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TEXAS DOCUMENTS

TEXAS REGISTER

In This Issue...

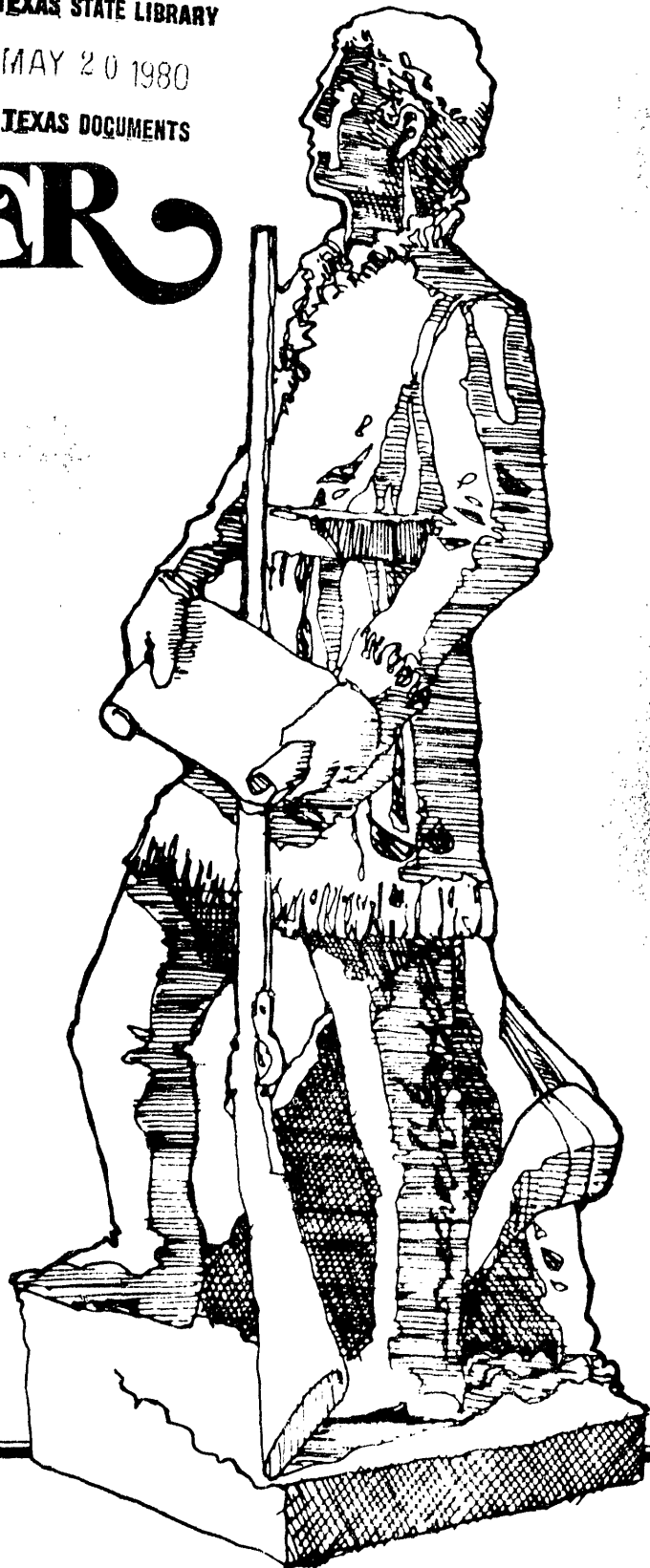
Credit Union Department amends on an emergency basis regulations concerning allocating reserves and declaring dividends in state-chartered credit unions; effective date—May 12 1941

State Commission for the Blind proposes to adopt by reference a Facilities Manual as a guide for utilization of rehabilitation facilities for the blind in Texas; proposed date of adoption—June 20 1943

Texas Department of Human Resources proposes new rules concerning minimum standards for juvenile correctional institutions, correctional camps, and reception centers; proposed date of adoption—July 15 1943

Board of Barber Examiners adopts amendments to rules concerning barber colleges, schools, and students; effective date—June 4 1962

Texas Department of Human Resources adopts rules concerning standards for purchased Title XX family planning services; effective date—July 4 1962



Office of the Secretary of State

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

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

Under the TAC scheme, each agency rule is designated by a TAC number. For example, in the citation 1 TAC §27.15:

- 1 is the title (agencies grouped together by subject title which are arranged alphabetically)
- TAC is the *Texas Administrative Code*
- §27.15 is the section number (27 represents the chapter number and 15 represents the individual rule within the chapter)

Latest Texas Code Reporter
(Master Transmittal Sheet): No. 1, Oct. 79

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

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

TEXAS REGISTER

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George W. Strake, Jr.
Secretary of State

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The Governor

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- 1938 *90th Judicial District*
- 1938 *Texas State Board of Podiatry Examiners*
- 1938 *Texas Workers' Compensation Advisory Committee*

The Attorney General

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- 1939 *RQ-327 (concerning Optometry Act)*
- 1939 *RQ-328 (concerning authority of county to pay court costs)*
- 1939 *RQ-329 (concerning allocation of funds from student services fees)*
- 1939 *RQ-330 (concerning authority of justice of the peace)*
- 1939 *RQ-331 (concerning granting of permit by Alcoholic Beverage Commission)*
- 1939 *RQ-332 (concerning salary of school teacher)*
- 1939 *RQ-333 (concerning storage responsibilities of Texas State Library)*
- 1939 *RQ-334 (concerning whether employment recommendations are public information under Open Records Act)*
- 1939 *RQ-335 (concerning office space in courthouse for news media)*
- 1939 *RQ-336 (concerning who may sign petition for independent presidential candidate)*

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- 1940 *MW-179 (concerning purchase of supplies by Department of Health)*

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- 1943 *Facilities Manual*

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- 1943 *24-Hour Care Licensing*

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- 1962 *General Rules of Practice and Procedure*

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- 1962 *Family Services*

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- 1987 *Promulgation of List of Ratios and Minimum Grades of Mixed Fertilizer*

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- 1989 *TAC Titles Affected in This Issue (Conversion Table)*
- 1989 *Table of TAC Titles*

Appointments

Education Commission of the States

For terms at the pleasure of the governor:

Barbara S. Man
7434 Greenville, No. 125
Dallas, Texas 75231

Ms. Man is replacing A. M. Aikin, whose term expired.

Bill J. Priest, Ed.D., Chancellor
Dallas Community College District
701 Elm
Dallas, Texas 75202

Dr. Priest is being reappointed.

90th Judicial District

Effective June 1, 1980, to be judge, Young and Stephens Counties, until the next general election and until his successor shall be duly elected and qualified:

Donald L. Sweatt
P.O. Box 785
Rocky Mound Road
Graham, Texas 76046

Mr. Sweatt will be replacing Judge John Bradshaw of Graham, Young County, who resigned.

Texas State Board of Podiatry Examiners

For a six-year term to expire July 10, 1985:

Dr. Isaac Willis
609 East Whaley
Longview, Texas 75601

Dr. Willis is being reappointed.

Texas Workers' Compensation Advisory Committee

Pursuant to Senate Concurrent Resolution 103, 66th Legislature, Regular Session:

Harry Hubbard, President
Texas AFL-CIO
P.O. Box 12727
Austin, Texas 78711 (employee)

Jackie St. Clair, Secretary-Treasurer
Texas State Building and Construction Trades Council
1106 Lavaca Street
Austin, Texas 78701 (employee)

Perry Leigh Cheatham, Chairman
Texas UAW State CAP Council
P.O. Box 276
Hurst, Texas 76053 (employee)

William H. Huff III, Senior Vice President
Employers Insurance of Texas
P.O. Box 2759
Dallas, Texas 75221 (insurer)

Synott Lance McNeel, Senior Vice President
American Indemnity Company
One American Indemnity Plaza
Galveston, Texas 77550 (insurer)

T. B. Wright
Stubbeman, McRae, Sealy, Laughlin and Browder
American Bank Tower
Austin, Texas 78701 (insurer)

Issued in Austin, Texas, on May 9, 1980.
Doc. No. 803643 William P. Clements, Jr.
Governor of Texas

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

Article 4399, Vernon's Texas Civil Statutes, requires the attorney general to give written opinions to certain public officials. The Texas Open Records Act, Article 6252-17a, Section 7, Vernon's Texas Civil Statutes, requires that a governmental body which receives a request for release of records seek a decision of the attorney general if the governmental body determines that the information may be withheld from public disclosure. Opinions and open records decisions issued under the authority of these two statutes, as well as the request for opinions and decisions, are required to be summarized in the *Texas Register*.

Copies of requests, opinions, and open records decisions may be obtained from the Opinion Committee, Attorney General's Office, Supreme Court Building, Austin, Texas 78701, telephone (512) 475-5445.

Requests for Opinions

Summary of Request for Opinion RQ-326

Request from Fred Toler, executive director, Texas Commission on Law Enforcement Officer Standards and Education, Austin.

Summary of Request: Application of Article 4413(29aa), Vernon's Texas Civil Statutes, to sheriffs.

Doc. No. 803604

Summary of Request for Opinion RQ-327

Request from John W. Davis, O.D., Texas Optometry Board, Austin.

Summary of Request: Optometry Act requirement that the business of an optician be separate from the practice of an optometrist.

Doc. No. 803605

Summary of Request for Opinion RQ-328

Request from Tom Curtis, district attorney, 47th Judicial District, Potter County.

Summary of Request: Authority of county to pay court costs incurred by a district attorney.

Doc. No. 803606

Summary of Request for Opinion RQ-329

Request from Oscar H. Mauzy, chairman, Education Committee, Texas Senate, Austin.

Summary of Request: Allocation of funds from student services fees to student directed nonprofit corporations engaged in public interest research activities.

Doc. No. 803607

Summary of Request for Opinion RQ-330

Request from Henry Wade, district attorney, Dallas County.

Summary of Request: Authority of a justice of the peace to charge a fee for filing a peace bond complaint.

Doc. No. 803608

Summary of Request for Opinion RQ-331

Request from Louis J. Raffaelli, criminal district attorney, Bowie County.

Summary of Request: Whether an adequate building must be in existence before a private club permit is granted by the Alcoholic Beverage Commission.

Doc. No. 803609

Summary of Request for Opinion RQ-332

Request from Ben Z. Grant, chairman, Judiciary Committee, house of representatives, Austin.

Summary of Request: Whether a school teacher may receive \$100 per month for service as a member of a city council.

Doc. No. 803610

Summary of Request for Opinion RQ-333

Request from H. S. Harris, Jr., chairman, Texas Industrial Accident Board, Austin.

Summary of Opinion: Responsibilities of the Texas State Library in storage of records.

Doc. No. 803611

Summary of Request for Opinion RQ-334

Request from R. Marvin Townsend, city manager, and J. Bruce Aycock, city attorney, Corpus Christi.

Summary of Request: Whether a ranking of persons recommended for employment by a city is public under the Open Records Act.

Doc. No. 803612

Summary of Request for Opinion RQ-335

Request from Henry Wade, district attorney, Dallas County.

Summary of Request: Office space in courthouse for news media and title companies; telephone for news media.

Doc. No. 803613

Summary of Request for Opinion RQ-336

Request from Susan Gurley McBee, chairwoman, House Committee on Elections, house of representatives, Austin.

Summary of Request: Whether persons who voted in the democratic or republican primaries may sign a petition for an independent candidate for president.

Doc. No. 803614

Opinions

Summary of Opinion MW-179

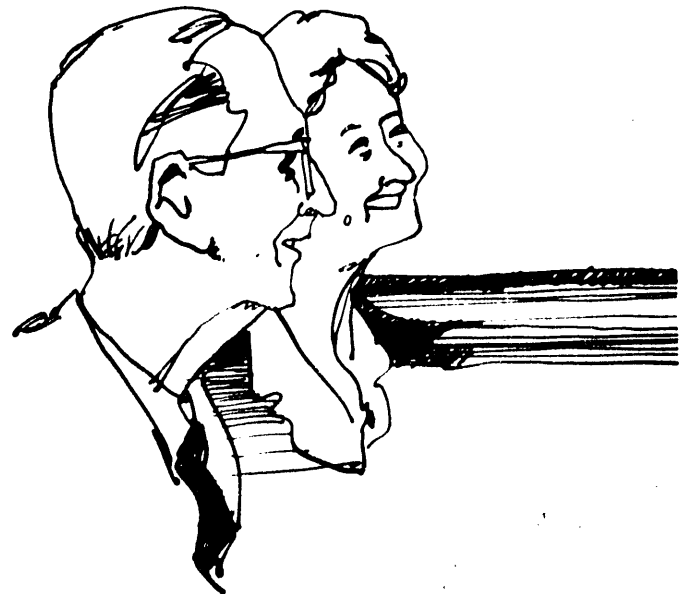
Request from Robert Bernstein, M.D., acting commissioner of health, Austin, concerning whether the Department of Health may purchase supplies from a business owned by a member of the Texas Board of Health.

Summary of Opinion: The Department of Health is prohibited by the doctrine of *Meyers v. Walker*, 276 S.W. 305 (Texas Civil Appeal—Eastland 1925, no writ) from purchasing supplies from a business wholly or partially owned by a member of the Board of Health.

Issued in Austin, Texas, on May 9, 1980.

Doc. No. 803603 C. Robert Heath
Opinion Committee Chairman
Attorney General's Office

For further information, please call (512) 475-5445.



An agency may adopt emergency rules after determining what it considers to be an imminent peril to the public health, safety, or welfare. These rules may be effective immediately on filing with the secretary of state for no more than 120 days, renewable once for no more than 60 days. An agency must submit written reasons, published in the *Register*, for the emergency adoption of rules.

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

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

CODIFIED

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

Chapter 91. Credit Union Regulations

Reserves and Dividends

The Credit Union Department temporarily amends §§91.61 and 91.62 (058.01.09.001 and .002) on an emergency basis. These sections are applicable for allocating reserves and declaring dividends in a state chartered credit union and they are amended for the first six months of 1980. The original rules will apply for allocating reserves and declaring dividends in a state chartered credit union beginning on July 1, 1980.

These sections are being adopted on an emergency basis because credit unions in Texas are prohibited from charging interest on loans in excess of the rate of 10% per month on the unpaid balance (12% APR). This interest restriction has been prevalent since 1934. Recent developments in the "money market" of the country have caused record increases in the rates of interest paid to attract money. These developments have caused many credit unions to restrict loans to their consumer members, while others have had to use prior years' surpluses just to try to stem the outflow of funds that form the only capital base of credit unions. At the same time, double digit inflation has caused the operations costs to increase considerably. The combination of these two items has caused some credit unions to be unable to maintain their usual dividends, much less increase dividends to retain the savings needed to continue consumer loans.

For these reasons, the Texas Credit Union Commission has determined that this waiver of the reserve transfer requirement and the declaration of dividends for financially sound credit unions will provide relief to this economic squeeze and thereby provide great benefit to the citizens of Texas investing in credit union savings programs, without materially affecting the stability of credit unions or the credit union industry.

The emergency amendment of §§91.61 and 91.62 (.001 and .002) on a temporary basis is promulgated under the authority of the Texas Credit Union Act, Article 2461, Chapter 1, et seq., Vernon's Texas Civil Statutes.

§91.61 (058.01.09.001). *Reserve Allocations*. In accordance with the requirement of Section 9.01 of the Credit Union Act, state-chartered credit unions shall set aside a portion of their current net income, prior to the declaration or payment of dividends, at the close of each dividend period, as follows:

(1)(a) Newly organized credit unions. Each credit union that has been in operation for less than five years shall transfer to the regular reserve (or guaranty fund) 10% of the gross income for each dividend period, *unless authorized by the commissioner to do otherwise. Requests for lower transfer must be submitted in writing to the commissioner prior to July 31, 1980.* (until the total regular reserve amounts to 3.0% of loans.)

(2)(b) Credit unions in operation for four full years or more shall *not be required to make any transfer of earnings for the first six months of 1980 to the Guaranty Fund unless the estimated solvency ratio is below 103.* (transfer to the regular reserve (or guaranty fund) 5.0% of the gross income for each dividend period, until the total regular reserve amounts to 5.0% of loans.)

(3)(c) *Credit unions currently under dividend restrictions and credit unions with solvency ratios below 103 shall make transfers in accordance with the provisions of the current regulation, unless otherwise authorized in writing by the commissioner. Such authorization shall be requested by board resolution, duly recorded in the minutes. Such resolutions shall be forwarded to the commissioner by cover letter signed by the chairman and secretary of the board, and shall be accompanied by financial and statistical reports for each dividend period.* (After the regular reserve fund equals 5.0% of loans, a credit union shall transfer only such sums from gross income to maintain that fund at 5.0% of loans, or 5.0% of gross income, whichever is less.)

(4)(d) In addition to the regular reserve, special reserves to protect the interests of members may be established by board resolution or by directive of the credit union commissioner, from current income or from undivided earnings. In lieu of establishing a special reserve, the commissioner may direct that all or a portion of the undivided earnings and any other reserve fund be frozen. In either case, such directives must be given in writing and must show cause for such action. (Establishment of an investment reserve, where warranted, shall fall under this section.)

(5)(e) Minimum reserve requirements. No credit union shall declare or pay a dividend unless and until the regular reserve and other reserves combined are sufficient to cover the estimated losses of the credit union, as determined by actual review by the credit union examiners, or by the following formula (whichever is greater):

(A)(1) loans two to five months delinquent—10% of total balances;

(B)(2) loans six to 11 months delinquent—40% of total balances;

(C)(3) loans delinquent 12 months or more—90% of total balances.

(6)(f) The board of directors may increase the amount to be transferred to the regular reserve, and may transfer from undivided earnings to the regular reserve at any time.

(7)(g) Use of reserves.

(A)(1) The reserve fund may be used only as follows:

(i)(A) to charge off uncollectible loans;

(ii)(B) to pay annual reserve deposits to the Texas Share Guaranty Credit Union;

(iii)(C) other distributions as allowed by law and approved by the commissioner.

(B)(2) Special reserves may be used only for the purpose or purposes designated by board resolution. The board of directors may return to undivided earnings any special reserves previously committed by the board.

(C)(3) Undivided earnings may be used for any purpose approved by the board of directors, including payment of dividends, interest refunds, interest on deposits, and certificates of deposit.

§91.62 (058 01.09.002). *Dividends.*

(a) *For the dividend period ending June 30, 1980, a credit union chartered by the Texas Credit Union Department may declare a dividend for the period ending June 30, 1980, from current and undivided earnings at any rate up to 8.0% per annum without the prior approval of the commissioner, provided that the estimated solvency ratio (ESR) of the credit union is 103 or more, and provided that the credit union's reserves and undivided earnings are not frozen by order of the commissioner in accordance with §91.61 (.001(d)). In order to declare a*

dividend at a rate higher than 8.0% per annum, a credit union shall make written request to the commissioner, furnishing a copy of the board's resolution to request such authority. In addition, the credit union shall state the rate of dividend requested, furnish an estimate of the dividend cost and a copy of the financial and statistical report for the months of April and May 1980. A credit union shall not be authorized to post such dividends until written approval has been given by the commissioner.

[After allocations to reserves are made as required under Section 9.01(1(a)) and 9.01(1(b)), the board of directors may declare a dividend as prescribed in the bylaws and established board policy. Such dividend shall not exceed the rate of 6.0% per annum, unless such amounts required for a dividend in excess of 6.0% shall have been earned in the dividend period for which it is declared unless approved by the commissioner. Further, no dividend shall exceed the rate of 7.0% per annum unless the reserves of the credit union are in excess of delinquent loans (excluding federally insured loans) by at least 5.0% of total loans (excluding federally insured loans), unless approved by the commissioner in writing.]

