

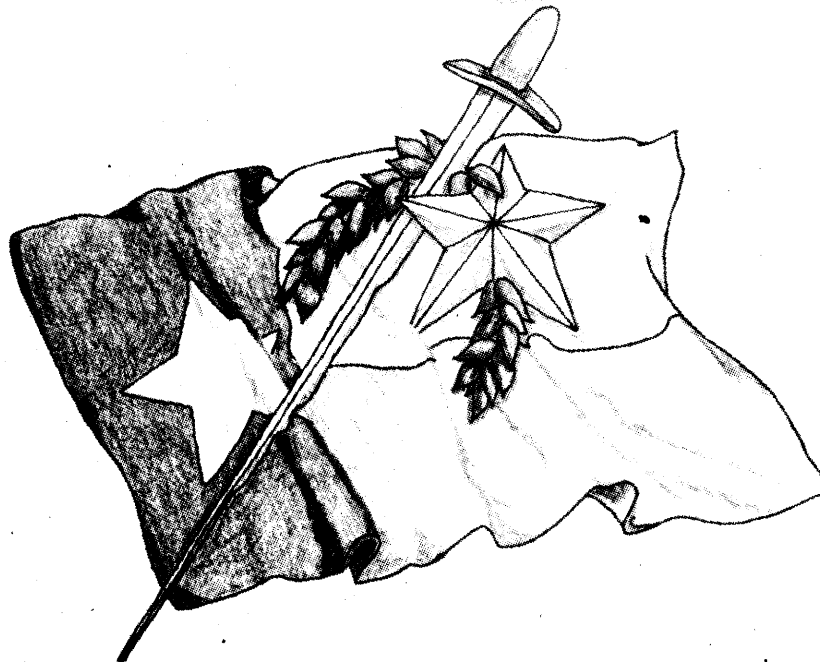
TXD S 500.6 R 263

Texas Register

GOVERNMENT DOCUMENT
DEPOSITORY LIBRARY NO 610

AUG 10 1982

AMERICAN UNIVERSITY LIBRARY
EDINBURG, TEXAS 78848



Highlights

- ★ Texas Department of Health proposes the repeal and simultaneous adoption of a replacement section concerning required and recommended emergency ambulance equipment; proposed date of adoption - September 11, 1982..... page 2933
- ★ Texas State Board of Pharmacy proposes repeals of, amendments to, and adoption of new sections concerning the licensing of and general requirements for pharmacies; proposed date of adoption - September 10, 1982..... page 2913
- ★ Also included in this issue is the monthly guide to agency activity for the month of July. Along with this guide the *Texas Register* also begins publishing a list of TAC titles affected by agency activity in the month of July. This list will be published in the second issue of each month in addition to the Agency Guide..... page 2958

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 Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711-3824, (512) 475-7886.

Material in the *Texas Register* is the property of the State of Texas. However, it may be copied, reproduced, or republished by any person for any purpose whatsoever without permission of the *Texas Register* director, provided no such republication shall bear the legend *Texas Register* or "Official" without the written permission of the director. The *Register* is published under Texas Civil Statutes, Article 6252-13a. Second class postage is paid at Austin, Texas, and additional entry offices.

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

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

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- Withdrawn Rules—rules withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after proposal publication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

Specific explanations on the contents of each section can be found on the beginning page of the section. The division also publishes 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 a document appears, the words "TexReg," and the beginning page number on which that document was published. For example, a document

published on page 2402 of Volume 6 (1981) is cited as follows: 6 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: 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* 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 §27.15:

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

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 8, February 1982

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
- TITLE 43. TRANSPORTATION



Secretary of State
David A. Dean

Texas Register Staff
Charlotte Scroggins, Director

Gail Myrick
Dee Wright
Paula Pritchard
Virginia Gregory
Don Hollyfield
Dave Harrell

Sue Bumpous
Donna Peacock
Catherine Turpin
Roberta Knight
Elise Karem

Contents

The Secretary of State

- Opinion Issued July 29
- 2912 Election Law Opinion DAD-43
- Opinion Issued July 30
- 2912 Election Law Opinion DAD-44

Proposed Rules

- Texas State Board of Pharmacy
- 2913 Licensing Requirements for Pharmacists
- 2914 Pharmacies
- Texas Department of Health
- 2924 Texas Board of Health
- 2925 Maternal and Child Health Services
- 2933 Emergency Medical Care
- 2934 Athletic Trainers
- Teacher Retirement System of Texas
- 2935 Notice of Serialization
- Texas Department of Human Resources
- 2935 Medicaid Eligibility
- Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons
- 2936 Purchases of Products and Services of Blind and Severely Disabled Persons

Withdrawn Rules

- Office of the Secretary of State
- 2939 Business Opportunity
- Texas Water Development Board
- 2939 Grants Administration

Adopted Rules

- Texas Department of Health
- 2940 Chronic Diseases
- Texas Water Development Board
- 2944 Industrial Solid Waste

Open Meetings

- 2945 Texas Adult Probation Commission
- 2945 Credit Union Department
- 2945 Office of the Governor
- 2945 Texas Health Facilities Commission
- 2946 State Board of Insurance
- 2946 Lamar University
- 2946 Board of Pardons and Paroles
- 2946 Texas Peanut Producers Board
- 2946 Texas State Board of Public Accountancy
- 2946 Public Utility Commission of Texas
- 2947 The Texas Senate
- 2947 Texas State Soil and Water Conservation Board
- 2947 Texas Tech University
- 2947 Texas Water Commission
- 2948 Regional Agencies

In Addition

- Texas Air Control Board
- 2950 Applications for Construction Permits
- 2950 Contested Case Hearing
- Banking Department of Texas
- 2951 Application To Acquire Control of a State Bank
- Texas Department of Community Affairs
- 2952 Request for Proposals
- Texas Health Facilities Commission
- 2952 Applications Accepted for Amendment, Declaratory Ruling, and Notices of Intent
- Texas Department of Human Resources
- 2953 Notice of Invitation for Offers
- Texas Department of Water Resources
- 2957 Amendment to Consultant Proposal Request
- Index
- 2958 Guide to Agency Activity—July
- 2969 TAC Titles Affected—July

The Secretary of State

Under provisions of the Texas Election Code (Article 1.03), the secretary of state, as chief elections officer, is responsible for maintaining uniformity in the application, operation, and interpretation of the election laws, and for advising the state's election officers in this regard. In carrying out this responsibility, the secretary of state is authorized to issue opinions based on the election laws.

These opinions are summarized for publication in the *Register*.

Questions on particular submissions should be addressed to the Office of the Secretary of State, Elections Division, P. O. Box 12887, Austin, Texas 78711, 1 (800) 252-9602 or (512) 475-3091.

Opinion Issued July 29

Election Law Opinion DAD-43. Request from Mrs. Wayne A. Rath, San Antonio, concerning when a state convention delegate must meet a political party's membership requirements.

Summary. The party membership qualification for state delegate selection purposes must have been satisfied at the time of the county/senatorial conventions. It is satisfied when the individual votes in the elections of the party. The only election of the party held before the conventions is the general primary election, therefore, in order to qualify as a party member for state delegate selection, one must have voted in the general primary election. Voting in the runoff primary election would not suffice.

TRD-826152

Opinion Issued July 30

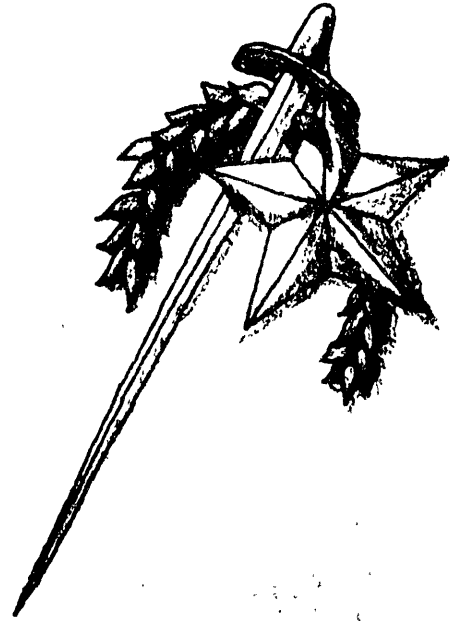
Election Law Opinion DAD-44. Request from Gene Seaman, Corpus Christi, concerning eligibility of individual to run as independent or party nominee at the general to fill a vacancy.

Summary.

(1) An individual who participated as a voter in the primary of a party, who is otherwise qualified, may run as an independent candidate to fill a vacancy in an office for which the party made no nomination at the primary election.

(2) An individual may not accept the nomination of a political party as a candidate at the general election to fill a vacancy in an office if he participated in the primary of another party as a voter or candidate.

TRD-826164



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 number 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.

Proposed Rules

TITLE 22. EXAMINING BOARDS Part XV. Texas State Board of Pharmacy

The following proposals submitted by the Texas State Board of Pharmacy will be serialized beginning in the August 13, 1982, issue of the *Texas Register*. Proposed date of adoption for the documents is September 10, 1982.

Chapter 291. Pharmacies

Nuclear Pharmacy (Class B)
§291.53 (amendment)

Institutional Pharmacy (Class C)
§291.74 (amendment)

Clinic Pharmacy (Class D)
§291.93 (amendment)

Chapter 295. Pharmacists

§295.5 (amendment)

Chapter 301. Fraud, Deceit, and

Misrepresentation in the Practice of Pharmacy.

§301.1, 301.2 (repeal)

§301.1 (new)

Chapter 283. Licensing Requirements for Pharmacists

22 TAC §283.12, §283.13

The Texas State Board of Pharmacy proposes amendments to §283.12 and §283.13 concerning fee re-

quirements for licensure by examination and by reciprocity. The amendments provide consistency with the language contained in §281.14 (entitled Fee Requirements) which details the fees required for licensure by examination and by reciprocity.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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. Brinkley 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 the rules as proposed will be to provide clarification within the rules, as language contained in §281.14 (Fee Requirements) details the fees required for licensure by examination and by reciprocity.

There is no economic cost to individuals who are required to comply with the rules as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary 211 East Seventh Street St., Suite 1121, Austin, Texas 78701.

The amendments are proposed under House Bill 1628, Acts of the 67th Legislature, Regular Session, 1981, Texas Pharmacy Act, §16, which provides Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of this Act, consistent with this Act.

§283.12. Examination Requirements. Effective October 1, 1979, each applicant for licensure by examination must pass the Texas jurisprudence examination and the NABLEX. The examination requirements shall be as follows:

(1)-(8) (No change.)

[(9) The fee for the examination shall be \$75. Payment of the fee shall include two examination administrations, in the event the applicant retakes the examination(s) (NAPLEX, Texas jurisprudence, or both).]

§283.13. Reciprocity Requirements.

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

[(e) The fee for licensure by reciprocity is \$250, which includes the fee for the Texas jurisprudence examination.]

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826126 Fred S. Brinkley Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Proposed date of adoption: September 10, 1982
For further information, please call (512) 478-9827.

22 TAC §283.14

The Texas State Board of Pharmacy proposes amendments to §283.14, concerning fee requirements. These proposed amendments will increase the fee for the examination an applicant must take for licensure. This rule will also address fee and application requirements for the new candidate for licensure.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications as a result of enforcing or administering the rule.

Mr. Brinkley has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be that the licensure examination process will be efficient, cost effective, and in the best interest of the public welfare. The cost to individuals who are required to comply with the rule as proposed will be examination fees of \$125 each year in 1983-1987, and licensure fees of \$60 each year for the same time period.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under House Bill 1628, Acts of the 67th Legislature, 1981, Texas Pharmacy Act, §§16, 21, and 39 which provides the Texas State Board of Pharmacy with the following authority: §16(a) states that the board shall adopt rules for the proper administration and enforcement of the Act, consistent with the Act; §21(a) states that to qualify

for a license to practice pharmacy, an applicant for licensing by examination must submit to the board a license fee as determined by the board; §39 states that the board may not charge more than \$150 for processing application and administration of examination for licensure.

§283.14. Fee Requirements.

(a) Effective October 1, 1979, the fee for the examination shall be \$125 [\$75]. Payment of the fee shall include one exam administration. In the event the applicant retakes the examination(s) (NAPLEX, Texas jurisprudence, or both) the applicant shall be required to pay the exam fee.

(b) (No change.)

(c) Application and fee requirements for new candidates for licensure are as follows: [All applicants for licensure shall, after showing proof that they have successfully met all criteria for licensure, whether such licensure is by examination or reciprocity, pay one pharmacist renewal fee before being granted authority to practice pharmacy in Texas.]

(1) A candidate for pharmacist licensure, whether such licensure is by examination or reciprocity, who receives a notice letter from the board stating he or she has passed the required licensure examinations, may practice pharmacy for a period of 30 days from the date of the notification letter from the board. The applicant shall have 30 days from the date of the notification letter to make application to the board for licensure. If application and payment of \$60 license fee are not received by the board within 30 days from date of the notification letter, the candidate may not practice pharmacy in Texas until a pharmacy license has been granted.

(2) If the person does not apply for licensure before the next renewal date, the person may become licensed by making application and paying to the board, one license fee of \$60 and a fee that is equal to the examination fee (\$125).

(3) If the candidate fails to become licensed within two years from the date of the notification letter, the person may not make further application for licensure without submitting to reexamination and complying with the requirements and procedures for obtaining a new license.

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826124 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Proposed date of adoption: September 10, 1982
For further information, please call (512) 478-9827.

Chapter 291. Pharmacies
All Classes of Pharmacy

22 TAC §§291.2, 291.3, 291.9, 291.12,
291.13

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be ex-

amined in the offices of the Texas State Board of Pharmacy, Suite 1121, 211 East Seventh Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The Texas State Board of Pharmacy proposes the repeal of §§291.2, 291.3, 291.9, 291.12, and 291.13, concerning regulations governing pharmacies. Sections 291.2, 291.3, 291.12, and 291.13 are being repealed and are replaced by proposed rules governing a Class A Pharmacy (§§291.31-291.35). Section 291.9 is being repealed and has been replaced by §281.24, concerning grounds for discipline for a pharmacist license, subsection (a)(16).

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the proposal will be in effect there will be no fiscal implications to state or local government.

Mr. Brinkley has also determined that for each year of the first five years the proposal is in effect the public benefit anticipated as a result of enforcing the proposal will be the regulation and control of the practice of pharmacy to protect the public health and welfare. There is no economic cost to individuals who are required to comply with the proposal.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The repeal is proposed under House Bill 1628, Acts of the 67th Legislature, 1981, §16, which provides the Texas State Board of Pharmacy with the authority to adopt rules for the proper administration and enforcement of this Act, consistent with this Act.

§291.2. *Person in Charge.*

§291.3. *Appearance of Applicant Not a Registered Pharmacist.*

§291.9. *Sharing Money Received for Prescriptions.*

§291.12. *Annual Pharmacy Permit Fees.*

§291.13. *Operational Standards.*

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826127 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Proposed date of adoption: September 10, 1982
For further information, please call (512) 478-9827.

22 TAC §§291.5, 291.6, 291.10

The Texas State Board of Pharmacy proposes to amend §§291.5, 291.6, and §291.10, for fee requirements concerning regulations governing pharmacies. These amendments will increase the fee requirements charged for the issuance of a new license in the cases of a change of owner-closed pharmacies, change of a name of a pharmacy, and the annual renewal of all pharmacy licenses.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect, there will be fiscal implications as a result of enforcing or administering the rule. The effect on state government will be an estimated increase in revenue of \$271,400 for each year for 1983-1987. There will be no effect on local government.

Mr. Brinkley has also determined that for each year of the first five years the rule as proposed is in effect, the public benefits anticipated as a result of enforcing the rule as proposed will be to insure that pharmacies licensed in the State of Texas are operating within the laws and rules governing the practice of pharmacy. The economic cost to individuals who are required to comply with the rule as proposed will be a pharmacy license fee of \$100 for each year of 1983-1987.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The amendments are proposed under House Bill 1628, Acts of the 67th Legislature, Regular Session, 1981, Texas Pharmacy Act, §§30, 31, and 39, which provides Texas State Board of Pharmacy with the following authority: §30(a): the board shall specify by rule, the licensing procedures to be followed, including specification of forms for use in applying for a license and fees for filing an application. Section 30(b) states in part: "to qualify for a pharmacy license, the applicant must submit to the board a license fee as determined by the board and a completed application on a form prescribed by the board that shall include the following information and be given under oath." §31(b): "A license may be renewed by payment of a renewal fee as determined by the board." Section 39 states in part: "The board may not charge more than \$150 for processing of an application and issuance of a pharmacy license or renewal of a pharmacy license."

§291.5. *Change of Owner-Closed Pharmacies.* When a pharmacy changes ownership, a new/completed application must be filed with the board and old license [permit] returned to the board's office. A fee not to exceed \$100 [\$50] will be charged for issuance of a new license [permit]. Closed pharmacies must remit their pharmacy license [permit] to the board's office within 10 days.

§291.6. *Change of Name.* When a pharmacy changes name, a new completed application must be filed with the board and old license [permit] returned to the board's office. A fee not to exceed \$100 [\$50] will be charged for issuance of a new license [permit].

§291.10. *License [Permits].* The board shall require annual renewal of all licenses [permits] provided under §31 [§17] of the Texas Pharmacy Act [Law]. The board may, for just cause, revoke, cancel, or suspend a pharmacy license, [(store), manufacturers' permit], upon showing that there has been a violation of any provision of Texas Civil Statutes, Article 4542a-1 [4542a]. Phar-

macy licenses [(store), and manufacturers' permit] shall expire on May 31st of each year. **The license fee shall be \$100 per year.**

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826168 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Proposed date of adoption: September 10, 1982.
For further information, please call (512) 478-9827.

22 TAC §291.9

The Texas State Board of Pharmacy proposes new §291.9, concerning prescription pick up locations. This proposed rule would prohibit any person from participating in or permitting an arrangement whereby prescriptions are solicited, collected, picked up, or advertised to be picked up, from or at any location other than a pharmacy which is licensed and in good standing with the board.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Brinkley has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to ensure the proper storage, handling, and delivery of prescription drugs to the ultimate consumer. There is no anticipated economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, 211 East Seventh, Suite 1121, Austin, Texas 78701.

The new section is proposed under House Bill 1628, Acts of the 67th Legislature, 1981, Texas Pharmacy Act, §17, which provides the Texas State Board of Pharmacy with the authority to regulate the delivery or distribution of prescription drugs and devices, including the right to seize, after notice and hearing, any prescription drugs or devices posing a hazard to the public health and welfare, and to specify minimum standards for drug storage, maintenance of prescription drug records, and procedures for the delivery, dispensing in a suitable container appropriately labeled, or providing of prescription drugs or devices within the practice of pharmacy.

§291.9. Prescription Pick Up Locations. No person, firm, or business establishment may have, participate in, or permit an arrangement, branch, connection or affiliation whereby prescriptions are solicited, collected, picked up, or advertised to be picked up, from or at any location other than a pharmacy which is licensed and in good standing with the board. Provided, however, that nothing in this regulation shall prohibit a pharmacist or pharmacy

by means of its employee or by use of a common carrier or the U.S. Mails, at the request of the patient, from picking up prescription orders or delivering prescription drugs at the office or home of the prescriber, at the residence or place of employment of the person for whom the prescription was issued, or at the hospital or medical care facility in which the patient is confined.

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826121 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas Board of Pharmacy

Proposed date of adoption: September 10, 1982.
For further information, please call (512) 478-9827.

Community Pharmacy (Class A)

22 TAC §§291.31-291.35

The Texas State Board of Pharmacy proposes new §§291.31-291.35, concerning the practice of a community pharmacy. These rules establish the standards that each community pharmacy must meet to qualify for licensing or relicensing as a community pharmacy.

Fred S. Brinkley, Jr., R.Ph., executive director/secretary, 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 effect on state government will be an increase in revenue of \$140,400 in each year of years 1983-1987. There will be no effect on local government.

Mr. Brinkley 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 the rule as proposed will be regulation and control of community pharmacy practice to protect the public health, safety, and welfare. The economic cost to individuals who are required to comply with the rules as proposed will be a pharmacy license fee of \$100 for each year of years 1982-1986.

Comments on the proposal may be submitted to Fred S. Brinkley, Jr., R.Ph., Executive Director/Secretary, Texas State Board of Pharmacy, 211 East Seventh Street, Suite 1121, Austin, Texas 78701.

The new sections are proposed under House Bill 1628, Acts of the 67th Legislature, Regular Session, 1981, §§5, 17, 29, and 30, which provides the Texas State Board of Pharmacy with the authority to govern the practice of community pharmacy and community pharmacists and the standards that each community pharmacy and its employees or personnel involved in the practice of community pharmacy must meet to qualify for licensing or relicensing as a community pharmacy.

§291.31. Definitions. The following words and terms, when used in this subchapter, shall have the following

meanings unless the context clearly indicates otherwise:

Act—The Texas Pharmacy Act, House Bill 1628, Acts of the 67th Legislature, 1981.

Board—The Texas State Board of Pharmacy.

Controlled substance—A drug, immediate precursor, or other substance listed in Schedules I-V or Penalty Groups 1-4 of the Texas Controlled Substances Act, as amended (Texas Civil Statutes, Article 4476-15), or a drug, immediate precursor, or other substance included in Schedule I, II, III, IV, or V of the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended (Public Law 91-513).

Dangerous drug—Any drug or device that is not included in Penalty Groups 1-4 of the Controlled Substances Act and that is unsafe for self-medication or any drug or device that bears or is required to bear the legend:

(A) "Caution: federal law prohibits dispensing without prescription;" or

(B) "Caution: federal law restricts this drug to use by or on the order of a licensed veterinarian."

Dispense—Preparing, packaging, compounding, or labeling for delivery a prescription drug or device in the course of professional practice to an ultimate user or his agent by or pursuant to the lawful order of a practitioner.

Distribute—the delivery of a prescription drug or device other than by administering or dispensing.

Medication order—A written order from a practitioner or a verbal order from a practitioner or his authorized agent for administration of a drug or device.

Pharmacist-in-charge—The pharmacist designated on a pharmacy license as the pharmacist who has the authority or responsibility for a pharmacy's compliance with laws and rules pertaining to the practice of pharmacy.

Practitioner—A physician, dentist, podiatrist, veterinarian, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Texas law, licensees in this state may legally prescribe dangerous drugs. "Practitioner" does not include a person licensed under this Act.

Prepackaging—The act of repackaging and relabeling quantities of drug products from a manufacturer's original commercial container into a prescription container for dispensing by a pharmacist to the ultimate consumer.

Prescription drug order—A written order from a practitioner or a verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed.

Supportive personnel—Those individuals utilized in pharmacies whose responsibility it shall be to provide nonjudgmental technical services concerned with the preparation and distribution of drugs under the direct supervision of and responsible to a pharmacist.

§291.32. Personnel.

(a) Pharmacist-in-charge.

(1) Each Class A pharmacy shall have one full-time pharmacist-in-charge, who may be pharmacist-in-

charge for only one such pharmacy.

(2) The pharmacist-in-charge shall comply with §291.17(c) and (e) of this title (relating to Controlled Substances Inventory Requirements).

(3) The pharmacist-in-charge shall ensure that the pharmacy is in compliance with all state and federal laws or rules governing the practice of pharmacy.

(b) Pharmacists.

(1) The pharmacist-in-charge shall be assisted by a sufficient number of additional pharmacists as may be required to operate the Class A pharmacy competently, safely, and adequately to meet the needs of the patients of the facility.

(2) All pharmacists shall assist the pharmacist-in-charge in meeting his or her responsibilities in ordering, dispensing, and accounting for prescription drugs.

(3) Each pharmacist shall be responsible for any delegated act performed by supportive personnel under his or her supervision.

(4) All pharmacists while on duty, shall be responsible for complying with all state and federal laws or rules governing the practice of pharmacy.

(c) Supportive personnel.

(1) Supportive personnel must be qualified and trained to perform the tasks assigned to them.

(2) Prepackaging by supportive personnel.

(A) Drugs may be prepackaged in quantities suitable for internal distribution only by a pharmacist or by supportive personnel under the direction and direct supervision of a pharmacist.

(B) The label of a prepackaged unit shall indicate:

(i) the drug;

(ii) strength of drug;

(iii) lot number and appropriate ancillary

label or labels; and

(iv) expiration date, where applicable.

(C) Control records shall be maintained to show:

(i) the name of the drug;

(ii) the facility's control number;

(iii) manufacturer;

(iv) manufacturer's lot number;

(v) expiration date on the original container;

(vi) quantity per package;

(vii) number of packages;

(viii) date packaged;

(ix) name or initials of packer; and

(x) signature of the responsible pharmacist.

(D) Prepackaging procedures shall be in writing to specify that stock packages, repackaged units, and control records shall be quarantined together until checked and released by the pharmacist.

(2) Prescription refill authorization. Supportive personnel may initiate and receive a refill authorization request; however, only a pharmacist may directly communicate with the physician concerning judgmental matters.

(3) Preparing prescription labels. Supportive personnel may prepare prescription labels. When the prescription label is prepared by electronic means or device, supportive personnel may data enter a written prescription from a practitioner, or a telephonic prescrip-

tion order that has been reduced to writing by the pharmacist.

(4) Maintaining pharmacy records. Supportive personnel may perform only those duties related to maintaining records (filing, typing) under the direction of a pharmacist on duty.

§291.33. Operational Standards.

(a) Licensing requirements.

(1) All Class A pharmacies shall register annually with the board on an application provided by the board.

(2) The owner/managing executive officer of the pharmacy shall sign the application and shall agree to comply with the board regulations governing Class A pharmacies.

(3) The application shall state whether the Class A pharmacy is a sole ownership and give the name of the owner, or if a partnership, name all the managing partners, or if a corporation, name and title all the managing officers.

(4) In addition, all Class A pharmacies shall be required to comply with §291.17(a) and (b) of this title (relating to Controlled Substances Inventory Requirements).

(5) When a Class A pharmacy changes ownership, a new and separate license application must be filed with the board and the previously issued license returned to the board's office with the application for a new license.

(6) In addition, when a Class A pharmacy changes ownership, the pharmacy shall comply with §291.17(c) of this title (relating to Controlled Substances Inventory Requirements).

(7) A fee of \$100 will be charged for issuance of a license.

(b) Environment.

(1) General requirements.

(A) The pharmacy shall be arranged in an orderly fashion and kept clean.

(B) A sink with running water shall be available to all pharmacy personnel and maintained in a sanitary condition.

(C) The pharmacy shall be properly lighted and ventilated.

(D) The temperature of the pharmacy shall be maintained within a range compatible with the proper storage of drugs; the temperature of the refrigerator shall be maintained within a range compatible with the proper storage of drugs requiring refrigeration.

(2) Drug dispensing and storage. Any drug bearing an expiration date may not be dispensed beyond the expiration date of the drug.

(3) Security requirements.

(A) The pharmacist-in-charge and each pharmacist on duty shall be responsible for the security of the prescription department including provisions for adequate safeguards against theft or diversion of prescription drugs, and records for such drugs.

(B) When a pharmacist is not on duty, the prescription department shall be secured to prevent entry.

(C) Prescription drugs and devices and non-prescription Schedule V controlled substances shall be stored within the prescription department or a secured storage area.

(c) Equipment.

(1) Class A pharmacies dispensing prescription drug orders shall have the following equipment:

(A) typewriter or comparable equipment;

(B) refrigerator;

(C) adequate supply of child-resistant, moisture-proof, and light-proof containers; and

(D) adequate supply of prescription, poison, and other applicable identification labels.

(2) Special equipment according to the requirements set out below shall be maintained:

(A) Class A prescription balance or equivalent, analytical balance (with weights) is required. Such balance shall be properly maintained and inspected at least once every three years by the appropriate authority as prescribed by local, state, or federal law or regulations.

(d) Library. A reference library shall be maintained which includes the following:

(1) Current copies of the following laws:

(A) Texas Pharmacy Act and Rules;

(B) Texas Dangerous Drug Law;

(C) Texas Controlled Substances Act and Rules; and

(D) Federal Controlled Substances Act and Regulations (or official publication describing the requirements of the Federal Controlled Substances Act and Regulations);

(2) At least three of the following current reference books:

(A) *Remington's Pharmaceutical Sciences*;

(B) *Facts and Comparisons*;

(C) *American Hospital Formulary Service*;

(D) *United States Pharmacopeia or National Formulary*;

(E) *Physician's Desk Reference*;

(F) *American Drug Index*;

(G) *United States Pharmacopeia Dispensing Information*;

(H) *Approved Prescription Drug Products*; or

(I) appropriate reference text in one of the following subjects: toxicology, pharmacology or drug interactions, or pharmaceutical mathematics.

