the office of James Wieschuegel, assistant general manager for administration, Dallas Transit System, 101 North Peak Street, Dallas, Texas 75226.

Background. The purpose of this study is to prepare a five-year forecast of Dallas Transit System's operating and capital expense requirements and to identify the potential sources of funds. Special costs involved in a transition from a city department to a regional transportation authority will be addressed. All work for this project will be accomplished by a consultant. The study will be completed approximately 12 weeks from the date of authorization to proceed. The contract to be awarded will be for a sum of no more than \$35,000.

The scope of work for this study has been divided into nine tasks as outlined below.

- (1) Data collection and review.
- (2) Comparison of U.S. transit systems.
- (3) Development of analysis scenarios.
- (4) Forecasting operating characteristics, expenses, and revenues.
- (5) Forecast of DTS capital needs and funding requirements.
- (6) Identification and evaluation of alternative funding sources.
- (7) Recommendation for future DTS financing.
- (8) Transitional needs of DTS to regional transportation authority.
- (9) Presentation of final report.

Copies of the consultant proposal request detailing information on this project are available on request from the contact person indicated above.

Contract Award Procedures. The recommendation for the selection of a firm or agency for the Dallas Transit System Financial Planning Study will be accomplished by a consultant selection committee. The contract award procedures which follow are not totally inclusive or mutually exclusive of other procedures which, in the opinion of the consultant selection committee, require inclusion in order to achieve the best results possible within the scope of services requested. If the recommendation

by the consultant selection committee is approved by the executive board of the North Central Texas Council of Governments, the executive board of NCTCOG will award a contract to the firm or agency which is considered to be best able to perform the work set forth in the said contract.

Evaluation criteria—Objective measurement of the criteria will be conducted and the methodology for measurement will be determined depending on its suitability and relationship to the scope of services requested.

- (a) Record of performance in related fields.
- (b) Staff experience.
- (c) Ability to meet specific time frames.
- (d) Demonstrated knowledge of work to be performed.
- (e) Project management.
- (f) Firm's affirmative action policy and plan.
- (g) Written proposal.
- (h) Oral presentation (if requested).

Evaluation methodology.

- (a) Written proposal evaluated by consultant selection committee.
- (b) Oral presentation (if requested) evaluated by consultant selection committee.

Contract award.

- (a) Review of consultant selection committee's recommendation by NCTCOG executive board to contract with consultant, and if approved,
- (b) Award of contract by NCTCOG executive board.

The North Central Texas Council of Governments, in accordance with Title VI of the Civil Rights Act of 1964, 78 Statute 252, 42 United States Code 2000d-4, and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this notice, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex, or national origin in consideration of an award.

Respondents must be willing to abide by all the applicable regulations of the Urban Mass Transportation Administration, U.S. Department of Transportation, including inspection and audit.

The ability of the North Central Texas Council of Governments to enter into a contract for performance of the proposed program will be dependent on the timely receipt of funds from the Urban Mass Transportation Administration.

The North Central Texas Council of Governments reserves the right to reject, in total or part, any and/or all proposals should it be advantageous to do so.

Since the maximum amount available for this project is approximately \$35,000, projected cost will be an item of

evaluation. An Office of Management and Budget Optional Form 60 Contract Pricing Proposal will be required for negotiation of reasonable costs.

Respondents should indicate proprietary interests where applicable.

The contractor will comply with all federal and state laws and regulations applicable to subcontractors, including but not limited to equal employment opportunity, Davis-Bacon Act, and records management.

Issued in Austin, Texas, on January 13, 1982.

TRD-820437 William J. Pitstick
Executive Director
North Central Texas Council of
Governments

Filed: January 14, 1982, 2:19 p.m.
For further information, please call (817) 640-3300.

Texas Department of Public Safety Correction of Error

An emergency adoption, submitted by the Texas Department of Public Safety, contained errors as published in the January 8, 1982, issue of the *Texas Register* (7 TexReg 47). A correction of these errors follows.

At 7 TexReg 51—Subsection (k) of §13.136 (201.07.14.006) should read:

(k) When a surgical procedure is performed using a Schedule II controlled substance as a general anesthetic in a surgical facility, not located in a hospital setting, the triplicate prescription may be completed as follows.