(b) Dividends may be paid on fully paid shares or on the full dollar amount as prescribed in the bylaws or board policy. Shares which become fully paid during the dividend period shall be entitled to a proportionate part of the dividend if dividends are paid on fully paid shares only.

(c) Dividend credit for a month may be accrued on shares which are or become fully paid during the first 10 days of that month. No dividends shall be paid on shares that are withdrawn during the dividend period.

Issued in Austin, Texas, on May 12, 1980.

Doc. No. 803616 John P. Parsons
Commissioner
Credit Union Department

Effective Date: May 12, 1980

Expiration Date: July 1, 1980

For further information, please call (512) 837-9236.

An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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NONCODIFIED

State Commission for the Blind Facilities Manual 329.04.00

The State Commission for the Blind proposes to adopt new rules as they relate to facilities in the State of Texas that primarily serve legally and totally blind persons. The rules appear in the commission's Facilities Manual that was prepared as a guide for utilization of rehabilitation facilities for the blind. The rules set forth standards and guidelines that govern the rehabilitation programs of the private agencies that receive federal funds from the State Commission for the Blind.

The staff of the State Commission for the Blind has determined that there are no fiscal implications for the state or any unit of local government that would result from this rule.

Public comment on the proposed rule is invited and may be submitted in writing to Rodney Green, chief facilities specialist, State Commission for the Blind, P.O. Box 12866, Austin, Texas 78711, telephone (512) 475-7011.

The rule is proposed pursuant to the authority of 45 Code of Federal Regulations 1361.73 and Chapter 91 of Title 5 of the Texas Human Resources Code.

.003. Facilities Manual. The State Commission for the Blind adopts by reference the rules contained in its Facilities Manual. This document is published by and available from the State Commission for the Blind, P.O. Box 12866, Austin, Texas 78711.

Issued in Austin, Texas, on May 12, 1980.

Doc. No. 803646 Evans N. Wentz
Executive Director
State Commission for the Blind

Proposed Date of Adoption: June 20, 1980
For further information, please call (512) 475-7011.

Texas Department of Human Resources

(Editor's note: Proposals by the Texas Department of Human Resources, including new rules, as well as amendments and repeals of existing rules, are being published serially beginning in the May 16 issue. The chapters, subchapters, and rules affected by the proposal are listed at 5 TexReg 1900. The proposed date of adoption for the rules listed in the chapters entitled Medical Assistance Programs, Intake and Eligibility, and Legal Services is June 16, 1980. The proposed date of adoption for the rules listed in the chapter entitled 24-Hour Care Licensing is July 15, 1980. The remainder of the rules, which includes the 24-hour care licensing standards, appears in this issue.)

24-Hour Care Licensing

The Department of Human Resources proposes new rules concerning Minimum Standards for Juvenile Correctional Institutions, Minimum Standards for Juvenile Correctional Camps, and Minimum Standards for Juvenile Reception Centers.

The Department of Human Resources is legislatively mandated to administer Chapter 42 of the Human Resources Code which relates to the regulation of child care facilities. Section 42.052 of the Human Resources Code states: "(a) A State-operated child care facility or child placing agency must receive certification of approval from the division. . . (b) To be certified, a facility must comply with the Department's rules and standards and any provisions of this chapter that apply to a licensed facility of the same category."

When the licensing law was first revised to include certification of state operated child care facilities, administrative personnel for both the Texas Youth Council and the Department of Human Resources questioned whether or not the purview of the licensing law included the correctional facilities for children operated by the Texas Youth Council. In an attempt to secure clarification, a request was made to the Attorney General and an opinion subsequently rendered that correctional facilities operated for children by the Texas Youth Council are subject to regulation by the Department of Human Resources.

Since that time, staff of both agencies have worked in a cooperative manner to draft and formulate appropriate minimum standards for juvenile correctional facilities. The proposed standards relate to the facility's organization and administration, staffing patterns and qualifications, placement practices, child care and training programs, and buildings, grounds, and equipment. The standards are written to safeguard the health, safety, and well-being of children in substitute care.

The Texas Youth Council has determined that the cost of implementing the proposed rules will be approximately \$1,226,000 for fiscal year 1981; \$1,385,000 for fiscal year 1982; \$1,565,000 for fiscal year 1983; \$1,768,000 for fiscal year 1984; and \$1,998,000 for fiscal year 1985. There will be no fiscal implications for units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—131, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 60 days of publication in this *Register*.

Minimum Standards for Juvenile Correctional Institutions 326.91.13

The following rules are proposed under the authority of Title 2 of the Human Resources Code.

.001. Legal Basis for Operation. The institution's purposes and objectives shall be consistent with those legislatively required of the Texas Youth Council. A copy of enabling legislation shall be available for review by the Department of Human Resources. The department shall be notified of any changes mandated by the legislature.

.002. Administrative Responsibilities.

(a) The executive director of the Texas Youth Council shall be responsible for policies and programs and for ensuring compliance with minimum standards.

(b) The institution shall operate in accordance with its written policies. Copies of policies required by minimum standards shall be made available to facility staff.

.003. Fiscal Accountability. The institution shall maintain complete financial records. Books shall be audited in accordance with state requirements. A copy of the accountant's statement of income and disbursements shall be submitted to the Licensing Branch during the certification process (Chapter 42, Human Resources Code, Section 42.045(b)).

.004. Records and Reports.

(a) The institution shall complete written incident reports concerning any of the following occurrences:

- (1) any physical contact of a violent nature among students or between staff and students;
- (2) sexual abuse involving a student or staff;
- (3) physical restraint of a student;
- (4) physical injury to a student.

A copy of the incident reports shall be filed at the institutions and shall be available for review by staff of the Licensing Branch of the department.

(b) Any incident which critically injures, permanently disables, or results in death to a student shall be reported immediately to the parents or managing conservator. Notification of such occurrences shall be made to the Licensing Branch of the department within 24 hours or the next working day. These notifications shall be documented in the student's record.

(c) Any case of suspected abuse or neglect shall be reported immediately to the Texas Department of Human Resources (Appendix II, Section III; Texas Family Code, Chapter 34).

(d) Absences without permission shall be reported to the parents or managing conservator when it is determined that the student is a runaway. Documentation of notification to the child's parents or managing conservator shall be included in the record.

(e) Disasters or emergency situations which require closure of the living unit, such as fires or severe weather, shall be reported to the Licensing Branch within 24 hours or the next working day.

(f) The administrator of the institution shall submit reports to the Licensing Branch of the department concerning:

- (1) any change in administrator;
- (2) any impending changes that would necessitate a change in the conditions of the certificate.

.005. Availability of Records

(a) The institution's records shall be available at the facility and open for review by the Licensing Branch of the department.

(b) The certificate shall be displayed at the institution (Chapter 42, Human Resources Code, Section 42.049(d)).

(c) The institution shall ensure that case records are safeguarded from unauthorized and improper disclosure. Information in case records shall be disclosed only to the following:

- (1) the professional staff or consultants of the agency or institution.
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child; or
- (4) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the work of the agency or institution.

(d) The institution shall allow the department to visit and inspect the institution at all reasonable times (Chapter 42, Human Resources Code, Section 42.044). Upon arrival, the licensing representative will contact the administrator to explain the purpose of the visit.

.006. Personnel Policies.

(a) The institution shall have written job descriptions which specify what duties employees are expected to perform. A copy of job descriptions shall be available to employees and to the Licensing Branch.

(b) If the institution has a student employment program, the policies of the program shall be in writing and available for review by students and the Licensing Branch of the department. Student participation in the employment program shall be voluntary and work hours shall be scheduled at appropriate times.

(c) If volunteers or sponsoring families are used, institutions shall have written policies stating the qualifications for volunteers or sponsoring families and the procedures for selecting these individuals or families. A copy of the policies and procedures shall be available for review by the Licensing Branch.

.007. Administrator Qualifications and Responsibilities.

(a) The administrator shall be licensed as provided by Chapter 43, Human Resources Code.

(b) The administrator is responsible for implementing the policies approved by the executive director, the ongoing operation of the institution, and compliance with the Minimum Standards for Juvenile Correctional Institutions.

(c) If responsibility for the program of the institution is delegated to an assistant administrator, he or she shall also be licensed.

(d) The licensed administrator shall make available to staff organizational charts and written plans for staffing.

(e) The licensed administrator shall reassign or remove from direct child care activity any employee against whom is returned:

(1) an indictment alleging commission of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act;

(2) an indictment alleging commission of any misdemeanor classified as an offense against the person or family, or of public indecency;

(3) an official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family, or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

.008. Staffing.

(a) In the administrator's absence, a person or persons shall be responsible for the institution.

(b) The institution shall employ and supervise staff necessary to ensure the health and safety of the students in its care.

(c) The institution shall have staff coverage throughout the 24-hour period.

(1) There shall be at least one child care staff on duty during waking hours for every 13 students.

(2) The staff-student ratio applies to the total facility. Staff shall be available to students in residence. Only child care staff or volunteers meeting the same qualifications may be counted in the staff-student ratio.

(3) During sleeping hours at least one child care worker shall be in the living unit for every 24 students. Night staff shall be awake during student's sleeping hours.

(d) In addition to meeting the required staff ratio, the institution shall also provide support staff to assist the child care staff in meeting the educational and casework needs of the students in care.

(e) Tasks which conflict or interfere with child care responsibilities shall not be assigned to child care staff. Job descriptions and staff assignments shall show no conflicts in assignments to child care staff.

.009. Staff Qualifications and Responsibilities.

(a) Individuals convicted within the preceding 10 years of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family, or of public indecency may be employed if authorization for their employment is obtained from the State Office of the Texas Youth Council. Documentation of authorization for employment shall be included in the employee's personnel record.

(b) The personal qualifications of employees shall be verified.

(1) At least three references shall be obtained for each potential employee prior to employment. Information obtained from references shall be written and filed whether the interview is conducted in person or by telephone.

(2) Each employee shall submit a statement to the facility concerning any felony and/or misdemeanor convictions within the preceding 10 years and of any pending criminal charges.

(c) Persons whose behavior or health status endangers the students shall not be allowed at the institution.

(d) Staff members shall have an examination for tuberculosis within 12 months prior to employment. Re-examination shall be in accordance with recommendations of the local public health authority or the regional office of the Texas Department of Health.

(e) Child care staff shall be at least 18 years old.

(f) Child care staff employed after September 1980 who do not have at least two years previous child care related work experience are required to have a high school diploma or G.E.D.

.010. Training.

(a) The institution shall provide specific job orientation for all new staff.

(b) At least 15 hours of in-service training shall be provided annually for all staff working with students. In-service training for staff working with students shall be documented. Documentation shall include the date, the subject, and the name of the person who conducted the training.

(c) First aid training is required for child care staff who are not licensed/certified health personnel.

(1) First aid training received or scheduled shall be documented for child care staff.

(2) Training shall be conducted by a Red Cross instructor or a licensed health professional.

(3) First aid training shall be current. Certificates or statements of training shall document that first aid training is updated at least every three years.

.011. Staff Records. Personnel records shall be maintained for each employee of the institution. These records shall contain information on:

(1) qualifications for the position;

(2) tuberculosis test reports for all staff as required by standards;

(3) authorization for employment of ex-offenders (if applicable);

(4) conviction record statement (if applicable);

(5) pre-employment references;

(6) date of employment;

(7) date and reason for separation (if applicable);

(8) forwarding address of separated employees.

.012. Admission.

(a) The institution shall admit only those students who have been committed by the court to the care, custody, and control of the Texas Youth Council.

(b) No student shall be denied services because of race.

(c) The student capacity of the institution shall be determined by assessing the facility's available square footage and calculating that number in relation to the required bedroom space and living area required for each student in licensing standards. The child care certificate issued to the institution by the department shall reflect the maximum capacity of the institution.

(d) The institution shall ensure that each student receives a medical examination by a licensed physician within 30 days prior to admission or within 30 days after admission. Students being transferred directly from a TYC facility or other child care facility who have had a medical examination within the past year are exempt. The examination shall be documented in the student's record.

(e) Students shall have had a dental examination by a licensed dentist or dental hygienist working under supervision of a licensed dentist within six months prior to admission or arrangements shall be made for one within 30 days after admission. Documentation of the scheduled appointment and subsequent examination shall be in the student's medical record.

(f) Students shall be tested for tuberculosis according to the recommendations of local public health authorities or the regional office of the Texas Department of Health.

.013. Assessment.

(a) The institution shall review the assessment study which has been prepared by the TYC reception center for the purposes of determining the student's best placement within the institution. The assessment study shall include the following information:

- (1) A description of family relationships.
- (2) The student's developmental history and medical history, including current immunization record.
- (3) A written psychological diagnostic evaluation obtained within the past 12 months from a psychologist as defined by the Psychologists' Certification and Licensing Act (Texas Revised Civil Statutes Annotated, Article 4512c).
- (4) Violent offenders and students whose behavior indicate the need for further assessment shall be evaluated by a licensed psychiatrist. A copy of the psychiatric evaluation shall be included in the assessment study.
- (5) A description of the student's personality, behavior, and interests.
- (6) The student's school history.
- (7) History of previous placements.
- (8) The student's legal status.
- (9) An assessment of the student's needs.
- (10) The immediate and long-range goals of the placement.

(11) Name of the family member or managing conservator who will be responsible for the relationship with the institution and the student.

(b) If the assessment study is incomplete at the time of admission, it must be completed within 30 days following admission.

(c) The assessment review committee shall include at least one person meeting the following qualifications:

- (1) a master's degree in social work from an institution accredited by the Council on Social Work Education and a minimum of one year of supervised experience in children's services or family services; or
- (2) a graduate degree in a behavioral or social science from an accredited college or university and two years of supervised experience in children's or family services; or
- (3) a bachelor's degree in social work from an accredited college or university and two years of supervised experience in children's or family services; or
- (4) a bachelor's degree from an accredited college or university and three years of supervised experience in children's or family services; or

(5) a bachelor's degree from an accredited college or university and current, direct supervision from a person meeting one of the above qualifications;

(6) a licensed administrator (Chapter 43, Human Resources Code).

The name of the persons reviewing the assessment study shall be documented.

(d) The institution's staff shall discuss with the student the reasons for placement and the student's understanding of placement. This discussion shall be documented in the student's record.

(e) The institution shall notify parents or managing conservators in writing of their child's placement within the institution. The following written material shall also be provided parents or managing conservators:

- (1) rules regarding visits, mail, gifts, and telephone calls;
 - (2) information on the nature and frequency of reports to the student's family or managing conservator;
 - (3) the institution's discipline policy;
 - (4) the name of the person or office parents can contact if they feel their child's rights have been violated.
- (f) The institution shall provide orientation for new students.

.014. Trips Away from the Institution.

(a) The institution's staff-student ratio shall be maintained for overnight trips.

(b) The administrator shall ensure that individuals on trips are properly fed, lodged, and supervised; and that safety precautions, medical care, and programming are provided.

.015. Student's Records. Accurate and current records shall be maintained for each student in care. In addition to other required documentation, each student's record must include:

- (1) name;
- (2) date of birth;
- (3) place of birth;
- (4) sex;
- (5) religion (if known);
- (6) race;
- (7) names and addresses of parents, brothers, and sisters;
- (8) names and addresses of other persons who have a significant relationship with the student;
- (9) date of admission;
- (10) a copy of the commitment order from the court;
- (11) date of discharge.

.016. Child Care and Training; Individualized Program Plan.

(a) An individual program plan shall be developed which specifies each student's needs and how these needs will be met. The plan shall be recorded in the student's case record.

(1) The individualized program plan shall include the objectives of placement.

(2) The individualized program plan shall be shared with staff working with the student.

(3) The individualized program plan shall be developed within 30 days after admission.

(b) The individualized program plan shall be reviewed at least every three months by the institution and the student. Results of the review shall be filed in the student's case record.

(1) The review shall note progress toward achieving or changing objectives based on new information about the student and his or her family.

(2) A written progress report shall be provided the student's parents and his parole officer quarterly.

(c) The institution shall obtain professional consultation and treatment for students with special needs. A student's need for professional consultation and treatment shall be determined by his or her lack of adjustment in the social, home, and school environment. When these services are obtained, they shall be documented in the student's case record.

.017. Daily Care.

(a) The daily schedule shall be developed to meet student's needs.

(b) The institution shall see that each student is supplied with personal clothing suitable to the student's age and size. It shall be comparable to the clothing of other youth in the community. Students shall have some choice in selecting their clothing.

(c) The institution shall provide students guidance in money management.

(d) Money earned by a student or received as a gift or allowance shall be his or her personal property. A student's money shall be accounted for separately from the institution's funds.

(e) Students shall be given training in personal care, hygiene, and grooming. Each student shall be supplied with personal care, hygiene, and grooming equipment.

(f) The institution shall provide supervised indoor and outdoor recreation and equipment so that every student may participate.

.018. Education, Work, and Training.

(a) The institution shall arrange an education appropriate for each student.

(b) The institution shall distinguish between tasks which students are expected to perform as part of living together, jobs to earn spending money, and jobs performed for vocational training.

.019. Student's Rights and Privileges.

(a) The staff of the institution shall allow privacy for each student.

(b) The institution shall provide written information to each student which specifies:

(1) The student's right to appeal decisions made concerning him or her and the procedure to be followed in initiating an appeal.

(2) The student's right to confer with his or her attorney(s) in private, with appropriate restrictions on the time and place of every meeting, except in legitimate emergencies.

(3) The student's right to express grievances if he or she feels his or her rights have been violated and the procedure to be followed in initiating grievance procedures.

(c) Contact between the student and his or her parents or managing conservator shall be allowed while the student is in care unless the rights of the parents have been terminated by court order, or family contact is not in the student's best interest.

(1) The institution shall have clearly written policies regarding visits, gifts, mail, and telephone calls between the student and his or her family or managing conservator. These policies shall be made known to the student at the time of admission.

(2) Students shall be allowed to have telephone conversations with family members or managing conservators unless the best interests of the student or a court order necessitates restrictions.

(3) Students shall not be denied their right to privacy in writing, sending, and receiving correspondence that would violate laws designed to ensure privacy and protect against obstruction of correspondence.

(d) A student shall be allowed to bring personal possessions to the institution and may acquire personal possessions. If limits are put on the kinds of possessions a student may or may not receive, these shall be discussed with the student and his or her parents or managing conservator.

(e) There shall be no racial discrimination by the institution.

(f) The opinions and recommendations of the students in care shall be considered in the development and evaluation of the program and activities. The procedure for this shall be documented. A copy of the procedures shall be available for review by the Licensing Branch.

(g) The institution shall have written policies for the discipline of students in care. Copies of the institution's discipline policy shall be submitted to the department during the certification process and shall include the following:

(1) Only adult staff members shall discipline students.

(2) Students shall not be subjected to cruel, harsh, unusual, or unnecessary punishment.

(3) Students shall not be subjected to verbal remarks that belittle or ridicule them or their families.

(4) Students shall not be denied food, mail, or visits with their families as punishment.

(5) Discipline shall fit the needs of the student.

(6) The use of corporal punishment is prohibited.

(h) Mind altering and behavior modifying medications shall be administered according to the physician's directions.

(1) Each dose administered shall be documented in the student's record. Documentation shall include the medication given, the time, the dosage, and the name of the person administering the medication.

(2) The appropriateness of continuing the medication shall be evaluated by the prescribing physician at least every 30 days.

(i) Students in care shall not be required to perform at public gatherings, but may do so on a voluntary basis.