§291.34. Records.

(a) Prescriptions. The term "prescription drug order" means a written order from a practitioner or verbal order from a practitioner or his authorized agent to a pharmacist for a drug or device to be dispensed.

(1) Written prescription drug orders.

(A) A pharmacist may not dispense a written prescription issued in Texas unless it is ordered on a form containing two signature lines of equal prominence, side by side, at the bottom of the form. Under either signature line shall be printed clearly the words "product selection permitted," and under the other signature line shall be printed clearly the words "dispense as written."

(B) The two signature line requirement does not apply to dangerous drug prescriptions issued in another state by a practitioner.

(2) Oral prescription drug orders.

(A) If a prescription is transmitted to a pharmacist orally, the pharmacist shall note any dispensing instructions by the practitioner or practitioner's agent,

on the file copy of the prescription. Such file copy may follow the two line format indicated in paragraph (1) of this subsection, or any other that clearly indicates the dispensing instructions.

(B) A telephonic prescription order may only be taken by a pharmacist or a pharmacist-intern under the direct supervision of a pharmacist.

(3) All prescriptions shall bear:

(A) name and address of the patient and, if such drug is for an animal, the species of such animal;

(B) name, and if for a controlled substance, the address and DEA registration number of the practitioner. (A practitioner may sign a prescription in the same manner as he would sign a check or legal document, e.g., J. H. Smith or John H. Smith).

(i) If an oral order is not permitted, prescriptions shall be reduced to writing with ink or indelible pencil or typewriter and shall be manually signed by the practitioner.

(ii) The prescription may be prepared by a secretary or agent for the signature of a practitioner, but the prescribing practitioner is responsible in case the prescription does not conform in all essential respects to the law and regulations.

(iii) A corresponding liability rests upon the pharmacist who fills a prescription not prepared in the form prescribed by these rules;

(C) name, quantity, and strength of the controlled substance or dangerous drug prescribed, and quantity dispensed if different from the quantity prescribed.

(D) directions for use of such controlled substance or dangerous drug; and

(E) date of issue.

(b) Original prescription records.

(1) Original prescriptions written or telephonically ordered by a practitioner shall be maintained by the pharmacy in numerical order for a period of two years from the date of filling or the date of the last refill dispensed.

(2) If a pharmacy maintains prescription records in a data processing system, the original written prescription or a hard-copy of an oral prescription shall be retained on file in numerical order for a period of two years from the date of dispensing or the date of the last refill dispensed. Hard-copy prescription orders as used in this paragraph means the original written prescription order or original oral prescription order reduced to writing by the pharmacist and shall include the following:

(A) original prescription number;

(B) date of issuance of the original prescription order by the practitioner;

(C) name and address of the patient;

(D) name, and if for a controlled substance, the address and DEA registration number of the practitioner;

(E) name, strength, dosage form, quantity of the controlled substance or dangerous drug prescribed (and quantity dispensed if different from the quantity prescribed);

(F) total number of refills authorized by the prescribing practitioner; and

(G) directions for use.

(3) Original hard-copy prescription records shall

be filed in the following manner:

(A) records of controlled substances listed in Schedules I and II shall be maintained separately from all records of the pharmacy;

(B) records of controlled substances listed in Schedules III-V shall be maintained separately from all other records of the pharmacy; and

(C) records of dangerous drugs and nonprescription drugs shall be maintained separately from all other records of the pharmacy.

(c) Refills of prescriptions maintained in a manual system.

(1) Each time a prescription is refilled, a record of such refill shall be made:

(A) On the back of the prescription, initialed, and dated by the pharmacist as of the date of dispensing, and shall state the amount dispensed. If the pharmacist merely initials and dates the back of the prescription, he shall be deemed to have dispensed a refill for the full face amount of the prescription.

(B) As an alternative, on another appropriate uniformly maintained, readily retrievable record, such as medication records, which indicates by the number of the prescription the following information:

(i) name and dosage form of the controlled substance, dangerous drug, or nonprescription drug;

(ii) date of each refilling;

(iii) the quantity dispensed;

(iv) the identity or initials of the dispensing pharmacist in each refilling; and

(v) the total number of refills for that prescription.

(C) If refill records are maintained in accordance with subsection (c)(1)(B) of this section, such refill records of controlled substances shall be maintained separately from refill records of dangerous drugs and nonprescription drugs.

(2) In this and any other subsections, if initials or an identification code of a pharmacist is used, a permanent log shall be maintained by the pharmacy of the initials or identification code which will identify the pharmacist by name. The initials or identification code shall be unique to ensure that each pharmacist can be identified, i.e., identical initials or identification codes cannot be used.

(d) Refills of prescriptions maintained in a data processing system.

(1) In this and any other subsections, "hard-copy" means a physical document that is readable without the use of a special device (i.e., cathode ray tube, microfiche reader, etc.).

(2) Each time a prescription is refilled, a record of such refill shall be entered into the data processing system.

(3) A hard-copy printout of all original or refill prescriptions dispensed shall be produced daily.

(A) The hard-copy printout shall include:

(i) prescription number;

(ii) date of initial dispensing if an original prescription or if a refill, the date of refilling;

(iii) total number of refills dispensed to date for that prescription, or such refill history may be retrievable in a CRT display as an alternative to appear-

ing on the hard copy printout;

- (iv) name of the patient;
- (v) the prescribing practitioner's name;
- (vi) the name, strength, dosage form, and

quantity of the controlled substance or dangerous drug dispensed; and

(vii) the initials or identification code of the dispensing pharmacist.

(B) If not immediately retrievable via CRT display, the following shall also be included on the hard-copy printout:

- (i) patient's address;
- (ii) prescribing practitioner's address; and
- (iii) prescribing practitioner's DEA registra-

tion number if the prescription is for a controlled substance.

(C) Each individual pharmacist who fills or refills a prescription order shall verify that the data indicated on the daily hard-copy printout is correct, by dating and signing such document within seven days from the date of dispensing.

(D) The daily hard-copy printout shall be available for inspection within 72 hours of the date on which the original prescription or refill was dispensed, and shall be maintained in a separate file at the pharmacy for a period of two years from the date of dispensing.

(4) Such data processing system must be capable of producing a hard-copy printout of all original prescriptions and refill data required to be maintained under these rules (e.g., original prescriptions and a refill-by-refill audit trail for any specified strength and dosage form of any controlled substance or dangerous drug by either brand or generic name or both).

(A) Such hard-copy printout shall include the following:

- (i) the prescription number;
- (ii) date of dispensing;
- (iii) name and address of the patient;
- (iv) name of the practitioner;
- (v) if the prescription is for a controlled

substance, the DEA registration number of the practitioner;

(vi) the name, strength, dosage form, and quantity of controlled substance or dangerous drug dispensed; and

(vii) the initials or identification code of the dispensing pharmacist.

(B) The address of the patient and DEA number of the prescribing practitioner is not required on the hard-copy printout if such information is immediately retrievable from the data processing system.

(C) The document required in paragraph (4)(B) of this subsection must be supplied by the central record keeping location to the pharmacy within 48 hours, if requested by an authorized agent of the Texas State Board of Pharmacy, Department of Public Safety, or Drug Enforcement Administration.

(5) If a pharmacy which uses a data processing system experiences system down-time, an auxiliary procedure must ensure that refills are authorized by the original prescription order, that the maximum number of refills has not been exceeded, and that all of the appropriate data is retained for on-line data entry as soon

as the data processing system is available for use again.

(e) Authorization of refills of prescriptions maintained in a manual system and in a data processing system.

(1) Prescription refills may be dispensed only in accordance with the prescriber's authorization as indicated on the original prescription.

(2) If there are no refill instructions on the original prescription (which shall be interpreted as no refills authorized) or if all refills authorized on the original prescription have been dispensed, authorization from the prescribing practitioner shall be obtained prior to dispensing any refills.

(A) If a manual system is used, any such authorization obtained shall be noted on the original prescription.

(B) If a data processing system is used, any such authorization obtained shall be noted as follows:

- (i) on the original prescription;
- (ii) on the daily hard-copy printout; or
- (iii) via the CRT display.

(3) If a prescription for a Schedule III, IV, or V controlled substance has been refilled a total of five times or if six months have expired from the date of issuance of the original prescription, whichever occurs first, a new and separate prescription shall be obtained from the prescribing practitioner prior to dispensing any additional quantities of such controlled substances. Additional quantities over what was originally prescribed may only be authorized by the prescribing practitioner, which shall then be a new and separate prescription.

(f) Limitation to one type of record keeping system. When filing refill information for original prescription orders for Schedule III, IV, or V controlled substances or dangerous drugs, a pharmacy may use only one of the three systems described in subsections (c)(1)(A), (c)(1)(B), or (d) of this section.

(g) Other records to be maintained by a pharmacy.

(1) Copy 3 of DEA order form (DEA 222C) which has been properly dated, initialed, and filed, and all copies of each unaccepted or defective order form and any attached statements or other documents.

(2) suppliers' invoices of dangerous drugs and controlled substances upon which is clearly recorded the actual date of receipt of the controlled substances by the pharmacist or other responsible individual.

(3) suppliers' credit memos for controlled substances and dangerous drugs.

(4) biennial inventory of controlled substances required by the Drug Enforcement Administration and inventory records required by §291.17 of this title (relating to Controlled Substances Inventory Requirements).

(5) Drug Enforcement Administration and/or Department of Public Safety and Texas State Board of Pharmacy reports of theft or significant loss of controlled substances.

(6) reports of surrender or destruction of controlled substances and/or dangerous drugs to an appropriate state or federal agency.

(7) Schedule V nonprescription register book.

(8) If a pharmacy distributes controlled substances to another pharmacy or a practitioner, the following records shall also be maintained by a pharmacy:

(A) if for Schedule III, IV, or V controlled

substances, invoices showing the actual date of distribution; the name, strength, and quantity of controlled substances distributed; the name, address, and DEA registration number of the distributing pharmacy; and the name, address, and DEA registration number of the pharmacy or practitioner to whom the controlled substances are distributed;

(B) if for Schedule I or II controlled substances, Copy 1 of DEA order form (DEA 222C), furnished by the pharmacy or practitioner to whom the controlled substances are distributed, shall be maintained by the distributing pharmacy showing the quantity of controlled substances distributed and the actual date of distribution.

(9) The records required by paragraphs (1)-(8) of this subsection shall be maintained for a period of two years; records of controlled substances listed in Schedules I and II shall be maintained separately from all records of the pharmacy; records of controlled substances listed in Schedules III-V shall be maintained separately from all other records of the pharmacy. If controlled substances, dangerous drugs, and/or nonprescription items are listed on the same record, the controlled substances shall be asterisked, redlined, or in some other manner readily identifiable apart from all other items appearing on the record.

(h) Permission to maintain central records. Any pharmacy that uses a centralized record keeping system provided in subsection (d)(2) of this section must first submit written notification by registered or certified mail to the regional director of the Drug Enforcement Administration as required by Code of Federal Regulations, Title 21, §1304.(a), and submit a copy of this written notification to the Texas State Board of Pharmacy. Unless the registrant is informed by the regional director that permission to keep central records is denied, the pharmacy may maintain central records commencing 14 days after receipt of notification by the regional director. A copy of the above mentioned notification shall be maintained by the pharmacy.

(i) Transfer of prescription information. The transfer of original prescription information for dangerous drugs and controlled substances listed in Schedules III, IV, or V for the purpose of refill dispensing, is permissible between pharmacies on a one time basis, subject to the following requirements:

(1) The transfer is communicated directly between two licensed pharmacists.

(2) Both the original and transferred prescription are maintained for a period of two years from the date of last refill.

(3) The pharmacist transferring the prescription information shall:

(A) Reduce to writing the following information for dangerous drug prescriptions.

(i) Write the word "VOID" on the face of the invalidated prescription.

(ii) Record on the reverse of the invalidated dangerous drug prescription, the following information:

(I) the name of the pharmacy to which such prescription is transferred;

(II) the initials of the pharmacist receiving the prescription information;

(III) the date of the transfer; and

(IV) the initials of the pharmacist transferring the information.

(B) Reduce to writing the following information for controlled substance prescriptions.

(i) Write the word "VOID" on the face of the invalidated prescription.

(ii) Record on the reverse of the invalidated controlled substances prescription, the following information:

(I) the name, address, and DEA registration number of the pharmacy to which such prescription is transferred;

(II) the name of the pharmacist receiving the prescription information;

(III) the date of the transfer; and

(IV) the name of the pharmacist transferring the information.

(4) The pharmacist receiving the transferred prescription information shall:

(A) Reduce to writing the following information for dangerous drug prescriptions.

(i) Write the word "transfer" on the face of the transferred prescription.

(ii) Record on the transferred prescription, the following information:

(I) date of issuance of original prescription;

(II) original number of refills authorized on original prescription;

(III) date of original dispensing;

(IV) number of valid refills remaining and date of last refill;

(V) pharmacy's name, address, and original prescription number from which the prescription information was transferred; and

(VI) initials of transferer pharmacist.

(B) Reduce to writing the following information for controlled substance prescriptions.

(i) Write the word "transfer" on the face of the transferred prescription.

(ii) Record on the transferred prescription the following:

(I) date of issuance of original prescription;

(II) original number of refills authorized on original prescription;

(III) date of original dispensing;

(IV) number of valid refills remaining and date of last refill;

(V) pharmacy's name, address, DEA registration number, and original prescription number from which such prescription information is transferred; and

(VI) name of transferer pharmacist.

(5) Pharmacies electronically accessing the same prescription record must satisfy all information requirements of a manual mode for prescriptions transferred.

§291.35. *Triplicate Prescription Records.*

(a) Definitions. The following words and terms, when used in this section, shall have the following mean-

ings unless the context clearly indicates otherwise.

(1) Designated agent or authorized agent—An individual under the supervision of a practitioner, designated in writing by the practitioner, and for whom the practitioner assumes responsibility, who communicates the practitioner's instructions to the pharmacist. The written designation of an agent authorized to communicate prescriptions shall be maintained in the usual place of business of the practitioner and shall be available for inspection by investigators for the Texas State Board of Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, or the Department of Public Safety.

(2) Emergency rule—For the purpose of authorizing an oral prescription for a Schedule II substance, the term "emergency situation" means those situations in which the prescribing practitioner determines that:

(A) immediate administration of the controlled substance is necessary for proper treatment of the intended ultimate user;

(B) no appropriate alternative treatment is available, including administration of a drug which is not a controlled substance under Schedule II; and

(C) it is not reasonably possible for the prescribing practitioner to provide a written prescription to a pharmacist prior to the dispensing.

(3) Hospital—

(A) General hospital—Any establishment offering services, facilities, and beds for use beyond 24 hours for two or more nonrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy, and regularly maintaining at least clinical laboratory services, diagnostic x-ray services, treatment facilities which would include surgery and/or obstetrical care, and other definitive medical or surgical treatment of similar extent.

(B) Special hospital—Any establishment offering services, facilities, and beds for use beyond 24 hours for two or more nonrelated individuals who are regularly admitted, treated, and discharged and require services more intensive than room, board, personal services, and general nursing care and which has clinical laboratory facilities, diagnostic x-ray facilities, treatment facilities, and/or other definitive medical treatment and has a medical house staff in regular attendance, and maintains records of the clinical work performed for each patient.

(C) Ambulatory surgical centers—Approved surgical centers licensed by the State Hospital Licensing Board and approved by Medicaid to do day surgery when patient is not admitted beyond a 24-hour period.

(4) Institutional practitioner—

(A) An individual who meets each of the following qualifications:

(i) not yet licensed by the appropriate state professional licensing board;

(ii) enrolled in a bona fide professional training program;

(iii) in a base hospital or institutional training facility registered by the Federal Drug Enforcement Administration; and

(iv) authorized by the base hospital or training institution to administer, dispense, or prescribe con-

trolled substances.

(B) Institutional practitioner shall be limited to interns, residents, fellows, or their equivalent.

(5) Medical purpose—The utilization of controlled substances for the purpose of relieving or curing mental or physical diseases or infirmities.

(6) Possession—The actual care, custody, control, or management.

(7) Prescribe—A direction or authorization, by prescription, permitting an ultimate user lawfully to obtain controlled substances from any person authorized by law to dispense such substances.

(8) Triplicate prescription—The official Texas Department of Public Safety prescription form utilized to administer, dispense, prescribe, or deliver a Schedule II narcotic and/or Schedule II-N nonnarcotic controlled substance to an ultimate user.

(9) Ultimate user—A person who has lawfully obtained and possesses a controlled substance for his own use or for the use of member of his household or for administering to an animal owned by him or a member of his household.

(b) Special instructions. Information and special instruction information regarding procedures under these rules and regulations will be furnished upon request by writing to the Triplicate Prescription Section, Texas Department of Public Safety, P.O. Box 4087, Austin, Texas 78773.

(c) Purpose of issuing triplicate prescriptions.

(1) A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription not issued in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of §3.08 of the Texas Controlled Substance Act, and the person knowingly filling such a purported prescription, as well as the person issuing it, may be subject to the penalties provided for violations of the provisions of law or rules relating to controlled substances.

(2) Prescriptions for Schedule II controlled substances shall be issued on the triplicate prescription form only and may not be refilled.

(d) Emergency dispensing of Schedule II controlled substances.

(1) No controlled substance in Schedule II may be administered, dispensed, prescribed, or delivered without the written prescription of a practitioner on a triplicate prescription form, except that in emergency situations, as defined as follows:

(A) Schedule II controlled substances may be dispensed upon oral or telephonically communicated prescription of a practitioner or a practitioner's designated agent reduced promptly to writing by the pharmacy and filed by the pharmacy. Within 72 hours after authorizing an emergency oral prescription, the prescribing individual practitioner shall cause a written triplicate prescription, with the "Check if Emergency" block

marked and indicating the emergency quantity prescribed to be delivered to the dispensing pharmacist. In addition to other requirements of the Code of Federal Regulations, Title 21, Chapter 2, Part 1306.05, the prescription shall have written on its face "Authorization for Emergency Dispensing" and the date of the oral order. The federal regulation will be deemed satisfied by marking the block at the bottom of the triplicate prescription form indicating "Check if Emergency" and filling in "Date Issued" space at top of form.

(B) The written prescription may be delivered to the pharmacist in person or by mail, but if delivered by mail, it must be postmarked within the 72-hour period. Upon receipt, the dispensing pharmacist shall attach Copy 2 of the triplicate prescription to the oral emergency prescription which has earlier been reduced to writing.

(C) The dispensing pharmacist shall send Copy 1 of the triplicate prescription to the Department of Public Safety within 30 days from the date the prescription is filled. Copy 2 of the triplicate prescription, along with the copy of the oral emergency prescription, will be retained by the pharmacy for two years for inspection purposes. No prescription for a Schedule II controlled substance may be refilled.

(e) Exceptions to use of triplicate prescriptions.

(1) A medication order written for a patient who is admitted to a hospital at the time the medication order is written and filled, is not required to be on a triplicate prescription.

(A) Medication order, as used in this subsection, will mean a drug order issued for administration to a patient admitted to a hospital.

(B) Admitted to a hospital, as used in this subsection, will include the following:

(i) general hospitals, special hospitals, ambulatory surgical centers, and surgical duties in dental schools;

(ii) hospital clinics and emergency room admittance, if the clinic and/or emergency room is under the control, direction, and administration as an integral part of the general or special hospital.

(2) A prescription written and filled for a patient who is admitted to a hospital at the time the prescription is written and filled, is not required to be on a triplicate prescription; however, such prescription shall comply with the requirements of the Texas Pharmacy Act, Texas Civil Statutes, Article 4542a-1, §40(g).

(A) Schedule II controlled substances may be dispensed by a practitioner or pharmacy of the hospital, to a patient who has been admitted to a hospital and who will require an emergency quantity of controlled substances upon release from the hospital. These Schedule II controlled substances may only be dispensed to a patient while such patient is still admitted to and a resident of the hospital.

(B) The amount of Schedule II controlled substances dispensed under this subsection may only be the amount needed for proper treatment of the patient until access to a pharmacy other than the hospital pharmacy, is possible, but in no event may exceed a seven-day supply. However, when an emergency supply is dispensed from the emergency room of the hospital, the amount dispensed may not exceed a 72-hour supply.

(C) The Schedule II controlled substances dispensed under the situations outlined in subparagraph (B) of this paragraph must be in a properly labeled container.

(f) Pharmacist responsibilities.

(1) Upon receipt of Copy 1 and Copy 2 of a properly completed triplicate prescription from a practitioner, each dispensing pharmacist shall utilize the "Pharmacy Use Only" section and record the following:

(A) Pharmacy name, address, area code/telephone number, and Drug Enforcement Administration number. This information may be printed, typed, or rubber stamped, or the pharmacist may use a label that is securely affixed in this area.

(B) The dispensing pharmacist's signature shall be entered in a space located directly below the pharmacy information.

(C) Enter in the spaces provided the date filled and the pharmacy prescription number.

(D) Ensure that the drug prescribed and/or its substitute is legible on Copy 1 and Copy 2 of the triplicate prescription.

(2) No Schedule II prescription may be dispensed after the end of the second day following the date of issuance.

(3) A pharmacist may dispense a prescription that is orally or telephonically communicated by a practitioner or his designated agent, for a Schedule II controlled substance in "emergency situations," as defined by subsection (a)(2) of this section.

(A) In such emergency situations the dispensing pharmacist shall reduce promptly to writing the following:

(i) name, address, and Federal Drug Enforcement Administration number of the dispensing practitioner;

(ii) drug prescribed, the dosage, and instructions for use;

(iii) name, address, and age of the person for whom the controlled substance is prescribed (or if an animal, the species and owner's name and address).

(B) The pharmacist shall file the recorded information as set out in subsection (d) of this section in the pharmacy's Schedule II prescription files.

(C) Within the 72 hours from the time the emergency oral or telephonic communication was received, the practitioner must provide the dispensing pharmacy with the triplicate prescription corresponding to the oral prescription order. If such triplicate prescription is not provided, the pharmacist shall contact the Department of Public Safety and the Drug Enforcement Administration.

(D) The practitioner is required to place the date issued on the triplicate prescription and such date shall be the date the practitioner or his designated agent communicated the emergency oral or telephonic prescription to the pharmacy.

(E) The practitioner shall check the block at the bottom of the triplicate prescription which indicates the prescription is an emergency order. If the practitioner fails to check such block, the pharmacist should do so.

(F) The pharmacist shall attach Copy 2 to the oral emergency prescription which was reduced to writing

upon receipt from the practitioner or practitioner's designated agent.

(4) Within 30 days from the date a pharmacist fills a triplicate prescription, the pharmacy is required to mail Copy 1 of the form to the Texas Department of Public Safety, Triplicate Prescription Section, P.O. Box 4087, Austin, Texas 77873.

(5) Should a prescription be written on a triplicate prescription by a practitioner for a controlled substance other than a Schedule II, the pharmacist may dispense the prescription but shall mark the prescription in such a way as to clearly indicate that the drug dispensed is not a Schedule II controlled substance.

(6) Pharmacists receiving triplicate prescriptions that create questions or doubts should communicate with the practitioner (when practical) prior to or in addition to utilizing the Texas Crime Information Center (TCIC). Stolen or lost triplicate prescriptions control numbers will be entered into the stolen or wanted file. This control number is the printed number appearing on the lower right hand corner of the triplicate prescription; do not confuse with the red number in the upper right hand corner.

(A) Should a question arise in regard to the authenticity of a triplicate prescription, a pharmacist should contact the local police department, sheriff's department, or Department of Public Safety office with communication facilities.

(B) The pharmacist should state, "I need to have a check made of the stolen or wanted file on a triplicate prescription number" (giving the control number on the prescription).

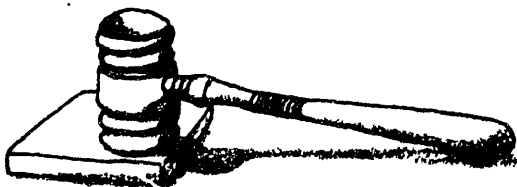
(C) If the number has been reported stolen or lost, the pharmacist may assume it is a forged prescription and should coordinate with the law enforcement agency as to what course of action to follow.

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826122 Fred S. Brinkley, Jr., R.Ph.
Executive Director/Secretary
Texas State Board of Pharmacy

Proposed date of adoption: September 10, 1982
For further information, please call (512) 478-9827.



**TITLE 25. HEALTH SERVICES
Part I. Texas Department of Health
Chapter 1. Texas Board of Health
Petition for the Adoption of a Rule
25 TAC §1.81**

The Texas Department of Health proposes new §1.81, concerning petitions for the adoption of a rule. This

rule will prescribe the procedure a person may use to petition the department to adopt a rule.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to enable interested persons to know how to petition the department for the adoption of a rule. There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Hal L. Nelson, Chief, Office of General Counsel, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be received for 30 days after publication of this rule in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 6252-23a, §11, which provides the department with the authority to prescribe by rule the procedure for the submission, consideration, and disposition of petitions for the adoption of rules.

§1.81. Petition for the Adoption of a Rule.

(a) Purpose. The rule's purpose is to delineate the department's procedures for the submission, consideration, and disposition of a petition to the department to adopt a rule.

(b) Submission of the petition.

(1) Any person may petition the department to adopt a rule.

(2) No special form is required but the petition must be in writing and specify the rule and the reasons for it. The petitioner may submit his or her version of the rule with the petition.

(3) The petition shall be mailed to the Texas Commissioner of Health, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756.

(c) Consideration and disposition of the petition.

(1) The commissioner shall submit the petition to the Texas Board of Health for its consideration and disposition.

(2) Within 60 days after the postmark date of the petition, the board shall deny or accept the petition.

(A) If the board denies the petition, the commissioner shall give the petitioner written notice of the board's denial, including the board's reasons for the denial.

(B) If the board accepts the petition, the board shall initiate rulemaking procedures in accordance with the requirements of the Administrative Procedure and Texas Register Act. The commissioner shall notify the petitioner in writing of the board action.

(C) If the petitioner submits his or her version of the rule, the board may approve a different version.

If so, the commissioner shall notify the petitioner in writing of this action and the board's reasons for it.

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826180 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: September 11, 1982
For further information, please call (512) 458-7236.

Chapter 37. Maternal and Child Health Services Crippled Children's Services Program

The Texas Department of Health proposes the repeal of §§37.81-37.91, and new §§37.81-37.106, concerning the Crippled Children's Services Program.

Stephen Seale, chief accountant III, has determined that for the first five-year period the proposed repeals will be in effect, there will be no fiscal implications to state or local government. In addition, Mr Seale has determined that for the first five-year period the new rules will be in effect, there will be fiscal implications as a result of enforcing or administering the rules. The effect on state government will be an estimated additional cost of \$35.4 million in 1983, \$40.5 million in 1984, \$45.2 million in 1985, \$49.7 million in 1986, and \$54.7 million in 1987. The new rules will not effect local government.

Mr. Seale has also determined that for each year of the first five years the proposal is in effect the public benefit anticipated as a result of enforcing the proposal will be that the existing rules will be repealed and replaced by an updated and clarified version which expands the existing rules; makes them more specific; and makes them more understandable to the public. There is no economic cost anticipated for individuals as a result of this proposal.

Comments on the proposal may be submitted to Punam Myer, M.D., M.P.H., Chief, Bureau of Crippled Children's Services, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comments will be received for 30 days after these proposed rules have been published in the *Texas Register*.

25 TAC §§37.81-37.91

(Editor's note. The text of the following rules being proposed for repeal will not be published. The rules may be examined in the office of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The repeal and new rules are proposed under Texas Civil Statutes, Article 4419c, §3, which provides the Texas Board of Health with the authority to adopt the necessary rules to implement the Crippled Children's Services Program.

§37.81. *Introduction and Brief Description of Program Operation.*

§37.82. *Establishment of Technical Advisory Committees.*

§37.83. *Approval Process for Participating Physicians.*

§37.84. *Approval Process for Participating Hospitals.*

§37.85. *Application Procedures.*

§37.86. *Patient Eligibility.*

§37.87. *Authorization of Services.*

§37.88. *Payment for Program-Authorized Services.*

§37.89. *Termination or Modification of Patient Eligibility.*

§37.90. *Confidentiality of Information.*

§37.91. *Nondiscrimination Statement.*

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826184 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: September 11, 1982
For further information, please call (512) 458-7241.

25 TAC §§37.81-37.106

§37.81. *Purpose.* The crippled Children's Services Program of the Texas Department of Health administers physical restoration services for medically and financially eligible persons who are under the age of 21, and for eligible persons, regardless of age, who have cystic fibrosis. To be eligible for service, the disability must be such that it is reasonable to expect that the medical condition can be improved as a result of the services and/or equipment provided by the program.