(1) The anesthesiologist may complete a triplicate prescription form as in subsections (c)-(e) of this section; or

(2) The surgeon performing the surgical procedure may complete a triplicate prescription form as in subsections (c)-(e).

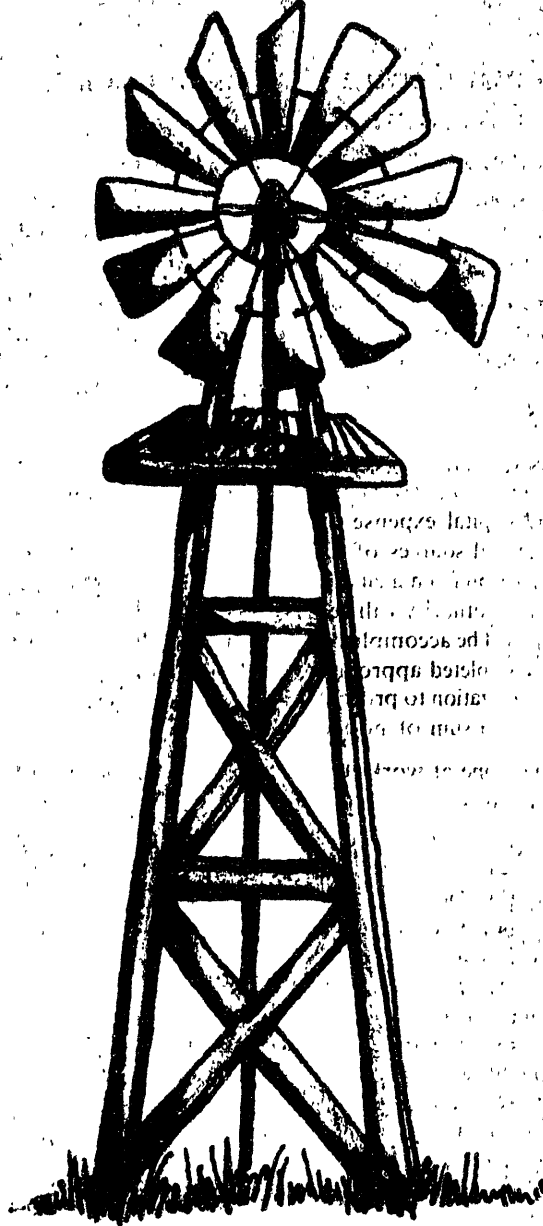
Also at 7 TexReg 51—Subparagraph (C) of §13.137(a)(2) (201.07.14.007(a)(2)) should read:

(C) Flight line helicopter medical teams and emergency medical ambulance crews are considered as extensions of an emergency room of a general or special hospital;

At 7 TexReg 52—Subsection (h) of §13.139 (201.07.14.009) should read:

(h) In addition to the information set out in

subsections (d)-(g) of this section, the practitioner must check the block at the bottom of the triplicate prescription form which indicates the prescription is an emergency order. If the practitioner fails to check such block, the pharmacist should do so.



seems to be
the same as
the one in
the previous
issue of the
Register. It
is not clear
if the error
is in the
text or in the
drawing.

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For more information please contact:

**In eastern Texas: Gayle Carpenter
806-797-4878**

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- TITLE 1 . ADMINISTRATION
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SECURITIES
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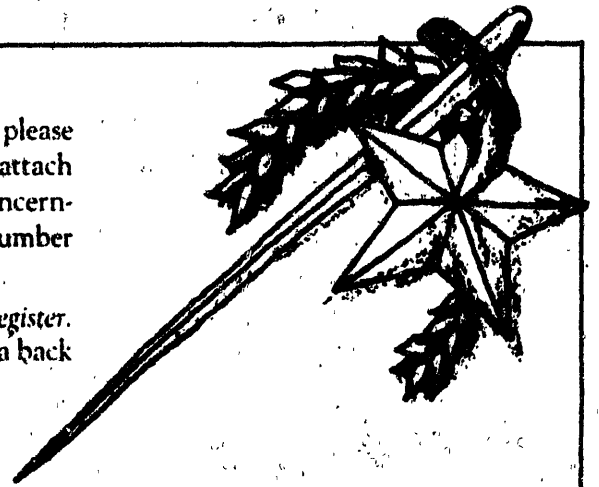
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