(j) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a student or his or her family or managing conservator shall not be made public.

(k) The institution shall not use reports or pictures from which students can be identified without written consent from the student and the student's parents or managing conservator.

.020. Restraint.

(a) The institution shall have written policies for the use of restraint. The policies shall indicate the personnel responsible for making decisions to place or retain students in restraint.

(b) Physical holding or mechanical restraints shall be used only as a last resort to protect the student from injury to self or others, prevent the student from completing the act of escaping, prevent the imminent, substantial destruction of property, or when the student is being transported and staff have reason to expect the student to attempt to escape and/or engage in violent behavior.

(c) The reasons for use of restraint, type of restraints used, and length of time the student is in restraints shall be documented in the student's case record.

.021. Security. The institution shall have written policies concerning confinement of students in locked quarters. The policies shall indicate the personnel responsible for making decisions to place or retain students in security and outline the maximum number of hours a student may be retained.

(1) Students in security shall be provided three well-balanced nutritious meals each day.

(2) Students in security will not be denied visitation privileges with parents, managing conservators, or their attorney.

(3) Students in security shall not be denied their right to privacy in writing, sending, and receiving correspondence that would violate laws designed to ensure privacy and protect against obstruction of correspondence.

(4) Students in security for a period exceeding 24 hours shall receive counseling services from professional staff including but not limited to the staff psychologist, the student's social worker or an alternate social worker, or the institution's consulting psychiatrist.

(5) Each student's educational plan will be continued during confinement for at least four hours each day.

(6) Students in security shall be offered and encouraged to use at least one hour of large muscle exercise on a daily basis. This opportunity may be suspended on orders from a physician or the institution's consulting psychiatrist.

(7) A written description documenting the reasons for admission to security shall be filed in the individual student's case record.

.022. Medical and Dental Care

(a) The institution shall have written policies and procedures for obtaining diagnosis and treatment of medical and dental problems.

(1) Copies of the policies and procedures shall be available to the department.

(2) The institution shall make known to all staff members the policies and procedures to be followed in an emergency.

(b) All students shall be examined annually by a licensed physician. Documentation of the examination signed by a licensed physician shall be filed in the student's medical record.

(c) provisions for medical isolation shall be available.

(d) All students shall have a dental examination by a licensed dentist or dental hygienist working under the supervision of a licensed dentist at least once a year. Documentation of the examination shall be filed in the student's medical record.

(e) The institution shall comply with laws, rules, and regulations regarding immunization of children (Chapter 42, Human Resources Code, Section 42.043.) Current immunization records shall be maintained for each student at the facility. Student's immunization records shall include the birthdate, the immunization status, the number of doses, and

the dates each immunization was received. A machine or handwritten copy of the immunization record is acceptable. Handwritten copies shall bear the signature of the responsible staff member copying the information. Compliance with this standard shall be measured by the presence of one or more of the following in each student's record.

(1) A written and dated record that the student has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. This record shall have a rubber stamp or signature of the physician or health personnel and shall specify the type, number of doses, and the dates given as required by law.

(2) A written and dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the above mentioned diseases have begun. The immunization cycle shall be completed as soon as is medically feasible. A current immunization record shall be on file at the institution.

(3) A certificate signed by a physician, duly registered and licensed under the Medical Practice Act, stating the physician's opinion that the required immunization would be injurious to the health and well-being of the student or any member of his or her family or household.

(4) An affidavit signed by the parent or managing conservator of the student stating that the vaccination or immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the student is an adherent or member.

(5) A written and dated statement for a student enrolled in a public school program signed by the parents or managing conservator stating that the student's immunization record is on file at the school the student attends and that all immunizations are current. The name of the school shall be included on the statement.

(f) The institution shall comply with laws, rules, and regulations regarding acquisition, storage, and administration of medication. All medication shall be given by an adult staff member. Medications shall be given according to the instructions on the label.

(g) Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication.

(h) Current medical and dental records shall be maintained for each student. The records shall include:

(1) A record of each visit to a physician or dentist and recommended treatment. Treatment shall be provided as indicated.

(2) A medical consent form signed by a person authorized to give consent by the Texas Family Code, Chapter 35, Section 35.01.

.023. Nutrition

(a) Students shall be provided food of adequate quality and in sufficient quantity to supply the nutrients needed for growth and development.

(b) *Food for Fitness—A Daily Food Guide*, developed by the United States Department of Agriculture, shall be used as a basis for meeting these standards.

(c) Students shall have a minimum of three meals daily and snacks.

(d) Menus, as served, shall be retained on file for one month after use.

(e) All milk and milk products shall be Grade A pasteurized or from sources approved by the Texas Department of Health.

(f) No more than 14 hours shall pass between the last meal or snack of one day and the serving of the first meal of the following day.

.024. Release.

(a) The following persons shall be involved in planning the release of a student from the institution.

(1) the student and his or her parents or managing conservator;

(2) the student's parole officer;

(3) the student's caseworker and any other appropriate institutional staff members.

(b) The institution shall not release a student without notifying the student's parents or managing conservator of the date and anticipated time of the student's release; the method of transportation being used to transport the student to his or her destination; and the anticipated time of his or her arrival. Notification provided parents or managing conservator shall be documented in the student's record

(c) The plan for release of the student shall be recorded in his or her record.

.025. Health and Safety.

(a) Documentation of current and approved fire, health, and safety inspections shall be on file at the institution. Copies of the inspection reports shall be submitted to the Licensing Branch. The required annual inspections are:

(1) Fire inspections which must meet requirements of the local fire marshal. In areas where there is no qualified fire inspector, the state fire marshal shall be requested to make the inspection.

(2) Health inspections which must meet or exceed regulations set by local ordinances and the Texas Department of Health.

(3) Gas pipes must be pressure tested by the local gas company or a licensed plumber and documentation provided that there are no leaks.

(4) Liquefied petroleum gas systems must be inspected by the Liquefied Petroleum Gas Division of the Texas Railroad Commission.

(b) There shall be written plans and procedures for meeting disasters and emergencies such as fires or severe weather. Staff members shall know the procedures for meeting disasters and emergencies.

(c) An outdoor swimming pool shall have a fence. Entrances and exits to outdoor and indoor pools shall be locked when not in use.

(d) A certified lifeguard shall be on duty when the facility's swimming area is in use. Certification shall be documented in the personnel records.

.026. Environment.

(a) Building and grounds shall be maintained, repaired, and cleaned so that they are not hazardous to health and safety.

(1) Outdoor areas shall be well drained.

(2) Windows and doors used for ventilation shall be screened.

(3) Equipment and furniture shall be safe and sturdy.

(4) Institutions shall ensure that students in care are provided adequate protection from flammable and poisonous substances.

(b) Animals on the premises shall be vaccinated and treated as recommended by a licensed veterinarian to protect the health of the students. Documentation of vaccinations and treatment shall be on file at the institution.

(c) Institutions shall take measures to keep the facility free of rodents, insects, and stray animals.

(d) There shall be indoor areas where students can gather for quiet, reading, study, relaxation, and entertainment or recreation. There shall be a minimum of 40 square feet per student. Bedrooms, halls, kitchens, and any rooms not available to students shall not be included in the minimum space requirement.

(1) Sketches of floor plans showing dimensions and purposes of rooms shall be submitted as documentation.

(2) Indoor recreation areas can be counted in the requirement as can living rooms in buildings where students live.

(3) Furniture in living areas shall not block exit ways.

(e) A sleeping room for single occupancy shall contain at least 64 square feet per occupant. Sleeping rooms shared by students shall contain 60 square feet per occupant. Sketches of floor plans showing the dimensions and purpose

.027. Food Preparation, Storage, and Equipment.

(a) All food and drink shall be of safe quality.

(b) Food preparation, dining areas, storage areas, equipment, and furniture shall be maintained in a state of cleanliness and good repair.

(c) All food items shall be stored off the floor. All food items except those which are to be washed or peeled shall be stored in covered containers that are insect and rodent proof or refrigerated.

(d) Animals shall not be permitted in food storage, preparation, and dining areas.

(e) One-time-use paper and plastic dishes, utensils, and containers shall not be re-used.

of rooms shall be submitted as documentation.

(f) Each student shall have his or her own bedstead and mattress. Beds shall be kept clean and comfortable. Mattresses shall have covers or protection.

(g) There shall be one lavatory, one tub or shower with hot and cold running water, and one toilet for every 10 students.

(1) Bathrooms shall be located near the sleeping area.

(2) Bathrooms shall be thoroughly cleaned daily.

.028. Glossary. The following terms are associated with standards for juvenile correctional institutions.

(1) Child care facility. A facility providing care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it.

(2) Child care unit. A building or part of a building where a group of children live.

(3) Dentist. Refers only to a licensed dentist.

(4) Hospital. Refers only to a licensed or accredited facility.

(5) **Juvenile correctional institution.** A juvenile correctional institution is a child-caring facility which provides care for students who have been committed by a court to the care, custody, and control of the Texas Youth Council.

(6) **New juvenile correctional institution.** Refers to an institution which is not in operation.

(7) **Physician.** Refers only to a physician duly registered and licensed under the Medical Practice Act or practicing on a U.S. military installation.

(8) **Psychologist.** Psychologist as defined by the Psychologist Certification and Licensing Act (Texas Revised Civil Statutes Annotated, Article 4512c).

(9) **Security.** Security refers to confinement of students to locked quarters.

(10) **Sponsoring families.** Volunteers who assist the agency in providing for the needs of students in care.

(11) **Supervise.** To be aware of and responsible for the ongoing activity of a child. Supervision requires the presence of a staff member who has knowledge of program and children's needs, and who is accountable for service delivery.

(12) **Trip.** An excursion that is overnight or longer.

Doc. No. 803526

Minimum Standards for Juvenile Correctional Camps 326.91.14

The following rules are proposed, under the authority of Title 2 of the Human Resources Code.

.001. Legal Basis for Operation. The correctional camp's purposes and objectives shall be consistent with those legislatively required of the Texas Youth Council. A copy of enabling legislation shall be available for review by the Department of Human Resources. The department shall be notified of any changes mandated by the legislature.

.002. Administrative Responsibilities.

(a) The executive director of the Texas Youth Council shall be responsible for policies and programs and for ensuring compliance with minimum standards.

(b) The correctional camp shall operate in accordance with its written policies. Copies of policies required by minimum standards shall be made available to facility staff.

.003. Fiscal Accountability. The correctional camp shall maintain complete financial records. Books shall be audited in accordance with state requirements. A copy of the accountant's statement of income and disbursements shall be submitted to the Licensing Branch during the certification process (Chapter 42, Human Resources Code, Section 42.045(b)).

.004. Records and Reports.

(a) The correctional camp shall complete written incident reports concerning any of the following occurrences:

- (1) any physical contact of a violent nature among campers or between staff and campers;
- (2) sexual abuse involving a camper or staff;
- (3) physical restraint of a camper;
- (4) physical injury to a camper.

A copy of the incident reports shall be filed at the correctional camp and shall be available for review by staff of the Licensing Branch of the department.

(b) Any incident which critically injures, permanently disables, or results in death to a student shall be reported immediately to the parents or managing conservator. Notifica-

tion of such occurrences shall be made to the Licensing Branch of the department within 24 hours or the next working day. These notifications shall be documented in the camper's record.

(c) Any case of suspected abuse or neglect shall be reported immediately to the Texas Department of Human Resources.

(d) Absences without permission shall be reported to the parents or managing conservator when it is determined that the student is a runaway. Documentation of notification to the student's parents or managing conservator shall be included in the record.

(e) Disasters or emergency situations which require closure of the living unit, such as fires or severe weather, shall be reported to the Licensing Branch within 24 hours or the next working day.

(f) The administrator of the correctional camp shall submit reports to the Licensing Branch of the department concerning:

- (1) any change in administrator;
- (2) any impending changes that would necessitate a change in the conditions of the certificate.

.005. Availability of Records.

(a) The correctional camp's records shall be available at the facility and open for review by the Licensing Branch of the department.

(b) The certificate shall be displayed at the correctional camp's office (Chapter 42, Human Resources Code, Section 42.049(d)).

(c) The correctional camp shall ensure that case records are safeguarded from unauthorized and improper disclosure. Information in case records shall be disclosed only to the following:

- (1) the professional staff or consultants of the agency or institution;
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child; or
- (4) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the work of the agency or institution.

(d) The correctional camp shall allow the department of visit and inspect the correctional camp at all reasonable times (Chapter 42, Human Resources Code, Section 42.044). Upon arrival, the licensing representative will contact the administrator to explain the purpose of the visit.

.006. Personnel Policies.

(a) The correctional camp shall have written job descriptions which specify what duties employees are expected to perform. A copy of job descriptions shall be available to employees and to the Licensing Branch.

(b) If the correctional camp has a student employment program, the policies of the program shall be in writing and available for review by students and the Licensing Branch of the department. Student participation in the employment program shall be voluntary and work hours shall be scheduled at appropriate times.

(c) If volunteers or sponsoring families are used, correctional camps shall have written policies stating the qualifications for volunteers or sponsoring families, and the procedures for selecting these individuals or families. A copy of the policy and procedures shall be available for review by the Licensing Branch.

.007. Administrator Qualifications and Responsibilities.

(a) The administrator shall be licensed as provided by Chapter 43, Human Resources Code.

(b) The administrator is responsible for implementing the policies approved by the executive director, the ongoing operations of the correctional camp, and compliance with the Minimum Standards for Juvenile Correctional Camps.

(c) If responsibility for the program of the correctional camp is delegated to an assistant administrator, he or she shall also be licensed.

(d) The licensed administrator shall make available to staff organizational charts and written plans for staffing.

(e) The licensed administrator shall reassign or remove from direct child care activity any employee against whom is returned:

(1) An indictment alleging commission of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act.

(2) An indictment alleging commission of any misdemeanor classified as an offense against the person or family or of public indecency.

(3) An official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

.008. Staffing.

(a) In the administrator's absence, a person or persons shall be responsible for the camp.

(b) The correctional camp shall employ and supervise staff necessary to ensure the health and safety of the students in its care.

(c) The correctional camp shall have staff coverage throughout the 24-hour period.

(1) There shall be at least one child care staff on duty during waking hours for every six campers.

(2) Staff shall be available to campers. Only child care staff may be counted in the staff-camper ratio.

(3) If volunteers are used as child care staff, they shall meet the same requirements as the regular care staff.

(4) During sleeping hours at least one child care worker shall be in the group living area for every 12 campers.

(5) Staff shall be located in the best possible place to supervise the therapeutic group.

(d) In addition to meeting the required camper-staff ratio, the correctional camp shall also provide support staff to assist the child care staff in meeting the educational and casework needs of the campers in care.

(e) Tasks which conflict or interfere with child care responsibilities shall not be assigned to child care staff. Job descriptions and staff assignments shall show no conflicts in assignments to child care staff.

.009. Staff Qualifications and Responsibilities.

(a) Individuals convicted within the preceding 10 years of any felony classified as an offense against the person or family or of public indecency or of violation of the Texas Controlled Substances Act or of any misdemeanor classified as an offense against the person or family or of public indecency

may be employed if authorization for their employment is obtained from the State Office of the Texas Youth Council. Documentation of authorization for employment shall be included in the employee's personnel record.

(b) The personal qualifications of employees shall be verified.

(1) At least three references shall be obtained for each potential employee prior to employment. Information obtained from references shall be written and filed whether the interview is conducted in person or by telephone.

(2) Each employee shall submit a statement to the facility concerning any felony and/or misdemeanor convictions within the preceding 10 years and of any pending criminal charges.

(c) Persons whose behavior or health status endangers the campers shall not be allowed at the correctional camp.

(d) Staff members shall have an examination for tuberculosis within 12 months prior to employment. Re-examination shall be in accordance with recommendations of local public health authorities or the regional office of the Texas Department of Health.

(e) Child care staff shall be at least 18 years old.

(f) Child care staff employed after September 1980 who do not have at least two years previous child care related work experience are required to have a high school diploma or G.E.D.

.010. Training.

(a) The correctional camp shall provide specific job orientation for all new staff.

(b) At least 15 hours of in-service training shall be provided annually for all staff working with campers. In-service training for staff working with campers shall be documented. This shall include the date, the subject, and the name of the person who conducted the training.

(c) First aid training is required for child care staff who are not licensed/certified health personnel.

(1) First aid training received or scheduled shall be documented for child care staff.

(2) Training shall be conducted by a Red Cross instructor or a licensed health professional.

(3) First aid training shall be current. Certificates or statements of training shall document that first aid training is updated at least every three years.

.011. Staff Records. Personnel records shall be maintained for each employee of the correctional camp. These records shall contain information on:

(1) qualifications for the position;

(2) tuberculosis test reports for all staff;

(3) authorization for employment of ex-offenders (if applicable);

(4) conviction record statement (if applicable);

(5) pre-employment references;

(6) date of employment;

(7) date and reason for separation (if applicable);

(8) forwarding address of separated employees.

.012. Admission.

(a) The correctional camp shall admit only those campers who have been committed by the court to the care, custody, and control of the Texas Youth Council.

(b) No camper shall be denied services because of race.

(c) The capacity of the correctional camp shall be determined by assessing the camp's staffing pattern and calculating the number of campers for whom the camp has

the required child care staff ratio. The child care certificate issued to the correctional camp by the department shall reflect the maximum capacity of the correctional camp.

(d) The correctional camp shall ensure that each camper receives a medical examination by a licensed physician within 30 days prior to admission or within seven days after admission. Campers being transferred directly from a TYC facility or other child care facility who have had a medical examination within the past year are exempt. The examination shall be documented in the camper's record.

(e) Campers shall have had a dental examination by a licensed dentist or dental hygienist working under supervision of a licensed dentist within six months prior to admission or arrangements shall be made for one within 30 days after admission. Documentation of the scheduled appointment and subsequent examination shall be in the camper's medical record.

(f) Campers shall be tested for tuberculosis according to the recommendations of local public health authorities or the regional office of the Texas Department of Health.

.013. Assessment.

(a) The correctional camp shall review the assessment study which has been prepared by the TYC reception center for the purposes of determining the camper's best placement within the correctional camp. The assessment study shall include the following information:

- (1) A description of family relationships.
- (2) The camper's developmental history and medical history, including current immunization record.
- (3) A written psychological diagnostic evaluation obtained within the past 12 months from a psychologist as defined by the Psychologist Certification and Licensing Act (Texas Revised Civil Statutes Annotated, Article 4512c).
- (4) Violent offenders and students whose behavior indicates the need for further assessment shall be evaluated by a licensed psychiatrist. A copy of the psychiatric evaluation will be included in the assessment study.
- (5) A description of the camper's personality, behavior, and interests.
- (6) The camper's school history.
- (7) History of previous placements.
- (8) The camper's legal status.
- (9) An assessment of the camper's needs.
- (10) The immediate and long-range goals of the placement.

(11) Name of the family member or managing conservator who will be responsible for the relationship with the camp and the camper.

(b) If the assessment study is incomplete at the time of admission, it must be completed within 30 days following admission.

(c) The assessment review committee shall include at least one person meeting the following qualifications:

- (1) a master's degree in social work from an institution accredited by the Council on Social Work Education and a minimum of one year of supervised experience in children's services or family services; or
- (2) a graduate degree in a behavioral or social science from an accredited college or university and two years of supervised experience in children's or family services; or
- (3) a bachelor's degree in social work from an accredited college or university and two years of supervised experience in children's or family services; or

(4) a bachelor's degree from an accredited college or university and three years of supervised experience in children's or family services; or

(5) a bachelor's degree from an accredited college or university and current, direct supervision from a person meeting one of the above qualifications;

(6) a licensed administrator (Chapter 43, Human Resources Code).