§37.82. *Definitions.* The following words and terms, when used in these sections, shall have the following meanings unless the context clearly indicates otherwise:

Advisory committee—Those persons appointed by the board to serve in an advisory capacity to the program staff.

Approved hospital—Hospitals approved by the board to provide services to persons covered by the program.

Approved providers—Physicians or dentists approved by the board to provide services to persons covered by the program.

Board—Texas Board of Health.

Cancer—A malignant disease characterized by unrestricted growth of abnormal cells, the natural course of which is fatal; it includes but is not limited to leukemia, lymphoma, and histiocytosis.

Central office—The administrative staff of the program in the Texas Department of Health building located in Austin.

Commissioner—The commissioner of health.

Crippled child—Any person under 21 years of age whose physical functions, movements, or sense of hearing are impaired by reason of a joint, bone, ossicular chain, muscle, neurological defect or deformity, or

cancer, to the extent that the person is or may be expected to be totally or partially incapacitated for education or remunerative occupation. Person with cystic fibrosis, regardless of age, are covered by the legislation.

Department—Texas Department of Health.

Program—Crippled Children's Services.

Rehabilitation—The process of attempting to restore the functions(s) of the body destroyed or impaired by congenital defect, disease, or injury.

State—The State of Texas.

§37.83 The program is authorized by the provisions of Texas Civil Statutes, Article 4419c, to take census, make surveys, and establish any permanent records needed to administer the program in an efficient and effective manner. The program is also empowered to procure medical, dental, and surgical services for any eligible applicant and may take other steps necessary to fulfill the purposes of the legislation. The program may provide other services such as transportation, appliances, braces, and other materials necessary for proper treatment and care of conditions covered under the program.

§37.84. *Introduction.*

(a) The following rules are set forth to conduct the work of the program in accordance with the intent of the crippled children's legislation (Texas Civil Statutes, Article 4419c).

(b) The program is to serve eligible persons under the age of 21 whose physical functions, movements, or sense of hearing are impaired by reasons of a joint, bone, ossicular chain, muscle, or neurological defect or deformity, or by cancer or cystic fibrosis, to the extent that the person is or may be expected to be totally or partially incapacitated for education or remunerative occupation. To be eligible for rehabilitation services, the person's disability must be such that it is reasonable to expect that the condition can be improved through medical, dental, or surgical care and related services. Persons over the age of 21 with cystic fibrosis may be eligible for program services.

(c) There are two medical conditions covered by the program which have special procedures established:

(1) Persons with cardiovascular problems are diagnosed and treated at pediatric cardiology diagnostic and treatment centers that have been approved by the board. These centers are located statewide and must be utilized for diagnostic and surgical services paid for by the program. Follow-up care, other than at the centers, may be provided by local pediatric cardiologists, pediatricians, or other appropriate specialists approved by the board. Such care should be in conjunction with the treatment plan established by the pediatric cardiologist at the center.

(2) Persons with cystic fibrosis are diagnosed and treated at centers approved by the board and recognized by the National Cystic Fibrosis Foundation or affiliated with a medical school in Texas. Follow-up care other than at the centers, may be provided by local pediatricians or other appropriate specialists approved by the board. Such care should be in conjunction with the treatment plan established by the physician at the center.

(d) The program may restrict or prioritize services to meet budgetary limitations.

§37.85. *Conditions Covered.* The program covers the following conditions:

- (1) orthopedically crippling conditions;
- (2) neurological disorders including epilepsy;
- (3) cardiovascular conditions;
- (4) cleft lip and/or palate and other severe craniofacial conditions;
- (5) congenital anomalies of the gastrointestinal tract;
- (6) cystic fibrosis;
- (7) cancer;
- (8) chronic otological conditions threatening the ossicular chain or mastoid;
- (9) congenital anomalies of the external genitalia and genitourinary tract, excluding kidneys;
- (10) hemophilia;
- (11) orthopedic complications of sickle cell anemia;
- (12) neurofibromatosis; and
- (13) severe burns.

§37.86. *Conditions Not Covered.* The program does not cover:

- (1) prematurity;
- (2) hyaline membrane disease and respiratory distress syndrome;
- (3) failure to thrive;
- (4) apnea;
- (5) acute infectious diseases;
- (6) digestive, metabolic, or endocrine disorders;
- (7) fractures not requiring surgery or extensive hospitalization;
- (8) ophthalmologic conditions;
- (9) cases requiring only custodial care;
- (10) cases requiring cosmetic surgery;
- (11) cases requiring life support systems without potential for rehabilitation; and
- (12) emotional and psychological conditions.

§37.87. *Application Process.*

(a) Applications are available to anyone seeking assistance from the program. An application may be obtained from any local or regional health department or the central office in Austin. Many hospitals and physicians have application forms available. The completed application is sent to the central office in Austin, Bureau of Crippled Children's Services, for eligibility determination.

(b) In an emergency situation, application information may be telephoned to the central office and a provisional eligibility decision can be obtained. The application form must follow as quickly as possible, and if the information thereon does not substantiate eligibility, the program may deny payment for services.

§37.88. *Eligibility Criteria.* The following criteria will be utilized to determine an applicant's initial and subsequent eligibility for services under the program:

- (1) Age. The applicant must be under the age of 21; persons with cystic fibrosis, regardless of age, may apply.
- (2) Residency.
 - (A) The person must be a bona fide resident of Texas. A bona fide resident means a person who:

(i) is lawfully present in the United States,
(ii) is physically present within the geographic boundaries of the state,
(iii) has an intent to remain within the state, either permanently or for an indefinite period, and
(iv) is a legal resident of no other state or country.

(B) A minor assumes the residency status of the parent, guardian, or conservator, with the exception that a child, born in the United States of illegal alien parents residing in Texas, is eligible for Program services. The child must be physically present in Texas.

(C) The statement of legal residency on the application form will be accepted unless there is a valid reason to question the person's residency status. Under such circumstances, documentation of residency will be requested in the form of alien registration, a valid driver's license, voter registration, motor vehicle registration, rent or utility receipts for two months prior to the date of application, the sworn statements of two bona fide residents of the state who know the person to be a resident of the state, or other verifiable proof of residency.

(3) Financial need. Factors considered are:

(A) Family income and assets. The program financial eligibility guidelines are maintained on a current basis and may be obtained from the central office.

(B) Projected cost of treatment.

(C) Current medical indebtedness of the family.

(D) Insurance or other third party payment resources available.

(4) Expectation of improvement. The person's disability must be such that it is reasonable to expect that significant improvement will occur through the provision of services.

§37.89. *Eligibility Determination.* The final determination of eligibility is made by central office personnel after careful consideration of the facts available. Additional information may be requested from families or providers to supplement inadequate data.

§37.90. *Authorization of Services.*

(a) Prior authorization. Prior authorization assures the provider of the program's intent to pay for specific services, if the information regarding the patient and the service is correct. The central office must be notified prior to the delivery of the service in order to encumber funds to guarantee payment. Emergency cases should be reported to the program as soon as possible, preferably by the next working day by telephone.

(b) Unauthorized claims.

(1) The program may consider unauthorized claims from approved providers if submitted within 90 days of the date of delivery of services under the following circumstances:

(A) If the patient's eligibility for services had previously been determined but prior authorization was not obtained.

(B) If the patient's financial and medical eligibility had not been determined but the patient would have met eligibility criteria.

(C) If the patient is eligible for both Medicaid and Crippled Children's Services and a claim is rejected

by Medicaid, the program will consider payment if the claim is submitted within 90 days of the rejection. (Claims rejected by Medicaid on the basis of late billing will not be considered.)

(2) The program is under no obligation to pay unauthorized claims and payment can be made only if accurate information is provided and if funds are available.

(c) Out-of-state services. Under no circumstance will any authorization be made for out-of-state services for medical, dental, or hospital care.

§37.91. *Service Providers.*

(a) Participating physicians and dentists.

(1) Qualifications. Persons approved by the board for participation of the program shall:

(A) have a valid license to practice medicine or dentistry in Texas.

(B) have been board certified in a recognized specialty of the American Board of Medical Specialties, or certification by other specialty boards as approved by the department. (In exceptional situations, this requirement may be waived.)

(C) have an established practice located within the state.

(D) have practiced their specialty in Texas for at least one year. (In exceptional situations, this requirement may be waived.)

(E) have agreed to accept the fees allocated by the program as payment in full for services.

(F) have agreed to abide by the rules and regulations of the program.

(2) Application process. A physician or dentist wishing to participate in the program must complete an application form and submit it to the central office in Austin. Three of the applicant's peers, knowledgeable of the applicant's capabilities, including one in his specialty but not sharing a private practice with the applicant, must submit letters in support of the application directly to the central office. The materials are reviewed by program staff for completeness and then referred to the appropriate advisory committee. Each member of the committee receives application materials for review and obtains any additional information deemed necessary to evaluate the qualifications of the applicant. The committee as a whole reviews the application and submits recommendations to the commissioner.

(3) Board approval. The commissioner presents the recommendations of the committees to the board for final action. Notification of the board's disposition is sent to the applicant by the commissioner.

(4) Removal from participation. Any provider may withdraw from program participation at any time. In the event that a program participant has repeatedly failed to observe the policies established under the rules and regulations of the program, or has failed to maintain proficiency and professional competence as judged by his peers, the appropriate committee may review and investigate these breaches and make recommendations to the board for removal from further program participation.

(b) Participating hospitals. In keeping with the program's objective of providing care of the highest

reasonable quality, participating hospitals should be equipped and staffed to meet the special needs of handicapped children and adolescents. Hospitals desiring to participate must be approved by the board as stipulated by law.

(1) Requirements. Hospitals approved for program participation shall:

(A) have current approval by the Joint Commission on Accreditation of Hospitals.

(B) be located within the state.

(C) have program approved medical staff sufficient to meet anticipated program case load.

(D) have a definable pediatric unit or facilities, equipment, and qualified staff necessary to meet the special needs of program eligible patients.

(E) have a recent history of treating significant numbers of patients between the ages 0-21 for conditions covered by the program.

(F) have an occupancy rate during the previous two years which was not less than the statewide average for that period.

(2) Procedures for approval.

(A) The hospital administrator submits a completed application to the program. Applications may be obtained from the central office.

(B) The application is reviewed by program staff; additional information is obtained if necessary.

(C) The application is reviewed by the appropriate advisory committee and their recommendations are submitted with the application through the commissioner to the board for final action.

(3) Conditional approval. In considering the approval of an applying hospital, the needs of the program and the possible benefits to children served by the program are of paramount importance. In order to facilitate the availability of medical treatment in all areas of the state, while retaining the assurance of quality care, approval of some hospitals may be conditional, with restrictions limiting the hospital to treatment of only certain specific conditions.

(4) Removal from participation. Any hospital may withdraw from program participation at any time. In the event that a hospital previously approved for program participation repeatedly fails to observe the policies established under these rules and regulations, a description of the circumstances will be presented to the appropriate advisory committee. After review and investigation, the committee will submit a report on its findings and recommendations to the commissioner, who will forward the report to the board for disposition.

(c) Cardiovascular centers. At the recommendation of the cardiovascular advisory committee and the approval of the board, the program has recognized centers in various localities in the state which are designated for program use for diagnosis and treatment of cardiovascular problems. This policy was established in order to assure the quality of care for patients served by the program. The procedure for approval for program participation is the same as for hospitals (see subsection (b) of this section). The cardiovascular advisory committee reviews center applications and makes recommendations to the board through the commissioner. In making their recommendations, the committee follows as far as prac-

tical the Guidelines for Pediatric Cardiology Diagnostic and Treatment Centers, established by the section on cardiology of the American Academy of Pediatrics.

(d) Non-approved providers.

(1) Emergencies

(A) In an emergency, program eligible recipients with conditions covered by the program may be attended by a physician or dentist who has not been approved for participation. Although most patients receiving benefits from this program will be treated in approved hospitals, an emergency may necessitate the admission of an eligible recipient to a nonapproved hospital.

(B) The nonapproved physician or dentist attending the patient in an approved or nonapproved hospital may provide the initial medical, dental, or surgical treatment necessary. Transfer to an approved hospital should be made when medically feasible. The professional responsibility for continuing care should be transferred to an approved provider when feasible.

(2) Consultants. An approved provider may request a consultation by a nonapproved provider. Consent for utilizing a consultant must be obtained from the central office. Fees paid will be those as established by the program. The consultant will evaluate the patients and make recommendations to the approved provider who requested the consultation. The approved provider remains the primary provider for the patient.

(3) Areas of geographic need. There may be some areas of the state in which there are no approved providers and it is not realistic to transport the patient to an approved provider. Consent for utilizing a nonapproved provider must be obtained from the central office. Nonapproved physicians and dentists should be board certified in their specialty and must agree to accept established program fees.

(4) Other health-related disciplines. The services of other disciplines such as physical therapy, occupational therapy, or speech pathology may be required for proper care and follow-up, as directed by the patient's program approved physician or dentist. Any providers of health-related services must meet state licensing, registration, or certification laws.

(e) Contracts. In order to conserve funds and effectively administer the program, the central office may contract for treatment, equipment, medications, supplies, and other services.

(f) Special clinics. In order to provide quality specialty services in some areas of the state, the program may arrange for specialty clinics for diagnostic and treatment purposes. Clinic providers must be approved for program participation.

§37.92. *Consultants.* The program may request the use of consultants from any medical or dental specialty or other discipline to address specific issues and problems in their area of expertise. These consultants will be eligible for compensation in accordance with the department's policies and procedures for such services.

§37.93. *Services Provided.*

(a) Initial examinations. With prior authorization, an initial office examination by a program approved physician or dentist will be paid by the program if such examination is to diagnose or evaluate the presence of

a condition coverable by the program. Program eligibility does not need to be established for the initial examination. For any treatment of conditions, eligibility must be established prior to an authorization to approved providers.

(b) Medical evaluation and treatment. These services must be provided by physicians approved to participate in the program, except in emergency situations.

(c) Dental evaluation and treatment. Dental care is limited to correction of conditions related to cleft palate and other severe craniofacial anomalies, and to treatment which is essential to prevent bacterial endocarditis prior to cardiac surgery.

(d) Hospitalization. Hospital care must be provided in facilities approved for program participation, except in emergency cases. The length of stay is limited according to diagnosis and condition of the patient.

(e) Orthotic and prosthetic devices. These devices must be prescribed by an approved provider whose specialty is related to the devices requested.

(f) Medications. Medications must be prescribed by an approved provider. Payment is made only after delivery of the medications. The provider must submit proof of delivery.

(g) Durable medical equipment. Equipment must be ordered by an approved provider whose specialty is related to the equipment requested. Some of the equipment may be supplied on a contract basis and therefore ordered from a specific supplier. The provider must submit proof of delivery.

(h) Medical supplies. Supplies must be necessary in the treatment of a program covered condition and prescribed by an approved physician or dentist. The provider must submit proof of delivery.

(i) Speech-language pathology. Services must be provided by a pathologist with a certificate of clinical competency (C.C.C.) from the National Association of Speech, Language, and Hearing, and prescribed by a physician approved for Program participation. Periodic reports at least every 6 months should be submitted to the Program to substantiate the need for continuing services.

(j) Occupational therapy. Services must be provided by an occupational therapist registered (O.T.R.) by the American Occupational Therapy Association and prescribed by a physician approved for Program participation. Periodic reports at least every six months should be submitted to the program to substantiate the need for continuing services.

(k) Physical therapy. Services must be provided by a licensed physical therapist (L.P.T.) licensed by the State of Texas and prescribed by a physician approved from program participation. Periodic reports at least every six months should be submitted to the program to substantiate the need for continuing services.

(l) Transportation. The program may provide transportation of the patient and, if needed, a responsible adult, to the nearest appropriate facility. The lowest cost appropriate commercial carrier should be used. The program can not assist if the patient is eligible for transportation through Medicaid.

(m) Meals and lodging. The program may provide meals and lodging. The purpose is to enable a parent to

obtain inpatient or outpatient care for a child at a center located away from their home. No meals or lodging are available if the visit is not overnight or if the patient's home town is within a 50-mile radius of the treatment center. The reason for the inpatient or outpatient visit must be directly related to a condition covered by the program.

(n) Transporting of deceased patient. The following services may be provided in cases of extreme financial need:

(1) Transportation cost for the remains of a patient who expires while receiving authorized treatment, if the patient was not in the family's city of residence.

(2) Expenses incidental to embalming of the deceased, as required for transportation.

(3) A casket purchased at a minimum price as required for transportation.

§37.94. Service Limitations. The program may limit or restrict services to remain within available funding and to provide effective and efficient administration.

(1) Payment of hospital charges is limited to 60 days during a 12-month period. Any extension will be determined on an individual case basis by review of the medical condition, plan of medical treatment, and substantiation of satisfactory medical progress, not to exceed an additional 30 days.

(2) Payment of rehabilitation center charges is limited to 90 days. Any extension will be dependent on the patient's medical condition, plan of treatment, and substantiation of satisfactory progress regarding the patient's rehabilitation, not to exceed an additional 90 days.

(3) Elective Friday or weekend admissions will not be authorized.

§37.95. Payment for Authorized Services.

(a) General information. Payment for any service authorized by the program may be made only after the delivery of the service; that is, no payment in advance can be made by the program, according to state law. If a service has been authorized by the program for payment, the family must not be billed for the service or be required to make a pre-admission or pre-treatment payment or deposit. Providers participating in the program agree to accept established fees as payment in full although such fees may be below usual and customary charges.

(b) Fee schedules. The program has adopted fee schedules which apply to all authorized services. Fee schedules are revised as needed by the staff and are adjusted in relation to available funding and customary charges. Fees are established for:

(1) Approved physicians and dentists. Fees are established for initial office visits, continuing office visits (follow-up), surgical procedures (based on complexity of the procedure), and diagnostic procedures. The program requires that documentation of diagnostic and treatment procedures be submitted with the payment voucher. A periodic report should be submitted at least every six months to provide the program with current information regarding the patient's need for continuing outpatient services.

(2) Approved hospitals. Inpatient charges will be adjusted by the hospital's most recent ratio of costs to

charges (RCC) This ratio cannot exceed 100%. All hospitals are required to submit within 90 days after the close of their fiscal year a sworn statement of costs allowable under the provisions of Title XVIII and charges used to determine their current RCC. Hospitals may request revision of their RCC during the year by submitting the required statement of allowable costs and charges. When requested, hospital records supporting these statements will be made available for examination by duly authorized representatives of the program. All claims submitted to the program for inpatient hospitalization must be reduced by the estimated amount that will be provided by the insurance covering the patient. The ratio of costs to charges must be applied to the total bill, excluding personal items, before deducting the estimated insurance payment. If there is an adjustment after the actual insurance payment(s), a supplemental billing or a refund should be submitted to the program. A patient discharge summary or an abstract summary must be submitted with the payment voucher.

(3) Outpatient services. Charges will be adjusted by the hospital's most recent RCC for outpatient services, determined in the same manner as required for determination of the inpatient RCC. A periodic evaluative report should be submitted at least every six months to determine the medical necessity for the patient to continue receiving services.

(4) Non-approved providers. Miscellaneous services are reimbursed in accordance with fees established by the program staff for services such as occupational therapy, physical therapy, speech pathology, laboratory, pathology, chemotherapy, radiology.

(c) Usual and customary charges. Charges can not be more than would be charged to other governmental agencies. The program pays for the following types of services prescribed by approved providers:

- (1) medications;
- (2) braces, appliances, durable medical equipment; and
- (3) medical supplies.

(d) Contracts. Program contracts for services will be made in compliance with state law, taking into consideration geographic location, quality of service, and low bid.

(e) Family contribution. The person legally responsible for the medical care of the applicant is obligated to bear a portion of the expense of medical or dental care if financially able. The program, after assessing family resources, may agree to be responsible for certain expenses and expect the family to pay for other expenses. Such an understanding will be in writing, with the family provided a statement of the services for which the programs will be responsible.

(f) Special clinics. The need for special clinics will be determined by the program. Payment for such services will be on a per child or per clinic cost basis.

§37.96. Third Party Resources.

(a) Reimbursement. If program payment is made to a medical care provider or supplier who then receives payment from another resource (usually an insurance carrier), a refund to the program is required. Providers must accept program payment as payment in full for covered

services and may not use payment by another source to make up the difference between the amount billed and the program payment. The following guidelines should be used to determine the amount to be refunded to the program:

(1) When the program pays more than insurance or other third party payment, the amount of the third party payment must be refunded to the program.

(2) When the program pays less than the third party payment, the amount paid by the program must be refunded.

(b) Payment resources.

(1) Medical insurance (including Medicare). Under the provisions of the program legislation, any private medical insurance or other benefits available to the patient must be utilized prior to the use of program funds.

(2) Medicaid. Medicaid benefits must be utilized before program funds can be expended. The program will not supplement Medicaid payments; however, services beyond Medicaid coverage will be considered.

(c) Other benefits available. Any other resource available to the patient, or the parent/guardian if the patient is a minor, must be utilized prior to the use of program funds. This includes benefits from a legal cause of action, settlement, or judgment in behalf of the patient.

§37.97. Service Modification, Suspension, or Termination.

(a) Reasons. Any person requesting or receiving benefits from the program may be notified that such benefits may be nullified, modified, suspended, or terminated if:

(1) Application information is erroneous or falsified.

(2) The person is no longer a resident of Texas.

(3) Pertinent information is not provided when requested.

(4) The medical condition is no longer considered rehabilitative.

(5) The medical condition is improved to the degree that the person no longer qualifies for services.

(6) Obligated reimbursement is not provided the program.

(7) The patient attains the age of 21 (Cystic fibrosis patients are excepted).

(8) Program funds are curtailed.

(b) Procedure. The program will notify the parent/guardian or the patient, if an adult, of the action taken and the reasons for such action in writing. The right of appeal is available. (See appeal procedure.)

§37.98. Payment Suspension or Termination/Quality Assurance. The program may suspend or terminate payment for services if false or fraudulent claims are submitted by a provider or supplier. Any provider or supplier failing to provide and maintain quality services or medically acceptable standards is subject to review, fraud referral, and/or administrative sanctions.

§37.99. Utilization Review. Utilization review activities may be accomplished through monitoring systems developed to ensure that services are appropriate to need and of appropriate quality and quantity. Utilization review will focus on the medical necessity of all services and the quality of care as reflected by the choice of ser-

vices provided and the type of provider involved, to ensure an efficient and cost effective administration of the program.

§37.100. Rights and Responsibilities of Parents/Guardians or the Adult Patient.

(a) Rights.

- (1) To apply for eligibility determination.
- (2) Of free choice of providers within program limitations of approved providers.
- (3) Of notification of modification, suspension, or termination of service.
- (4) To refuse entry into the home to any employee, agent, or representative of the department.
- (5) To appeal program decisions.

(b) Responsibilities.

- (1) To provide accurate information regarding any change of circumstance which might affect eligibility, within 60 days of such change.
- (2) To reimburse the program if third party payments are made directly to the patient or parent/guardian for services or equipment purchased by the program.
- (3) To assist the provider in obtaining prior authorization of service.
- (4) To utilize provided services appropriately; especially to keep appointments and to use supplies and equipment judiciously.
- (5) To utilize insurance and other assets and to inform service providers of such benefits/assets.
- (6) To notify the program of any other benefits available to the patient at the time of application or thereafter.
- (7) To bear a portion of the expense of medical or dental care if deemed financially able by the program.

§37.101. Advisory Committees. The department has established advisory committees to assist the staff with programmatic recommendations. The two committees which serve in advisor capacity are:

(1) General Advisory Committee.

(A) Composition. The Committee will be composed of no more than seventeen members, two of whom will be public members. The remaining membership will include medical and dental specialists approved for program participation.

(B) Selection. The commissioner solicits nominations and provisionally selects the members. Actual appointment to serve on the committee requires approval of the board.

(C) Officers. A chairman and vice-chairman will be selected by a majority vote of the membership from nominations made at the first meeting of the committee in the fiscal year. The duties of the chairman will be to preside at the meetings of the committee. The vice-chairman will preside in the absence of the chairman.

(D) Quorum. A simple majority of the membership will constitute a quorum.

(E) Term of office. Appointments will be for a period of three years, with a third of the membership rotating every year to provide continuity.

(F) Reappointment. A member must express the desire to continue participation on the committee for an additional term by notifying the program staff two

months before the end of a term of office. It will be the responsibility of program staff to keep each member apprised of the date of expiration of his/her term of office to comply with this provision. A member may serve two full consecutive terms. Reappointment will require provisional appointment by the commissioner with approval by the board.

(G) Vacancies. If a vacancy occurs, a new member will be selected provisionally by the commissioner as outlined under the selection section. The new member will fill the unexpired term to which appointed.

(H) Meeting site. The meetings will be held at a time and place designated by program staff with the concurrence of the commissioner and the chairman of the committee.

(I) Frequency of meetings. There is no fixed schedule of meetings but the committee usually meets three or four times each year. Special meetings may be called by the commissioner, program staff, the chairman, or at the request of three members of the committee through the chairman.

(J) Compensation. Members will receive compensation in accordance with the policies set by the board for payment to advisory committee members.

(K) Attendance. Membership may be terminated if a member has three consecutive absences, or for other valid reasons.

(L) Functions. The committee will:

(i) Function as a professional technical advisory committee for the program but can not assume responsibilities which are legally placed with the board.

(ii) Make recommendations on technical matters related to standards of care, fee schedules, and other matters related to program operation.

(iii) Review applications and supporting documents from physicians and dentists who apply for participation in the program. Members should familiarize themselves with the competence of the applicant, recommend approval or disapproval of the application, and submit their recommendations to the board through the commissioner.

(iv) Review applications from hospitals seeking approval for participation in the program. The committee will recommend approval or disapproval of an application and submit their recommendations to the board through the commissioner.

(v) Serve as the technical advisory committee to the Cystic Fibrosis Program.

(2) Cardiovascular Advisory Committee.

(A) Composition. The committee will be composed of nine members and will include two members of the general public and physicians who are board certified in the specialty of pediatric cardiology or thoracic surgery, and who are approved to participate in the program.

(B) Selection. The commissioner solicits nominations and provisionally selects the members. Actual appointment to serve on the committee requires approval of the board.

(C) Officers. A chairman and vice-chairman will be selected by a majority vote of the membership from nominations made at the first meeting of the committee in each fiscal year. The duties of the chairman will be to preside at the meetings of the committee. The vice-

chairman will preside in the absence of the chairman.

(D) Quorum. A simple majority of the membership will constitute a quorum.

(E) Term of office. Appointments will be for a period of three years, with a third of the membership rotating every year to provide continuity.

(F) Reappointment. A member must express the desire to continue participation on the committee for an additional term by notifying the program staff two months before the end of a term of office. It will be the responsibility of program staff to keep each member apprised of the date of the expiration of term of office to comply with this provision. Reappointment will require provisional appointment by the commissioner with approval by the board.

(G) Vacancies. If a vacancy occurs, a new member will be selected provisionally by the commissioner as outlined under selection section. The new member will fill the unexpired term to which appointed.

(H) Meeting site. The meetings will be held at a time and place designated by program staff with the concurrence of the commissioner and the chairman of the committee.

(I) Frequency of meetings. There is no fixed schedule of meetings but the committee usually meets three or four times each year. Special meetings may be called by the commissioner, program staff, the chairman, or at the request of three members of the committee through the chairman.

(J) Compensation. Members will receive compensation in accordance with the policies set by the Board for payment to advisory committee members.

(K) Functions. The committee will:

(i) Function as a professional technical advisory committee for the program, but can not assume responsibilities which are legally placed with the board.

(ii) Make recommendations on technical matters related to standards of care, fee schedules, and other matters related to program operation.

(iii) At the request of program staff, may make on-site evaluations of the provider.

(iv) Review applications and supporting documents from physicians who apply for participation in the program. Members shall familiarize themselves with the competence of the applicant, recommend approval or disapproval of the application, and submit their recommendations to the board through the commissioner.

(v) Review applications from hospitals seeking approval as participating cardiovascular centers for the program. The committee will recommend approval or disapproval of an application and submit their recommendations to the board through the commissioner.

§37.102. Gifts and Donations. The department may receive gifts and donations in behalf of the program, which are deposited in the state treasury and reappropriated to the program.

§37.103. Cooperation with Other Agencies. The department is directed by the legislation to cooperate with public agencies, federal, state, and local, and with private agencies and individuals interested in the welfare of crippled children.

§37.104. Confidentiality of Information.