The names of the persons reviewing the assessment study shall be documented.

(d) Correctional camp staff shall discuss with the camper the reasons for placement and the camper's understanding of placement. This discussion shall be documented in the camper's record.

(e) The correctional camp shall notify parents or managing conservators in writing of their child's placement within the correctional camp. The following written material shall also be provided parents or managing conservators:

- (1) rules regarding visits, mail, gifts, and telephone calls;
- (2) information on the nature and frequency of reports to the camper's family or managing conservator;
- (3) the correctional camp's discipline policy;
- (4) the name of the person or office parents can contact if they feel their child's rights have been violated.

(f) The correctional camp shall provide orientation for new campers.

.014. *Camper's Records.* Accurate and current records shall be maintained for each camper in care. In addition to other required documentation, each camper's record must include:

- (1) name;
- (2) date of birth;
- (3) place of birth;
- (4) sex;
- (5) religion (if known);
- (6) race;
- (7) names and addresses of parents, brothers, and sisters;
- (8) names and addresses of other persons who have a significant relationship with the student;
- (9) date of admission;
- (10) a copy of the commitment order from the court;
- (11) date of discharge.

.015. *Child Care and Training; Individualized Program Plan.*

(a) Within 30 days of admission, an individualized program plan shall be developed which specifies each camper's needs and how these needs will be met. The plan shall be recorded in the camper's case record.

- (1) The individualized program plan shall include the objectives of the placement.
- (2) The individualized program plan shall be shared with staff working with the camper.
- (3) A written appraisal of the camper's educational needs and plans for meeting them shall be a part of the individualized program plan.
- (4) The plan shall provide for the social and educational needs of the camper.

(b) The individualized program plan shall be reviewed at least every three months by the correctional camp and the camper. Results of the review shall be filed in the camper's case record.

(1) The review shall note progress toward achieving or changing objectives.

(2) A written progress report shall be provided the camper's parents and his parole officer quarterly.

(c) The correctional camp shall obtain or provide professional consultation and treatment for campers with special needs. When these services are obtained, they shall be documented in the camper's record.

.016. Daily Care.

(a) The daily schedule shall be developed to meet campers' needs.

(b) The correctional camp shall see that each camper is supplied with personal clothing suitable to the camper's age and size. It shall be comparable to the clothing of other youth in the community. Campers shall have some choice in selecting their clothing.

(c) The correctional camp shall provide campers guidance in money management.

(d) Money earned by a camper or received as a gift or allowance shall be his or her personal property. A camper's money shall be accounted for separately from the correctional camp's funds.

(e) Campers shall be given training in personal care, hygiene, and grooming. Each camper shall be supplied with personal care, hygiene, and grooming equipment.

.017. Camper's Rights and Privileges.

(a) The staff of the correctional camp shall allow privacy for each student.

(b) The correctional camp shall provide written information to each camper which specifies:

(1) The camper's right to appeal decisions made concerning him or her and the procedure to be followed in initiating an appeal.

(2) The camper's right to confer with his or her attorney(s) in private, with appropriate restrictions on the time and place of every meeting, except in legitimate emergencies.

(3) The camper's right to express grievances if he or she feels his or her rights have been violated and the procedure to be followed in initiating grievance procedures.

(c) Contact between the camper and his or her parents or managing conservator shall be allowed while the camper is in care unless the rights of the parents have been terminated by court order or family contact is not in the camper's best interest.

(1) The correctional camp shall have clearly written policies regarding visits, gifts, mail, and telephone calls between the camper and his or her family or managing conservator. These policies shall be made known to the camper at the time of admission.

(2) Campers shall be allowed to have telephone conversations with family members or managing conservator unless the best interests of the camper or a court order necessitates restrictions.

(3) Campers shall not be denied their right to privacy in writing, sending, and receiving correspondence that would violate laws designed to ensure privacy and protect against obstruction of correspondence.

(4) If the correctional camp's policy permits restrictions on communication or visits, these shall be evaluated monthly by a psychiatrist, licensed psychologist, social worker with a master's degree in social work, or a licensed administrator.

(5) If limits are put on communication or visits for practical reasons (such as expense), these limits shall be determined with the participation of the camper and his or her family or managing conservator. These limitations shall be filed in the camper's record.

(d) A camper shall be allowed to bring personal possessions to the correctional camp and may acquire personal possessions. If limits are put on the kinds of possessions a camper may or may not receive, these shall be discussed with the camper and his or her parents or managing conservator.

(e) There shall be no racial discrimination by the camp.

(f) The opinions and recommendations of the campers in care shall be considered in the development and evaluation of the program and activities. The procedure for this shall be documented. A copy of the procedures shall be available for review by the Licensing Branch.

(g) The correctional camp shall have written policies for the discipline of campers in care. Copies of the correctional camp's discipline policy shall be submitted to the department during the certification process and shall include the following:

(1) Only adult staff members shall discipline campers.

(2) Campers shall not be subjected to cruel, harsh, unusual, or unnecessary punishment.

(3) Campers shall not be subjected to verbal remarks that belittle or ridicule them or their families.

(4) Campers shall not be denied food, mail, or visits with their families as punishment.

(5) Discipline shall fit the needs of the camper.

(6) The use of corporal punishment is prohibited.

(h) Mind altering and behavior modifying medications shall be administered according to the physician's directions.

(1) Each dose administered shall be documented in the camper's record. Documentation shall include the medication given, the time, the dosage, and the name of the person administering the medication.

(2) The appropriateness of continuing the medication shall be evaluated by the prescribing physician at least every 30 days.

(i) Campers in care shall not be required to perform at public gatherings, but may do so on a voluntary basis.

(j) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a camper or his or her family or managing conservator shall not be made public.

(k) The correctional camp shall not use reports or pictures from which campers can be identified without written consent from the camper and the camper's parents or managing conservator.

.018. Trips Away from the Correctional Camp.

(a) The correctional camp's staff-camper ratio shall be maintained for overnight trips.

(b) The administrator shall ensure that campers on trips are properly fed, lodged, and supervised; and that safety precautions, medical care, and programming are provided.

.019. Restraint.

(a) The correctional camp shall have written policies for the use of restraint. The policies shall indicate the personnel responsible for making decisions to place or retain campers in restraint.

(b) Physical holding or mechanical restraints shall be used only as a last resort to protect the camper from injury to self or others, prevent the camper from completing the act of

escaping, prevent the imminent substantial destruction of property, or when the student is being transported and staff have reason to expect the student to attempt to escape and/or engage in violent behavior.

(c) The reasons for use of restraint, type of restraints used, and length of time the camper is in restraints shall be documented in the camper's case record.

.020. Security. The correctional camp shall have written policies concerning confinement of campers in locked quarters. The policies shall indicate the personnel responsible for making decisions to place or retain campers in security and outline the maximum number of hours a camper may be retained.

(1) Campers in security shall be provided three well-balanced nutritious meals each day.

(2) Campers in security will not be denied visitation privileges with parents, managing conservators, or their attorney.

(3) Campers in security shall not be denied their right to privacy in writing, sending, and receiving correspondence that would violate laws designed to ensure privacy and protect against obstruction of correspondence.

(4) Campers in security for a period exceeding 24 hours shall receive counseling services from professional staff including, but not limited to, the staff psychologist, the camper's social worker or an alternate social worker, or the correctional camp's consulting psychiatrist.

(5) Each camper's educational plan will be continued during confinement for at least four hours each day.

(6) Campers in security shall be offered and encouraged to use at least one hour of large muscle exercise on a daily basis. This opportunity may be suspended on orders from a physician or the correctional camp's consulting psychiatrist.

(7) A written description documenting the reasons for admission to security shall be filed in the individual camper's case record.

.021. Medical and Dental Care.

(a) The correctional camp shall have written policies and procedures for obtaining diagnosis and treatment of medical and dental problems.

(1) Copies of the policies and procedures shall be available to the department.

(2) The correctional camp shall make known to all staff members the policies and procedures to be followed in an emergency.

(b) All campers shall be examined annually by a licensed physician. Documentation of the examination signed by a licensed physician shall be filed in the camper's medical record.

(c) Provisions for medical isolation shall be available.

(d) All campers shall have a dental examination by a licensed dentist or dental hygienist working under the supervision of a licensed dentist at least once a year. Documentation of the examination shall be filed in the camper's medical record.

(e) The correctional camp shall comply with laws, rules, and regulations regarding immunization of children (Chapter 42, Human Resources Code, Section 42.043). Current immunization records shall be maintained for each camper at the facility. Camper's immunization records shall include the birthdate, the immunization status, the number of doses, and the dates each immunization was received. A

machine or handwritten copy of the immunization record copy is acceptable. Handwritten copies shall bear the signature of the responsible staff member copying the information. Compliance with this standard shall be measured by the presence of one or more of the following in each camper's record.

(1) A written and dated record that the camper has been immunized against diphtheria, tetanus, pertussis, polio, measles, mumps, and rubella. This record shall have a rubber stamp or signature of the physician or health personnel and shall specify the type, number of doses, and the dates given as required by law.

(2) A written and dated statement from a licensed physician or other authorized health personnel that immunizations against at least one of the above mentioned diseases have begun. The immunization cycle shall be completed as soon as is medically feasible. A current immunization record shall be on file at the camp.

(3) A certificate signed by a physician, duly registered and licensed under the Medical Practice Act, stating the physician's opinion that the required immunization would be injurious to the health and well-being of the camper or any member of his or her family or household.

(4) An affidavit signed by the parent or managing conservator of the camper stating that the vaccination or immunization conflicts with the tenets and practice of a recognized church or religious denomination of which the camper is an adherent or member.

(5) A written and dated statement for a camper enrolled in a public school program signed by the parents or managing conservator stating that the camper's immunization record is on file at the school the camper attends and that all immunizations are current. The name of the school shall be included on the statement.

(f) The institution shall comply with laws, rules, and regulations regarding acquisition, storage, and administration of medication. All medication shall be given by an adult staff member. Medications shall be given according to the instructions on the label.

(1) Medicines shall be contained in a locked cabinet or metal box at the camp.

(2) The medicine cabinet or box shall have a separate compartment for storing poisons and drugs for external use only.

(3) The Procedural Guide for Pharmaceutical Services in the Child-Caring Institution, shall be followed with the exception of those requirements in Section C which cannot be adapted to a camp site.

(g) First aid supplies shall be available and administered by trained personnel.

(h) Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication.

(i) Current medical and dental records shall be maintained for each camper. The records shall include:

(1) A record of each visit to a physician or dentist and recommended treatment. Treatment shall be provided as indicated.

(2) A medical consent form signed by a person authorized to give consent by the Texas Family Code, Chapter 35, Section 35.01.

.022. Nutrition. Campers shall be provided food of adequate quality and in sufficient quantity to supply the nutrients needed for growth and development.

(1) *Food for Fitness—A Daily Food Guide*, developed by the United States Department of Agriculture, shall be used as a basis for meeting these standards.

(2) Campers shall have a minimum of three meals daily and snacks.

(3) Menus, as served, shall be retained on file for one month after use.

(4) All milk and milk products shall be Grade A pasteurized or from sources approved by the Texas Department of Health.

(5) No more than 14 hours shall pass between the last meal or snack of one day and the serving of the first meal of the following day.

.023. Release.

(a) The following persons shall be involved in planning the release of a camper from the correctional camp.

(1) the camper and his or her parents or managing conservator;

(2) the camper's parole officer;

(3) the camper's caseworker and any other appropriate staff members.

(b) The camp shall not release a camper without notifying the camper's parents or managing conservator of the date and anticipated time of the camper's release; the method of transportation being used to transport the camper to his or her destination; and the anticipated time of his or her arrival. Notification provided parents or managing conservators shall be documented in the camper's record.

(c) The plan for release of the camper shall be recorded in his or her record.

.024. Health and Safety.

(a) Documentation of current and approved fire, health, and safety inspections shall be on file at the correctional camp. Copies of the inspection reports shall be submitted to the Licensing Branch when the signed application for licensure is submitted and annually thereafter. The required annual inspections are:

(1) Fire inspections which must meet requirements of the local fire marshal. In areas where there is no qualified fire inspector, the state fire marshal shall be requested to make the inspection.

(2) Health inspections which must meet regulations set by local ordinances and the Texas Department of Health.

(3) Gas pipes must be pressure tested by the local gas company or a licensed plumber and documentation provided that there are no leaks.

(4) Liquefied petroleum gas systems must be inspected by the Liquefied Petroleum Gas Division of the Texas Railroad Commission.

(b) There shall be written plans and procedures for meeting disasters and emergencies such as fires or severe weather. All staff members shall know the procedures for meeting disasters and emergencies.

(c) A certified lifeguard shall be on duty when the camp's swimming area is in use. Certification shall be documented in the personnel records.

.025. *Glossary*. The following are terms associated with standards for Juvenile Correctional Camps.

(1) *Base camp*. The permanent place where one or more camp sites are located, and which is the location for which the license is issued.

(2) *Camp site*. The location where a group of campers live.

(3) *Dentist*. Refers only to a licensed dentist.

(4) *Hospital*. Refers only to a licensed or accredited facility.

(5) *Juvenile correction camp*. A juvenile correctional camp is a child caring institution which provides a camping program with a therapeutic environment and an experience curriculum for students who have been committed by a court to the care, custody, and control of the Texas Youth Council.

(6) *New therapeutic camp*. Refers to a facility which is not in operation.

(7) *Physician*. Refers only to a physician duly registered and licensed under the Medical Practice Act or practicing on a U.S. military installation.

(8) *Psychologist*. Psychologist as defined by the Psychologist Certification and Licensing Act (Texas Revised Civil Statutes Annotated, Article 4512c).

(9) *Security*. Security refers to confinement of students to locked quarters.

(10) *Sponsoring families*. Volunteers who assist the agency in providing for the needs of students in care.

(11) *Supervise*. To be aware of and responsible for the ongoing activity of a child. Supervision requires the presence of a staff member who has knowledge of program and children's needs, and who is accountable for service delivery.

(12) *Trip*. An excursion that is overnight or longer.

Doc. No. 803527

Minimum Standards for Juvenile Reception Centers 326.91.15

The following rules are proposed under the authority of Title 2 of the Human Resources Code.

.001. *Legal Basis for Operation*. The reception center's purposes and objectives shall be consistent with those legislatively required of the Texas Youth Council. A copy of enabling legislation shall be available for review by the Department of Human Resources. The department shall be notified of any changes mandated by the legislature.

.002. Administrative Responsibilities.

(a) The executive director of the Texas Youth Council shall be responsible for policies and programs and for ensuring compliance with minimum standards.

(b) The reception center shall operate in accordance with its written policies. Copies of policies required by minimum standards shall be made available to facility staff.

.003. *Fiscal Accountability*. The reception center shall maintain complete financial records. Books shall be audited in accordance with state requirements. A copy of the accountant's statement of income and disbursements shall be submitted to the Licensing Branch during the certification process (Chapter 42, Human Resources Code, Section 42.045(b)).

.004. Records and Reports.

(a) The reception center shall complete written incident reports concerning any of the following occurrences:

- (1) any physical contact of a violent nature among students or between staff and students;
- (2) sexual abuse involving a student or staff;
- (3) physical restraint of a student;
- (4) physical injury to a student.

A copy of the incident report shall be filed at the reception center and shall be available for review by staff of the Licensing Branch of the department.

(b) Any incident which critically injures, permanently disables, or results in death to a student shall be reported immediately to the parents or managing conservator. Notification of such occurrences shall be made to the Licensing Branch of the department within 24 hours or the next working day. These notifications shall be documented in the student's record.

(c) Any case of suspected abuse or neglect shall be reported immediately to the Texas Department of Human Resources (Appendix II, Section III; Texas Family Code, Chapter 34).

(d) Absences without permission shall be reported to the parents or managing conservator when it is determined that the student is a runaway. Documentation of notification to the student's parents or managing conservator shall be included in the record.

(e) Disasters or emergency situations which require closure of the living unit, such as fires or severe weather, shall be reported to the Licensing Branch within 24 hours or the next working day.

(f) The administrator of the reception center shall submit reports to the Licensing Branch of the department concerning:

- (1) any change in administrator;
- (2) any impending change that would necessitate a change in the conditions of the certificate.

.005. Availability of Records.

(a) The reception center's records shall be available at the facility and open for review by the Licensing Branch of the department.

(b) The certificate shall be displayed at the reception center (Chapter 42, Human Resources Code, Section 42.049(d)).

(c) The reception center shall ensure that case records are safeguarded from unauthorized and improper disclosure. Information in case records shall be disclosed only to the following:

- (1) the professional staff or consultants of the agency or institution;
- (2) the judge, probation officers, and professional staff or consultants of the juvenile court;
- (3) an attorney for the child; or
- (4) with leave of the juvenile court, any other person, agency, or institution having a legitimate interest in the work of the agency or institution.

(d) The reception center shall allow the department to visit and inspect the reception center at all reasonable times (Chapter 42, Human Resources Code, Section 42.044). Upon arrival, the licensing representative will contact the administrator to explain the purpose of the visit.

.006. Personnel Policies.

(a) The reception center shall have written job descriptions which specify what duties employees are expected to perform. A copy of job descriptions shall be available to employees and to the Licensing Branch.

(b) If the reception center has a student employment program, the policies of the program shall be in writing and available for review by students and the Licensing Branch of the department. Student participation in the employment

program shall be voluntary and work hours shall be scheduled at appropriate times.

(c) If volunteers or sponsoring families are used, reception centers shall have written policies stating the qualifications for volunteers or sponsoring families, and the procedures for selecting those individuals or families. A copy of the policies and procedures shall be available for review by the Licensing Branch.

.007. Administrator Qualifications and Responsibilities.

(a) The administrator shall be licensed as provided by Chapter 43, Human Resources Code.

(b) The administrator is responsible for implementing the policies approved by the executive director, the ongoing operations of the reception center, and compliance with the Minimum Standards for Juvenile Reception Centers.

(c) If responsibility for the program of the reception center is delegated to an assistant administrator, he or she shall also be licensed.

(d) The licensed administrator shall make available to staff organization charts and written plans for staffing.

(e) The licensed administrator shall reassign or remove from direct child care activity any employee against whom is returned:

(1) An indictment alleging commission of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act.

(2) An indictment alleging commission of any misdemeanor classified as an offense against the person or family, or of public indecency.

(3) An official criminal complaint accepted by a district or county attorney alleging commission of a misdemeanor classified as an offense against the person or family, or of public indecency.

Such reassignment or removal shall remain in effect pending resolution of the charges. Notification of such action shall be made to the Licensing Branch within 24 hours or the next working day.

.008. Staffing.

(a) In the administrator's absence, a person or persons shall be responsible for the reception center.

(b) The reception center shall employ and supervise staff necessary to ensure the health and safety of the students in its care.

(c) The reception center shall have staff coverage throughout the 24-hour period.

(1) There shall be at least one child care staff on duty during waking hours for every 13 students.

(2) The staff-student ratio applies to the total facility. Staff shall be available to students in residence. Only child care staff or volunteers meeting the same qualifications may be counted in the staff-student ratio.

(3) During sleeping hours at least one child care worker shall be in the living unit for every 24 students. Night staff shall be awake during the students sleeping hours.

(d) Tasks which conflict or interfere with student care responsibilities shall not be assigned to child care staff. Job descriptions and staff assignments shall show no conflicts in assignments to child care staff.

.009. Staff Qualifications and Responsibilities.

(a) Individuals convicted within the preceding 10 years of any felony classified as an offense against the person or family, or of public indecency, or of violation of the Texas Controlled Substances Act, or of any misdemeanor classified as an offense against the person or family, or of public indecency may be employed if authorization for their employment is obtained from the State Office of the Texas Youth Council. Documentation of authorization for employment shall be included in the employee's personnel record.

(b) The personal qualifications of employees shall be verified.

(1) At least three references shall be obtained for each potential employee prior to employment. Information obtained from references shall be written and filed whether the interview is conducted in person or by telephone.

(2) Each employee shall submit a statement to the facility providing information concerning any felony and/or misdemeanor convictions within the preceding 10 years and of any pending criminal charges.

(c) Persons whose behavior or health status endangers the students shall not be allowed at the reception center.

(d) Staff members shall have an examination for tuberculosis within 12 months prior to employment. Re-examination shall be in accordance with recommendations of local public health authorities or the regional office of the Texas Department of Health.

(e) Child care staff shall be at least 18 years old.

(f) Child care staff employed after September 1980 who do not have at least two years previous child care related work experience are required to have a high school diploma or G.E.D.

.010. Training.

(a) The reception center shall provide specific job orientation for all new staff.

(b) At least 15 hours of in-service training shall be provided annually for all staff working with students. In-service training for staff working with students shall be documented. This shall include the date, the subject, and the name of the person who conducted the training.

(c) First aid training is required for child care staff who are not licensed/certified health personnel.

(1) First aid training received or scheduled shall be documented for child care staff.

(2) Training shall be conducted by a Red Cross instructor or a licensed health professional.

(3) First aid training shall be current. Certificates or statements of training shall document that first aid training is updated at least every three years.

.011. Staff Records. Personnel records shall be maintained for each employee of the reception center. These records shall contain information on:

- (1) qualifications for the position;
- (2) tuberculosis test reports for all staff;
- (3) authorization for employment of ex-offenders (if applicable);
- (4) conviction record statement (if applicable);
- (5) pre-employment references;
- (6) date of employment;
- (7) date and reason for separation (if applicable);
- (8) forwarding address of separated employees.

.012. Admission.

(a) The reception center shall admit only those students who have been committed by the court to the care, custody, and control of the Texas Youth Council.

(b) No student shall be denied services because of race.

(c) A student shall not remain in the reception center for more than 30 days unless special circumstances require extending a student's placement beyond 30 days. The special circumstances shall be documented in the student's record along with a release plan and reason why this plan has not been carried out.

(d) The student capacity of the reception center shall be determined by assessing the facility's available square footage and calculating that number in relation to the required bedroom space and living area required in standards for each student. The child care certificate issued to the reception center by the department shall reflect the maximum capacity of the reception center.

(e) The reception center shall ensure that each student receives a health screening examination within 48 hours after admission or on the first working day. The screening examination shall be given by a health professional (licensed physician, registered nurse, licensed vocational nurse, or paramedic).

(f) If a student shows symptoms of illness or abuse, he or she shall be examined immediately by a licensed physician.

.013. Assessment.

(a) A diagnostic assessment shall be developed and recorded in the student's case record within 30 days of admission. The assessment study shall include the following information:

- (1) A description of family relationships.
- (2) The student's developmental history and medical history, including current immunization record.
- (3) A written psychological diagnostic evaluation obtained within the past 12 months from a psychologist as defined by the Psychologist Certification and Licensing Act (Texas Revised Civil Statutes Annotated, Article 4512c).
- (4) Violent offenders and students whose behavior indicate the need for further assessment shall be evaluated by a licensed psychiatrist. A copy of the psychiatric evaluation will be included in the assessment study.
- (5) A description of the student's personality, behavior, and interests.
- (6) The student's school history.
- (7) History of previous placements.
- (8) The student's legal status.
- (9) An assessment of the student's needs.
- (10) The immediate and long-range goals of the placement.

(11) Name of the family member or managing conservator who will be responsible for the relationship with the institution and the student.

(b) The assessment study, including gathering and evaluating information, shall be made by a staff person meeting one of the following qualifications:

- (1) a master's degree in social work from an institution accredited by the Council on Social Work Education and a minimum of one year of supervised experience in children's services or family services; or
- (2) A graduate degree in a behavioral or social science from an accredited college or university and two

years of supervised experience in children's or family services; or

(3) a bachelor's degree in social work from an accredited college or university and two years of supervised experience in children's or family services; or

(4) a bachelor's degree from an accredited college or university and three years of supervised experience in children's or family services; or

(5) a bachelor's degree from an accredited college or university and current, direct supervision from a person meeting one of the above qualifications; or

(6) a licensed administrator (Human Resources Code, Chapter 43).

The name of the person doing the assessment study shall be documented.

(c) The assessment process shall include a discussion about placement with the student. This discussion shall be documented in the assessment study and include:

(1) the reasons for placement at the reception center;

(2) the student's understanding of placement at the reception center.

(d) The reception center shall notify parents or managing conservators in writing of their child's placement within the reception center. The following written material shall also be provided parents or managing conservators:

(1) rules regarding visits, mail, gifts, and telephone calls;

(2) the reception center's discipline policy;

(3) the name of the person or office parents can contact if they feel their child's rights have been violated.

(e) The reception center shall provide orientation for new students.

.014. Student's Records. Accurate and current records shall be maintained for each student in care. In addition to other required documentation, each student's record must include:

(1) name.

(2) date of birth;

(3) place of birth;

(4) sex;

(5) religion (if known);

(6) race;

(7) names and addresses of parents, brothers, and sisters;

(8) names and addresses of other persons who have a significant relationship with the student;

(9) date of admission;

(10) a copy of the commitment order from the court;

(11) date of discharge.

.015. Daily Care.

(a) The daily schedule shall be developed to meet students' needs.

(b) The reception center shall provide or obtain professional consultation and treatment for students with urgent special needs. When such services are obtained they shall be documented in the student's record.

(c) The reception center shall see that each student is supplied with personal clothing suitable to the student's age and size. It shall be comparable to the clothing of other youth in the community. Students shall have some choice in selecting their clothing.

(d) Students shall be given training in personal care, hygiene, and grooming. Each student shall be supplied with personal care, hygiene, and grooming equipment.

(e) The reception center shall provide supervised indoor and outdoor recreation and equipment so that every student may participate.

.016. Student's Rights and Privileges.

(a) The staff of the reception center shall allow privacy for each student.

(b) The reception center shall provide written information to each student which specifies:

(1) The student's right to appeal decisions made concerning him or her and the procedure to be followed in initiating an appeal.

(2) The student's right to confer with his or her attorney(s) in private, with appropriate restrictions on the time and place of every meeting, except in legitimate emergencies.

(3) The student's right to express grievances if he or she feels his or her rights have been violated and the procedure to be followed in initiating grievance procedures.

(c) Contacts between the student and his or her parents or managing conservator shall be allowed while the student is in care unless the rights of the parents have been terminated by court order or family contact is not in the student's best interest.

(1) The reception center shall have clearly written policies regarding visits, gifts, mail, and telephone calls between the student and his or her family or managing conservator. These policies shall be made known to the student at the time of admission.

(2) Students shall be allowed to have telephone conversations with family members or managing conservators unless the best interests of the student or a court order necessitates restrictions.

(3) Students shall not be denied their right to privacy in writing, sending, and receiving correspondence that would violate laws designed to ensure privacy and protect against obstruction of correspondence.

(4) If the reception center's policy permits restrictions on communication or visits, these shall be evaluated monthly by a psychiatrist, licensed psychologist, social worker with a master's degree in social work, or a licensed administrator.

(5) If limits are put on communication or visits for practical reasons (such as expense), these limits shall be determined with the participation of the student and his or her family or managing conservator. These limitations shall be filed in the student's record.

(d) A student shall be allowed to bring personal possessions to the reception center and may acquire personal possessions. If limits are put on the kinds of possessions a student may or may not receive, these shall be discussed with the student and his or her parents or managing conservator.

(e) There shall be no racial discrimination by the reception center.

(f) The opinions and recommendations of the students in care shall be considered in the development and evaluation of the program and activities. The procedure for this shall be documented. A copy of the procedures shall be available for review by the Licensing Branch.

(g) The reception center shall have written policies for the discipline of students in care. Copies of the reception center's discipline policy shall be submitted to the Licensing

Branch as a part of the certification process and shall include the following:

- (1) Only adult staff members shall discipline students.
- (2) Students shall not be subjected to cruel, harsh, unusual, or unnecessary punishment.
- (3) Students shall not be subjected to verbal remarks that belittle or ridicule them or their families.
- (4) Students shall not be denied food, mail, or visits with their families as punishment.
- (5) Discipline shall fit the needs of the student.
- (6) The use of corporal punishment is prohibited.
- (h) Mind altering and behavior modifying medications shall be administered according to the physician's directions.
 - (1) Each dose administered shall be documented in the student's record. Documentation shall include the medication given, the time, the dosage, and the name of the person administering the medication.
 - (2) The appropriateness of continuing the medication shall be evaluated by the prescribing physician at least every 30 days.
 - (i) Students in care shall not be required to perform at public gatherings, but may do so on a voluntary basis.
 - (j) Pictures, reports, or identification that humiliate, exploit, or invade the privacy of a student or his or her family or managing conservator shall not be made public.
 - (k) The reception center shall not use reports or pictures from which students can be identified without written consent from the student and the student's parents or managing conservator.

.017. Restraint.

- (a) The reception center shall have written policies for the use of restraint. The policies shall indicate the personnel responsible for making decisions to place or retain students in restraint.
- (b) Physical holding or mechanical restraints shall be used only as a last resort to protect the student from injury to self or others, prevent the student from completing the act of escaping, prevent the imminent substantial destruction of property, or when the student is being transported and staff have reason to expect the student to attempt to escape and/or engage in violent behavior.
- (c) The reasons for use of restraint, type of restraints used, and length of time the student is in restraints shall be documented in the student's case record.

.018. Security.

- (a) The reception center shall have written policies concerning confinement of students in locked quarters. The policies shall indicate the personnel responsible for making decisions to place or retain students in security and outline the maximum number of hours a student may be retained.
- (b) Students in security shall be provided three well-balanced nutritious meals each day.
- (c) Students in security will not be denied visitation privileges with parents, managing conservators, or their attorney.
- (d) Students in security shall not be denied their right to privacy in writing, sending, and receiving correspondence that would violate laws designed to ensure privacy and protect against obstruction of correspondence.
- (e) Students in security for a period exceeding 24 hours shall receive counseling services from professional staff including but not limited to the staff psychologist, the student's

social worker or an alternate social worker, or the reception center's consulting psychiatrist.

- (f) Each student's educational plan will be continued during confinement for at least four hours each day.
- (g) Students in security shall be offered and encouraged to use at least one hour of large muscle exercise on a daily basis. This opportunity may be suspended on orders from a physician or the reception center's consulting psychiatrist.
- (h) A written description documenting the reasons for admission to security shall be filed in the individual student's case record.

.019. Medical and Dental Care.

- (a) The reception center shall have written policies and procedures for obtaining diagnosis and treatment of medical and dental problems.
 - (1) Copies of the policies and procedures shall be available to the department.
 - (2) The reception center shall make known to all staff members the policies and procedures to be followed in an emergency.
 - (b) Provisions for medical isolation shall be available.
 - (c) The reception center shall comply with laws, rules, and regulations regarding acquisition, storage, and administration of medication. All medication shall be given by an adult staff member. Medication shall be given according to the instructions on the label.
 - (d) Medication records shall include the medication given, the time, the dosage, and the name of the person administering the medication.
 - (e) Current medical and dental records shall be maintained for each student. The records shall include:
 - (1) A record of each visit to a physician or dentist and recommended treatment. Treatment shall be provided as indicated.
 - (2) A medical consent form signed by a person authorized to give consent by the Texas Family Code, Chapter 35, Section 35.01.

.020. Nutrition.

- (a) Students shall be provided food of adequate quality and in sufficient quantity to supply the nutrients needed for growth and development.
- (b) *Food for Fitness—A Daily Food Guide*, developed by the United States Department of Agriculture, shall be used as a basis for meeting these standards.
- (c) Students shall have a minimum of three meals daily and snacks.
- (d) Menus, as served, shall be retained on file for one month after use.
- (e) All milk and milk products shall be Grade A pasteurized or from sources approved by the Texas Department of Health.
- (f) No more than 14 hours shall pass between the last meal or snack of one day and the serving of the first meal of the following day.

.021. Transfer and Release.

- (a) Before transferring a student to another student care facility, a review team composed of at least one person meeting the qualifications outlined in these rules shall review the assessment study for information to assist in determining an appropriate placement for the student.
- (b) A transfer summary shall be included in the student's record and shall include:

(1) name of facility to which the student was transferred;

(2) individualized program plan outlining specific needs of the student and how they will be met;

(3) reason(s) for selection of the facility;

(4) name of person reviewing assessment study and making transfer decision;

(5) date of transfer.

(c) The following persons shall be involved in planning the release of a student from the reception center:

(1) the student and his or her parents or managing conservator;

(2) the student's parole officer;

(3) the student's caseworker and any other appropriate reception center staff members.

(d) The plan for release of the student shall be recorded in his or her record.

(e) The reception center shall not release a student without notifying the student's parents or managing conservator of the date and anticipated time of the student's release; the method of transportation being used to transport the student to his or her destination; and the anticipated time of his or her arrival. Notification provided parents or managing conservators shall be documented in the student's record.

.022. Health and Safety.

(a) Documentation of current and approved fire, health, and safety inspections shall be on file at the reception center. Copies of the inspection reports shall be submitted to the Licensing Branch. The required annual inspections are:

(1) Fire inspections which must meet requirements of the local fire marshal. In areas where there is no qualified fire inspector, the state fire marshal shall be requested to make the inspection.

(2) Health inspections which must meet or exceed regulations set by local health ordinances and the Texas Department of Health.

(3) Gas pipes must be pressure tested by the local gas company or a licensed plumber and documentation provided that there are no leaks.

(4) Liquefied petroleum gas systems must be inspected by the Liquefied Petroleum Gas Division of the Texas Railroad Commission.

(b) There shall be written plans and procedures for meeting disasters and emergencies such as fires or severe weather. Staff members shall know the procedures for meeting disasters and emergencies.

(c) An outdoor swimming pool shall have a fence. Entrances and exits to outdoor and indoor pools shall be locked when not in use.

(d) A certified lifeguard shall be on duty when the facility's swimming area is in use. Certification shall be documented in the personnel records.

.023. Environment.

(a) Buildings and grounds shall be maintained, repaired, and cleaned so that they are not hazardous to health and safety.

(1) Outdoor areas shall be well drained.

(2) Windows and doors used for ventilation shall be screened.

(3) Equipment and furniture shall be safe and sturdy.

(4) The reception center shall ensure that students in care are provided adequate protection from flammable and poisonous substances.

(b) Animals on the premises shall be vaccinated and treated as recommended by a licensed veterinarian to protect the health of the students. Documentation of vaccinations and treatment shall be on file at the institution.

(c) Reception centers shall take measures to keep the facility free of rodents, insects, and stray animals.

(d) There shall be indoor areas where students can gather for quiet, reading, study, relaxation, and entertainment or recreation. There shall be a minimum area of 40 square feet per student. Bedrooms, halls, kitchens, and any rooms not available to students shall not be included in the minimum space requirements.

(1) Sketches of floor plans showing dimensions and purpose of rooms shall be submitted as documentation.

(2) Indoor recreation areas can be counted in the requirement as can living rooms in buildings where children live.

(3) Furniture in living areas shall not block exit ways.

(e) A sleeping room for single occupancy shall contain at least 64 square feet per occupant. Sketches of floor plans showing the dimensions and purpose of rooms shall be submitted as documentation.

(f) Each student shall have his or her own bedstead and mattress. Beds shall be kept clean and comfortable.

(g) There shall be personal storage space for each student's clothing and possessions. Storage space shall be within easy reach of students.

(h) There shall be one lavatory, one tub or shower with hot and cold running water, and one toilet for every 10 students.

(1) Bathrooms shall be located near the sleeping area.

(2) Bathrooms shall be thoroughly cleaned daily.

.024. Food Preparation, Storage, and Equipment. All food and drink shall be of safe quality.

(1) Food preparation, dining, storage areas, equipment, and furniture, shall be maintained in a state of cleanliness and good repair.

(2) All food items shall be stored off the floor. All food items except those which are to be washed or peeled shall be stored in covered containers that are insect and rodent proof or refrigerated.

(3) Animals shall not be permitted in food storage, preparation, and dining areas.

(4) One-time-use paper and plastic dishes, utensils, and containers shall not be reused.

.025. Glossary. The following are terms associated with standards for juvenile reception centers:

(1) Child care facility. Means a facility providing care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit, and whether or not the facility makes a charge for the service offered by it.

(2) Dentist. Refers only to a licensed dentist.

(3) Hospital. Refers only to a licensed or accredited facility.

(4) **Juvenile reception center.** A juvenile reception center is a child-caring institution which provides short-term residential care for students who have been committed by a court to the care, custody, and control of the Texas Youth Council. Juvenile reception center care includes the provision of diagnostic evaluation and assessment in the formulation of a plan for continuing care within the Texas Youth Council System.

(5) **Living unit.** A building or part of a building where a group of children live.

(6) **New juvenile reception center.** Refers to a juvenile reception center which is not in operation.

(7) **Physician.** Refers only to a physician duly registered and licensed under the Medical Practice Act or practicing on a U.S. military installation.

(8) **Psychologist.** Psychologist as defined by the Psychologist Certification and Licensing Act (Texas Revised Civil Statutes Annotated, Article 4512c).

(9) **Security.** Security refers to confinement of students to locked quarters.

(10) **Sponsoring families.** Volunteers who assist the agency in providing for the needs of students in care.

(11) **Supervise.** To be aware of and responsible for the ongoing activity of a child. Supervision requires the presence of a staff member who has knowledge of program and children's needs, and who is accountable for service delivery.

(12) **Trip.** An excursion that is overnight or longer.

Issued in Austin, Texas, on May 9, 1980.

Doc. No. 803528

Jerome Chapman

Commissioner

Texas Department of Human Resources

Proposed Date of Adoption: July 15, 1980

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



An agency may adopt a proposed rule no earlier than 30 days after publication in the *Register*, and the adoption may go into effect no sooner than 20 days after filing, except where a federal statute or regulation requires implementation of a rule on shorter notice.

Upon request, an agency shall provide a statement of the reasons for and against adoption of a rule. Any interested person may request this statement from the agency before adoption or within 30 days afterward. The statement shall include the principal reasons for overruling objections to the agency's decision.

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

NONCODIFIED

State Board of Barber Examiners General Rules of Practice and Procedure Barber Colleges, Schools, and Students 378.01.02

The State Board of Barber Examiners is adopting amendments to Rules 378.01.02.002 and .003 under authority of Articles 8401-8407 and 8407a, Texas Civil Statutes.

.002. *Inspection of New Barber School or College.* Two board members and the board's executive secretary shall inspect a proposed new barber school or college to determine that it fulfills all requirements of the board and of Section 9 of the Texas Barber Law.

.003. *Change of Ownership of Barber School.*

(a) Two board members and the board's executive secretary shall inspect a barber school or college which has changed ownership to determine that it fulfills all requirements of the board and of Section 9 of the Texas Barber Law.

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

Issued in Austin, Texas, on May 13, 1980.

Doc. No. 803664 Mary Jo McCrerey
 Executive Secretary
 State Board of Barber Examiners

Effective Date: June 4, 1980

Proposal Publication Date: March 28, 1980

For further information, please call (512) 458-2241.