(a) All information as to personal facts and circumstances obtained by the program staff or the staff of cooperative agencies at the state, regional, or local level will constitute privileged communications, will be held confidential, and will not be divulged without the consent of the patient or the parent/guardian if a minor, except as may be necessary to provide services. Information may be disclosed in summary, statistical, or other forms which does not identify particular individuals.

(b) Information as to personal facts and circumstances will be safeguarded as follows:

(1) All cooperating agencies and providers of services will be notified that no information is to be released about individual patients receiving services under the program, without written consent.

(2) Non-profit organizations which solicit funds for the treatment of disabled persons will be informed that the names of patients whose treatment is being financed by the program are not to be included in any publicity which may be released, without written consent.

(3) Information will be released if requested by duly constituted courts of the state.

(4) All statements made herein with reference to the confidentiality of information must conform to the state law of Texas and will be administered in conformity with such laws.

§37.105. Appeal Procedure. Any person aggrieved by a program decision to modify, suspend, or terminate benefits or participation rights may appeal the decision in the following manner:

(1) Within 10 working days after receiving the above notice, the person aggrieved must respond to, or question, the program's reason(s) in a written response to the program by certified mail.

(2) Upon receipt of this response, the program will affirm or reverse its proposed action in writing to the person, giving the reason(s) for the decision.

(3) Any person aggrieved by the program's decision is entitled to appeal the decision to the Texas Department of Health. The appeal procedure, at minimum, will include the following:

(A) Within 10 working days after receiving the program's decision, the person must send a notice to the program by certified mail requesting a hearing.

(B) The program will set a date and time at the Texas Department of Health Central Office in Austin, Texas, for an administrative hearing before the department.

(C) The administrative hearing will be conducted under the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, (relating to Formal Hearing Procedures) and to §§1.21-1.32 of this title. A copy of the hearing rules will be provided to the person or his representative.

(D) In the event of a decision adverse to the person's interest, the person may appeal to the District Court of Travis County.

§37.106. Nondiscrimination Statement. The Texas Department of Health operates in compliance with Title VI, Civil Rights Act of 1964 (PL 88-352) and Part 80 of Title 45, Code of Federal Regulations, so that no person

will be excluded from participation in, or otherwise subjected to discrimination on the grounds of race, color, or national origin.

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

Issued in Austin, Texas, on July August 3, 1982.

TRD-826181 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: September 11, 1982
For further information, please call (512) 458-7236.

Chapter 157. Emergency Medical Care Emergency Ambulance

The Texas Department of Health proposes the repeal of §157.11, and the adoption of new §157.11 and §157.12. The old §157.11 concerns the application form for a permit to operate an emergency ambulance, and new §157.11 and §157.12 concern required and recommended ambulance equipment.

Stephen L. Seale, chief accountant III, has determined that for the first five-year period the proposed repeal and the new rules will be in effect there will be no fiscal implications to state or local government.

Mr. Seale has also determined that for each year of the first five years the proposed repeal and new rules are in effect the public benefit anticipated as a result of enforcing the proposals will be to delete unnecessary language and make way for new rules simultaneously being submitted. The new rules will describe the minimum required ambulance equipment for vehicle permitting and also a supplemental list of recommended equipment.

There is no anticipated economic cost for individuals as a result of the proposed repeal. The anticipated economic cost to individuals who are required to comply with the proposed new rules will be the cost required to upgrade an ambulance, depending on the equipment currently carried on that ambulance, and may range from \$0 to \$1,100. This would be a one-time cost at the time of upgrade.

Comments on the proposals may be submitted to Charles H. Gregory, M.D., Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Public comments will be received for 30 days after publication in the *Texas Register*.

25 TAC §157.11

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Health, 1100 West 49th Street, Austin, or in the Texas Register office, 503E Sam Houston Building, Austin.)

The repeal is proposed under Texas Civil Statutes, Article 4590b, §4, which provides the Texas Department of Health with the authority to promulgate rules covering permits for emergency ambulances.

§157.11. Application Form for a Permit to Operate an Emergency Ambulance.

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826185 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: September 11, 1982
For further information, please call (512) 458-7551.

25 TAC §157.11, §157.12

The new sections are proposed under Texas Civil Statutes, Article 4590b, §4, which provides the Texas Department of Health with the authority to promulgate rules covering permits for emergency ambulances.

§157.11. Required Ambulance Equipment.

(a) The following ambulance equipment is required for an ambulance permit.

- (1) One small, one medium, and one large size extrication collar which is not cervical.
- (2) One portable suction apparatus with wide tubing and suction tip.
- (3) One bag mask unit with adult and child-sized masks which can be used with an external oxygen supply.
- (4) One infant bag mask unit which can be used with an external oxygen supply.
- (5) Oropharyngeal airways (nonmetallic) in adult, child, and pediatric sizes.
- (6) One portable oxygen unit with adequate tubing and semi-open valveless, transparent masks in adult, child, and pediatric sizes.
- (7) Two clean, padded bite sticks.
- (8) Two universal dressings approximately 10 inch by 36 inch in size.
- (9) A minimum of 10 dozen four inch by four inch individual sterile gauze pads.
- (10) Two dozen four inch by five yards soft roller adhering bandages.
- (11) One-half dozen sterile petroleum jelly impregnated gauze or suitable occlusive dressing.
- (12) Two rolls each of one inch, two inch, and three inch wide adhesive tape.
- (13) Four sterile burn sheets.
- (14) One traction splint with all attachments suitable for an adult and child.

(15) Two 15 inch to 18 inch by three inch splints and one 48 inch to 50 inch by three inch splints which may be any of the following types:

- (A) inflatable splints;
- (B) foam-type rapid splints; or
- (C) padded board splints.

(16) Long and short spine boards: one long six foot board and one short spine board or one commercial device which stabilizes the head and back.

(17) One dozen triangular bandages.

(18) Two pairs of bandage shears. (Table shears are not acceptable.)

(19) Sealed obstetrics kit. The kit must include the following:

- (A) sterile gloves;
- (B) one disposable sheet;
- (C) cleansing cloths;
- (D) umbilical clamps;
- (E) nylon cord tie-offs;
- (F) disposable scalpel;
- (G) bulb aspirator;
- (H) four inch by four inch gauze sponges;
- (I) obstetrical pad;
- (J) receiving blanket;
- (K) disposable towels;
- (L) plastic bag; and
- (M) nonporous infant insulating device.

(20) Poison kit. The kit must include the following:

- (A) Syrup of Ipecac, and
 - (B) activated charcoal.
- (21) One adult and one child blood pressure cuff.
- (22) Stethoscope.
- (23) Flashlight or penlight.
- (24) One multilevel stretcher with two sheets, two blankets, and two pillows.

(b) All equipment must be in working order, clean, and in sufficient supply to provide safe transport for patients.

§157.12. Recommended Ambulance Equipment.

(a) The following ambulance equipment is recommended in addition to the required ambulance equipment.

- (1) Nasopharyngeal airway.
- (2) Fire extinguisher.
- (3) Emesis basin.
- (4) Medium size dressing (five inch by nine inch or eight inch by 10 inch).
- (5) Adhesive bandage strips.
- (6) Glucose or sugar for oral administration.
- (7) Cold packs.
- (8) Bulb syringe separate from aspirator included in obstetrics kit.
- (9) Plastic bags.
- (10) Paper bags.
- (11) Sterile irrigation fluid.
- (12) Pneumatic antishock trousers in adult and pediatric sizes.

(13) Two-way radio. (Citizens band radio is not acceptable.)

(b) All equipment must be in working order, clean, and in sufficient supply to provide safe transport for patients.

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826182

Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: September 11, 1982
For further information, please call (512) 458-7551.

Chapter 313. Athletic Trainers General Requirements and Guidelines

25 TAC §313.13

The Texas Department of Health proposes new §313.13, concerning the licensing of persons with criminal backgrounds to be athletic trainers.

Stephen Seale, chief accountant III, has determined that for the first five-year period the rule will be in effect there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Seale has also determined that for each year of the first five years the rule as proposed is in effect the public benefit anticipated as a result of enforcing the rule as proposed will be to establish guidelines and criteria on the eligibility of persons with criminal backgrounds to obtain athletic trainers licenses. There is no economic cost to individuals who are required to comply with the rule as proposed.

Comments on the proposal may be submitted to Maurice B. Shaw, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. Comments will be accepted for 30 days after the publication of these proposed rules in the *Texas Register*.

The new section is proposed under Texas Civil Statutes, Article 4512d, §2 and §5, which provides the Advisory Board of Athletic Trainers with the authority to adopt rules, subject to the approval of the Texas Department of Health, covering the licensing of athletic trainers.

§313.13. Licensing of Persons With Criminal Backgrounds to be Athletic Trainers.

(a) Purpose. This section is designed to establish guidelines and criteria on the eligibility of persons with criminal backgrounds to obtain athletic trainer licenses.

(b) Criminal convictions which directly relate to the occupation of athletic trainer.

(1) The board may suspend or revoke an existing license, disqualify a person from receiving a license, or deny to a person the opportunity to be examined for a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of an athletic trainer.

(2) In considering whether a criminal conviction directly relates to the occupation of an athletic trainer, the board shall consider:

(A) the nature and seriousness of the crime;
(B) the relationship of the crime to the purposes for requiring a license to be an athletic trainer. The following felonies and misdemeanors relate to the license of an athletic trainer because these criminal offenses indicate an inability or a tendency to be unable to carry out the practice or prevention and/or rehabilitation of injuries incurred by athletes:

(i) a felony or misdemeanor involving moral turpitude;

(ii) a misdemeanor involving a violation of Texas Civil Statutes, Article 4512d, "Advisory Board of Athletic Trainers;"

(iii) Texas Penal Code offenses against the person; property; public order and decency; and public health, safety, and morals. This subsection includes the offense of attempting or conspiring to commit any of the offenses in this subsection.

(iv) the misdemeanors and felonies listed in clauses (i)-(iii) of subsection (b)(2)(B) of this section are not inclusive in that the board may consider other particular crimes in special cases in order to promote the intent of the Act and these rules.

(C) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and

(D) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a licensed athletic trainer. In making this determination, the board will apply the criteria outlined in Texas Civil Statutes, Article 6252-13c, §4(c)(1)-(7), the legal authority for these rules.

(c) Procedures for revoking, suspending, or denying a license to persons with criminal backgrounds.

(1) The board's executive director will give written notice to the person that the board intends to deny, suspend, or revoke the license after hearing in accordance with the provisions of the Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a.

(2) If the board denies, suspends, or revokes a license under these rules after hearing, the executive director will give the person written notice:

(A) of the reasons for the decision;

(B) that the person, after exhausting administrative appeals, may file an action in a district court of Travis County, for review of the evidence presented to the board and its decision;

(C) that the person must begin the judicial review by filing a petition with the court within 30 days after the board's action is final and appealable.

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826183 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Proposed date of adoption: September 11, 1982
For further information, please call (512) 458-7538.

TITLE 34. PUBLIC FINANCE

Part III. Teacher Retirement System of Texas

The following proposals submitted by the Teacher Retirement System of Texas will be serialized beginning in the August 13, 1982, issue of the *Texas Register*. Proposed date of adoption for the documents is September 10, 1982.

Chapter 25. Membership Credit

Compensation
§ 25.29 (repeal)

Military Service
§ 25.64 (amendment)

Purchase of Credit for Out-of-State Service
§ 25.82 (amendment)
§ 25.86 (amendment)

Chapter 27. Termination of Membership and Refunds

§ 27.6 (amendment)

Chapter 29. Benefits

Service Retirement
§ 29.3 (amendment)
§ 29.4 (amendment)

Chapter 31. Employment After Retirement

§ 31.11 (amendment)

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Chapter 15. Medicaid Eligibility

The Department of Human Resources proposes to amend and repeal its rules about restitution procedures in the Medicaid Eligibility program. The department is proposing to amend its rule to clarify: the definition of restitution in the Medicaid Eligibility program; when the department seeks restitution of overpayments from the client; and when the client is notified of the overpayment.

David Hawes, director, Programs Budget and Statistics, has determined that for the first five-year period the rule will be in effect, there will be no fiscal implications to state or local government as a result of enforcing or administering the rule.

Mr. Hawes also has determined that for each year of the first five years the rule is in effect, the public benefit will be: faster notification of clients about the need for restitution, and a reduction in paperwork and time for processing notifications by the department. There is no economic cost to individuals required to comply with the rule.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Policy Development Support Division—133, Department of Human

Resources 153-B, P.O. Box 2960, Austin, Texas 78769 within 30 days of publication in this *Register*.

The following rule is proposed under Chapters 22 and 32, Title 2, Human Resources Code, which authorize the department to administer public assistance programs.

Restitution Defined

40 TAC §15.5417

§15.5417 (326.25.55.019). *Restitution Defined.*

(a) **Restitution is securing payment from an individual if the individual is undercharged applied income because of previously unreported or under-reported monthly income or resources, and fraud is not indicated or not pursued. Restitution payments by an individual must be made in the form of a cashier's check or money order payable to the Texas Department of Human Resources.** [Restitution is defined as the securing of payment from the individual in the form of a cashier's check or money order made payable to the Texas Department of Human Resources.]

(b) **The department seeks restitution from MAO and SSI clients in the following situations:**

(1) **Cumulative vendor overpayment exceeds \$10; fraud is suspected and cumulative vendor overpayment does not exceed \$100; and overpayment is not a result of department error.**

(2) **The client does not report changes in income within 10 days from receipt.**

(3) **The client receives a lump sum payment which raises income more than \$10 for any month and the payment cannot be excluded as irregular or infrequent income.**

(4) **The initial payment plan (applied income) for an SSI recipient is understated by more than \$10 cumulative.**

(5) **The client is advised of the correct amount of applied income on the appropriate notification form, but a wrong amount appears on the Patient Status and Payment Plan Notice, because of a processing or coding error.**

(6) **The client is determined to be ineligible for a month because of unreported or under-reported resources in excess of program limits.**

(c) **The client/responsible relative is entitled to be notified by the department if the department determines that restitution is required from the client.**

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

Issued in Austin, Texas, on August 4, 1982.

TRD-826244 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: September 10, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Restitution Procedures

40 TAC §15.5418

(Editor's note: The text of the following rule being proposed for repeal will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 701 Bannister Lane, Austin, or in the offices of the Texas Register, 503E Sam Houston Building, Austin.)

The repeal of the following rule is proposed under Chapters 22 and 32, Title 2, Human Resources Code, which authorize the department to administer public assistance programs.

§25.5418 (326.25.55.020). *Restitution Procedures.*

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

Issued in Austin, Texas, on August 4, 1982.

TRD-826246 Marlin W. Johnston
Commissioner
Texas Department of Human
Resources

Proposed date of adoption: September 10, 1982
For further information, please call (512) 441-3355,
ext. 2037.

Part VII. Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons Chapter 189. Purchases of Products and Services of Blind and Severely Disabled Persons [Purchase of Blind-Made Products and Services]

40 TAC §§189.1-189.3, 189.6,
189.7, 189.12, 189.16

The Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons proposes amendments to §§189.1-189.3, 189.6, 189.7, 189.12, and 189.16, (343.01.00.001-.003, .006, .007, .012, and .016), concerning the purchase of products and services of blind and severely disabled persons by state agencies and political subdivisions. These new rules were developed pursuant to new legislation published in Texas Civil Statutes, Human Resources Code, Chapter 122.

Ray Vaughn, facilities specialist, 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. Vaughn has also determined that for each year of the first five years the rules as proposed is in effect the public benefit anticipated as a result of en-

forcing the rules as proposed will be that handicapped people will be aided in achieving more personal independence by engaging in useful and productive activities, and at the same time products and services will be provided to state agencies and political subdivisions.

The economic cost to state agencies and political subdivisions who are required to comply with the rules as proposed will not differ substantially from the cost incurred had the products and services been purchased on the open market.

Comments on the proposal may be submitted to Vernon H. Newman, General Counsel, Texas Rehabilitation Commission, 118 East Riverside Drive, Austin, Texas 78704, (512) 445-8126.

The amendments are proposed under Texas Civil Statutes, Human Resources Code, Chapter 122, §122.010, which provides the Committee on Purchases of Products and Services of Blind and Severely Disabled Persons with the authority to adopt rules for the implementation, extension, administration, or improvement of the authorized program.

§189.1 (343.01.00.001). General.

(a) The purpose of **this** [the pilot] program for the purchase of [blind-made] products and services is to further the State of Texas' policy of encouraging and assisting handicapped citizens to achieve maximum personal independence by engaging in useful and productive activities to furnish products and services to state and local governments and to reduce institutionalization. **This** [the pilot] program will [also] provide job opportunities needed by multihandicapped ~~and other~~ **severely disabled** [blind] persons [and enable research, demonstration, and development of approaches through which the program may be extended to disability groups other than the blind].

(b) All suitable products or services approved by the committee in accordance with applicable specifications by or for any state agency or political subdivision shall be procured from such nonprofit workshops [for the blind] where such products or services are available within the period specified at the fair market price determined by the committee unless otherwise excluded or excepted by §189.7 (343.01.00.007) of this title (relating to Exceptions) or §189.16 (343.01.00.016) of this title (relating to Exclusions).

§189.2 (343.01.00.002). Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Committee—The Texas Committee on **Purchases of Products and Services of Blind and Severely Disabled Persons** [the Purchase of Blind-Made Products and Services] as described in §122.002 [§93.002] of the Texas Human Resources Code.

Fair market price—That price determined by the committee pursuant to §189.5 of this title (relating to Determination of Fair Market Price) to be applicable to all suitable products and services provided by workshops and offered for sale to the various agencies and departments of the government of the State of Texas and of

the political subdivisions of the state in accordance with the provisions of §122.004 [§93.004] of the Texas Human Resources Code.

Workshop—A public or private nonprofit sheltered workshop organized under the laws of the State of Texas and recognized by the relevant vocational rehabilitation agency of the state as capable of contributing to the purposes of Chapter 122 [93] of the Texas Human Resources Code and these rules. A list of workshops qualifying as such under the Act and, in fact, offering suitable products and services for sale shall be maintained by the committee (see §189.13 (343.01.00.011) of this title (relating to Value Added) for additional eligibility criteria).

§189.3 (343.01.00.003). Organization of the Committee.

(a) The governor, with the advice and consent of the senate, shall appoint the members of the committee in accordance with the provisions of §122.002 [§93.002] of the Texas Human Resources Code.

(b) Reimbursement for **actual and necessary** expenses actually incurred in the performance of services in connection with the work of the committee **will** [may] be **made** as authorized by the executive director of the commission. **Members who are not representatives of state agencies shall be reimbursed by the committee. Members who are representatives of state agencies shall be reimbursed by the agencies they represent.**

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

§189.6 (343.01.00.006). Selection of Suitable Products and Services.

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

(g) A product manufactured for sale to a political subdivision of this state or an office or department thereof shall be manufactured or produced according to specifications developed by the purchaser. **A political subdivision of this state may purchase products or services for its use from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced or provided by this Act.** [The provisions of §189.7 (343.01.00.007) of this title (relating to Exceptions) shall also apply to procurements by political subdivisions; however, those political subdivisions shall make the determinations regarding reasonable requirements and compliance which are required of the state purchasing agency in that rule. All uses of the exceptions provision shall be reported to the committee in the same manner as that provided in §189.7 (343.01.00.007) of this title (relating to Exceptions), and no office or department of a political subdivision may evade the intent of this subsection by slight variations from specifications adopted in accordance with this subsection, when the products or services produced or provided in accordance with this Act are reasonably adopted to the actual needs of that office or department.]

§189.12 (343.01.00.012). Issuance of Purchase Orders.

(a) (No change.)

(b) Political subdivisions **may** [will] order directly from the central nonprofit agency, be invoiced by it, and will make prompt payments to it.

§189.16 (343.01.00.016). Exclusions. There are excluded from the application of these rules those political

subdivisions of the state that are not covered by Title V of the Federal Rehabilitation Act of 1973, as amended (29 United States Code, §790-794). [not required to take affirmative action under Title V of the Federal Rehabilitation Act of 1973 in regard to employment and other matters relating to the handicapped due to the existence of any contract or subcontract in excess of \$2,500 for the procurement of personal property and nonpersonal services with any department of the federal government or prime contractor of any department of the federal government.]

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

Issued in Austin, Texas, on July 30, 1982.

TRD-826132

Vernon H. Newman
General Counsel
Texas Rehabilitation Commission

Proposed date of adoption: September 11, 1982
For further information, please call (512) 445-8126.

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 1. ADMINISTRATION

Part IV. Office of the Secretary of State

Chapter 97. Business Opportunity Preliminary Examination Rule

1 TAC §97.31

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC §91.24(b), the proposed new §97.31 submitted by the Office of the Secretary of State has been automatically withdrawn, effective August 3, 1982. The new rule as proposed appeared in the February 2, 1982, issue of the *Texas Register* (7 TexReg 384).

TRD-826153
Filed: August 3, 1982

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 321. Grants Administration Subchapter A. State Project Priority System

31 TAC §321.26

Pursuant to Texas Civil Statutes, Article 6252-13a, §5(b), and 1 TAC 91.24(b), the proposed amendments to §321.26 submitted by the Texas Water Development Board have been automatically withdrawn, effective August 3, 1982. The amendments as proposed appeared in the February 2, 1982, issue of the *Texas Register* (7 TexReg 419).

TRD-826154
Filed: August 3, 1982

Adopted Rules

An agency may take final action on a rule 30 days after a proposal has been published in the *Register*. The rule becomes effective 20 days after the agency files the correct document with the Texas Register 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 under which the rule was adopted.

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.

TITLE 25. HEALTH SERVICES Part I. Texas Department of Health

The following adoptions submitted by the Texas Department of Health will be serialized beginning in the August 13, 1982, issue of the *Texas Register*. The effective date for the documents is August 24, 1982.

Chapter 1. Texas Board of Health

Procedures and Policies
§§ 1.4, 1.7, 1.9, 1.11 (new)

Chapter 157. Emergency Medical Care

Denial and Revocation of Emergency Medical Services Certificates and Certifications
§§ 157.21-157.25 (new)
Emergency Medical Services Systems
§§ 157.41-157.50 (new)

Chapter 169. Veterinary Public Health

Rabies Control and Eradication
§ 169.33 (new)
Care of Animals by Circuses, Carnivals, and Zoos
§§ 169.41-169.48 (new)

Chapter 289. Occupational Health and Radiation Control

Control of Radiation
§ 289.1 (amendment)

Chapter 61. Chronic Diseases Kidney Health Care Program Benefits

The Texas Department of Health adopts the repeal of §§ 61.1-61.9, without changes to the proposed text published in the May 18, 1982, issue of the *Texas*

Register (7 TexReg 1886). The department simultaneously adopts new §§ 61.1-61.13, with changes to the proposed text published in the May 18, 1982, issue of the *Texas Register* (7 TexReg 1887).

The new rules are adopted to provide an expanded and clarified description of the Kidney Health Care Program operation. They will replace the existing rules. The new rules cover definition; application procedures and requirements; eligibility requirements for individuals and approval requirements for facilities; a description of program benefits; an explanation of patient reimbursement obligations; criteria for terminating program benefits or facility approval; procedures for obtaining administrative hearings; confidentiality assurances; and a nondiscrimination assurance.

A few comments were made which suggested some minor changes for purposes of clarification. The department agrees with these suggestions and has made clarifications in subparagraph (a)(2)(A) and paragraph (b)(1) of new § 61.6; subparagraph (b)(3)(C) of new § 61.7; and paragraph (a)(3) of new § 61.8.

There were no comments for or against the proposed repeal or new rules. No group or association commented on the proposals rules.

25 TAC §§ 61.1-61.9

The repeals are adopted under Texas Civil Statutes, Article 4477-20, § 3(13), provides the Texas Board of Health with the authority to adopt new rules to provide adequate kidney care and treatment for the citizens of the State of Texas and to carry out the purposes and intent of the Texas Kidney Health Care Act.

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826179 Robert A. MacLean, M.D.
Deputy Commissioner
Professional Services
Texas Department of Health

Effective date: September 1, 1982
Proposal publication date: May 18, 1982
For further information, please call (512) 458-7338.

25 TAC §§61.1-61.13

The new sections are adopted under the authority of Texas Civil Statutes, Article 4477-20, §3(13), which provides the Texas Board of Health with the authority to adopt new rules to provide adequate kidney care and treatment for the citizens of the State of Texas and to carry out the purposes and intent of the Texas Kidney Health Care Act.

§61.1. Introduction and Brief Description of Program Operation.

(a) In April 1973, the 63rd Legislature of Texas passed the Kidney Health Care Act, Texas Civil Statutes, Article 4477-20, which established the Kidney Health Care Program under the Texas Department of Health. This law called for state funds to be expended for the care and treatment of Texans suffering from end-stage renal disease (ESRD).

(b) End-stage renal disease is defined as that stage of renal impairment which is virtually always irreversible and permanent and requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life. Patients meeting the eligibility requirements must make application through an approved kidney health care facility. Benefits are available for dialysis treatments, hospitalization, laboratory charges, physician charges, home dialysis supplies, drugs, and transportation.

§61.2. *Eligibility Requirements.* A person is eligible to receive kidney health care benefits when he/she meets all of the following requirements:

- (1) has a medical diagnosis of end-stage renal disease;
- (2) is a bona fide resident of Texas; and
- (3) makes application through a kidney health care approved facility.

§61.3. Payment of Program Benefits.

(a) Benefits are available for dialysis treatments, hospitalization, laboratory charges, home dialysis supplies, drugs, and transportation, up to a maximum per patient based on available funds.

(b) Benefits are payable only after all other possible third parties (e.g., private/group insurance, Medicare, Medicaid, or the Veterans Administration) have met their liability.

(c) Payment can be made either directly to physicians or medical facilities, or as a reimbursement to the patient for charges which he/she has paid.

(d) All benefits provided in behalf of approved patients are limited to charges incurred in Texas except when they are receiving treatment in an approved kidney health care facility located out-of-state.

(e) Eligibility for all benefits will begin:

(1) the first day of the month prior to the month in which regular dialysis was started; or

(2) the first day of the month prior to the month a transplant was received; or

(3) the date of establishment of a bona fide Texas residency when a patient who is already on an established course of dialysis, or has a functioning transplant, moves into Texas.

(4) In order for the patient to receive full benefits, applications must be received no later than three months after the month in which dialysis initially started, a transplant was received, or the patient moved to Texas, whichever is applicable.

(f) In-center dialysis patient benefits are available to cover expenses for medical services performed during the three-month waiting period required for Medicare chronic renal disease coverage.

(g) For home dialysis patients and transplant patients, the Kidney Health Care Program will cover the portion of the 20% Medicare co-insurance on kidney-related charges which is not covered by a third party. For transplant patients, these benefits will terminate 36 months after a successful transplant.

(h) Long-term benefits for medical care are extended to those patients under age 65 who do not qualify for Medicare coverage. Medicare denial must be documented by a copy of the official Social Security Administration denial notification.

(i) Medicare Part A and B premiums may be paid for by the program for those persons that meet all the following criteria:

(1) are over age 65 and are not eligible for "premium free" Part A coverage;

(2) are not covered by a state "buy-in" agreement with the Texas Department of Human Resources;

(3) apply through their local Social Security Administration office during the "open-enrollment period;" and

(4) sign an agreement for the Kidney Health Care Program to purchase Medicare coverage in their behalf.

(j) Drug and transportation benefits are available for all kidney health care approved patients on a continuing basis, regardless of their treatment mode.

(k) Additional benefits may be provided if sufficient funds are available after payments have been made on all other allowable claims filed. All approved patients are eligible. If funds remain, notification and filing dates will be mailed to those concerned regarding the procedure for filing for these additional benefits. These benefits are limited to:

(1) deductibles, co insurance, and totally non-covered items for patients with Medicare coverage, and

(2) charges prior to Medicare eligibility for those patients who reached maximum kidney health care benefits during their regular benefits period.

§61.4. *Applications.* Patients meeting the eligibility requirements set forth of §61.2(1) and (2), of this title

(relating to Eligibility Requirements) must make application for benefits through a kidney health care approved facility

(1) Complete application. An application shall consist of:

(A) a properly completed original kidney health care application for benefits (Form KHC 1), supplied by Kidney Health Care. The form is adopted by reference in §61.13 of this title (relating to Forms);

(B) a copy of the properly completed, signed, and dated Health Care Financing Administration (HCFA) Medical Form 2728-U4. The form is adopted by reference in §61.13 of this title (relating to Forms); and

(C) two documents which are acceptable to the department to provide evidence of bona fide Texas residency (See §61.6 of this title (relating to Documentation of Residency)).

(2) Deficient applications.