Texas Department of Human Resources

Family Services

Standards for Purchased Title XX Family Planning Services 326.53.80

The Department of Human Resources adopts the following rules concerning standards for purchased Title XX family planning services. These rules were published in proposed form in the September 5, 1978, issue of the *Texas Register* (3 TexReg 3077). The standards from which these rules were derived are a part of a service control system which establishes a minimum level of quality expected in DHR direct and purchased services and a process for assessing whether services meet these standards.

Since appearing in proposed form, these rules (standards) have been pilot tested for a year throughout the department's regions. During that time, they have been subjected to review by the public and department staff and, as a result of comment, they have been revised to delete those items which were either unmeasurable or not specific enough. In addition, there has been extensive reorganization.

The general areas where changes occurred under each of the standards for the four units of services are as follows:

Within Rule .001, Standards for Administration of the Provision of Purchased Family Planning Services, expectations regarding service delivery site facilities were clarified and made more specific. In addition, expectations regarding an in-house provider agency review of medical records by the medical directors were clarified and made more specific.

Within Rule .002, Standards for Education/Counseling Services, there were no significant changes.

Within Rule .003, Standards for Medical Assessment and Treatment of Diagnosed Problems, specific items to be covered in patient histories were added or recategorized. The content of the physical examination for females was expanded, and the male examination was made specific to vasectomy patients only. Certain lab tests and items of medical history were also added as requirements for men seeking vasectomies.

Within Rule .004, Standards for Provision of a Contraceptive Method, contraindications to specific methods of contraception were modified. Specific requirements for emergency equipment and supplies for sterilization procedures were expressed in more general terms. In addition, standards for specific patient groups (e.g., teenagers, women over age 35) were deleted.

These new rules have been approved by the Texas Board of Human Resources and are adopted under the authority of Title 2 of the Human Resources Code.

.001. *Standards for Administration of the Provision of Purchased Family Planning Services.*

(a) Civil rights. Agencies must comply with the following:

(1) Title VI of the Civil Rights Act of 1964 (42 USCA 200d);

(2) Texas Revised Civil Statutes Annotated, Article 6252.16;

(3) Section 504 of the Rehabilitation Act of 1973;

(4) 42 Code of Federal Regulations 441, Subpart F;

(5) Texas Revised Civil Statutes Annotated, article 4418h, subchapter C;

(6) U.S. Supreme Court decision: *Jones v. T—H—*, 1976; *Planned Parenthood of Central Missouri v. Danforth*, 1976; *Carey v. Population Services International*, 1977; *Bellotti v. Baird*, 1979.

(b) Patient understanding. All services (counseling, educational, and medical services) must be provided either directly or by referral in such a way that they can be understood by the patient, in consideration of any physical handicaps and/or language barriers that may exist.

(c) Informed consent. Family planning agencies must obtain a voluntary, signed, informed consent from the patient prior to prescribing an oral contraceptive method, inserting an intrauterine device, performing a contraceptive menstrual aspiration, or a sterilization procedure.

(d) Confidentiality.

(1) All personnel (both paid and volunteers) must be informed during initial orientation of the importance of holding patient information confidential.

(2) Patient records must be secured during hours when the facility is closed either in locked file cabinets or in a locked room. During facility hours, patient records must be under supervision.

(e) Eligibility. Services must be made available without the imposition of any duration-of-residence or referral requirements.

(f) Voluntariness. Individuals must not be subjected to any coercion to receive services or to employ any particular method of family planning.

(g) Timeliness. Persons who request family planning services face-to-face must be offered a nonprescription method or services immediately, pending eligibility determination and a formal health evaluation. Persons who request family planning services by telephone or mail must receive information immediately regarding how to secure a nonprescription method or services without delay, pending eligibility determination and formal health evaluation.

(h) Range of methods. Unless formally waived in the family planning contract, all medically approved methods of family planning must be offered initially and made available to the patient either directly or by referral.

(i) Emergency medical care.

(1) Each agency site must have a written staff plan for emergency medical action.

(2) The patient must be given oral and written instructions on how to obtain medical care in the event of a medical emergency, and a 24-hour telephone number of a facility providing emergency services.

(3) Any facility in which sterilization or menstrual aspiration procedures are performed must have an established arrangement with a licensed hospital which will permit emergency hospitalization in the event of any surgical complications.

(j) Communication of findings, treatment, and/or referral arrangements.

(1) Abnormal results of all lab tests and exams must be reported to the patient in a reasonable time not to exceed 30 days from receipt of findings. Diagnosed or suspected life-threatening or serious health-threatening disorders require

at least three attempts to contact the patient. Alternatively, for serious sexually-transmitted health-threatening disorders, the requirement can be met by referral for contact to an official public health agency. Other abnormal findings require only one effort to contact the patient, utilizing any means. The patient must be given the opportunity to specify his or her preference regarding method of follow-up contact, in order to protect confidentiality.

(2) When a patient is informed of any diagnosed or suspected disease, treatment must be offered if available through the agency, or a referral for care must be offered. Treatment and/or referrals to a physician, hospital, and/or other agency must be documented.

(k) Staff responsibilities and qualifications.

(1) Medical director.

(A) Each agency must at all times have a medical director who is a physician licensed to practice in Texas, and who is responsible for the overall direction, supervision, and coordination of medical services provided by the agency. When the medical director will be unavailable for one month or longer, another physician must be designated in writing to provide medical interpretations and to otherwise provide medical support which would ordinarily be provided by the medical director.

(B) Medically-related duties of staff must be defined by the medical director based upon his or her evaluation of their education, experience, and clinical skills.

(C) Day-to-day responsibility for various agency medical services may be delegated by the medical director to others deemed qualified; however, the ultimate responsibility for all medically-related agency operations must be borne by the medical director.

(2) Medical staff. "Medical staff" is defined to include physicians, clinical nurse specialists, and physician assistants who must be properly licensed or otherwise meet professional qualifications in accord with state laws and regulations. The medical staff must be limited to persons qualified to provide a family planning examination as evaluated by the medical director or his or her delegate, documentation of which must be in their personnel records.

(3) Health care staff, laboratory staff, and medical records staff. Health care, laboratory and medical records staff must have demonstrated an acceptable level of proficiency as evaluated by the medical director or his or her delegate, documentation of which must be in their personnel records.

(4) Counseling/educational staff. Staff engaged in providing counseling and/or educational services must have received specific training related to their particular job functions, and must have demonstrated an acceptable level of proficiency as evaluated by the medical director or his or her delegate, documentation of which must be in their personnel records.

(l) In-service training. The agency must have an organized staff development program which includes orientation and ongoing training programs for all classifications of personnel.

(m) Physical facilities. Specific requirements, regardless of facility size, include the following:

(1) There must be biannual inspections conducted by city or county health department officials for sanitation and safety hazards and by a certified or state fire marshall for fire hazards.

(2) Doors, walls, floors, and ceilings must be in good repair and free from hazardous conditions.

(3) Comfortable air temperature and adequate ventilation must be maintained when patients are present at the clinic.

(4) A plan specifying procedures to be followed by staff in consideration of all persons on the premises in case of fire or other emergency must be posted and made available to all personnel.

(5) Fire and other disaster drills as appropriate for local conditions (tornado/hurricane) must be conducted for staff at least annually.

(6) Each waiting patient must be provided seating.

(7) There must be a toilet and wash basin designated for patient use.

(8) Staff who perform examinations of patients must have facilities to cleanse their hands between examinations of each patient.

(9) There must be individual private dressing areas for patients adjacent to the examining rooms, or patients must be allowed to undress/dress in privacy in the examining rooms.

(10) The examining rooms or areas must permit complete patient privacy for the examination and any discussion with the physician or nurse.

(11) The examination table must face away from the entrance to the examination room or area.

(12) There must be sufficient space in all corridors, doorways, and rooms where patients are seen for medical purposes to permit ready entrance and exit of a roller stretcher of the type normally used in emergency vehicles. If an elevator is to be used for the emergency transfer of patients, it must be in working order.

(13) Unless disposables are used, facilities must be available either on or off the premises for the sterilization of instruments and washing of linen. Sterilization equipment must be tested at least semiannually to ensure that maximum performance levels are being maintained according to the manufacturer's specifications.

(14) There must be private offices, rooms, or areas for interviewing, counseling, informing, and referring patients with respect for their dignity and confidentiality.

(m) Records.

(1) General records requirements. Records must:

(A) contain complete and accurate documentation;

(B) be readily accessible;

(C) be systematically organized to facilitate retrieving and compiling information;

(D) remain confidential.

(2) Information entry and review.

(A) Each medical and social service entry must be dated and signed legibly, with the person's name and title.

(B) There must be a review of a sample of records by the medical director at least semiannually; the findings of these reviews must be maintained in a permanent agency file.

(i) Sample. The sample must be randomly selected by administrative staff. If the random sample fails to include at least one case representing any method of contraception provided by the agency, then at least one case representing that method must be added to the random sample. At single site agencies, a minimum of 20 patient records or the universe, if the universe is less than 20 patients for the six-month period, must be reviewed. At multi-site agencies, a

minimum of five patient records from each site must be reviewed.

(ii) Criteria for review. Records must be reviewed for the following, relative to these standards; presence of sufficient patient information and appropriateness of diagnosis and services provided.

(3) Records content. Specific categories of data that must be included in the patient's record as appropriate include:

(A) Completed patient forms:

(i) forms that relate to informed consent;

(ii) forms that relate to administration, including an intake form containing information on name, address, phone, age, reason for visit, and follow-up preference;

(iii) forms that relate to release of information upon patient's request (including patient's signed consent to release information to a specific entity or entities when requested, and request for information from other entities).

(B) Medical-social records (originals or copies):

(i) medical history;

(ii) contraceptive history;

(iii) records of patient education/counseling;

(iv) records of physical examinations;

(v) records of diagnostic finding (including radiological and laboratory test results);

(vi) doctor's orders;

(vii) records of all medical and surgical procedures performed;

(viii) operative and pathology records (if surgery was performed);

(ix) records of referrals made;

(x) follow-up outcomes in cases of diagnosed or suspected life-threatening or serious health-threatening disorders.

(4) Retention of records. Medical records must be retained for a minimum of five years past the last date services were provided.

.002. Standards for Education/Counseling Services.

(a) Responsibility for medical content. The medical director of the agency must assume final responsibility for the content of all medical information imparted to patients of the agency.

(b) Review. All written information provided to patients must be reviewed at least every two years and updated as required. The date of last update must be kept in a permanent record in the agency's files.

(c) Nonsequence-specific initial patient information. At some point in the education/counseling sequence, the following must be provided:

(1) Information (for females) concerning how to perform a breast self-examination for the detection of infection and masses;

(2) verbal and written instructions concerning how to obtain medical care in the event of a contraceptive-related medical emergency, including a 24-hour telephone number of a facility providing emergency services;

(3) the patient must be given the opportunity to specify his or her preference regarding method of follow-up, which must be documented.

(d) Initial patient contraceptive education. Before selection of a prescriptive or surgical contraceptive method, the patient must be given the following information (or possession of the following information must be established):

(1) information on male and female reproductive anatomy and physiology as it applies to specific contraceptive methods;

(2) information concerning the contraceptive methods available, from which the patient may tentatively choose a method most personally acceptable (subject to subsequent medical/laboratory findings which might contraindicate the patient's choice of method);

(3) for methods in which the patient has expressed an interest, information specifically concerning each method's safety, use-effectiveness, potential side effects and complications, particular benefits, potential use problems and correct usage (as applicable);

(4) information concerning all of the clinic services available, including medical exams, lab tests, and counseling.

(e) Method—specific education/counseling.

(1) Temporary contraceptive methods. After consideration of the findings of the medical history, physical examination, and laboratory tests to the moment, there must be discussion with the patient about the tentative choice of a method, including an explanation of any contraindications to his or her chosen method. Upon final choice of a method, the following must also be provided to the patient in this post-exam session:

(A) medical exam and laboratory test findings available at that time;

(B) verbal and written directions for the correct usage of the method;

(C) verbal and written documentation of the type of oral contraceptive, the type and size of IUD, or the size of diaphragm (if one of these methods was chosen and prescribed);

(D) FDA mandated physician labeling and patient information for IUDs, or for oral contraceptives, if either were chosen.

(E) verbal and written information regarding potential side effects and complications of the method chosen and how the patient should react if any should occur;

(F) a written or verbal schedule indicating when facility services are available;

(G) return visit information.

(2) Permanent contraception. In addition to observing all of the requirements in 42 CFR 441, Subpart F, the following must be provided to the patient:

(A) Medical exam and laboratory test findings available at that time.

(B) Verbal and written information regarding potential side-effects and complications of the method chosen and how the patient should react if any should occur.

(C) Return visit information. In the case of vasectomy, information must be imparted that follow-up sperm tests are critical for verification of sterility.

(f) Problem counseling.

(1) Counseling around an unintended pregnancy. An agency must provide pregnancy testing and counseling, either in its own facilities or in close liaison with another agency, a private physician, or a laboratory.

(A) When providing a pregnancy test or a referral for a pregnancy test, the patient must be advised that:

(i) the test cannot be considered 100% accurate;

(ii) the patient should have a pelvic exam to confirm the test results.

(B) The woman found to be unintentionally pregnant must be provided the following:

(i) information regarding the probable stage of gestation;

(ii) any aspect of the medical findings which pertains to the options available to her;

(iii) the options available to her for continuing or terminating the pregnancy;

(iv) the possible outcomes following the exercise of each option;

(v) written and/or verbal information about all types of resources available to her in both the public and private sectors, including public health and public welfare services, legal services, maternity homes, pregnancy termination services, and special education programs;

(vi) written and verbal information concerning contraceptive methods and family planning resources available to her following resolution of her pregnancy, unless obviously inappropriate at that time.

(2) Counseling on other medical findings. An agency must offer counseling when reporting any abnormal results of exams and lab tests provided to the patient. Referrals must be documented.

.003. *Standards for Medical Assessment and Treatment of Diagnosed Problems.*

(a) Conformity with laws and regulations. Medical family planning services must be provided in conformity with federal and state statutes and regulations pertaining to medical practice and health-related services.

(b) Medical visits.

(1) Initial and annual medical visits.

(A) Health history, female patients, prescriptive or surgical contraceptive methods. A complete health history must be obtained at the initial medical visit interview and updated at subsequent visits. The history must contain the following:

(i) gynecologic and obstetric history;

(ii) previous contraceptive history;

(iii) medical and surgical history;

(iv) family health history;

(v) personal health history.

(B) Physical examination, female patients. The female patient seeking or utilizing a prescriptive or surgical contraceptive method must have a physical examination initially and annually thereafter, and the results must be entered in the patient's record. The examination may be performed by a member of the medical staff or by a physician to whom the patient has been referred. The initial examination of a female patient must include: blood pressure; weight, height; examination of breasts (axillary glands as indicated); abdominal palpation; thyroid palpation; auscultation of heart and lungs; examination of extremities; pelvic examination; and oropharynx examination if indicated. Pelvic examination must include visualization of the cervix. There must be a bimanual and recto-vaginal pelvic examination unless specifically contraindicated. The annual examination of a female patient must include: blood pressure, weight, examination of the breasts (axillary glands as indicated), thyroid palpation, abdominal palpation, pelvic examination including visualization of the cervix. Height must be measured for persons under 18 years of age. Auscultation of the heart and lungs, examination of the extremities, an oropharynx examination, and a rectal examination must be performed as indicated.

(C) Health history, male patients, sterilization.

For males requesting sterilization, the following health history must be obtained at the initial medical visit interview and updated at subsequent visits:

- (i) reproductive history;
- (ii) genito-urinary history;
- (iii) other medical-surgical history;
- (iv) family health history;
- (v) personal health history.

(D) Physical examination, male patient. Males requesting sterilization must have a physical exam and the results entered in the patient's record. The examination may be performed by a member of the medical staff or by a physician to whom the patient has been referred. The male examination must include height, weight, blood pressure, rectal and genital examinations, an oropharynx examination if indicated.

(2) Initial visit for pregnancy testing only. For new patients who are seeking pregnancy testing only, the patient history must contain at least the following:

- (A) gynecologic examination;
- (B) previous contraceptive history.

(3) Routine follow-up office visits (other than the annual visit): medical problem visits.

(A) The patient must be seen by a medically trained staff person.

(B) There must occur a structured interview making a reasonably comprehensive inquiry into the patient's health as related to the contraceptive method utilized by the patient.

(C) Patient history must be updated.

(D) Weight and blood pressure must be recorded (for oral contraceptive users).

(D) Weight and blood pressure must be recorded (for oral contraceptive users).

(E) Physical examination must be performed as indicated.

(F) Laboratory tests must be performed, as indicated.

(G) Change of or difficulty in method, or treatment, or referral must be provided, as indicated.

(4) Scheduling considerations for females.

(A) For female patients using hormonal contraceptives, medical visits subsequent to the initial visit must be scheduled to occur not later than four months after initiation of medication and every 13 months thereafter.

(B) For female patients with intrauterine devices, medical visits subsequent to the initial visit should be as soon as possible following the next menses, but must be scheduled no later than 3 months following insertion. Subsequent visits must be scheduled to occur no later than 13 months after insertion and every 13 months thereafter.

(C) For female patients who are diaphragm users, demonstration of capability of correct insertion must be scheduled to occur within seven-10 days of the initial visit and fitting, if this was not possible during the initial visit. Subsequent visits must be scheduled at least annually thereafter, with inspection of the diaphragm for replacement, redetermination of correct fit, and demonstration of patient's capability of correct insertion.

(D) Patients using foam, suppository, condom, or a natural family planning method must be instructed to return for supply refills and information as necessary, and for annual checkups.

(d) Laboratory services.

(1) Female. Mandatory, initially, and annually for those seeking a prescriptive or surgical contraceptive method:

- (A) hemoglobin (Hb) and/or hematocrit (Hct);
- (B) urinalysis for sugar and protein;
- (C) pap smear taken at the time of the pelvic examination;
- (D) culture of *N. Gonorrhoea* from endo-cervix;
- (E) serologic test for syphilis.

(2) Female, as indicated.

(A) Sickle Cell screening for Black and other appropriate patients at initial visit. Hemoglobin electrophoresis as indicated by sickle cell screen.

(B) Pregnancy test.

(C) Test for rubella immunity.

(D) Tests for Rh factor, blood type, clotting time.

(E) Tests for abnormal levels of triglycerides, cholesterol, glucose.

(F) Culture for *N. Gonorrhoea* from oropharynx and rectum.

(3) Males requesting sterilization, mandatory.

(A) culture for *N. Gonorrhoea* from urethra;

(B) serologic test for syphilis;

(C) urinalysis for sugar, protein, acetone, and sediment;

(D) hemoglobin (Hb) or hematocrit (Hct).

(4) Males requesting sterilization, as indicated.

(A) preoperative semen analysis if the patient has never caused a conception or if there is a history of conditions such as orchitis or viral diseases, or if there is a change in testes size since the last conception;

(B) Sickle Cell anemia screening and hemoglobin electrophoresis for Black and other appropriate patients;

(C) blood type and clotting time;

(D) culture for *N. Gonorrhoea* from oropharynx and rectum.

(5) All patients must be offered counseling and treatment or referral for continuing care when any of the above laboratory tests show abnormal findings.

(6) If the physical examination or laboratory testing has revealed the necessity for further laboratory tests, an offer must be made to have them performed. If the tests cannot be done by the agency, a referral to another provider must be offered. All tests and/or referrals must be documented.

(d) Medical complications. The patient must be given verbal and written instructions on how to obtain emergency medical care, including a 24-hour telephone number of a facility providing emergency services.