(A) An application shall be deemed deficient for:

(i) failure to provide information requested in the application form;

(ii) lack of accompanying documents;

(iii) lack of, or improper signatures.

(I) The application must be signed by the patient;

(II) An application signed with a "mark" by the patient must be attested to by two witnesses;

(III) If a member of the patient's immediate family signs for the patient, the reason they are doing so must be stated on the application;

(iv) lack of legal residency documentation.

(B) Deficient applications will be returned to the initiating facility for correction, with the deficiencies noted.

(i) A copy of the letter notifying the facility that the application is deficient will be sent to the patient, also.

(ii) The date used for determining the eligibility effective date for a deficient application will be the date the properly completed application is finally received, not the date the original application was received.

§61.5. Residency. A bona fide resident means a person who:

(1) is lawfully present in the United States;

(2) is physically present within the geographic boundaries of the State of Texas;

(3) has an intent to remain within the state, either permanently or for an indefinite period; and

(4) actually maintains an abode (i.e., house, apartment, etc., but not merely a post office box) within this state; or

(5) is a minor child of a bona fide resident; or

(6) is a legal dependent spouse of a bona fide resident; or

(7) is an adult residing in Texas and his/her legal guardian is a bona fide resident.

§61.6. Documentation of Residency.

(a) The department will consider the following documentation as adequate evidence of bona fide residency in the State of Texas.

(1) An applicant who is a citizen of the United States may provide evidence of Texas residency by submitting either:

(A) copies of two of the following documents:

(i) a current, valid Texas driver's license;

(ii) a current, valid Texas voter's registration card;

(iii) a current, valid Texas motor vehicle registration; or

(iv) receipts for the payment of rent or utilities for two consecutive months prior to the date of the applicant's first dialysis; or

(B) two sworn statements (affidavits) from reputable bona fide residents which state that the applicant meets the residency criteria set forth in §61.5 of this title (relating to Residency).

(2) An applicant who is a lawful permanent resident alien of the United States may provide evidence of Texas residency by submitting either:

(A) a complete copy of United States Immigration and Naturalization Service Form I-151 or Form I-551 (Alien Registration Receipt Card) and one document from a category enumerated in subsection (a)(1) of this section; or

(B) two sworn statements (affidavits) from reputable bona fide residents which state that the applicant meets the residency criteria set forth in §61.5 of this title (relating to Residency).

(b) An applicant who has been lawfully granted temporary entry into the United States may provide adequate evidence of Texas residency by submitting the following documentation on a periodic basis, at intervals not to exceed six months, measured from the date of the applicant's approval.

(1) A complete copy of the forms issued to the applicant by the United States Immigration and Naturalization Service as evidence of lawful temporary entry into the United States. Such forms may include but are not limited to Form I-90; Form I-94; Form I-120; or Form I-181; and

(2) One document from a category enumerated in subsection (a)(1) of this section; or

(3) Two sworn statements (affidavits) from reputable bona fide residents that state that the applicant meets the residency criteria set forth in §61.5 of this title (relating to Residency).

§61.7. Modification, Suspension, or Termination of Patient Benefits.

(a) Reasons for modification, suspension, or termination of benefits. Any person receiving benefits from the program may be put on notice that these benefits may be modified, suspended, or terminated if:

(1) the person submits an application form or documents to prove Texas residency which contains a misstatement of fact which is material to the department's determination that the person is eligible for program benefits;

(2) the person is no longer a resident of the state;

(3) the person fails or refuses to provide the periodic documentation of residency required in §61.6(b) of this title (relating to Documentation of Residency);

(4) the person regains kidney function;

(5) the person refuses to reimburse the department after being notified of third party benefits or patient reimbursement obligations;

(6) the person submits false claims to the Kidney Health Care Program.

(b) Procedure for modification, suspension, or termination.

(1) Within 10 working days after receiving the above notice, the patient must respond to, or question, the program's reason(s) in a written response to the program by certified mail.

(2) Upon receipt of the patient's response, the program will affirm or reverse its proposed action in writing to the patient, giving the reason(s) for the decision.

(3) Any patient aggrieved by the program's decision is entitled to appeal the decision to the Texas Department of Health. The appeal procedure, at a minimum, will include the following:

(A) Within 10 working days after receiving the program's decision, the patient must send a notice to the program by certified mail requesting a hearing.

(B) The program will set a date and time at the Texas Department of Health central office in Austin, Texas, for an administrative hearing before the department.

(C) The administrative hearings will be conducted in accordance with the applicable provisions of the Texas Administrative Procedure and Texas Register Act (Texas Civil Statutes, Article 6252-13a) and §§1.21-1.32 of this title (relating to Formal Hearing Procedures). A copy of the hearing rules will be provided to the patient or the patient's representative.

(D) In the event of a decision adverse to the patient's interest, the patient may appeal to the District Court of Travis County.

§61.8. Kidney Health Care Approved Facilities.

(a) An approved facility is one that:

(1) has met all Medicare certification requirements;

(2) has been assigned a Medicare ESRD provider number; and

(3) has submitted a letter of agreement or has entered into a contract with the department to participate in the Texas Kidney Health Care Program and agrees to cooperate with the program in accordance with Texas Civil Statutes, Article 4477-20, and the program rules adopted by the Texas Board of Health.

(b) The approval date will be the same date as that granted by the Health Care Financing Administration for Medicare ESRD approval.

§61.9. Termination of Facility Approval.

(a) Reasons for termination of facility approval. A kidney health care approved facility may lose its approval and privilege to participate in the Kidney Health Care Program if:

(1) the facility submits a letter of agreement which contains a false statement which is material to the department's determination that the facility is approved for participation in the program;

(2) the facility loses Medicare approval;

(3) the facility fails to reimburse the Kidney Health Care Program when overpayments have been

made;

(4) the facility fails to reimburse the Kidney Health Care Program when primary liability for payment of patient medical care expense has not been satisfied; or

(5) the facility files false claims.

(b) Notice of termination or loss of approval.

(1) The Kidney Health Care Program shall notify the medical director of record by certified mail of its intent to withdraw kidney health care approval.

(2) Within 10 working days after receiving this notice, the facility must respond to, or question, the program's reason(s) in a written response to the program by certified mail.

(3) Upon receipt of the facility's written response, the program will affirm or reverse its proposed action, in writing, to the facility medical director of record, giving the reason(s) for the decision.

(4) A facility aggrieved by the program's decision is entitled to appeal the decision to the Texas Department of Health. The appeal procedure will be the same set forth in §61.7 of this title (relating to Modification, Suspension, or Termination of Patient Benefits).

§61.10. Patient Reimbursement Obligation.

(a) Although there is no means test for receiving benefits through the Kidney Health Care Program, the Texas Kidney Health Care Act does impose a reimbursement obligation on all approved patients. The law states that at the end of each calendar year any person who has received benefits from the Kidney Health Care Program must pay back to the program either:

(1) an amount not to exceed 5.0% of the patient's adjusted gross income (or the adjusted gross income of those responsible for the patient's debts, e.g., spouse, parent) minus the following deductions:

(A) \$1,000 (standard deduction), and

(B) the amount paid in premiums for private/group health insurance; or

(2) an amount equal to the benefits received from the Kidney Health Care Program, whichever is the smaller amount.

(b) For purposes of computing the patient's reimbursement obligation, a patient's adjusted gross income (AGI) is that amount shown as adjusted gross income on his/her federal income tax return, Forms 1040 or 1040A. The person responsible for the patient's debts shall be determined for reimbursement purposes by the existing law of the state.

§61.11. Confidentiality of Information.

(a) All information as to personal facts and circumstances obtained by the program staff or the staff of cooperative agencies of the state, regional, or local level will constitute privileged communications, and will be held confidential and will not be divulged without the consent of the patient, patient's parents, or guardians of minors or wards, except as necessary to provide services and as may be necessary under the Texas Open Records Act, Texas Civil Statutes, Article 6252-17a.

(b) Information may be disclosed in summary, statistical, or other forms which does not identify particular individuals.

§61.12. Nondiscrimination Statement. The Texas Department of Health operates in compliance with Title VI, Civil Rights Act of 1964 (Public Law 88-352) and Part 80 of Title 45, Code of Federal Regulations, so that no person will be excluded from participation in, be denied benefits, or otherwise subjected to discrimination on the grounds of race, color, or national origin.

§61.13. Forms.

(a) The department adopts by reference the following two forms contained in §61.4(1)(A) and (B) of this title (relating to Applications):

- (1) kidney health care application for benefits (Form KHC 1), and
- (2) Health Care Financing Administration medical Form 2728-U4.

(b) Copies are indexed and filed and are available for public inspection in the office of the Kidney Health Care Program located at 5350 Burnet Road, Austin, Texas.

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

Issued in Austin, Texas, on August 3, 1982.

TRD-826173 Robert A. MacLean, M.D.
 Deputy Commissioner
 Professional Services
 Texas Department of Health

Effective date: September 1, 1982
 Proposal publication date: May 18, 1982
 For further information, please call (512) 458-7338.

TITLE 31. NATURAL RESOURCES AND CONSERVATION

Part X. Texas Water Development Board

Chapter 335. Industrial Solid Waste Subchapter W. Delisting of Hazardous Waste

31 TAC §§335.481-335.487

The Texas Department of Water Resources adopts the repeal of §§335.481-335.487, concerning delisting of hazardous waste, without changes to the proposed text published in the May 25, 1982, issue of the *Texas Register* (7 TexReg 1990).

This repeal will provide greater clarity as to the appropriate mechanism to exclude a waste at a particular facility from the listing contained at 40 Code of Federal Regulations Part 261, Subpart D. It will result in consistency with existing provisions of state law regarding the definition of hazardous waste.

It has been determined that the delisting procedure under 40 Code of Federal Regulations §260.22 is not subject to authorization by the administrator of the U.S. Environmental Protection Agency (EPA) under §3006 of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 United States Code 6901 *et seq.* In addition, any delisting of a hazardous waste by the administrator under 40 Code of Federal Regulations §260.22 would be recognized at the state level due to the definition of hazardous waste in the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, as any solid waste identified or listed as a hazardous waste by the administrator pursuant to RCRA. The provisions contained in this subchapter are therefore unnecessary.

No comments were received regarding adoption of this repeal.

The repeal of §§335.481-335.487 is adopted under the authority of the Texas Water Code, §5.131 and §5.132, which provides the Texas Water Development Board with the authority to make any rules necessary to carry out the powers and duties under the provisions of the code and other laws of the state and to establish and approve all general policy of the Texas Department of Water Resources. The repeal is further adopted under the Solid Waste Disposal Act, Texas Civil Statutes, Article 4477-7, §4(c), which gives the Texas Department of Water Resources the authority to adopt and promulgate rules consistent with the general intent and purposes of the Act, and establish minimum standards of operation for all aspects of the management and control of industrial solid waste. Under §3(b) of the Solid Waste Disposal Act, the Texas Department of Water Resources is designated as the state solid waste agency with respect to the management of industrial solid waste and is required to seek the accomplishment of the purposes of the Act through the control of all aspects of industrial solid waste management by all practical and economically feasible methods consistent with the powers and duties given it under the Act and other existing legislation. Section 3(b) grants to the department the powers and duties specifically prescribed in the Act and all other powers necessary or convenient to carry out its responsibilities.

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

Issued in Austin, Texas, on August 2, 1982.

TRD-826172 M. Reginald Arnold II
 General Counsel
 Texas Department of Water Resources

Effective date: August 24, 1982
 Proposal publication date: May 25, 1982
 For further information, please call (512) 475-7845.

Agencies with statewide jurisdiction must give at least seven days notice before an impending meeting. Institutions of higher education or political subdivisions covering all or part of four or more counties (regional agencies) must post notice at least 72 hours prior to a scheduled meeting time. 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

Contact: Virginia Grote, 812 San Antonio, Suite 400, Austin, Texas 78701, (512) 475-1374.

Filed: August 4, 1982, 3:57 p.m.
TRD-826236

Texas Adult Probation Commission

Friday, August 13, 1982, 9 a.m. The Texas Adult Probation Commission will meet in the conference room, Suite 400, 812 San Antonio, Austin. Items on the agenda include introduction of guests; minutes; financial report; program services report; fiscal year 1983 standard conditions for Supplemental Funding Program; summary data sheet-Supplemental Funding Program for fiscal year 1983; fiscal year 1983 supplemental grant requests; fiscal year 1982 supplemental funding—budget adjustments; standard conditions for special program funding awards; summary data sheet for special program funding; rural probation services; innovative programs; automated information services; specialized services; residential services; Intensive Supervision Program—progress report; executive director's report; summary of funding by department; waiver requests; statistical information; and date and site of next meeting.

Credit Union Department

Thursday, August 26, 1982, 10 a.m. The Credit Union Commission of the Credit Union Department will meet at 914 East Anderson Lane, Austin. Items on the agenda include consideration of the proposed budget for fiscal year 1983, and consideration of the Sunset Advisory Commission staff report.

Contact: Harry L. Elliott, 914 East Anderson Lane, Austin, Texas 78752, (512) 837-9236.

Filed: August 3, 1982, 2:20 p.m.
TRD-826163

Office of the Governor

Thursday, August 12, 1982, 1 p.m. The Governor's Task Force on Small Business of the Office of the Governor will meet in the lieutenant governor's conference room, second floor, State Capitol. Items on the agenda include discussion of craft and approval.

Contact: Arturo Flores, P.O. Box 707, Eagle Pass, Texas 78852, (512) 773-2305.

Filed: August 3, 1982, 11:12 a.m.
TRD-826162

Texas Health Facilities Commission

Friday, August 13, 1982, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305, Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications.

Declaratory Ruling/Notice of Intent to Acquire Existing Health Care Facilities United Medical Corp., Orlando, Florida
AN82-0706-060
Larry Parker, Tyler
AN82-0624-015

Applications for Amendment of Certificate of Need Orders
Francis Convalescent Center, Fort Worth
AN81-0320-029A(061882)
Great Southwest Convalescent Center, Grand Prairie
AN80-0222-020A(070282)
Seminole Nursing Center, Seminole
AN80-1211-018A(062882)
Saint Elizabeth Hospital, Beaumont
AH81-0610-003A(070682)
Park Plaza Hospital, Houston
AH81-0323-047A(070182)

Texas Register

Notices of Intent to Acquire Existing Health Care Facilities
Vista Medical Inc., Rockdale
AH82-0709-012
William Dale Mutzig, Corpus Christi
AN82-0706-052

Certificate of Need Orders Nunc Pro Tunc
Harris Hospital-Methodist, Fort Worth
AH82-0224-001
Richland Hills Nursing Center,
Richland Hills
AN81-1023-014

Declaratory Ruling
Planned Parenthood Center of El Paso,
Inc., El Paso
AS82-0706-050

Contact: John R. Neel, P.O. Box 15023,
Austin, Texas 78761.

Filed: August 4, 1982, 9:11 a.m.
TRD-826193

State Board of Insurance

Friday, August 13, 1982. The Commissioner's Hearing Section of the State Board of Insurance will conduct public hearings in Room 342, 1110 San Jacinto Street, Austin. The times and dockets are indicated below.

10:30 a.m. Docket 6902—application for certificate of authority of Transport Holding Life Insurance Company, Fort Worth.

11 a.m. Docket 6903—application for initial certificate of authority of TL Merger Life Insurance Company, Fort Worth.

Contact: John Brady, 1110 San Jacinto Street, Austin, Texas 78786, (512) 475-2287.

Filed: August 4, 1982, 11:26 a.m.
TRD-826215, 826216

Lamar University

Monday, August 9, 1982, 1:30 p.m. The Building and Grounds Committee of the Lamar University Board of Regents met in emergency session in the board room, Plummer Administration Building, main campus, Lamar University, Beaumont. According to the agenda, the committee reviewed bids received for a construction program and met in executive session. The emergency status was necessary because a contract must be approved for facility construction prior to the beginning of the school term.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710.

Filed: August 4, 1982, 2:23 p.m.
TRD-826218

Wednesday, August 11, 1982, 9:30 a.m. The Board of Regents of Lamar University will meet in emergency session at Gates Library, Lamar University—Port Arthur, 1520 Procter Street, Port Arthur. Items on the agenda include approval of minutes of July 14, 1982; president's reports; approval of small class report; approval of Student Fee Bond Program for Lamar University—Orange and Port Arthur; faculty/staff activity and athletic fee policy; financial report for the month of June 1982; approval of plans for Educational Services Program Center; approval of bids recommended by the Building and Grounds Committee; resolution for housing development; approval of baseball proposal with T.E. Moor; and administrative organization and appointments. The board will also meet in executive session. The emergency status is necessary because determination of fees is required prior to the beginning of the fall term.

Contact: Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710.

Filed: August 4, 1982, 2:23 p.m.
TRD-826219

Board of Pardons and Paroles

Monday-Friday, August 16-20, 1982, 9 a.m., daily. The Board of Pardons and Paroles will meet at 711 Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration, act on emergency reprieve requests and other acts of executive clemency, review reports regarding persons on parole; review procedures affecting the day to day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Contact: John W. Byrd, 711 Stephen F. Austin Building, Austin, Texas, (512) 475-3363.

Filed: August 3, 1982, 4:14 p.m.
TRD-826189

Texas Peanut Producers Board

Wednesday, August 11, 1982, 2 p.m. The Texas Peanut Producers Board of the Texas Department of Agriculture will meet in emergency session in the conference room, Best Western Motel, I-20, Eastland, to discuss administrative personnel matters; financial reports; research report; and budget report. The emergency status is necessary because administrative personnel matters need to be resolved.

Contact: Joe Boswell, P.O. Box 398,
Gorman, Texas 76454, (817) 734-2853.

Filed: August 4, 1982, 11:24 a.m.
TRD-826214

Texas State Board of Public Accountancy

Friday, August 6, 1982, 9 a.m. The Texas State Board of Public Accountancy met in emergency session via telephone conference call in Suite 500, 3301 Northland Drive, Austin. Items on the agenda included discussion and approval of proposed 22 TAC §523.8, concerning credits for published articles and books. The emergency status was necessary because the item was scheduled for action at the July 29-31 meeting and was inadvertently overlooked for action. Timely publication of forms requires immediate action.

Contact: Bob E. Bradley, 3301 Northland Drive, Suite 500, Austin, Texas 78731, (512) 451-0241.

Filed: August 4, 1982, 3:53 p.m.
TRD-826238

Public Utility Commission of Texas

The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. Dates, times, and dockets are as follows:

Monday, August 16, 1982, 9 a.m. A prehearing conference in Docket 4625—application of New Era Electric Co., Inc., for authority to increase rates.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 4, 1982, 10:07 a.m.
TRD-826209

Monday, August 16, 1982, 9 a.m. A prehearing conference in Docket 4611—application of Apache Shores Utility Corp., for a rate increase within Travis County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 4, 1982, 2:22 p.m.
TRD-826220

Wednesday, August 18, 1982, 9 a.m. A hearing in Docket 4271—application of Peyton Enterprises, Inc., to purchase Canyon Water Service, Inc., and for a system-wide rate increase.

Contact: Carolyn E. Shellman, 7800 Shoal

Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 3, 1982, 2:10 p.m.
TRD-826158

Thursday, August 19, 1982, 9 a.m. A hearing on the merits in Docket 4511—applications of Lamar County Electric Coop., Inc., *et al*, for a change in purchased power adjustment clauses

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 3, 1982, 2:11 p.m.
TRD-826159

Friday, August 20, 1982, 10 a.m. A hearing on the merits in Docket 4608—application of Texas Leisure, Inc., for a rate/tariff change.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100

Filed: August 4, 1982, 2:22 p.m.
TRD-826221

Wednesday, August 25, 1982, 2 p.m. A prehearing conference in Docket 4556—application of Terra Southwest, Inc., to amend its certificate of convenience and necessity and to decertify Lebanon Water Supply Corp., from an area within Denton County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 3, 1982, 2:09 p.m.
TRD-826160

Monday, August 30, 1982, 10 a.m. A hearing on the merits in Dockets 3654, 4208, and 4393—application of Danville Water Supply Corporation to amend its certificate of convenience and necessity within Collin County; application of the City of Frisco for water and sewer certificates of convenience and necessity within Denton and Collin Counties; and application of the Colony Municipal Utility District Number One to amend its water and sewer certificates of convenience and necessity within Denton County.

Contact: Carolyn E. Shellman, 7800 Shoal Creek Boulevard, Austin, Texas 78757, (512) 458-0100.

Filed: August 4, 1982, 10:06 a.m.
TRD-826210

The Texas Senate

Wednesday, August 11, 1982, 9:30 a.m. The Senate Task Force on New Federalism of the Texas Senate will meet at 108 University Hall, University of Texas, Arlington. Items on the agenda include presentations on the effects of federal budget cuts, by mayors, school board presidents, county judges, members of regional councils, and representatives of the United Ways from parts of North Texas.

Contact: Camilla Bordie, P.O. Box 12068, Austin, Texas 78711, (512) 475-0296.

Filed: August 3, 1982, 1:13 p.m.
TRD-826255

Texas State Soil and Water Conservation Board

Monday, August 16, 1982, 8 a.m. The Texas State Soil and Water Conservation Board will meet at 1006 First National Building, Temple. Items on the agenda include district director appointments; subdivision boundary changes in the Lamb County and Donley County soil and water conservation districts; matching funds; the 1982 state meeting, 1984-1985 budget request; the Resource Conservation Act; board members' travel and per diem; the assistant director's report; and personnel matters. An addition to the above agenda was made concerning the soil and water conservation district Fish Stocking Program.

Contact: John W. Millican, 1002 First National Building, Temple, Texas, (817) 773-2250, STS 820-1250.

Filed: August 4, 1982, 4 p.m.
August 4, 1982, 2:28 p.m.
TRD-826188, 826217

Texas Tech University

Thursday, August 5, 1982, 8:30 a.m. The Finance Committee of the Texas Tech University Board of Regents made an emergency addition to the agenda of a meeting held in the board suite, Administration Building, Texas Tech University campus, Lubbock. The addition concerned approval of an oil and gas lease. The emergency status was necessary because the proposed lessee was awaiting approval to immediately commence drilling on a well in the area. Delay of consideration could result in financial liability to the university.

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

Filed: August 4, 1982, 10:05 a.m.
TRD-826211

Friday, August 6, 1982, 8:30 a.m. Texas Tech University Board of Regents made an emergency addition to the agenda of a meeting held in the board room, board suite, Administration Building, Texas Tech University campus, Lubbock. According to the revised agenda summary, the board considered approval of an oil and gas lease. The emergency status was necessary because the proposed lessee was awaiting approval to immediately commence drilling on a well in the area. Delay of consideration could result in financial liability to the university.

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

Filed: August 4, 1982, 10:04 a.m.
TRD-826212

Texas Water Commission

Thursday, August 19, 1982, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider the application of Walton and Son, P.O. Box 9787, Houston, Texas 77015, to the Texas Department of Water Resources for a temporary order to authorize the discharge of stormwater which has accumulated in an unused clay pit for several years. The applicant proposes to obtain soil from local excavation projects to backfill the entire pond. The approximate 4 million gallons present in the clay pit, which must be removed prior to any filling, will be pumped out and neutralized prior to discharge at a pumping rate which is proposed to take approximately five weeks to accomplish. The total project to fill the pond with soil is expected to take about 18 months to complete, and during this period, additional runoff and rainfall will have to be pumped and discharged.

Contact: Carl X. Forrester, P.O. Box 13087, Austin, Texas 78711, (512) 475-7851.

Filed: August 4, 1982, 3:10 p.m.
TRD-826235

Tuesday, August 31, 1982, 9:30 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct hearings on the following:

Application TA-4400 of Buckner Construction Co., for a permit to divert and use two acre-feet of water for a three-year period from Bear Creek, tributary of Big Sandy Creek, tributary of Village Creek, tributary of the Neches River, Neches River Basin,

for industrial (highway construction) purposes in Polk County

Application TA-4388 of J.D. Abrams, Inc., for a permit to divert and use three acre-feet of water for a 14-month period from the Elm Fork of the Trinity River, tributary of the Trinity River, Trinity River Basin, for industrial (highway construction) purposes in Dallas County

Application TA-4389 of Allan Construction Co., for a permit to divert and use 60 acre-feet of water for a two-year period from Taylor Creek, tributary of the Lampasas River, and Lampasas River, tributary of the Little River, tributary of the Brazos River, Brazos River Basin, for industrial (highway purposes) in Lampasas County.

Application TA-4399 of J.H. Strain and Sons, Inc., for a permit to divert and use 20 acre-feet of water for a two-year period from the Double Mountain Fork of the Brazos River, tributary of the Brazos River, Brazos River Basin, for industrial (highway construction) purposes in Fisher County.

Application TA-4358 of E.E. Hood and Sons Construction Co., Inc., for a permit to divert and use 18 acre-feet of water for a one-year period from a private reservoir on an unnamed tributary of the Medina River, and the Medina River, tributary of the San Antonio River, San Antonio River Basin, for industrial (highway construction) purposes in Medina County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 4, 1982, 9:13 a.m.
TRD-826195-826199

Monday-Friday, September 13-17, 1982, 2 p.m. Monday, and 9 a.m. daily, Tuesday-Friday. The Texas Water Commission will meet in the Grand Jury Room, third floor, Ellis County Courthouse, Waxahachie. According to the agenda, the commission will conduct adjudication hearings on the Middle Trinity River Segment.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 3, 1982, 3:11 p.m.
TRD-826186

Thursday, September 16, 1982, 10 a.m. The Texas Water Commission will meet in Room 124A, Stephen F. Austin Building, 1700 North Congress, Austin. The commission will conduct a hearing on the application by Browning-Ferris, Inc., (RE-0203) seeking approval of preliminary plans for the construction of certain improvements

on Blackwater Draw, a tributary of Yellow House Draw, in Lubbock County.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 4, 1982, 9:13 a.m.
TRD-826200

Monday-Friday, November 8-12, 1982, 2 p.m. Monday, and 9 a.m. daily, Tuesday-Friday. The Texas Water Commission will meet in the hearing room, Henderson County Courthouse, Athens. According to the agenda, the commission will conduct adjudication hearings on the Middle Trinity River Segment.

Contact: Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, (512) 475-4514.

Filed: August 3, 1982, 3:11 p.m.
TRD-826187

Regional Agencies Meetings Filed August 3

The Copano Bay Soil Conservation District 329 will meet at 107 South Alamo, Shay Plaza, Refugio, on August 11, 1982, at 8:30 a.m. Information may be obtained from Jim Wales, Drawer 340, Refugio, Texas 78377, (512) 526-2334

The Interim Regional Transportation Authority, Board of Directors, met in emergency session in Room 4ES, Dallas City Hall, 1500 Marilla, Dallas, on August 5, 1982, at 7:30 a.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 358-3217.

The San Patricio County Appraisal District, Board of Directors, will meet in Room 226, courthouse annex, Sinton, on August 12, 1982, at 9:30 a.m., and the Appraisal Review Board will meet at the same location on August 16, 1982, at 9 a.m. Information may be obtained from Bennie L. Stewart, Box 938, Sinton, Texas 78387.

The Rusk County Appraisal District, Board of Directors, met at 107 North Van Buren, Henderson, on August 5, 1982, at 7 p.m. Information may be obtained from Melvin R. Cooper, P.O. Box 7, Henderson, Texas 75652, (214) 657-9697.

The South Texas Development Council, EMS Committee, will meet in the conference room, 600 Sandinan, Laredo, on August 11, 1982, at 10 a.m. Information may be obtained from Kathy Henderson, P.O. Box 2187, Laredo, Texas 78041.

The West Central Texas Council of Governments, Regional Alcoholism Services Department, will conduct a public hearing at 1025 East North 10th Street, Abilene. Information may be obtained from Sue Smith, P.O. Box 3195, Abilene, Texas 79604, (915) 672-8544.

TRD-826161

Meetings Filed August 4

The Carson County Appraisal District, Board of Directors, will meet at 220 Main Street, Panhandle, on August 12, 1982, at 7:30 p.m. Information may be obtained from Dianne Lavake, Box 970, Panhandle, Texas 79068

The Eastland County Appraisal District will meet in the commissioner's courtroom, Eastland County Courthouse, Eastland, on August 11, 1982, at 3 p.m. Information may be obtained from Steve Thomas, P.O. Box 914, Eastland, Texas 76448.

The Region X Education Service Center, Board of Directors, will meet at Prestonwood Country Club, 15909 Preston Road, Dallas, on August 11, 1982, at 1 p.m. Information may be obtained from H. W. Goodgion, 400 East Spring Valley Road, Richardson, Texas, (214) 231-6301.