.004. Standards for Provision of a Contraceptive Method.

(a) Dispensing. A prescribed drug or medicine must be dispensed only in accordance with Article 4542a, Vernon's Annotated Civil Statutes, and Article 4476-14, Vernon's Annotated Civil Statutes.

(b) Combined or single agent oral hormonal contraceptive agents (OHCAs).

(1) Absolute Contraindications:

- (A) thromboembolic disorder (or history thereof);
- (B) cerebrovascular accident (or history thereof);
- (C) impaired liver function;
- (D) coronary artery disease (or history thereof);
- (E) hepatic adenoma (or history thereof);

(F) malignancy of breast or of reproductive system (or history thereof);

(G) pregnancy (known or suspected).

(2) Relative contraindications (careful balancing of the risks to expected benefits; specific inquiry and evaluation at each face-to-face patient encounter):

(A) abnormal uterine bleeding—undiagnosed;

(B) documented or suspected vascular or migraine headaches;

(C) established hypertension with resting diastolic BP of 110 or greater;

(D) diabetes, prediabetes, or strong family history of diabetes;

(E) gallbladder disease (or history thereof);

(F) previous cholestasis during pregnancy;

(G) monolucelosis, acute phase;

(H) serious hemoglobinopathies (including sickle cell disease, Sickle C disease);

(I) elective surgery planned within four weeks;

(J) long leg casts or major injury to lower extremity;

(K) age 35 or older with high triglycerides or cholesterol level, obesity (weight 50% over ideal), hypertension (resting diastolic BP of 90 or greater), diabetes or family history thereof, family history of early heart attack or stroke, heavy smoking, amenorrhea or irregular menstrual periods without pregnancy;

(L) fibrocystic breast disease and breast fibroadenomas;

(3) Other possible contraindications (specific inquiry and evaluation at each face-to-face patient encounter).

(A) Conditions likely to cause patient to be an unreliable user (including mental retardation, history of major psychiatric disorder, history of alcoholism or drug abuse, history of incorrect usage, young age, apparent lack of motivation to use method consistently);

(B) failure to have established regular menstrual cycles;

(C) patient with profile suggesting anovulation and infertility problems (late onset of menses and very irregular, painless menses);

(D) age 35 or older;

(E) cardiac or renal disease (or history thereof);

(F) heavy smoking;

(G) lactation (OHCA's may be initiated as weaning begins);

(H) depression;

(I) established hypertension with resting diastolic BP of 90-100;

(J) choloasma or hair loss related to pregnancy (or history thereof);

(K) asthma;

(L) epilepsy;

(M) uterine fibromyomata;

(N) acne;

(O) varicose veins;

(P) history of hepatitis but now presenting normal liver function test results.

(c) Other hormonal contraceptive agents such as DES, synthetic progestins.

(1) DES and progestins must be administered within 72 hours of first unprotected coitus. Patients who believe they may be pregnant and who are candidates for receiving DES must be warned of the potential hazards (including

vaginal adenosis and vaginal cancer) to any female offspring, and advised of the options of pregnancy termination or menstrual aspiration.

(2) Post-coital hormonal methods of pregnancy prevention (such as DES) must be utilized with extreme caution, and not more than once per year.

(d) Intrauterine devices.

(1) Absolute contraindications to use include:

(A) abnormal uterine bleeding, undiagnosed;

(B) pelvic infections (acute, subacute, or recurrent);

(C) acute cervicitis with purulent discharge, until cleared;

(D) known or suspected cervical cancer;

(E) pregnancy (suspected or diagnosed);

(F) cervical stenosis (to extent that uterine sound cannot be introduced).

(2) Relative contraindications; special supervision required:

(A) uterine abnormalities (congenital anomalies, uterine pathology);

(B) anemia due to uterine blood loss;

(C) congenital or rheumatic heart disease with valvular involvement;

(D) post partum endometritis or infected abortion within last three months;

(E) allergy to copper (for copper-containing IUDs);

(F) Wilson's disease (for copper-containing IUDs).

(3) FDA recommendations must be followed in regard to replacement requirements for medicated IUDs.

(4) Because of the serious medical complications often associated with a pregnancy with an IUD in place, the patient for whom pregnancy with a device in place is suspected must be advised to have her pregnancy confirmed. If confirmed, she must be advised to see a physician for continuing medical care until the pregnancy has been concluded. In counseling with this type of patient, the potentially life-threatening nature of the situation must be explained, including the necessity to obtain continuing care from a physician. A pregnancy for a woman with an IUD in place is considered as falling in the category of a life-threatening disorder; accordingly at least three attempts must be made to reach the patient within 30 days of the receipt of lab findings to so inform her. Whenever a patient is informed of a diagnosis of pregnancy with an IUD in place, continuing care must be offered if available through the agency, or a referral for care must be offered. All referrals made must be documented.

(5) In the event of an IUD which cannot be located, it must be determined whether the IUD is in utero or has been expelled or translocated. This service must be offered to the patient if available through the agency, or a referral for this service must be offered. All referrals must be documented. The patient must be counseled regarding the necessity of determining the location of the IUD, and once located the patient must be properly counseled as to her options and their risks and benefits. If it is determined that the IUD has been expelled or translocated, the patient must be counseled regarding the necessity to utilize another contraceptive method. In the event of a translocated IUD, treatment must be offered to the patient if available through the agency, or a referral for care must be offered. All referrals must be documented.

(6) In the event of pelvic inflammatory disease with the IUD in place, treatment must be offered to the patient if available through the agency, or a referral for care must be offered. All referrals must be documented.

(e) Diaphragm.

(1) Contraindications:

- (A) severe pelvic relaxation;
- (B) inadequate anatomical fit;
- (C) significant retroversion of the uterus;
- (D) inability of the patient to properly insert a diaphragm;

(E) conditions likely to cause patient to be an unreliable user.

(2) Fittings. Fitting must be carried out after each pregnancy. Demonstration of patient capability of correct insertion must occur during the initial visit if possible, or within 10 days. If delayed insertion is indicated, an interim method must be offered. Return visits thereafter must be at least annually, with inspection of the diaphragm for replacement, redetermination of correct fit, and demonstration of patient capability of correct insertion.

(3) Patient instruction. Patients must be instructed to use spermicidal jelly or cream with a diaphragm.

(f) Natural family planning.

(1) Definition. This term refers to several approaches for determining a woman's infertile days when she may engage in sexual intercourse without risk of becoming pregnant. The three approaches usually identified with natural family planning are calendar charting of menstrual periods, measurement of basal body temperature, and evaluation of cervical secretions.

(2) Patient instruction. Patients must be instructed by a person trained to instruct patients in the use of natural family planning. Documentation of training must be on file at the agency.

(g) Elective sterilization procedures.

(1) Federal regulations. All of the requirements of 42 Code of Federal Regulations 441, Subpart F., must be met.

(2) Male sterilization.

(A) Preoperative information, counseling, and informed consent, male sterilization. Informed consent must include a statement of the slight possibility of failure.

(B) Patient examination, male sterilization. The examination noted above must be provided.

(C) Contraindications, male sterilization.

(i) The patient has uncorrected medical problems that place him at high risk for minor surgery.

(ii) The patient is highly allergic to anesthetics.

(D) Laboratory tests, male sterilizations. The tests noted above must be performed.

(E) Facilities and staffing, male sterilization. The vasectomy is ordinarily an office surgical procedure; however, when medical necessity indicates the performance of a male sterilization either in a free standing surgical care center or on an in-patient hospital basis, standards of the Joint Commission for the Accreditation of Hospitals or Medicare standards applicable to the facilities and staff must be met. Any facility not meeting JCAH or Medicare standards must receive individual prior review and approval by DHR.

(F) Emergency precautions, male sterilization. Emergency equipment and drugs must be available on site. An agreement with a licensed full-service hospital must exist regarding transfer and admission of emergency patients.

(G) Postoperative follow-up, male sterilization.

(i) The patient must be advised not to leave the office, clinic, or hospital until all vital signs are stable and he has been discharged by the physician.

(ii) Instructions for post-operative home care must be given to the patient prior to discharge.

(iii) The patient must be advised to continue contraceptive measures until he is notified that a condition of aspermia exists.

(iv) If immotile sperm continue to be present in the ejaculate, a fresh specimen must be examined to determine if there is motility which was not discovered because of time lapse after collection.

(3) Female sterilization.

(A) Preoperative information, counseling, and informed consent, female sterilization. Informed consent must contain a statement about the slight possibility of failure.

(B) Patient examination, female sterilization. The examination noted above must be provided.

(C) Contraindications, female sterilization. The patient has uncorrected medical problems that place her at high risk for surgery. The patient is highly allergic to anesthetics.

(D) Laboratory tests, female sterilization. The mandatory tests noted above must be performed, as well as any additional tests that might be indicated by history or physical examination.

(E) Facilities and staffing, female sterilization. Standards of the Joint Commission for the Accreditation of Hospitals or Medicare standards applicable to the facilities and staffing must be met. Any facility not meeting JCAH or Medicare standards must receive individual prior review and approval by DHR.

(F) Emergency precautions, female sterilization. There must be the ability to open the abdomen immediately in the event of a serious intra-abdominal complication. There also must be the ability on site to treat immediately any reaction to anesthesia. There must be the ability to transfer a patient within 10 minutes to a conventional operating theater, and an agreement with a licensed full-service hospital must exist regarding transfer and admission of emergency patients. Emergency equipment and drugs must be available on site, consistent with JCAH or Medicare standards.

(G) Postoperative follow-up, female sterilization.

(i) The patient must be advised not to leave the surgicenter or hospital until all vital signs are stable and she has been discharged by the physician.

(ii) Instructions for postoperative home care must be given to the patient prior to discharge.

(iii) Instructions to return for a postoperative follow-up examination must be given to the patient.

(h) Menstrual aspiration.

(1) Pregnancy confirmation. There must be a physician's statement in the patient's record, based on the physician's evaluation and examination, that pregnancy could not be reliably established.

(2) Preoperative information and counseling. The patient must be informed that the procedure may not serve to prevent pregnancy from occurring (the procedure is not 100% reliable as a contraceptive method; approximately 10% of the menstrual aspiration procedures fail to achieve the desired contraceptive result).

(3) Patient examination. The examination noted above must be provided.

(4) Relative contraindications.

(A) The patient has uncorrected medical problems that place her at high risk for minor surgery.

(B) The patient is highly allergic to local anesthetics.

(5) Laboratory tests, contraceptive menstrual aspiration. The mandatory laboratory tests must be performed as well as any additional tests that might be indicated by history or physical examination.

(6) Facilities and staffing, contraceptive menstrual aspiration. The menstrual aspiration is ordinarily an office surgical procedure; however, when medical necessity indicates the performance of a contraceptive menstrual aspiration either in a freestanding surgical care center or on an inpatient hospital basis, JCAH or Medicare standards applicable to the facility and staffing must be met. Any facility not meeting JCAH or Medicare standards must receive individual prior review and approval by DHR.

(7) Emergency precautions.

(A) Emergency equipment and drugs must be available on site.

(B) An agreement with a licensed full-service hospital must exist regarding transfer and admission of emergency patients.

(8) Postoperative services.

(A) Tissue analysis must be performed by a qualified pathology laboratory when an abnormality is suspected.

(B) Immediate postoperative care must consist of an appropriate period of observation in a supervised recovery room for as long a period as the patient's condition warrants. Hospitalization must occur without delay if any problem is suspected.

(C) Instructions for postoperative home care must be given to the patient prior to discharge.

(D) Unless obviously inappropriate, ongoing contraceptive methods must be discussed and should be initiated at the earliest possible time.

(E) Instructions to return for a postoperative follow-up examination must be given to the patient. This visit must include a medical examination, a review of all laboratory tests, and an appropriate prescription for contraception if requested.

Issued in Austin, Texas, on May 14, 1980.

Doc. No. 803660 Jerome Chapman
Commissioner
Texas Department of Human Resources

Effective Date: July 4, 1980

Proposal Publication Date: September 5, 1978

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

Texas Board of Land Surveying General Rules of Procedures and Practices The Board 408.01.01

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. *Name.* The name of the board shall be Texas Board of Land Surveying. For the purpose of brevity in succeeding rules this organization shall be subsequently referred to as the "board."

.002. *Headquarters.* The headquarters of the board shall be in Austin, Texas.

.003. *Chairman.* The chairman shall be the executive officer of the board. When present, he shall preside at all meetings. The chairman shall appoint such committees as the board may authorize from time to time. The chairman shall sign all certificates. The chairman shall perform all other duties usually pertaining to the office of chairman and permitted by law.

.004. *Vice Chairman.* The vice chairman shall, in the absence or incapacity of the chairman, exercise the duties and shall possess all the powers of the chairman, as permitted by law.

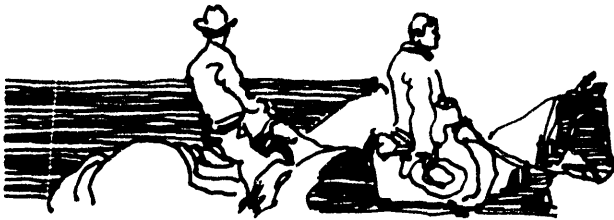
.005. *Executive Secretary.* The executive secretary shall conduct and care for all correspondence in the name of the board. The executive secretary shall maintain all records prescribed by law. The executive secretary shall keep a record of all meetings and maintain a proper account of business of the board. The executive secretary shall be custodian of the official seal and affix same to all certificates and other official documents upon the orders of the chairman and/or of the board. The executive secretary shall check and certify all bills and check all vouchers (claims) and shall approve same, and shall perform such other duties as directed by the board. The board shall furnish the executive secretary the necessary equipment, supplies, and stenographic assistance, paying for the same directly on vouchers (claims) handled as prescribed herein and by law.

.006. *Bond.* The executive secretary shall furnish a surety bond to the board in the amount of \$5,000, the premium for which shall be paid from the funds of the board.

.007. *Executive Committee.* The Executive Committee shall consist of the chairman of the board, who shall be chairman ex officio, the vice chairman, and one other member. Its duties shall be to transact all business instructed by the board, during the intervals between board meetings, and to report thereon to the board at its meeting. It shall also recommend to the board such actions in respect to policies and procedures as it may consider desirable.

.008. *Standing Committees.* For the purpose of administering examinations there shall be two standing committees.

(1) The Licensed State Land Surveyors Committee shall prepare, administer, and grade the licensed state land surveyors examination. This committee shall be made up of the commissioner or his authorized representative and all of the licensed state land surveyors on the board. A quorum shall be any three of its members.



(2) The Registered Public Surveyors Committee shall prepare, administer, and grade the registered public surveyors examination. This committee shall be made up of all members of the board. A quorum shall be six of which three must be registered public surveyors.

.009. *Special Committees.* Special committees shall have such duties as may be assigned by the chairman of the board, with the consent of the board.

.010. *Financial.* Payment of all salaries and other operating expenses of the board shall be made by itemized vouchers (claims) on the land surveying fund. Such vouchers (claims) shall be approved by the executive secretary of the board. The executive secretary shall maintain complete records of the financial transactions of the board as prescribed by the state comptroller and by law.

.011. *Vacancies.* If for any reason, a vacancy shall occur in the board, the chairman shall call a special meeting for the purpose of preparing a notice to the governor asking for the appointment of a new member to fill the unexpired term. If the vacancy shall occur in the office of the chairman, the vice chairman shall call the meeting.

Doc. No. 803561

Meetings 408.01.02

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. *Regular Meetings.* Four regular meetings shall be held each year, one each in January, February, July, and August in Austin, Texas, or at such time and place as the majority of the board may designate.

.002. *Special Meetings.* Meetings may be called at any time by order of the chairman, or in his absence or inability to act by the vice chairman, or may be called by the executive secretary on the written request of three members. Notice of all regular and special meetings shall be mailed out by the executive secretary to each member at his last known address at least one week prior to said meeting unless majority of the members of the board unanimously waive such notice. When executive sessions of the board are called, the chairman shall appoint one member as recorder.

.003. *Notice of Meetings.* Notice of meetings shall be published and posted in compliance with the requirements of the Administrative Procedure and Texas Register Act.

.004. *Proceedings.* Robert's Rules of Order shall govern the proceedings of the board except as otherwise provided herein or by statute.

Doc. No. 803562

Definitions 408.01.03

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. *Hearing.* Hearing means an adjudicative proceeding concerning the issuance, refusal, suspension, revocation of licenses, and/or registration certificates, after which the legal rights, duties, or privileges of an applicant or licensee are to be determined by the board.

.002. *Rule.* Rule means any board statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the board. The term includes the amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of the board and not affecting private rights or procedures. This definition includes substantive regulations.

.003. *Certificate of Registration and Certificate of Licensure.* A certificate of registration is a license to practice public surveying in Texas. A certificate of licensure is a license to practice state land surveying in Texas.

.004. *Renewal.* Renewal means the payment of a fee annually as set by the board within the limits of the law for the certificate of registration or the certificate of licensure.

.005. *Seal.* The seal of the board shall be as illustrated, and shall be of a size commercially designated as a two-inch seal, the measurement being two inches between each pair of opposite corners of the exterior octagonal frame.

.006. *Act.* The word Act used in the rules shall be the Land Surveying Practices Act of 1979.

Doc. No. 803563

Applications, Examinations, and Licensing 408.01.04

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. *Applications.*

(a) The board will receive at any time applications from persons who qualify by law and wish to apply to take an examination for registration to practice public surveying and/or state land surveying in Texas. Applications received by the board shall be examined by the executive secretary for conformity with the rules and regulations governing applications as established by the board. Applications accompanied by proper fees and in the form prescribed by the board shall be entered in the records of the board. Applications not accompanied by proper fees or not conforming entirely with the rules and regulations shall be returned to the applicant. Application forms in duplicate will be furnished by the board. One application is to be returned to the office of the board, the other retained in the applicant's file. Each applicant for registration shall be required to furnish all information requested on the application form. The application form shall contain general information regarding the applicant, a recent photograph, other registration and memberships, references and qualifications, formal education information with transcripts of college work, personal surveying experience, instructions for filing the form, and a sworn affidavit concerning information contained in the application, and a record of the board.

(b) The application shall be neatly typed or lettered and all questions must be answered. If the answer is negative, use the word "no" or "none." It is the applicant's responsibility to see that all references, transcripts of college work, and any other information required or requested by the board, is received in the office of the board on or before June 15 or December 15 in order for the applicant's file to be considered for the ensuing examination. Applications will not be considered if essential information is lacking. It is important

that the experience record of the applicant be completed in detail giving character of work performed, particularly with respect to percentage of time engaged in boundary land surveying as opposed to engineering surveying, title of position, employer, amount of time, and responsibility in each engagement listed. Give total time in actual land boundary surveying in each engagement. If the space provided in the forms is not sufficient, the applicant may attach as many sheets as are necessary. If the experience is of the character that it cannot be described properly in the tabulated form, he may submit a complete narrative account of his education, professional, or business career. All documents filed with the application shall remain in the permanent files of the board.

(c) Application files are considered initiated the date the application is received with fee. If an application is not received within six months after date of receipt of reference forms and required information, that file will be closed and the applicant so notified at his last known address. There is a one-year limitation on all applications, beginning with the date of initiation.

(d) No credit will be considered for experience obtained in violation of the Land Surveying Practices Act of 1979 or any applicable prior Act governing the surveying profession. Only that experience obtained in regular full-time employment will be considered in evaluating the applicant's record. Full time employment is defined by the board as a minimum of 40 hours per week, for a total collective period of time as required by law. In certain instances, the board may require additional proof of such employment.