The Ellis County Tax Appraisal District, will meet at 406 Sycamore Street, Waxahachie, on August 12, 1982, at 8 p.m., and the Appraisal Review Board will meet at the same location on August 13, 1982, at 8:30 a.m. Information may be obtained from Gray Chamberlain, 406 Sycamore Street, Waxahachie, Texas 75165, (214) 937-3552.

The Harris County Appraisal District, Board of Directors, met at 3737 Dacoma, Houston, on August 9, 1982, at 2 p.m. Information may be obtained from Searcy German, P.O. Box 10975, Houston, Texas 77292, (713) 683-9200.

The Interim Regional Transportation Authority, Board of Directors, made an emergency addition to the agenda of a meeting held in Room 4ES, 1500 Marilla, Dallas, on August 5, 1982, at 7:30 a.m. Information may be obtained from Cinde Weatherby, Lock Box 12, Love Field Terminal Building, Dallas, Texas 75235, (214) 258-3217.

The Appraisal District of Jones County, Appraisal Review Board, will meet at 1137 East Court Plaza, Anson, on August 16, 1982, at 1 p.m., and the Board of Directors will meet at the same location on

August 19, 1982, at 10 a.m. Information may be obtained from John Steele, 1137 East Court Plaza, Anson, Texas 79501, (915) 823-2422

The Taylor County Central Appraisal District, Board of Directors, will meet in the jury assembly room, Taylor County courthouse, Abilene, on August 11, 1982, at 10 a.m. Information may be obtained from Richard Petree, P.O. Box 3738, Abilene, Texas 79604, (915) 676-9381

The Upshur County Appraisal District, Board of Directors, met at the appraisal district office, Warren and Trinity Streets, Gilmer, on August 9, 1982, at 7:30 p.m.,

and the Appraisal Review Board will meet at the same location on August 12, 13, and 16-19, 1982, at 8 a.m. Information may be obtained from Louise Stracener, P.O. Box 31, Gilmer, Texas 75644, (214) 843-3736. TRD-826194

Meeting Filed August 5

The Trinity River Authority of Texas, Administration Committee, will meet in the executive conference room, 5300 South Collins Arlington, on August 11, 1982, at 10 a.m. Information may be obtained from Geri Elliott, P.O. Box 60, Arlington, Texas 76010, (817) 467-4343.

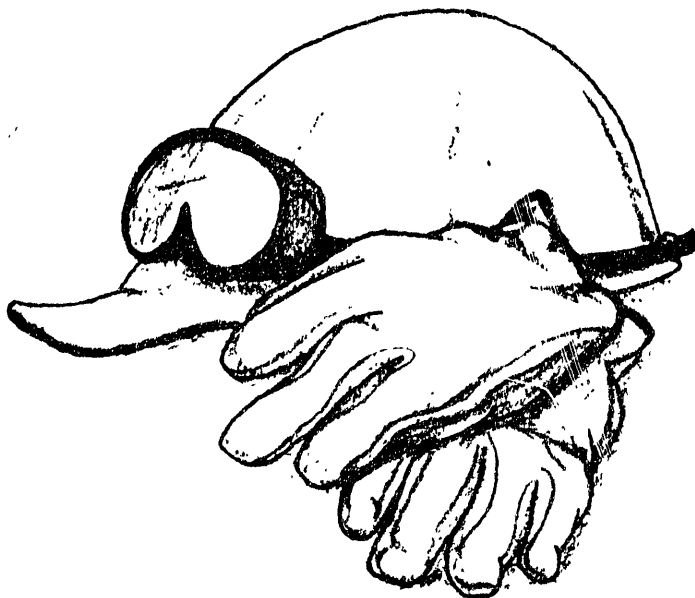
TRD-826240



In Addition.

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.



Texas Air Control Board Applications for Construction Permits

Notice is hereby given by the Texas Air Control Board of applications for construction permits received during the period of July 23-30, 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 names of the applicants and the cities in which the facilities are located; type of facilities; location of the facilities (if available); permit numbers; and type of application—new source or modification.

American Spincast, Inc., Temple; centrifugal castings; 2816 West Avenue I, 9151, new source

Cameron Iron Works, Inc., Houston; oil tool sales and service center, 6545 Addicks Fairbanks; 9152, new source

Montgomery County, Willis; maintenance of county roads; (location not available); 6996A; new source

Liquid Energy Corp., Bridgeport; two compressors addition/natural gas processing; State Highway 114; 9153; new source

TXO Production Corp., Donie; natural gas production facility; (location not available); 9154; new source

W. R. Edwards, Jr., Oil and Gas, Stinnett; amine unit, Barnhill Plant; 9155; new source

Issued in Austin, Texas, on August 2, 1982.

TRD-826167 Ramon Dasch
Director of Hearings
Texas Air Control Board

Filed: August 3, 1982
For further information, please call (512) 451-5711,
ext. 354.

Contested Case Hearing

Pursuant to the authority provided in §§3.12, 3.13, 3.15-3.17, and 3.20 of the Texas Clean Air Act, Texas Civil Statutes, Article 4477-5 (the Act), and Rules 103.41, 103.11(2), and 103.31 of the Texas Air Control Board (TACB) procedural rules, an examiner for the TACB will conduct a contested case hearing relating to compliance

by Gulf Oil Company—U.S. (the company) with TACB Regulations 111.26 (Visible Emissions From Stationary Fuies) and 119.2 (Carbon Monoxide Control Requirements for Specified Processes)

The company has asserted that an explosion at its refinery in Port Arthur, Jefferson County, destroyed the carbon monoxide (CO) boiler associated with the operation of its fluid catalytic cracking unit (FCCU) 1242. Operation of the FCCU without the CO boiler is alleged to have resulted in violations of TACB Regulations 111.26 and 119.2. This hearing is being called to determine whether the company is violating TACB Regulations 111.26 and 119.2, and if so, what actions should be taken concerning the violations.

The TACB staff is directed to appear at the time and place set out below to demonstrate by a preponderance of the evidence that the company is operating in violation of TACB Regulations 111.26 and 119.2, and if demonstrated, what remedial actions should be taken. The record of this hearing will be used by the TACB as the basis for entering such order(s) as the evidence may warrant.

A copy of the TACB's file relating to these matters and the TACB's rules and regulations are available for public inspection at the regional office of this agency located at 4605-B Concord Road, Beaumont, Texas 77703, the central office of this agency located at 6330 Highway 290 East, Austin, Texas 78723, and the city secretary's office, 4444 Fourth Street, Port Arthur, Texas 77640.

The examiner has set the date and place for the hearing on the merits concerning the alleged violations for 7 p.m., September 27, 1982, at the Port Arthur City Council Chambers, 444 Fourth Street, Port Arthur, Texas 77640. Prospective parties to the hearing are the staff of the TACB, and the company. Any other persons desiring to be made a party to the hearing must apply to Examiner Kenneth E. Davison, Jr., Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723, by written request postmarked no later than August 16, 1982. At the hearing on the merits, only those persons admitted as parties will be permitted to present evidence and argument and to cross-examine witnesses. If any person desires to give testimony at the hearing on the merits but does not desire to be a party, he or she may call the legal division of the TACB at (512) 451-5711, ext. 358, to determine the names and addresses of all admitted parties. These parties may then be contacted about the possibility of presenting testimony.

Pursuant to Rule 103.46 of the procedural rules of the TACB, the examiner has scheduled a prehearing conference on August 30, 1982, at 7 p.m., at the Port Arthur City Council Chambers, 444 Fourth Street, Port Arthur, Texas 77640. All persons wishing to be admitted as parties must attend the conference. Proposed disputed issues for consideration at the hearing on the merits and requests for official notice should be made at the prehearing conference. At this conference, a specific date prior to the hearing on the merits will be established for the exchange of witness lists, short summaries of their pro-

spective testimony, and copies of written and documentary evidence pursuant to Rule 103.46(2).

Members of the general public who plan to attend the hearing are encouraged to telephone the central office of the TACB in Austin, Texas, (512) 451-5711, ext. 358, or the regional office in Beaumont, (713) 838-0397, a day or two prior to the hearing date in order to confirm the setting since continuances are granted from time to time.

Issued in Austin, Texas, on August 2, 1982.

TRD-826166 Bill Stewart, P.E.
Executive Director
Texas Air Control Board

Filed: August 3, 1982

For further information, please call (512) 451-5711, ext. 354

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

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

On July 2, 1982, the banking commissioner received an application to acquire control of Security State Bank of Commerce, Commerce, by Jerome J. Bradley, John M. Bradley, Charles L. Cheatham, Kenneth R. Darden, T. Stuart Ducote, David Dunning, David de N. Franklin, Philip Goodman, James P. Goodnight, Joe V. Hawn, Jr., C. R. Hefner, Jr., John B. Henard, Jr., Todd E. Henson, Jack A. Lavine, Larry Lavine, Robert H. Kroney, C. E. Seal II, David A. Shuttee, J. P. Squyres, John C. Sterquell, Fred G. Molsen, Heinz H. Molsen, Jr., George J. Natinsky, Ron Natinsky, Riddle and Brown, Professional Investment Enterprises, J. Richard Rolater, John W. Turner, and Thomas T. Wardlaw, all from Dallas.

On August 2, 1982, notice was given that time limitations had expired, thus allowing acquisition of control.

Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, (512) 475-4451.

Issued in Austin, Texas, on August 2, 1982.

TRD-826165 O. A. Cassity III
Assistant General Counsel
Banking Department of Texas

Filed: August 3, 1982

For further information, please call: (512) 475-4451.

Texas Department of Community Affairs Request for Proposals

This request for proposal is not filed under Texas Civil Statutes, Article 6252-11c.

Notice of Invitation for Program Proposals. The Texas Department of Community Affairs (TDCA), administering agency for the Community Services Block Grant (CSBG) in Texas for federal fiscal year (FFY) 1983, announces a request for proposals (RFP) to deliver services and conduct activities for poverty populations in six counties which were unserved with CSBG funds in FFY 1982. The six counties are divided into two program areas which consist of Orange, Jefferson, and Hardin Counties and Cook, Grayson, and Fannin Counties. Selected offerors will be expected to assume responsibility for delivery of appropriate services and activities authorized in the CSBG Act (Public Law 97-35) and directed by TDCA. Appropriate services and activities include those designed to assist low-income participants including the elderly poor:

- (1) to secure and retain meaningful employment,
- (2) to attain an adequate education,
- (3) to make better use of available income,
- (4) to obtain and maintain adequate housing and a suitable living environment,
- (5) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment related assistance.
- (6) to remove obstacles and solve problems which block the achievement of self-sufficiency, and
- (7) to achieve greater participation in the affairs of the community

The period of performance of services shall begin on October 1, 1982, and shall extend through September 30, 1983, at the option of TDCA.

Qualifications Desired by TDCA. Offerors must be political subdivisions of the State of Texas, nonprofit private community organizations, or migrant or seasonal farmworker organizations. Offerors must be able to document their capability to accomplish the requested services. Proposals must include specific items and documents as described in the proposal preparation instructions. Offerors will be requested to include documentation of their legal authority to contract with TDCA. Every proposal shall include a list of all persons employed by or offered employment by the offeror who at the time the proposal is submitted have been employees of TDCA within six months prior to its submission.

Deadline for Submission of RFP's. The RFP will close as of 5 p.m., September 6, 1982, except for those proposals received postmarked on or before Friday, September 3, 1982.

General Information. TDCA reserves the right to accept or reject any or all proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the

material provided herein only as a means of identifying the various contractor alternatives. TDCA intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that TDCA selects a contractor to provide the delivery of services, TDCA will base its choice on demonstrated competence and qualification. Selection will go to an in-state offeror. The request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Health and Human Services. TDCA specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where TDCA deems such variances to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

Contact Person. For the purposes of obtaining forms and instructions necessary to the preparation of a proposal, please contact Ms. Gene Waugh, Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, (512) 475-6601.

Issued in Austin, Texas, on August 3, 1982.

TRD-826190	Douglas C. Brown General Counsel Texas Department of Community Affairs
------------	--

Filed: August 3, 1982
For further information, please call (512) 475-6903.

Texas Health Facilities Commission Applications Accepted 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; NIE/HMO indicates notice of intent for exemption of HMO-related project; and 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 the date of this publication of notice. 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 to become a party.

The contents and form of a request to become a party to any of these applications must meet the criteria set out in 25 TAC §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.

United Convalescent of Post, Inc., Post
AN82-0730-020

NIEH—Request for a declaratory ruling that a certificate of need is not required for United Convalescent of Post, Inc., to assign its leasehold interest to United Convalescent of Post, Limited. The general partner will be United Convalescent of Post, Limited, and the only limited partner is Don C. Angel, Limited. United Convalescent of Post, Inc., currently leases United Convalescent of Post, Inc., an existing 75-bed ICF nursing facility located in Post, from Jewell Enterprises.

United Convalescent of Big Spring, Inc., Big Spring
AN82-0730-028

NIEH—Request for a declaratory ruling that a certificate of need is not required for United Convalescent of Big Spring, Inc., to assign its interest in the sublease of United Convalescent of Big Spring, Inc., to United Convalescent of Big Spring, Limited. The general partner will be United Convalescent of Big Spring, Limited, and the only limited partner is Don C. Angel, Limited. United Convalescent of Big Spring, Inc., currently subleases United Convalescent of Big Spring, Inc., an existing 200-bed ICF nursing facility located in Big Spring, from Jewell Enterprises.

Grapevine Convalescent Center, Inc.,

John E. Arthur, and Terry J. Barcelo, Grapevine
AN82-0730-026

NIEH—Request for a declaratory ruling that a certificate of need is not required for Grapevine Convalescent Center, Inc., John E. Arthur, and Terry J. Barcelo to acquire by lease the Autumn Drive Convalescent Center (formally called Grapevine Nursing Home) of Grapevine, an existing 142-bed ICF nursing facility located in Grapevine, from Dallas Nursing Home, Inc.

Christian Village of Abilene, Inc., Abilene
AN82-0730-022

NIEH—Request for a declaratory ruling that a certificate of need is not required for Christian Village of Abilene, Inc., to acquire by lease Western Hills Nursing Center, an existing 118-bed ICF nursing facility located in Abilene, from Beverly Enterprises.

Issued in Austin, Texas, on August 4, 1982.

TRD-826192 John R. Neel
 General Counsel
 Texas Health Facilities
 Commission

Filed: August 4, 1982

For further information, please call (512) 475-6940.

Texas Department of Human Resources

Notice of Invitation for Offers Energy Crisis Intervention

The Texas Department of Human Resources (TDHR) announces a Request for Proposal for the 1982/1983 Energy Crisis Intervention (ECI) Program. TDHR is responsible for the administration of the program under regulations published by the United States Department of Health and Human Services (HHS), and the Low-income Energy Assistance Act of 1982, Section 2603 and 2604.

Description of the Program: The purpose of the program is to assist low-income persons who experience imminent termination, or lack of heating or cooling energy source. Contractors will provide applications, determine eligibility, and make benefit payments to energy suppliers. Benefit payments will be made on behalf of eligible applicants who are experiencing imminent termination or lack of heating/cooling sources as long as funds are available in the contract service area.

Contract Period: October 1, 1982 through September 30, 1983.

Funding: Statewide estimated funding is \$3,000,000. Funding will be allocated by county to each contractor for its service area. Service area is defined as counties served by a single contractor. Funding distribution is determined by applying the percentage of the state food stamp (data available as of state fiscal year 1981) population in each county against the funds available for distribution.

Up to 10% of budget expenditures made on behalf of eligible applicants will be allowed to pay for administrative costs (travel, office space, equipment, office supplies and salaries, wages and fringe benefits of contractor administrative staff personnel).

Contracts awarded will be cost reimbursement contracts - reimbursement of funds + allowable expenditures.

Service Area: Minimum required coverage is one county.

Qualifications: To be eligible for consideration, the offeror must meet the following minimum screenable requirements:

1. be a public or non-profit entity;
2. be able to serve at least one county when operating this program; and
3. have sufficient operating funds to allow for delivery of services under the terms of the contract while awaiting payment for services.

Evaluation of Proposals: The following criteria will be used to select a successful offeror:

1. experience and performance in operating similar crisis intervention programs;
2. experience in assisting low-income persons in the proposed area to be served;
3. capacity to undertake a timely and effective crisis intervention program; and
4. proposed costs for administration of the program.

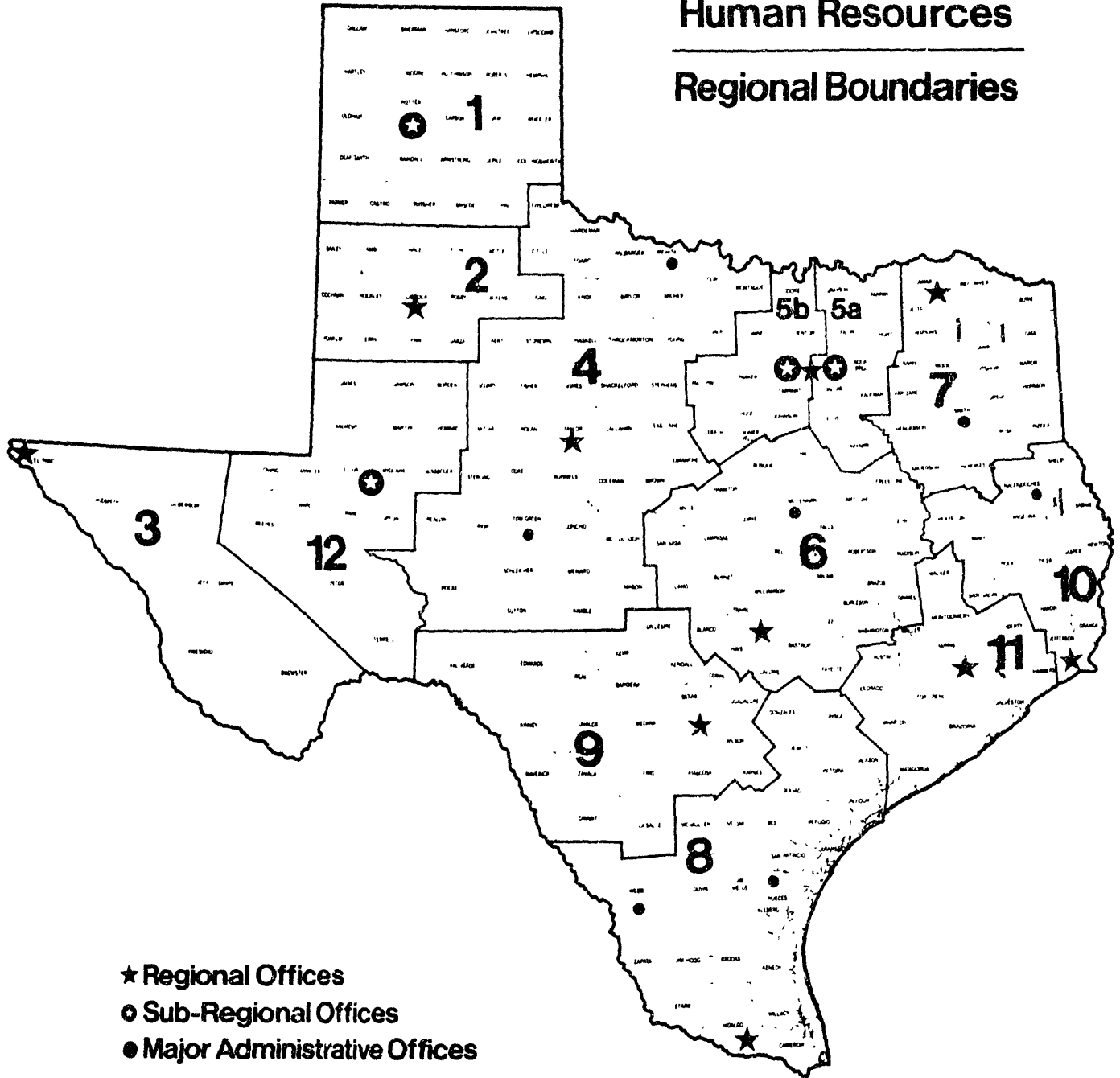
Proposal Submission Deadline: Request for proposal package must be obtained from, completed, and filed with the local regional contract manager's office (a map and list of names/addresses are part of this notice) by 5 p.m., August 31, 1982.

Issued in Austin, Texas, on August 4, 1982.

TRD-826245 Marlin W. Johnston
 Commissioner
 Texas Department of Human Resources

Filed: August 4, 1982
 For further information, please call (512) 441-3355, ext. 2037.

Texas Department of Human Resources
Regional Boundaries



TEXAS DEPARTMENT OF HUMAN RESOURCES

COUNTIES, REGION NUMBERS, AND COUNTY CODE NUMBERS

Anderson	07-001	Eastland	04-067	Kendall	09-130	Real	09-193
Andrews	12-002	Ector	12-068	Kenedy	08-131	Red River	07-194
Angelia	10-003	Edwards	09-069	Kent	04-132	Reeves	12-195
Aransas	08-004	Ellis	05-070	Kerr	09-133	Refugio	08-196
Archer	04-005	El Paso	03-071	Kimble	04-134	Roberts	01-197
Armstrong	01-006	Erath	05-072	King	02-135	Robertson	06-198
Atascosa	09-007			Kinney	09-136	Rockwall	05-199
Austin	11-008	Falls	06-073	Kleberg	08-137	Runnels	04-200
		Fannin	05-074	Knox	04-138	Rusk	07-201
Bailey	02-009	Fayette	06-075				
Bandera	09-010	Fisher	04-076	Lamar	07-139	Sabine	10-202
Bastrop	06-011	Floyd	02-077	Lamb	02-140	San Augustine	10-203
Baylor	04-012	Foard	04-078	Lampasas	06-141	San Jacinto	10-204
Bee	08-013	Fort Bend	11-079	LaSalle	09-142	San Patricio	08-205
Bell	06-014	Franklin	07-080	Lavaca	08-143	San Saba	06-206
Bexar	09-015	Freestone	06-081	Lee	06-144	Schleicher	04-207
Blanco	06-016	Frio	09-082	Leon	06-145	Scurry	04-208
Borden	12-017			Liberty	11-146	Shackelford	04-209
Bosque	06-018	Gaines	12-083	Limestone	06-147	Shelby	10-210
Bowie	07-019	Galveston	11-084	Lipscomb	01-148	Sherman	01-211
Brazoria	11-020	Garza	02-085	Live Oak	08-149	Smith	07-212
Brazos	06-021	Gillespie	09-086	Llano	06-150	Somervell	05-213
Brewster	03-022	Glasscock	12-087	Loving	12-151	Starr	08-214
Briscoe	01-023	Goliad	08-088	Lubbock	02-152	Stephens	04-215
Brooks	08-024	Gonzales	08-089	Lynn	02-153	Sterling	04-216
Brown	04-025	Gray	01-090			Stonewall	04-217
Burleson	06-026	Grayson	05-091	Madison	06-154	Sutton	04-218
Burnet	06-027	Gregg	07-092	Marion	07-155	Swisher	01-219
		Grimes	06-093	Martin	12-156		
Caldwell	06-028	Guadalupe	09-094	Mason	04-157	Tarrant	05-220
Calhoun	08-029			Matagorda	11-158	Taylor	04-221
Callahan	04-030	Hale	02-095	Maverick	09-159	Terrell	12-222
Cameron	08-031	Hall	01-096	McCulloch	04-160	Terry	02-223
Camp	07-032	Hamilton	06-097	McLennan	06-161	Throckmerton	04-224
Carson	01-033	Hansford	01-098	McMullen	08-162	Titus	07-225
Cass	07-034	Hardeman	04-099	Medina	09-163	Tom Green	04-226
Castro	01-035	Hardin	10-100	Menard	04-164	Travis	06-227
Chambers	11-036	Harris	11-101	Midland	12-165	Trinity	10-228
Cherokee	07-037	Harrison	07-102	Milam	06-166	Tyler	10-229
Childress	04-038	Hartley	01-103	Mills	06-167		
Clay	04-039	Haskell	04-104	Mitchell	04-168	Upshur	07-230
Cochran	02-040	Hays	06-105	Montague	04-169	Upton	12-231
Coke	04-041	Hemphill	01-106	Montgomery	11-170	Uvalde	09-232
Coleman	04-042	Henderson	07-107	Moore	01-171		
Collin	05-043	Hidalgo	08-108	Morris	07-172	Val Verde	09-233
Collingsworth	01-044	Hill	06-109	Moitley	02-173	Van Zandt	07-234
Colorado	11-045	Hockley	02-110			Victoria	08-235
Comal	09-046	Hood	05-111	Nacogdoches	10-174		
Comanche	04-047	Hopkins	07-112	Navarro	05-175	Walker	11-236
Concho	04-048	Houston	10-113	Newton	10-176	Waller	11-237
Cooke	05-049	Howard	12-114	Nolan	04-177	Ward	12-238
Coryell	06-050	Hudspeth	03-115	Nueces	08-178	Washington	06-239
Cottle	04-051	Hunt	05-116			Webb	08-240
Crane	12-052	Hutchinson	01-117	Ochiltree	01-179	Wharton	11-241
Crockett	04-053			Oldham	01-180	Wheeler	01-242
Crosby	02-054	Irion	04-118	Orange	10-181	Wichita	04-243
Culberson	03-055					Wilbarger	04-244
		Jack	04-119	Palo Pinto	05-182	Willacy	08-245
Dallam	01-056	Jackson	08-120	Panola	07-183	Williamson	06-246
Dallas	05-057	Jasper	10-121	Parker	05-184	Wilson	09-247
Dawson	12-058	Jeff Davis	03-122	Parmer	01-185	Winkler	12-248
Deaf Smith	01-059	Jefferson	10-123	Pecos	12-186	Wise	05-249
Delta	07-060	Jim Hogg	08-124	Polk	10-187	Wood	07-250
Denton	05-061	Jim Wells	08-125	Potter	01-188		
DeWitt	08-062	Johnson	05-126	Presidio	03-189	Yoakum	02-251
Dickens	02-063	Jones	04-127			Young	04-252
Dimmit	09-064			Rains	07-190		
Donley	01-065	Karnes	09-128	Randall	01-191	Zapata	08-253
Duval	08-066	Kaufman	05-129	Reagan	04-192	Zavala	09-254

CONTRACT MANAGERS

Texas Department of Human Resources

Region 01/02

Mr Carol Lindemann
15th and Tyler
P O Box 3700
Amarillo, Texas 79106

806/373-4226

Region 03/12

Mr Manuel Aldas, Jr
5150 El Paso Drive
P O Box 10276
El Paso, Texas 79994

915/846-9504

Region 04

Mr Mike Rollins
4380 Spindletop Drive
P O Box 3235
Abilene, Texas 79604

915/698-3651

Region 05

Mr Raul Doport
631 106th Street
P O Box 5128
Arlington, Texas 76011

817/261-3376

Region 06

Ms Margo Walker
1300 E Anderson Lane
Austin, Texas 78752

512/835-2350

Region 07

Mr Jerry R Lutz
901 W Kaufman Street
P. O. Box 839
Paris, Texas 75460

214/785-7541

Region 08

Mr Jaime R Ramos
123 E McIntyre
P. O. Box 960
Edinburg, Texas 78539

512/383-5344

Region 09

Mr Marco A Lucio
233 E Mitchell Street
P O Box 37130
San Antonio, Texas 78237

512/533-3161 ext 165

Region 10

Mr Ernest Shinn
202 E Pillar
P O Drawer 767
Nacogdoches, Texas 75961

713/569-7931

Region 11

Ms. Margaret Rogers
1300 E 40th Street
Houston, Texas 77022

713/673-6555

**Texas Department of Water
Resources
Amendment to Consultant Proposal
Request**

In the request for proposals published in the July 27, 1982, issue of the *Texas Register*, a site visit to the Sikes Disposal Pit Site was scheduled for the week of August 16, 1982. This visit to the Sikes site has been rescheduled for August 26, 1982, at 1 p.m.

Consequently, the deadline for proposal submittal for the Sikes Disposal Pit has been postponed. Five copies of the proposal must be submitted before 5 p.m., September 10, 1982, to Chris Lippe, Texas Department of Water Resources, P.O. Box 13087, Austin, Texas 78711.

Issued in Austin, Texas, on August 4, 1982.

TRD-826191

M. Reginal Arnold II
General Counsel
Texas Department of Water
Resources

Filed: August 4, 1982

For further information, please call (512) 475-7845.

Index

In the second issue of every month, a guide to agency activity for the previous month is published. Quarterly and annual indexes to the *Register* are published separately and bound in light blue for distinction

Also included in the Index section is a list of the Texas Administrative Code titles that were affected by the rule-making activity of the previous month.

Agency Guide—July

The following is a list of the documents published in the July issues of the *Texas Register*

AGRICULTURE, TEXAS DEPARTMENT OF	
Pesticides	
Adopted	2548
Texas-Federal Inspection Service	
Proposed	
standardization of Citrus Fruit Act	2503
Open Meetings	
July 27	2600
AIR CONTROL BOARD, TEXAS	
Non-Regulatory Notices	
Applications for Construction Permits ..	2523, 2557, 2635, 2751
Consultant Proposal Request	
analysis of ambient air samples for toxic organic compounds	2751
Solicitation of Bids for Insurance	2752
Open Meetings	
July 9	2513, 2600
AIRCRAFT POOLING BOARD, STATE	
Open Meetings	
July 1	2513
ALAMO AREA COUNCIL OF GOVERNMENTS	
Open Meetings	
July 28	2749
AMARILLO MH/MR REGIONAL CENTER	
Open Meetings	
July 29	2796
ANIMAL HEALTH COMMISSION, TEXAS	
Non-Regulatory Notices	
Quarterly Report for the Texas Bovine Brucellosis Program	2753
ANTIQUITIES COMMITTEE, TEXAS	
Open Meetings	
July 9	2600
ARCHER COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 21	2676
ARK-TEX COUNCIL OF GOVERNMENTS	
Open Meetings	
July 1	2521
ARTS, TEXAS COMMISSION ON THE	
Texas Arts Plan	
Proposed	2542
Open Meetings	
July 29	2791
ATTORNEY GENERAL, OFFICE OF THE	
Open Records Decisions	
ORD-317 (RQ-809) (concerning availability under the Open Records Act of names of members of advisory task forces appointed by the mayor)	2646
ORD-318 (RQ-577) (concerning availability under the Open Records Act of names and present addresses of former residents of public housing development)	2646

Opinions

MW-481 (RQ 816) (concerning disposition of interest of Law Enforcement Officer Standards and Education funds and Criminal Justice Planning funds)	2621
MW-482 (RQ-723) (regarding authority of Commission for the Blind to guarantee loan repayments)	2645
MW-483 (RQ-574) (concerning authority of county judge to receive fees for temporary commitment hearings)	2645
MW-484 (RQ-760) (concerning Texas Deepwater Port Authority)	2645
MW-485 (RQ-771) (concerning whether Texas Education Code, §2.07(b)(2), relating to assignment of salary by married person is still valid)	2645
MW-486 (RQ-819) concerning temporary disposition of tenant's personal property when tenant is subject to removal from premises pursuant to court order)	2645
MW-487 (RQ-529) (concerning county liability for cost of reporter's shorthand notes in county court criminal trial)	2645
MW-488 (RQ-776) (concerning whether 47 United States Code, §315(b)(1), preempts Texas Election Code, Article 14.09(B), with regard to the rates a broadcaster in Texas may charge for political advertising)	2645
MW-489 (RQ-655) (concerning status of property conveyed to city of Port Lavaca by State of Texas)	2646
MW-490 (RQ-801) (concerning authority of county to purchase automobile liability insurance on county patrol vehicles)	2646
MW-491 (RQ-791) (concerning whether Deaf Smith County may continue to employ a juvenile peace officer)	2646
MW-492 (RQ-523) (concerning disposition of fines collected pursuant to Texas Water Code, §26.212 and §26.213)	2687
MW-493 (RQ-617) (concerning authority of Parks and Wildlife Department to reinvest trust funds)	2687
Requests for Opinions	
RQ-865 (concerning assessment of tax on real and personal property annexed by a rural fire prevention district)	2501
RQ-866 (concerning whether the county court at law has jurisdiction to consider the application for writ of habeas corpus)	2501
RQ-867 (concerning governmental status of the Board of Trustees of a water company purchased by a city)	2501
RQ-868 (concerning availability of records of housing repair projects funded by the City of Fort Worth)	2501
RQ-869 (concerning availability of transcribed minutes of an executive session of Board of Trustees of the Mental Health and Mental Retardation Center of Southeast Texas)	2501
RQ-870 (concerning whether an investigation of U.S.S. Chemical held by the City of Houston Health Dept. is exempted from disclosure) ..	2501

RQ-871 (concerning fishing license for out-of-state persons and importation of fish from out-of-state)	2501	BLANCO COUNTY APPRAISAL DISTRICT Open Meetings July 13	2607
RQ-872 (concerning authority of Parks and Wildlife Commission to settle litigation in executive session)	2502	BLIND, STATE COMMISSION FOR THE Open Meetings July 10	2514
RQ-873 (concerning whether component or unit pricing exempts a person from the itemization requirements of the Mortuary Laws)	2620	BOSQUE COUNTY APPRAISAL BOARD Open Meetings July 22 & 27	2716
RQ-874 (concerning whether an aggravated sexual abuse offense is exempt from public disclosure)	2620	BRAZOS RIVER AUTHORITY Open Meetings July 1	2521
RQ-875 (concerning whether the Texas Employment Commission may adopt an agency nepotism policy)	2620	July 19	2716
RQ-876 (concerning collection of fees by county clerks)	2620	BRAZOS VALLEY DEVELOPMENT COUNCIL Open Meetings July 8	2521
RQ-877 (concerning fraud in the food stamp program)	2620	BRAZOS VALLEY REGION MH/MR CENTER Open Meetings July 22	2748
RQ-878 (concerning the Harris County Bail Bond Board)	2621	BROWN COUNTY APPRAISAL DISTRICT Open Meetings July 6	2521
RQ-879 (concerning the Harris County Commissioners Court)	2621	CALLAHAN COUNTY APPRAISAL DISTRICT Open Meetings July 15	2676
RQ-880 (concerning whether the savings and loan association that collects an escrow account is an authorized agent to receive the original tax notice or tax bill)	2724	CAMINO REAL HEALTH SYSTEMS AGENCY, INC. Open Meetings July 21	2749, 2795
RQ-881 (concerning whether the exemption of nursery products from ad valorem taxation under the Texas Property Code, §11.16, is constitutional)	2724	CANADIAN RIVER MUNICIPAL WATER AUTHORITY Open Meetings July 14	2607
AUSTIN-TRAVIS COUNTY MH/MR CENTER Open Meetings July 1	2521	CAPITAL AREA PLANNING COUNCIL Open Meetings July 20	2716
July 12	2676	CAPITAL AREA RURAL TRANSPORTATION SYSTEM Open Meetings July 6	2606
July 21	2795	CENTRAL COUNTIES CENTER FOR MH/MR SERVICES Open Meetings July 15	2607
BANDERA COUNTY TAX APPRAISAL DISTRICT Open Meetings July 8	2521	CENTRAL PLAINS COMPREHENSIVE COMMUNITY MH/MR Open Meetings July 29	2749
BANKING BOARD, STATE Open Meetings July 29	2791	CENTRAL TEXAS COUNCIL OF GOVERNMENTS Open Meetings June 28	2521
BANKING DEPARTMENT OF TEXAS Non-Regulatory Notices Applications to Acquire Control of a State Bank	2558, 2609	June 30	2521
BAR OF TEXAS, STATE Open Meetings June 28	2513	July 14	2521
June 29	2513	July 22	2747
July 2	2600	CENTRAL TEXAS MH/MR CENTER Open Meetings July 20	2717
July 28	2791	CENTRAL TEXAS MANPOWER CONSORTIUM Open Meetings July 12	2607
BARBER EXAMINERS, STATE BOARD OF Practice and Procedure Adopted examinations and licensing	2511	July 14	2676
Open Meetings Aug. 3	2743	July 22	2749
BASTROP COUNTY APPRAISAL DISTRICT Open Meetings July 12	2606	CHEROKEE COUNTY APPRAISAL DISTRICT Open Meetings July 15	2676
BELL COUNTY APPRAISAL DISTRICT Open Meetings July 21	2607	July 22	2749
Sept. 25	2717	CHIROPRACTIC EXAMINERS, TEXAS BOARD OF Open Meetings July 15-17	2601
BEXAR COUNTY APPRAISAL DISTRICT Open Meetings July 12	2607	COASTAL BEND COUNCIL OF GOVERNMENTS Open Meetings July 23	2748, 2748
BEXAR-MEDINA-ATASCOSA COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT I Open Meetings July 12	2556		

COLORADO RIVER MUNICIPAL WATER DISTRICT	
Open Meetings	
July 28	2795
COMAL COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 19	2748
COMMUNITY AFFAIRS, TEXAS DEPARTMENT OF	
Non-Regulatory Notices	
Balance of State Preliminary Grant	
Application	2764
Community Services Block Grant Intended Use	
Report	2797
Consultant Proposal Request	
identification and provision of services for unmet	
community needs	2523
Special Grants to Governors	2764
Open Meetings	
July 8	2514
July 22	2601
July 23	2601
COMPTROLLER OF PUBLIC ACCOUNTS	
Tax Administration	
Proposed	
Bingo Enforcement Division	2627
Business Tax Division—Franchise	
Tax	2507, 2544
Fuels Tax Division	2543
general rulings	2507
Miscellaneous Tax Division—Cigarette Tax	2625
Sales Tax Division—State Taxes	2780
Adopted	
Bingo Enforcement Division	2549
Non-Regulatory Notices	
Comptroller's Decisions	
12,002 (sales tax)	2524
12,186 (franchise tax)	2634
CONCHO VALLEY COUNCIL OF GOVERNMENTS	
Open Meetings	
July 14	2676
CONSUMER CREDIT COMMISSIONER, OFFICE OF	
Non-Regulatory Notices	
Notice of Rate Ceilings	2525, 2635, 2678, 2765
COORDINATING BOARD, TEXAS COLLEGE AND UNIVERSITY SYSTEM	
Open Meetings	
July 22	2514
COPANO BAY SOIL CONSERVATION DISTRICT	
Open Meetings	
July 14	2607
CORN PRODUCERS BOARD, TEXAS	
Open Meetings	
July 13	2601
CORRECTIONS, TEXAS DEPARTMENT OF	
Open Meetings	
July 12	2551, 2601
CORYELL COUNTY TAX APPRAISAL BOARD	
Open Meetings	
July 1	2521
July 26	2748
CREDIT UNION DEPARTMENT	
Credit Union Regulations	
Adopted	
regulatory body	2629
DALLAS COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 2	2521
July 7	2556
July 9	2556
July 16	2677
July 23	2749
July 28	2795
DAWSON COUNTY APPRAISAL DISTRICT	
Open Meetings	
June 28	2521
July 12	2607
July 12 & 13	2606
July 22	2749
DEEP EAST TEXAS COUNCIL OF GOVERNMENTS	
Open Meetings	
July 22	2677
DEEP EAST TEXAS COUNCIL OF GOVERNMENTS— AREA AGENCY ON AGING	
Open Meetings	
July 14	2607
DEEP EAST TEXAS COUNTY COMMISSIONERS AND COUNTY JUDGES ASSOCIATION	
Open Meetings	
July 15	2521
DEEP EAST TEXAS REGIONAL MH/MR SERVICES	
Open Meetings	
July 20	2716
DEPOSITORY BOARD, STATE	
Open Meetings	
July 28	2791
DEWITT COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 14	2607
EARLY CHILDHOOD INTERVENTION, INTERAGENCY COUNCIL ON	
Early Childhood Intervention Program	
Adopted	
conduct of council meetings	2708
Open Meetings	
July 7	2551
July 12	2601
July 22 & 23	2713
EAST TEXAS COUNCIL OF GOVERNMENTS	
Open Meetings	
July 1	2556
July 20	2748
EASTLAND COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 5	2522
July 14	2607
July 28	2749
EDUCATION AGENCY, TEXAS	
Adaptations for Special Populations	
Proposed	
adoptions by reference	2693
Adopted	
special education	
special program provisions	2739
Bilingual Education and Other Special Language	
Programs	
Emergency	2688
Comprehensive Instruction	
Proposed	
bilingual education and other special language	
programs	2692
Instructional Development	
Proposed	
program guidelines for administration of Title	
IV of the Elementary and Secondary Education	
Act as amended by Public Law 95-561	2693
Organization and Operation of the State Board	
of Education	
Adopted	
committees of the Board	2706
Planning and Accreditation	
Emergency	
principles, standards, and procedures for the	
accreditation of school districts	
conditions and procedures for	
accreditation	2688

Proposed	
principles, standards, and procedures for the accreditation of school districts	
additional accreditation regulations	2581
conditions and procedures for accreditation	2695
Regional Education Service Centers	
Adopted	
authorization	2707
State Commissioner of Education	
Proposed	
adoptions by reference	2504
Teacher Certification	
Proposed	
certification of teachers in general	2695
certification of teachers in general testing program	2696
Adopted	
endorsements	2708
Non-Regulatory Notices	
Extension of Deadline for a Consultant Proposal Request	
measuring outcomes within day school programs for the deaf	2765
Grant Application for CETA Funds	2765
Open Meetings	
July 8	2551
July 9	2551
July 10	2552
July 20	2670
July 28	2713
July 30	2713
Aug. 2	2792
EDUCATION SERVICE CENTER, REGION I	
Open Meetings	
July 6	2807
EDUCATION SERVICE CENTER, REGION IX	
Open Meetings	
July 7	2522
EDUCATION SERVICE CENTER, REGION XV	
Open Meetings	
July 22	2521, 2676
EDUCATION SERVICE CENTER, REGION XVI	
Open Meetings	
July 8	2522
EDWARDS COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 19	2717
EDWARDS UNDERGROUND WATER DISTRICT	
Open Meetings	
July 13	2556, 2676
ELLIS COUNTY TAX APPRAISAL DISTRICT	
Open Meetings	
July 8	2607
EMPLOYEES RETIREMENT SYSTEM OF TEXAS	
Benefits	
Adopted	2549
EMPLOYMENT COMMISSION, TEXAS	
Claims for Benefits	
Emergency	2648
Proposed	2658
Unemployment Insurance	
Adopted	2630
Open Meetings	
July 6	2514
July 13	2601
July 27	2743
ENERGY AND NATURAL RESOURCES ADVISORY COUNCIL, TEXAS	
Non-Regulatory Notices	
Consultant Contract Awards	
impact of salt gradient solar ponds in the Red River Basin	2678
review of technical assistance reports	2609
salt gradient solar ponds using waste and naturally occurring salt and brines	2785
Consultant Proposal Requests	
onshore impacts of offshore oil and gas development and production activities	2610
reduction of peak demand for electricity	2558
Open Meetings	
July 22	2670
ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL	
Open Meetings	
July 15 & 16	2554
ERATH COUNTY CENTRAL APPRAISAL DISTRICT	
Open Meetings	
July 14	2634
FANNIN COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 6	2607
July 9	2607
July 23	2795
FINANCE COMMISSION OF TEXAS	
Open Meetings	
July 7	2514
FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION, COMMISSION ON	
Open Meetings	
July 20	2670
FIREMEN'S TRAINING SCHOOL ADVISORY BOARD	
Open Meetings	
July 24	2670
FISHER COUNTY APPRAISAL DISTRICT BOARD	
Open Meetings	
July 12	2608
July 19	2677
GARZA COUNTY TAX APPRAISAL DISTRICT	
Open Meetings	
July 13	2676
GILLESPIE COUNTY APPRAISAL DISTRICT	
Open Meetings	
July 7	2522
Aug. 5	2796
GOLDEN CRESCENT COUNCIL OF GOVERNMENTS	
Open Meetings	
July 28	2748
GOVERNOR, OFFICE OF THE	
Criminal Justice Division	
Adopted	
criminal justice	
state-federal relations	2706
Non-Regulatory Notices	
Air Control Board, Texas	2776
Application for Alcohol, Drug Abuse, and Mental Health Block Grant	2786
Appointments	
Administrative Judicial District, 8th	2643
Arts, Texas Commission on the	2642, 2776
County and District Retirement System Board of Trustees, Texas	2642, 2776
Court of Appeals, 12th Judicial District	2643
Criminal Justice Corrections Systems, Governor's Blue Ribbon Commission for the Comprehensive Review of the	2643, 2777
Employment of the Handicapped, Governor's Committee on	2777
Hidalgo County Criminal District Attorney	2776
Home Health Services Advisory Council	2777
Industrial Accident Board	2776
Judicial District, 232nd, Harris County	2776
Long-Term Care Planning Group—Phase II	2777
Parole Compact, Interstate	2642

Physical Fitness, Governor's Commission		Ruling, and Notices of Intent	2525, 2559, 2612, 2636, 2718, 2679, 2766, 2797
on	2643	Open Meetings	
Rural Medical Education Board, State	2776	July 2	2552
Supreme Court of Texas	2642	July 9	2515, 2552
Teachers' Professional Practices		July 16	2602, 2632, 2671
Commission	2642	July 22	2671, 2743
Uniform State Laws, Commission on	2642	HEART OF TEXAS REGION MH/MR CENTER	
Water Well Drillers Board, Texas	2776	Open Meetings	
Open Meetings		July 27	2795
July 6	2514	HENDERSON COUNTY APPRAISAL DISTRICT	
July 8	2514	Open Meetings	
July 9	2601	July 2	2521
July 15	2602	HICKORY UNDERGROUND WATER CONSERVATION	
July 16	2602	DISTRICT	
July 19	2671	Open Meetings	
July 22	2713	July 12	2676
July 27	2713, 2743	July 23	2749
GRAIN SORGHUM PRODUCERS BOARD, TEXAS		HIGH PLAINS UNDERGROUND WATER CONSERVATION	
Open Meetings		DISTRICT I	
July 13	2602	Open Meetings	
GRAYSON COUNTY APPRAISAL DISTRICT		July 8	2522
Open Meetings		HIGHWAYS AND PUBLIC TRANSPORTATION, STATE	
July 21	2748	DEPARTMENT OF	
GREGG COUNTY APPRAISAL DISTRICT		Maintenance Division	
Open Meetings		Proposed	
July 13	2608	operation of ferry boats	2737
July 20	2749	Non-Regulatory Notices	
GUADALUPE-BLANCO RIVER AUTHORITY		Consultant Proposal Requests	
Open Meetings		instruction and instructional materials for internal	
July 15	2634	auditors for the Department	2718
HALE COUNTY APPRAISAL DISTRICT		traffic safety alcohol education modules	2767
Open Meetings		Open Meetings	
July 8	2522	July 29 & 30	2792
HANSFORD COUNTY APPRAISAL DISTRICT		HISTORICAL COMMISSION, TEXAS	
Open Meetings		Open Meetings	
July 14	2608	July 8	2553
HARRIS COUNTY APPRAISAL DISTRICT		July 31	2792
Open Meetings		HOCKLEY COUNTY APPRAISAL DISTRICT	
July 12	2676	Open Meetings	
HAYS COUNTY CENTRAL APPRAISAL BOARD		July 19	2676
Open Meetings		Aug. 10	2749
July 9 & 12	2634	HOOD COUNTY APPRAISAL DISTRICT	
HEALTH, TEXAS DEPARTMENT OF		Open Meetings	
Non-Regulatory Notices		July 13	2608
License Amendments	2559, 2611	HOUSING AGENCY, TEXAS	
correction of error	2679	Open Meetings	
Notice of Public Hearing		July 9	2671
additive materials in abusable glue and aerosol		HOUSTON, UNIVERSITY OF	
paint	2612	Open Meetings	
Open Meetings		July 12	2553, 2672
July 8	2514	HOUSTON, UNIVERSITY OF, SYSTEM	
July 9	2515	Open Meetings	
July 11	2515	July 6	2515
July 14	2602	HOUSTON-GALVESTON AREA COUNCIL	
July 23	2713	Open Meetings	
July 24	2671	July 19	2677
July 29	2792	July 20	2521, 2748
Aug. 12	2602	July 28	2749
Aug. 17	2714	HUMAN RESOURCES, TEXAS DEPARTMENT OF	
Aug. 23	2714	AFDC	
Aug. 24	2792	Proposed	
Sept. 2	2792	budgeting process	2703, 2705
Sept. 8	2792	income	2736
Sept. 15	2792	Adopted	
HEALTH COORDINATING COUNCIL, STATEWIDE		budgeting AFDC cases	2711
Open Meetings		determination of income eligibility	2711
July 16	2602	Family Self-Support Services	
July 23	2671	Proposed	
HEALTH FACILITIES COMMISSION, TEXAS		day care and child development payments	2509
Non-Regulatory Notices		day care and child development services	2651
Applications Accepted for Amendment, Declaratory			

Food Stamps		Adopted	
Emergency		indeterminate premium reduction policies . . .	2661
food stamp assistance in disasters	2779	Rating and Policy Forms	
Proposed		Proposed	
food stamp assistance in disasters	2784	Board shall fix rates	2505, 2624, 2728
Adopted		multi-peril policy forms	2506, 2731
changes	2665	prescribed certificates	2624
definition of income	2666	standard forms	2729
income for individuals related to the SSI		Adopted	
Program	2666	workers' compensation rate administration . .	2630
joint AFDC/food stamp applications	2665	State Board of Insurance	
HEAP		Withdrawn	
Emergency		Rating and Policy Forms	
application and determination process	2648	Board shall fix rates	2628
establishing eligibility	2648	prescribed certificates	2628
fraud procedures	2648	Texas Title Insurance Act	
procedures	2648	Proposed	
program administration	2647	policy forms and premiums	2582, 2650
program requirements	2647	Texas Title Insurance Advisory Association	
Proposed		organizational rules	2582
Adopted		Title Insurance	
HEAP Cooling Program	2598	Proposed	
program administration	2595	annual audit and report of agents	2732
Weatherization Program	2597	creation and operation of Attorney's Title	
Legal Services		Insurance Company	2732
Proposed		Open Meetings	
contract administration	2509	June 29	2515
Medicaid Eligibility		July 6	2516
Adopted		July 7	2516, 2553
intrastate requests for assistance	2668	July 12	2516
procedures for applications; medical		July 13	2602, 2672
assistance	2667	July 14	2602
resources for individuals related to the SSI		July 16	2603
Program	2550	July 20	2792
vendor payments in Title XIX long-term care		July 21	2672
facilities	2668	July 22	2632, 2672
Purchased Social Services		July 23	2672, 2714
Proposed		July 26	2714
donor funds	2545	July 27	2744
Non-Regulatory Notices		July 28	2744
Consultant Proposal Request		Aug. 3	2744
reimbursement for nursing homes and rate setting		Aug. 5	2744
for long-term care facilities	2680	Aug. 6	2744
Notice of Public Hearings		Aug. 9	2744
family self-support services	2636	Aug. 10	2744
hospital services rules	2526	Aug. 16	2744
weatherization services	2768	Aug. 17	2744
Open Meetings		Aug. 24	2744
July 6	2515	Aug. 31	2744
Aug. 6	2743		
HUNT COUNTY TAX APPRAISAL DISTRICT		INTERGOVERNMENTAL RELATIONS, TEXAS	
Open Meetings		ADVISORY COMMISSION ON	
July 21	2749	Open Meetings	
INDIAN COMMISSION, TEXAS		July 9	2516
Open Meetings		INTERIM COMMITTEE ON REGIONAL INTER-	
July 1	2515	GOVERNMENTAL COOPERATION	
INDUSTRIAL ACCIDENT BOARD		Open Meetings	
Open Meetings		July 16	2632
July 16	2553	INTERIM REGIONAL TRANSPORTATION AUTHORITY	
July 30	2553	Open Meetings	
Aug. 25	2714	June 29	2521
Aug. 26	2714	July 1	2522, 2556
INDUSTRIAL COMMISSION, TEXAS		July 6	2607
Open Meetings		July 9	2676
July 15	2632	July 13	2676, 2677
INSURANCE, STATE BOARD OF		July 13 & 14	2716
General Provisions		July 15	2677, 2716
Adopted		July 16	2677, 2748
unfair competition and unfair practices of		July 19	2716, 2748
insurers and misrepresentation of policies,		July 20	2748
including trade practices in respect of		July 21	2748
advertising and solicitation	2589	July 22	2749, 2795
Life, Accident, and Health Insurance		July 26	2795
		July 27	2795

JACK COUNTY APPRAISAL DISTRICT

Open Meetings
 July 14 & 15 2748
 July 16 2677

JAIL STANDARDS, TEXAS COMMISSION ON

Compliance and Enforcement
 Withdrawn 2587
 Construction Approval Rules
 Adopted 2591
 Existing Construction Rules
 Adopted
 existing jail design, construction, and furnishing
 requirements 2593
 existing low risk design, construction, and
 furnishing requirements 2595
 Food Service in County Jails
 Proposed 2545
 New Construction Rules
 Adopted
 furnishing requirements 2591
 new lockup design, construction, and furnishing
 requirements 2592
 new low risk design, construction, and furnishing
 requirements 2593

JOHNSON COUNTY CENTRAL APPRAISAL DISTRICT

Open Meetings
 July 15 2717
 July 22 & 23 2749
 July 28 2717

JONES COUNTY APPRAISAL DISTRICT

Open Meetings
 July 15 & 19 2606

JUVENILE PROBATION COMMISSION, TEXAS

Open Meetings
 July 23 2603

KENDALL COUNTY APPRAISAL DISTRICT

Open Meetings
 July 6 2522
 July 22 2748, 2749
 July 27 2795

LAMAR COUNTY APPRAISAL DISTRICT

Open Meetings
 July 12 2676

LAMAR UNIVERSITY

Open Meetings
 June 30 2516
 July 14 2633

LAMB COUNTY APPRAISAL DISTRICT

Non-Regulatory Notices
 Notice of Public Hearings 2560, 2681
 Open Meetings
 July 15 2608

LAMPASAS COUNTY APPRAISAL DISTRICT

Open Meetings
 July 9 2608
 July 13 2634
 July 16 2748

LAW EXAMINERS, BOARD OF

Oper. Meetings
 July 24-27 2744

LEASE OF STATE-OWNED LANDS, BOARD OF

Open Meetings
 July 12 2605
 July 22 2716
 July 28 2747

LEE COUNTY APPRAISAL DISTRICT

Open Meetings
 July 27 2795

LEGISLATIVE AUDIT COMMITTEE

Open Meetings
 Aug. 6 2603

LEGISLATIVE BUDGET BOARD

Non-Regulatory Notices
 Joint Budget Hearing Schedules 2613,
 2681, 2719, 2768
 Open Meetings
 Aug. 5 2603
 Aug. 6 2603

LEGISLATIVE COUNCIL

Open Meetings
 Aug. 6 2793

LEGISLATIVE REFERENCE LIBRARY

Open Meetings
 Aug. 6 2672
 Open Meetings
 Aug. 6 2672

LEON COUNTY CENTRAL APPRAISAL DISTRICT

Open Meetings
 July 26 2748

LIBRARY AND ARCHIVES COMMISSION, TEXAS

Non-Regulatory Notices
 Consultant Contract Reports 2614

LIMESTONE COUNTY CENTRAL APPRAISAL DISTRICT

Open Meetings
 July 21 2748

LOWER COLORADO RIVER AUTHORITY

Open Meetings
 July 21 2748
 July 22 2748, 2795

LOWER NECHES VALLEY AUTHORITY

Open Meetings
 July 20 2677

LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL

Open Meetings
 July 22 2750

MH/MR REGIONAL CENTER OF EAST TEXAS

Open Meetings
 July 7 2607

MEDICAL DISCLOSURE PANEL, TEXAS

Open Meetings
 July 10 2554

MEDICAL EXAMINERS, TEXAS STATE BOARD OF

Applications
 Adopted 2512
 Institutional Permits
 Adopted 2511
 Licensure
 Adopted 2660
 Procedure
 Proposed 2698
 Schedule of Fees
 Proposed 2505

**MENTAL HEALTH AND MENTAL RETARDATION, TEXAS
DEPARTMENT OF**

Non-Regulatory Notices
 Consultant Contract Award
 automation of information processes 2614
 Proposed transfer of funds by the TDMH/MR
 for fiscal year 1982 2719

Open Meetings July 22 & 23	2714	NURSING HOME ADMINISTRATORS, TEXAS BOARD OF LICENSURE FOR Open Meetings July 7	2633
MERIT SYSTEM COUNCIL Open Meetings July 22	2672	OPTOMETRY BOARD, TEXAS Open Meetings July 14 & 15	2633
July 23	2672	PALO PINTO APPRAISAL DISTRICT Open Meetings July 8	2607
MIDDLE RIO GRANDE DEVELOPMENT COUNCIL Open Meetings July 28	2750	PAN AMERICAN UNIVERSITY Open Meetings July 26	2750
MILLS COUNTY APPRAISAL DISTRICT Open Meetings July 8	2556	PANHANDLE GROUND WATER CONSERVATION DISTRICT Open Meetings July 26	2750
July 22	2748	PANHANDLE REGIONAL HEALTH SYSTEMS AGENCY Open Meetings July 8	2522
MINING COUNCIL, TEXAS Open Meetings Aug. 4	2793	PANHANDLE REGIONAL PLANNING COMMISSION Open Meetings July 6	2634
MORTICIANS, STATE BOARD OF Open Meetings July 26 & 27	2744	July 21	2677
July 27	2745	July 22	2748
MUNICIPAL LEAGUE WORKERS' COMPENSATION JOINT INSURANCE FUND AND MUNICIPAL LIABILITY JOINT SELF-INSURANCE FUND Open Meetings July 12	2634	July 26	2677
MUNICIPAL POWER AGENCY, TEXAS Open Meetings July 2	2522	July 27	2677
July 8	2607	July 28	2677
NOLAN COUNTY APPRAISAL DISTRICT Open Meetings July 20	2717	PARDONS AND PAROLES, BOARD OF Open Meetings July 12-16	2554
July 21	2749	July 19-23	2603
NORTEX REGIONAL PLANNING COMMISSION Non-Regulatory Notices Consultant Proposal Request auditing services for CETA grants	2798	July 26-30	2673
Open Meetings July 15	2676	Aug. 2-6	2745
NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS Non-Regulatory Notices Consultant Contract Award financial assessment of the Dallas North Central Subarea transit alternatives	2682	PARKS AND WILDLIFE DEPARTMENT, TEXAS Wildlife Emergency furbearers	2418
NORTH PLAINS WATER DISTRICT Open Meetings Aug. 2	2716	correction of error	2526
NORTH TEXAS MUNICIPAL WATER DISTRICT Open Meetings July 22	2716	Proposed furbearers	2700
NORTH TEXAS STATE PLANNING REGION CONSORTIUM Open Meetings July 15	2608	Late Season Migratory Game Bird Proclamation	2698
NORTHEAST TEXAS HEALTH SYSTEMS AGENCY Open Meetings July 6	2521	wildlife management areas hunting, fishing, and trapping	2733
NORTHEAST TEXAS MUNICIPAL WATER DISTRICT Open Meetings July 26	2750	PARMER COUNTY TAX APPRAISAL DISTRICT Open Meetings Aug. 2	2749
NURSE EXAMINERS, STATE BOARD OF Open Meetings July 21 & 22	2672	PEANUT PRODUCERS BOARD, TEXAS Open Meetings July 23	2673
		PECAN VALLEY MH/MR REGION Open Meetings July 21	2749
		PERMIAN BASIN REGIONAL PLANNING COMMISSION Open Meetings July 15	2608
		PHARMACY, STATE BOARD OF Open Meetings July 7-9	2516
		PHYSICAL THERAPY EXAMINERS, STATE BOARD OF Open Meetings July 22-24	2745

PLUMBING EXAMINERS, STATE BOARD OF

Administration
 Proposed
 general provisions 2622
 Examination
 Proposed 2623
 Licensing
 Proposed 2623
 Open Meetings
 July 29 2715

POLYGRAPH EXAMINERS, BOARD OF

Open Meetings
 July 14-16 2516

PROPERTY TAX BOARD, STATE

Valuation Procedures
 Adopted 2709
 Open Meetings
 July 9 2517

PROSECUTORS COORDINATING COUNCIL, TEXAS

Non-Regulatory Notices
 Consultant Proposal Request
 criminal law update seminar 2637
 Open Meetings
 July 8 2517

PSYCHOLOGISTS, TEXAS STATE BOARD OF EXAMINERS OF

Applications
 Adopted 2588

PUBLIC ACCOUNTANCY, TEXAS STATE BOARD OF

Open Meetings
 July 9 2603
 July 29-31 2793

PUBLIC SAFETY, TEXAS DEPARTMENT OF

Commercial Vehicle Registration
 Adopted
 motor carrier enforcement guidelines 2790
 Drivers License Rules
 Adopted
 reciprocity in driver licensing 2790
 Organization and Administration
 Adopted
 disposition of fees 2590
 Open Meetings
 July 9 2554

PUBLIC SERVANTS STANDARDS OF CONDUCT, ADVISORY COMMITTEE OF

Open Meetings
 July 19 2673

PUBLIC UTILITY COMMISSION OF TEXAS

Non-Regulatory Notices
 Consultant Contract Award
 feasibility of controlling large commercial
 air-conditioning systems 636
 amendment 2615
 Open Meetings
 July 2 2517
 July 6 2517
 July 8 2554
 July 9 2517, 2554, 2603
 July 12 2517, 2554
 July 14 2603, 2715
 July 15 2517
 July 16 2603, 2633
 July 19 2633, 2673
 July 21 2673
 July 22 2517

July 26 2673, 2715
 July 27 2715, 2745
 July 28 2554, 2715, 2745
 July 29 2745, 2793
 July 30 2715
 Aug. 2 2745
 Aug. 3 2554, 2715, 2793
 Aug. 4 2715, 2745, 2793
 Aug. 9 2673
 Aug. 10 2745, 2793
 Aug. 11 2793
 Aug. 13 2604
 Aug. 16 2715
 Aug. 25 2673
 Aug. 26 2633
 Aug. 27 2793
 Aug. 30 2633, 2673
 Sept. 1 2673
 Sept. 7 2604, 2715
 Sept. 14 2745
 Sept. 20 2633
 Sept. 21 2715
 Sept. 23 2554
 Sept. 27 2673
 Sept. 28 2673
 Oct. 8 2554
 Oct. 18 2793

PURCHASING AND GENERAL SERVICES COMMISSION, STATE

Open Meetings
 July 21 2715, 2746

RAILROAD COMMISSION OF TEXAS

Liquefied Petroleum Gas Division
 Emergency
 Division V 2535
 Proposed
 appendices 2727
 basic rules 2691
 Division IX 2691
 Division XI 2692
 general applicability and requirements 2690
 Oil and Gas Division
 Withdrawn
 conservation rules and regulations 2738
 Transportation Division
 Withdrawn
 equipment: identification and reports 2547
 Open Meetings
 June 28 2517
 July 5 2518, 2604
 July 12 2604, 2674
 July 19 2746, 2674
 July 20 2519
 July 26 2746
 Aug. 17 2746

REAL ESTATE COMMISSION, TEXAS

Provisions of the Residential Service Company Act
 Proposed
 authorized personnel 2728
 Open Meetings
 July 12 2605

RURAL MEDICAL EDUCATION BOARD, STATE

Open Meetings
 July 17 & 18 2633

RUSK COUNTY APPRAISAL DISTRICT

Open Meetings
 June 29 2521

July 22	2795	canvassing absentee ballots)	2778
SABINE RIVER AUTHORITY OF TEXAS		Non-Regulatory Notices	
Open Meetings		Public Information	
July 30	2795	results of second election analysis covering	
SABINE VALLEY REGIONAL MH/MR CENTER		May 1, 1982 primary	2529
Open Meetings		Texas Register publication schedule	2801
July 22	2717	SECURITIES BOARD, STATE	
SAN ANTONIO RIVER AUTHORITY		Forms	
Open Meetings		Proposed	2541
July 21	2677, 2749	Open Meetings	
SAN PATRICIO COUNTY APPRAISAL DISTRICT		July 8	2519
Open Meetings		July 19	2633, 2747
July 8	2522	July 20	2634
July 14	2608	July 22	2747
SCHOOL LAND BOARD		SEED AND PLANT BOARD, STATE	
Open Meetings		Open Meetings	
July 6	2519	July 20	2634
July 20	2675	SESQUICENTENNIAL COMMISSION, TEXAS,	
Aug. 3	2794	Non-Regulatory Notices	
SCURRY COUNTY APPRAISAL DISTRICT		Consultant Proposal Request	
Open Meetings		traveling train exhibit, the Texas Independence	
July 13	2608	Express	2720
SECRETARY OF STATE, OFFICE OF THE		SESQUICENTENNIAL MUSEUM BOARD	
Elections		Non-Regulatory Notices	
Emergency		Consultant Contract Award	
campaign reporting and disclosure	2579	impact of state museum	2770
Proposed		Open Meetings	
campaign reporting and disclosure	2580	Aug. 2	2747
Texas Register		SOIL AND WATER CONSERVATION BOARD, TEXAS	
Proposed		STATE	
agency liaison	2725	Open Meetings	
document format	2726	July 14	2519
Election Law Opinions		SOUTH TEXAS, UNIVERSITY SYSTEM OF	
DAD-31 (concerning the authority of credentials		Open Meetings	
committees of conventions of political parties		July 8	2605
holding primary elections)	2500	SOUTH TEXAS DEVELOPMENT COUNCIL	
DAD-32 (concerning the term of an initially		Open Meetings	
appointed election administrator and the		June 30	2521
grounds for his removal)	2534	July 7	2606
DAD-33 (concerning disclosure of a political		July 14	2676
committee's name and address on political		July 21	2748, 2749
advertising which is printed, published or		SOUTH TEXAS HEALTH SYSTEMS AGENCY	
broadcast)	2578	Open Meetings	
DAD-34 (concerning the impact of the U.S. Supreme		July 17	2677
Court's Fashing decision upholding Texas		SOYBEAN PRODUCERS BOARD, TEXAS	
Constitution, Article III, § 19, and Article		Open Meetings	
XVI, § 65, on affected political party		July 7	2519
nominees and defeated primary election		STEPHEN F. AUSTIN STATE UNIVERSITY	
candidates)	2644	Open Meetings	
DAD-35 (concerning the length of term for Harris		July 19	2675
County state district judge)	2644	July 20	2675
DAD-36 (concerning lost or destroyed copies		SUNSET ADVISORY COMMISSION	
of a petition seeking a local option liquor		Open Meetings	
election)	2686	July 20	2675
DAD-37 (concerning the permissibility of		SWISHER COUNTY APPRAISAL DISTRICT	
corporate donations to defray the costs of		Open Meetings	
the LULAC National Convention)	2686	July 8	2607
DAD-38 (concerning whether a person on the list		July 22	2750
of returned voter registration certificates		TARRANT COUNTY APPRAISAL DISTRICT	
is a qualified voter for the purposes of signing		Open Meetings	
a petition to have the names of new or minor		July 1	2521
party candidates printed on the general		July 27 & 29	2749
election ballot)	2686		
DAD-39 (concerning whether the county clerk			
or the county executive committee is responsible			
for bearing the costs of counting and			

TEACHER RETIREMENT SYSTEM OF TEXAS		VOCATIONAL NURSE EXAMINERS, BOARD OF	
Open Meetings		Open Meetings	
July 14	2555	July 12 & 13	2555
July 18	2519	WATER COMMISSION, TEXAS	
TEACHING PROFESSION, COMMISSION ON		Non-Regulatory Notices	
STANDARDS FOR		Applications for Waste Disposal	
Open Meetings		Permits	2528, 2615, 2770
July 15	2555	Open Meetings	
July 16	2555	June 28	2520
TECHNICAL VOCATIONAL EDUCATION IN TEXAS,		July 2	2605
ADVISORY COUNCIL FOR		July 5	2520
Open Meetings		July 12	2606
July 8	2519	July 19	2675, 2716
Aug. 2	2634	July 20	2520, 2634
TEXAS, UNIVERSITY OF, SYSTEM		July 26	2747
Non-Regulatory Notices		July 27	2555, 2675
Consultant Contract Award		Aug. 6	2520
housing for outpatients and relatives at the		Aug. 12	2520
M.D. Anderson Hospital and Tumor		Aug. 13	2606
Institute	2682	Aug. 18	2675
Open Meetings		Aug. 19	2555, 2676
July 21	2747	Aug. 20	2555, 2676
TEXAS A & M UNIVERSITY		Aug. 24	2716
Open Meetings		Aug. 25	2556, 2747
July 25	2794	Aug. 26	2795
July 26	2794	Aug. 30	2716
July 27	2794	Aug. 31	2556, 2716
TEXAS SOUTHERN UNIVERSITY		Aug. 31-Sept. 3	2716
Open Meetings		Sept. 1	2606
July 9	2519, 2520	Sept. 3	2795
TEXAS TECH UNIVERSITY		WATER DEVELOPMENT BOARD, TEXAS	
Non-Regulatory Notices		Grants Administration	
Consultant Proposal Request		Adopted	
implementation of a financial systems		State Project Priority System	2785
development plan	2526	Water Loan Assistance Fund	
Open Meetings		Adopted	
July 30	2794	applications to the Board	2662
TOURIST DEVELOPMENT AGENCY, TEXAS		closing of loans	2662
Open Meetings		construction phase	2662
July 6	2605	introductory provisions	2662
TRINITY RIVER AUTHORITY OF TEXAS		policy declarations	2662
Open Meetings		post-construction responsibilities compliance	
July 15	2634	procedure	2662
July 23	2749	WATER RESOURCES, TEXAS DEPARTMENT OF	
July 28	2750	Non-Regulatory Notices	
TYLER COUNTY TAX APPRAISAL DISTRICT		Consultant Proposal Request	
Open Meetings		bio-ecology of abandoned waste site	2799
July 20	2677	site investigation and feasibility studies for the	
UPPER LEON RIVER MUNICIPAL WATER DISTRICT		French Limited abandoned waste site	2800
Open Meetings		site investigation and feasibility studies for the	
July 22	2677	Sikes Disposal Area	2800
UPSHUR COUNTY APPRAISAL DISTRICT		Open Meetings	
Open Meetings		July 15	2606
July 9 & 12	2807	WATER WELL DRILLERS BOARD, TEXAS	
July 30	2795	Substantive Rules	
Aug. 6	2795	Proposed	
VETERANS LAND BOARD		driller trainee registration	2702
Open Meetings		duties of licensed water well drillers	2701
July 13	2555	introductory provisions	2701
VETERINARY MEDICAL EXAMINERS, STATE BOARD OF		Open Meetings	
Licensing		July 6...2520	
Adopted		WEST CENTRAL TEXAS COUNCIL OF GOVERNMENTS	
reciprocal	2629	Open Meetings	
		July 28	2796
		WEST TEXAS HEALTH SYSTEMS AGENCY	
		Open Meetings	
		July 15	2608

WEST TEXAS STATE UNIVERSITY
 Open Meetings
 July 92521
 Aug. 32795

WHEAT PRODUCERS BOARD, TEXAS
 Open Meetings
 Aug. 3 & 42747

WHEELER COUNTY APPRAISAL DISTRICT
 Open Meetings
 July 232750

WISE COUNTY APPRAISAL DISTRICT
 Open Meetings
 June 252521

WOOD COUNTY APPRAISAL DISTRICT
 Open Meetings
 July 72521
 July 222717

YOUTH COUNCIL, TEXAS
 Open Meetings
 July 82556

19 TAC §53.42707
 19 TAC §77.3562688, 2692
 19 TAC §89.2592739
 19 TAC §89.2922693
 19 TAC §§93.141-93.154, 93.161,
 93.163-93.180, 93.191-93.2282693
 19 TAC §97.742688, 2695
 19 TAC §97.117 (226.37.15.370)2581
 19 TAC §141.2132708
 19 TAC §141.42695
 19 TAC §§141.421-141.4252696

TAC Titles Affected—July

The following is a list of the TAC titles affected by agency activity in June.

TITLE 1. ADMINISTRATION
 Part I. Office of the Governor
 1 TAC §3.2932706
 Part IV. Office of the Secretary of State
 1 TAC §81.1632579, 2580
 1 TAC §§81.165-81.1682580
 1 TAC §91.112725
 1 TAC §91.592726

TITLE 4. AGRICULTURE
 Part I. Texas Department of Agriculture
 4 TAC §3.112503
 4 TAC §7.232548

TITLE 7. BANKING AND SECURITIES
 Part VI. Credit Union Commission
 7 TAC §91.842629
 Part VII. State Securities Board
 7 TAC §133.62541

TITLE 13. CULTURAL RESOURCES
 Part III. Texas Commission on the Arts
 13 TAC §35.12542

TITLE 16. ECONOMIC REGULATION
 Part I. Railroad Commission of Texas
 16 TAC §§3.42, 3.912738
 16 TAC §5.1522547
 16 TAC §§9.171-9.1932535
 16 TAC §§9.181-9.1922535
 16 TAC §9.202690
 16 TAC §9.2652691
 16 TAC §9.3012692
 16 TAC §9.3232727
 16 TAC §9.492691

TITLE 19. EDUCATION
 Part II. Texas Education Agency
 19 TAC §37.412706
 19 TAC §41.61 (226.13.90.020)2504

TITLE 22. EXAMINING BOARDS
 Part II. State Board of Barber Examiners
 22 TAC §51.832511
 Part IX. Texas State Board of Medical Examiners
 22 TAC §§163.2-163.4, 163.62660
 22 TAC §163.72660
 22 TAC §§163.7, 163.82660
 22 TAC §171.62511
 22 TAC §173.12512
 22 TAC §175.12505
 22 TAC §187.23 and 187.282698
 Part XVII. Texas State Board of Plumbing
 Examiners
 22 TAC §361.82622
 22 TAC §363.12623
 22 TAC §365.12623
 Part XX. Texas State Board of Examiners
 of Psychologists
 22 TAC §463.12588
 22 TAC §463.142588
 22 TAC §463.182589
 22 TAC §463.202589
 Part XXIII. Texas Real Estate Commission
 22 TAC §539.512728
 Part XXIV. State Board of Veterinary Medical
 Examiners
 22 TAC §571.312629

TITLE 25. HEALTH SERVICES
 Part VIII. Interagency Council on Early Childhood Intervention
 25 TAC §621.42708

TITLE 28. INSURANCE
 Part I. State Board of Insurance
 Noncodified (059.03.50.001,.004)2661
 Noncodified (059.05.25.003)2505,
 2624, 2628, 2728
 Noncodified (059.05.25.011)2624, 2628
 Noncodified (059.05.36.001-.003)2729
 Noncodified (059.05.58.002)2630
 Noncodified (059.05.81.001)2506, 2731
 Noncodified (059.09.07.001)2650
 Noncodified (059.09.07.002)2582
 Noncodified (059.09.39.001,.002)2732
 Noncodified (059.09.47.001-.008)2582
 Noncodified (059.09.56.001)2732
 Noncodified (059.50.01.001,.004,.005)2589

TITLE 31. NATURAL RESOURCES AND CONSERVATION
 Part II. Parks and Wildlife Department
 31 TAC §§65.191, 65.194, 65.197, 65.202,
 65.207-65.213, 65.217 65.2192733
 31 TAC §§65.332-65.3352698
 31 TAC §65.3762700
 Part VII. Texas Water Well Drillers Board
 31 TAC §231.22701
 31 TAC §231.772701
 31 TAC §§231.81-231.872702

Part X. Texas Water Development Board

31 TAC §321.13 2789

31 TAC §321.15 2789

31 TAC §§321.2-321.5, 321.8-321.10, 321.12, 321.14, 321.16-321.18 321.20, 321.23, 321.28, 321.30, 321.32-321.34, 321.39, 321.41 2785

31 TAC §321.31 2789

31 TAC §§355.1-355.3 2662

31 TAC §§355.31-355.33 2662

31 TAC §§355.51-355.60 2662

31 TAC §§355.71-355.76 2662

31 TAC §§355.81-355.86 2662

31 TAC §355.91 2662

TITLE 34. PUBLIC FINANCE

Part I. Comptroller of Public Accounts

34 TAC §3.1 2507

34 TAC §3.114 2625

34 TAC §3.175 2543

34 TAC §3.306 2780

34 TAC §3.397 2507

34 TAC §3.398 2544

34 TAC §3.541 2549

34 TAC §3.542 2627

Part IV. Employees Retirement System of Texas

34 TAC §73.25 2549

Part VII. State Property Tax Board

34 TAC §161.9 2709

TITLE 37. PUBLIC SAFETY AND CORRECTIONS

Part I. Texas Department of Public Safety

37 TAC §1.181 2590

37 TAC §§11.42-11.44 2790

37 TAC §15.92 2790

Part IX. Commission on Jail Standards

37 TAC §257.10 2591

37 TAC §259.127 2592

37 TAC §259.137 2592

37 TAC §259.154 2592

37 TAC §259.215 2593

37 TAC §259.225 2593

37 TAC §259.27 2591

37 TAC §259.37 2591

37 TAC §259.58 2591

37 TAC §261.116 2594

37 TAC §261.126 2594

37 TAC §261.143 2594

37 TAC §261.16 2593

37 TAC §261.204 2595

37 TAC §261.214 2595

37 TAC §261.26 2593

37 TAC §261.47 2594

37 TAC §281.3 2545

37 TAC §297.5 2587

37 TAC §297.6 2587

37 TAC §297.8 2587

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Noncodified (326.10.33.025,.031,.033) 2736

Noncodified (326.10.34.015-.017) 2651, 2703, 2705

Noncodified (326.10.34.020,.022) 2663, 2711

Noncodified (326.10.34.031-.032) 2651

Noncodified (326.10.35.009, 010) 2663, 2711

Noncodified (326.14.10.001-.006) 2647

Noncodified (326.14.10.007-.011) 2595, 2647

Noncodified (326.14.11.001-.006) 2597

Noncodified (326.14.15.001-.006) 2781

Noncodified (326.14.20.001-.004, .007, .010) 2647

Noncodified (326.14.30.001-.006) 2648

Noncodified (326.14.35.001-.007) 2598

Noncodified (326.14.40.001-.010) 2648

Noncodified (326.14.54.001) 2648

Noncodified (326.14.55.001-.003) 2648

Noncodified (326.15.14.037) 2666

Noncodified (326.15.26.020) 2665

Noncodified (326.15.28.033,.034) 2665

Noncodified (326.15.76.048) 2779, 2784

Noncodified (326.17.31.002-.008, .025-.036, .049-.051) 2652

Noncodified (326.17.31.015,.016,.043) 2658

Noncodified (326.17.31.052) 2509

Noncodified (326.25.33.009,.011) 2667

Noncodified (326.25.33.012,.013) 2550

Noncodified (326.25.34.004,.011) 2666

Noncodified (326.25.55.002) 2668

Noncodified (326.25.56.007) 2668

Noncodified (326.33.25.011,.015) 2550

Noncodified (326.64.46.001-.003) 2546

Noncodified (326.64.46.004) 2546

Noncodified (326.79.06.005) 2509

Part X. Texas Employment Commission

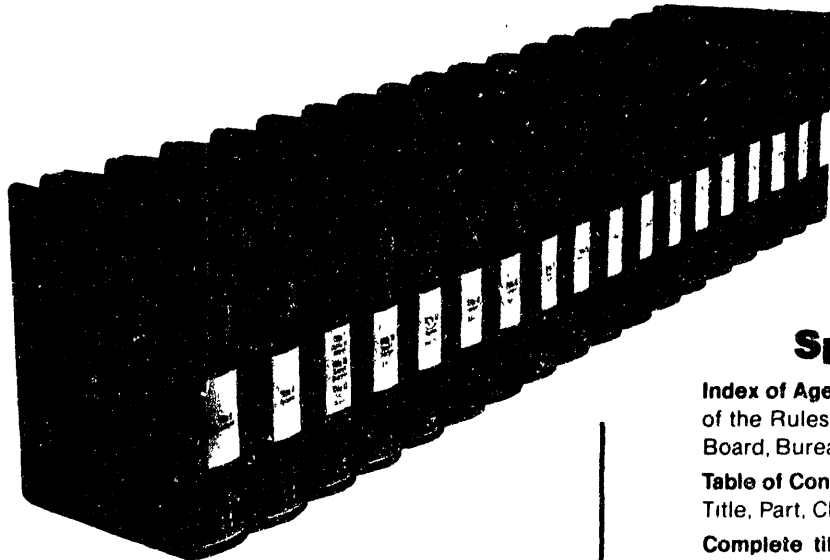
Noncodified (327.10.00.001-.029) 2630

Noncodified (327.10.00.020) 2648, 2658

TITLE 43. TRANSPORTATION

Part IV. State Department of Highways and Public Transportation

43 TAC §25.42 2737



The Texas Administrative Code

Special Features

Index of Agencies, listing the location in the Code of the Rules issued by each Agency, Department, Board, Bureau or Commission of the State of Texas

Table of Contents for the entire Code and for each Title, Part, Chapter, and Subchapter of the Code

Complete title contents for each title, listing all currently active pages contained in that title by page number, so as to insure completeness and accuracy Detailed index for each title

Parallel Reference Table for each title, showing the section number used in the Code to designate a Rule and, where applicable, the ten-digit identification number assigned to it by the Texas Register Division

Tables of Authorities, listing every statute and constitutional authority contained in the Code, and the various components of the Code issued under each

Authority Notes, containing a reference to the statutory or constitutional authority for each Title, Part, Chapter, Subchapter, and Section contained in the Code

Source Notes, containing a reference to the date and, when applicable the citation to the *Texas Register* issue in which each Title, Part, Chapter, Subchapter, and Section of the Code was adopted and became effective

Cross References, showing every Part, Chapter, Subchapter, and Section of the Code cited in a Rule.

Editor's notes, containing clarifying comments or statements as appropriate

Notes of Decisions, containing a summary of each court decision and Attorney General's opinion that construes a Rule

The **Texas Administrative Code** is published and distributed by Shepard's/McGraw-Hill in cooperation with The Texas Register Division of the Office of the Texas Secretary of State.

The complete **Code** will comprise fifteen titles in twenty-six loose leaf volumes for ease in adding future supplements. Assembled in sturdy five-ring binders, the **Code** will be compiled in a uniform format, style, and numbering system. Tabs will ease reference to each title, its parts, and index

Each complete set of the **Code** will include: an index to locate each agency's rules in the **Code**; a table of contents listing each title, with its parts, chapters, and subchapters, a series of tables listing the constitutional and statutory authority for each rule; the full text of the Administrative Procedure and Texas Register Act, and the full text of the Texas Administrative Code Act.

Table of Titles

TITLE 1 . ADMINISTRATION
TITLE 4 . AGRICULTURE
TITLE 7 . BANKING AND
SECURITIES
TITLE 10. COMMUNITY DEVELOP-
MENT
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
TITLE 43. TRANSPORTATION

**SHEPARD'S
McGRAW-HILL**

Shepard's/McGraw-Hill
P.O. Box 1235
Colorado Springs, CO 80901

For more information please contact:
In eastern Texas: Gayle Carpenter
806-797-4878
In western Texas: Marc McKonic
602-264-3384

Second Class Postage

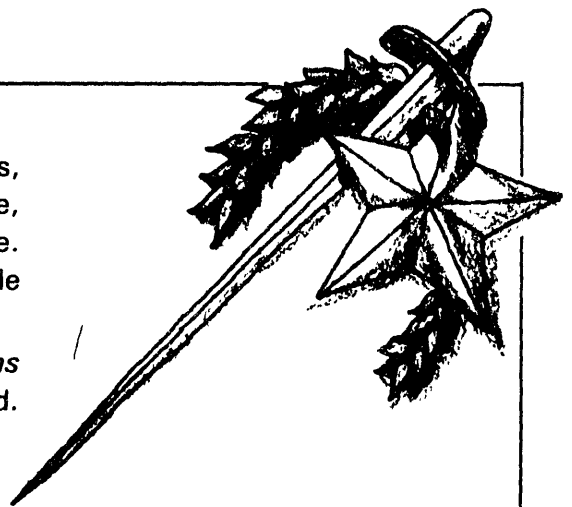
PAID

Austin, Texas
and additional entry offices

75365212 INTER-AGENCY
TEXAS STATE LIBRARY
PUBLICATIONS CLEARINGHOUSE 303
LIBRARY AND ARCHIVES BLDG
AUSTIN TX 78711

For a new subscription, or to indicate a change of address, please use this form. When notifying us of an address change, please attach the mailing label from the back of a current issue. Questions concerning existing subscriptions should also include the subscription number from the mailing label.

You may also use this form to request back issues of the *Texas Register*. Please specify the exact dates of the issues requested. Each copy of a back issue is \$2.00.



**Please enter my subscription to the *Texas Register* as indicated below.
(I will look for my first issue in about two weeks.)**

- 1 year (100 issues) \$70
- 6 months (50 issues) \$50

(Please print or type.)

Mr. Miss

Ms. Mrs.

Name _____

Organization _____

Occupation _____ Telephone _____

Address _____

City _____ State _____ ZIP CODE _____

Payment Enclosed

Bill Me

Change of Address
(Please attach mailing label.)

Back issues requested
(Please specify dates.)

Please make checks payable to the Secretary of State.
Subscription fees are not refundable.

For office use only:

For information concerning the *Texas Register*,
please call (512) 475-7886,
or write P.O. Box 13824, Austin, Texas 78711-3824.