(e) Each application shall be attested to before a notary public or other official qualified by law to administer oaths.

.002. Fees.

(a) The application fee is \$50. Each applicant for registration or licensure shall submit a cashier's check or money order for \$50 with his application. This fee is not returnable. The first registered public surveyor examination fee is \$50, which entitles the applicant to one examination. All subsequent examinations will be \$100.

(b) The first licensed state land surveyor examination fee is \$50, which entitles the applicant to one examination. All subsequent examinations will be \$100.

(c) The fee for reciprocal applicants shall be \$50 for each examination.

(d) The fee for filing an original licensed state land surveyor bond shall be \$5.00.

(e) New registrants will be required to pay a prorated fee as of date of registration.

.003. References.

(a) All references should be chosen carefully for their personal knowledge of the applicant's experience and qualifications. A registered professional engineer seeking registration under Section 14b of the Act is requested to provide references in support of his application and experience.

(b) Confidential reference forms furnished by the board shall include the name and address of the person giving the reference and full information in order that the board can better evaluate the applicant's surveying experience and qualifications.

(c) Members of this board shall not be given as references. The board prefers that when an applicant is employed by an organization that includes registered public surveyors, that the applicant use only one reference from a

registered public surveyor who is associated with him in such organization. The board reserves the right to ask for additional references.

.004. *Rejections.* Should the board reject the application of any applicant, the fee accompanying the application will be retained by the board as an application fee. In case an application is rejected for any reason, the applicant will be notified by certified mail. The applicant may thereafter file with the board any further evidence or reason to support claim for reconsideration. It is the policy and intention of the board to give a rejected applicant every reasonable opportunity to support claims for reconsideration and to consider such evidence as may have been omitted from, or overlooked, in the original application or examination. An applicant may apply for, and, at the discretion of the board, be granted an interview to state his case.

.005. Examinations.

(a) Registered public surveyor examinations shall be written and so designed to aid the board in determining the applicant's knowledge of surveying, mathematics, surveying laws, and his general fitness to practice the profession as outlined in the Act. The examinations will cover a two-day period and the applicant will be notified at least 10 days in advance. If an applicant fails to respond to two successive notifications, the applicant's file will be closed and will not be reopened without the filing of a new application and fee.

(b) Calculators will be permitted to be used during any examination, but shall not be programmed. All calculators or computers, determined by the board, the executive secretary, or the examination monitor prior to or during an examination to have been programmed, shall cause immediate disqualification of the applicant for that examination.

(c) All applicants reapplying under a second application for admission to a registered public surveyors' examination and receiving an average of less than 50% of a possible 100% in the previous examination, must show an enrollment and completion of either a correspondence course in land surveying equivalent to an international correspondence school course, or land surveying courses in a curriculum equal to that provided at an accredited junior college. This statement must be in the form of a certificate or a certified copy and must be accompanied by a transcript of the grades received.

(d) A grade of 70% or greater on each of the four sections of the examination will be considered a passing grade on the first examination. Thereafter, at its discretion, the board may require 72% or greater to be a passing grade on the second examination and 74% on the third and fourth examinations.

(e) An applicant for second or subsequent examinations who has achieved a grade of 75 on any portion of a previous examination may, at the discretion of the board, be excused from repeating said portion; provided, however, he pays the required fee set by the board. After three examinations the applicant may, at the board's discretion, be required to repeat the entire examination.

(f) In filing an updated application the applicant must update his experience record and secure a reference from each employer since the date of his original application.

(g) Licensed state land surveyors' examinations shall be written and so designed to reflect the applicant's knowledge of the history, files, and functions of the General Land Office, survey construction, legal aspects pertaining to state interest in vacancies, excesses, and unpatented lands,

and familiarity with other state interests in surface and sub-surface rights as covered by existing law.

(h) The licensed state land surveyor examination will be in two four-hour sections and each part graded independently. If an applicant scores less than 70% on either part, that applicant will be required to file an updated application with fee and repeat the entire examination.

.006. Certificate of Registration/Licensure.

(a) The number appearing on the licensed state land surveyor's certificate of licensure is the bond filing number of such licensee and is only for record keeping purposes. The licensed state land surveyor shall be required to furnish proof annually, as of the date of renewal of the bond, of a nature satisfactory to the board, that such bond is in full force and effect.

(b) At the time the applicant receives his certificate of registration/licensure, he will also be instructed to secure an impression seal of the type specified by the board. As soon as the registrant has secured his impression seal, he shall make an imprint thereof and shall forward said imprint to the board for its files. A rubber stamp is not considered an impression seal, but may be used at the discretion of the licensee.

.007. Reciprocal Registration.

(a) Applicants applying for reciprocal registration under Section 20 shall file with the board application forms as described in these rules and such other forms as required by the board.

(b) Applicants for reciprocal registration who have passed a 16-hour examination in another state are required to pass a written examination of eight hours consisting of legal aspects and analytical portions required of all other applicants.

(c) Applicants who are licensed in another state with less than a 16-hour examination must take a written examination of not less than 16 hours.

(d) Any cost for administering a reciprocal examination for this board by another state will be at the expense of the applicant.

Doc. No. 803564

Hearings 408.01.05

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. Purpose of Rules. To provide for a simple and efficient system of procedure before the board, to insure uniform standards of practice and procedure, notice of board actions, and a fair and expeditious determination of proceedings before the board. These rules shall be liberally construed with a view towards the purpose for which they were adopted.

.002. Filing of Documents. All complaints, motions, replies, answers, notices, and other pleadings relating to any proceeding pending or to be instituted before the board shall be filed with the executive secretary. They shall be deemed filed only when actually received in the board's office.

.003. Complaints Officer. One registered member shall be appointed by the chairman as the complaints officer of the board. It shall be the duty of the complaints officer to review all complaints filed against persons licensed under this pre-

sent Act and recommendations to the board regarding further action. The complaints officer shall have no voice in the rendering of a final decision on any matter reviewed by him.

.004. Computation of Time.

(a) *Computing time.* In computing any period of time prescribed or allowed by these rules, by order of the board, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

(b) *Extensions.* Unless otherwise provided by statute, the time for filing any pleading may be extended by order of the executive secretary, upon written motion duly filed with him prior to the expiration of the applicable period of time for the filing of the same, showing that there is good cause for such extension of time and that the need therefor is not caused by the neglect, indifference, or lack of diligence of the movant. A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof.

.005. Agreements To Be in Writing. No stipulation or agreement between the parties, their attorneys, or representatives, with regard to any matter involved in any proceeding before the board shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This rule does not limit a person's ability to waive, modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

.006. Service in Rulemaking Proceedings. Service of a proposed rule or amendment of any existing rule shall be governed by Section 5(A), et seq., of the Administrative Procedure and Texas Register Act.

.007. Conduct and Decorum. Every party, witness, attorney, or other representative shall comport himself in all proceedings with proper dignity, courtesy, and respect for the board, the executive secretary, and all other parties. Disorderly conduct will not be tolerated. Attorneys and other representatives of parties shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Texas State Bar.

.008. Appearances Personally or by Representative. Any person may appear and be represented by an attorney at law authorized to practice law before the highest court of any state.

.009. Motions. Any motion relating to a pending proceeding shall, unless made during a hearing, be written, and shall set forth the relief sought and the specific reasons and grounds therefor. If based upon matters which do not appear of record, it shall be filed with the executive secretary, who shall act upon the motion at the earliest practicable time.

.010. Amendments. Any pleading may be amended at any time upon motion; provided, that the complaint upon which notice has been issued shall not be amended so as to broaden the scope thereof.

.011. Incorporation by Reference of Board Records. Any pleading may adopt and incorporate, by specific reference thereto, any part of any document or entry in the official files and records of the board except such documents or entries which are protected from public disclosure by law. This rule shall not relieve any party of the necessity of alleging in detail, if required, facts necessary to sustain his burden of proof, if any, imposed by law.

.012. Motions for Postponement, Continuance, Withdrawal, Dismissal of Other Matters before the Agency.

(a) Motions for postponement, continuance, withdrawal, or dismissal of other matters which have been duly set for hearing, shall be in writing, shall be filed with the executive secretary, and distributed to all interested persons, under a certificate of service, not less than five days prior to the designated date that the matter is to be heard. Such motion shall set forth, under oath, the specific grounds upon which the moving party seeks such action and shall make reference to all prior motions of the same nature filed in the same proceeding.

(b) Failure to comply with the above, except for good cause shown, may be construed as lack of diligence on the part of the moving party, and at the discretion of the executive secretary, may result in the dismissal of matter in issue, with prejudice to refiling.

(c) Once an application has actually proceeded to a hearing, pursuant to the notice issued thereon, no postponement or continuance shall be granted by the executive secretary without the consent of all parties involved.

.013. Place and Nature of Hearings. All hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Austin, Texas, unless for good and sufficient cause the board shall designate another place of hearing in the interest of the public.

.014. Presiding Officer at Hearings.

(a) The chairman is delegated by the board the authority to preside at hearings, make and issue final orders, decisions, and recommendations for the board concerning the issuance, refusal, revocation, or suspension of licenses, registration, and certificates. He also shall have the authority to rule upon the admissibility of evidence and amendments to pleadings, and by quorum vote of the board may recess any hearing from day to day.

(b) The executive secretary shall have authority to administer oaths and examine witnesses.

.015. Notice and Hearing.

(a) An applicant or licensee is entitled to at least 20 days' notice and a hearing after his original application for examination has been refused.

(b) Notice of hearing for refusal, cancellation, or revocation may be served personally by the board or its authorized representative or sent by United States certified mail addressed to the applicant or licensee at his last known address.

(c) In the event that notice cannot be effected by either of these methods after due diligence, the board may prescribe any reasonable method of notice calculated to inform a person of average intelligence and prudence in the conduct of his affairs. The board shall publish notice of a hearing in a newspaper of general circulation in the area in which the licensee conducts his business activities.

.016. Order of Procedure in Hearings.

(a) In all hearings the board shall be entitled to open and close. After all persons have completed the presentation of their evidence the chairman may call upon any party or the staff of the board for further material or relevant evidence upon any issue to be presented at further public hearing after notice to all parties of record.

(b) The executive secretary shall direct all persons to enter their appearances on the record. If exceptions to the form or sufficiency of a pleading have been filed in writing at least three days prior to the date of hearing, they shall be heard; otherwise not.

.017. Dismissal without Hearing. The executive secretary may entertain motions for dismissal without a hearing for the following reasons: failure to prosecute; unnecessary duplication of proceedings or res adjudicata; withdrawal; moot questions; or lack of jurisdiction.

.018. Rules of Evidence. In all cases, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence as applied in nonjury civil cases in the district courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted, except where precluded by statute, if it is of a type commonly relied upon by reasonable prudent men in the conduct of their affairs. The chairman shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, if a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

.019. Documentary Evidence and Official Notice.

(a) Documentary evidence may be received in the form of two copies. On request, all parties shall be given an opportunity to compare the copy with the original. When numerous documents are offered, the chairman may limit those admitted to a number which are typical and representative, and may, in his discretion, require the abstracting of the relevant data from the documents and the presentation of the abstracts in the form of an exhibit; provided, however, that before making such requirement, the chairman shall require that all persons of record or their representatives be given the right to examine the documents from which such abstracts were made.

(b) Official notice may be taken of all facts judicially recognizable. In addition, notice may be taken of generally recognized facts within the area of the board's specialized knowledge. All persons shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material officially noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The special skills or knowledge of the board and its staff may be utilized in evaluating the evidence.

.020. Limitations on Number of Witnesses. The chairman shall have the right in any proceeding to limit the number of witnesses whose testimony is merely cumulative.

.021. Exhibits.

(a) **Form.** There shall be a brief statement on the first sheet of the exhibit of what the exhibit purports to show. Exhibits shall be limited to facts material and relevant to the issues involved in a particular hearing.

(b) **Tender and service.** The original of each exhibit offered shall be tendered to the chairman for identification; one copy shall be furnished to the executive secretary, and one copy to each other party of record or his attorney or representative.

(c) **Excluded exhibits.** In the event an exhibit has been identified, objected to, and excluded, the chairman shall determine whether or not the person offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn, it shall be given an exhibit number for identification, shall be endorsed by the chairman with his ruling, and shall be included in the record for the purpose only of preserving the exception.

(d) **After hearing.** Unless specifically directed by the chairman, an exhibit will be permitted to be filed in any proceeding after the conclusion of the hearing. In the event the chairman allows an exhibit to be filed after the conclusion of the hearing, copies of the late-filed exhibit shall be served on all parties of records.

.022. Offer of Proof. When testimony is excluded by ruling of the board the person offering such evidence shall be permitted to make an offer of proof by dictating or submitting in writing the substance of the proposed testimony, prior to the conclusion of the hearing, and such offer of proof shall be sufficient to preserve the point for review by the board. The board may ask such questions of the witness as they deem necessary to satisfy himself that the witness would testify as represented in the offer of proof. An alleged error in sustaining an objection to questions asked on cross-examination may be preserved without making an offer of proof.

.023. Depositions. The taking and use of depositions in any proceeding shall be governed by Section 14 of the Administrative Procedure and Texas Register Act.

.024. Subpoenas. Subpoenas for the attendance of a witness from any place in the State of Texas at a hearing in a pending proceeding, may be issued by the executive secretary in accordance with the Land Surveying Practices Act of 1979.

.025. Oral Argument. Any party may request oral argument prior to the final determination of any proceeding, but oral argument shall be allowed only in the sound discretion of the chairman. A request for oral argument may be incorporated in exceptions, brief replies to exceptions, motions for rehearing, or in separate pleadings.

.026. Final Decisions and Orders. All final decisions, recommendations, and orders of the board shall be in writing and shall be signed by the chairman. A final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by concise and explicit statement of the underlying facts supporting the findings. If, in accordance with agency rules, a party submits proposed findings of fact, the decision shall include a ruling on each proposed finding. Parties shall be notified either personally or by mail of any decision or order. On written request, a copy of the decision, recommendation, or order shall be delivered or mailed to any party and to his attorney of record.

.027. Administrative Finality.

(a) A decision is final, in the absence of a timely motion for rehearing, and is final and appealable on the date of rendition or the order overruling the motion for rehearing, or on the date the motion is overruled by operation of law.

(b) If the executive secretary finds that an imminent peril to the public health, safety, or welfare requires immediate effect of a final decision or order in a contested case, it shall recite the finding in the decision or order as well as the fact that the decision or order is final and effective on the date rendered, in which event the decision or order is final and appealable on the date rendered and no motion for rehearing is required as a prerequisite for appeal.

.028. Motions for Rehearing. A motion for rehearing is a prerequisite to an appeal. A motion for rehearing must be filed within 15 days after the date of rendition of a final decision or order. Replies to a motion for rehearing must be filed with the executive secretary within 25 days after the date of rendition of the final decision or order.

.029. Rendering of Final Decision, Recommendation, or Order. The final decision, recommendation, or order must be rendered within 60 days after the date the hearing is finally closed.

.030. Notice of Board's Order.

(a) Any order refusing an application shall state the reasons for refusal, and a copy of the order shall be delivered immediately to the applicant.

(b) An order revoking or suspending a license shall state the reasons for the revocation or suspension, and a copy of the order shall be delivered immediately to the licensee.

(c) Delivery of the board's recommendation of refusal, revocation, or suspension may be given by:

- (1) personal service upon an individual applicant or licensee; or
- (2) sending such notice by United States certified mail addressed to the business premises of the applicant or licensee.

Notice is complete upon performance of any of the above.

.031. The Record.

(a) The record of a hearing shall include:

- (1) all pleadings, motions, and intermediate rulings;
- (2) evidence received or considered;
- (3) a statement of matters officially noticed;
- (4) questions and offers of proof, objections, and rulings on them;
- (5) proposed findings and exceptions;
- (6) any decision, opinion, or report by the chairman presiding at the hearing; and
- (7) all staff memoranda or data submitted to or considered by the board in making the decision.

(b) Findings of fact shall be based exclusively on the evidence presented and matters officially noticed.

.032. Ex Parte Consultations. Unless required for the disposition of ex parte matters authorized by law, the chairman delegated the authority to render decisions or to make findings of fact and conclusions of law in hearings may not communicate, directly or indirectly, in connection with any issue of fact or law with any party or his representative, except on notice and opportunity for all parties to participate.

.033. Appeals. Appeals will be in accordance with Article 5282c, Vernon's Annotated Civil Statutes, and the Administrative Procedure Act.

.034. Suspension of Rules. In any case in which a public emergency or imperative public necessity so requires, the board may suspend the operation of these rules.

Doc. No. 803565

Engineers Presently Practicing Surveying 408.01.06

In adopting these rules, the board recognizes two important requirements it must meet: first, to respect the right to his means of livelihood of the individual who has conscientiously prepared himself to practice the profession of land surveying; and second, to do what is within the power of the board to protect the public against dangers arising from attempts of incompetent or unscrupulous persons to practice said profession.

This rule is adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. Registered Professional Engineer in Texas. An engineer now engaged in the practice of land surveying may continue to do so until June 13, 1980, or, if he has an application pending with the board, until such time as the board has taken action on such application.

Doc. No. 803566

Temporary Permits 408.01.07

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. Temporary Permits. Upon written notification, as outlined in Section 4(5) of the Land Surveying Practices Act of 1979, a temporary permit to practice for not more than 60 days in any calendar year will be granted, provided that the person applying shall be legally qualified to so practice in another state and shall have filed with this board an application for reciprocal registration and shall have paid the fee required. Such exemption shall continue only for such time as the board requires for the consideration of the application for registration.

Doc. No. 803567

Firms Furnishing Surveying Crews 408.01.08

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. Firms Furnishing Surveying Crews. Any firm furnishing land surveying crews must have a registered public surveyor as a principal in that firm.

Doc. No. 803568

Surveyor-in-Training 408.01.09

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. Minimum Education and Application Fees. Applicants under Section 15(d) of the Act shall have a high school education or its equivalent. The application fee for a surveyor-in-training shall be \$50 and such application shall be valid for four years.

.002. Basic Examinations.

(a) Surveyor-in-training applicants with a high school education or its equivalent, who have a minimum of two years experience, of which an aggregate of 1-1/2 years must be in boundary land surveying, may take fundamentals of surveying portion of the examination.

(b) Surveyor-in-training applicants with 32 semester hours of study or its academic equivalent in any combination of courses in civil engineering, land surveying, mathematics, photogrammetry, forestry, or land law and the physical sciences, and a minimum of one year experience in boundary land surveying may take the fundamentals of surveying and computation portions of the examination. If an applicant makes 70% or better on each portion of the examination, a surveyor-in-training certificate will be issued to the applicant. An applicant failing any portion of the examination will be required to make 75% or greater on the second examination and pay the fee as required in (b)(4) of this rule. If applicant fails a second examination, a new application and fee will be required.

(1) Upon successful completion of the fundamentals of surveying portion of the examination, the applicant shall be certified as a surveyor-in-training.

(2) A surveyor-in-training applicant who has a high school education or its equivalent and has become a surveyor-in-training under subsection (a) or (b) may after receiving an additional two years boundary land surveying experience and upon completion of a course of study as outlined by the board, tailored to that individual's needs and geographic location may then be permitted to pay the remaining fees and to take the remainder of the examination and if the applicant passes, then he is registered.

(3) It is the responsibility of the applicant to update his application each year on or before the anniversary date thereof. If a surveyor-in-training applicant does not update the application within 30 days after the anniversary date of his application, such application will be closed and the applicant so notified at his last known address.

(4) The examination fee for a surveyor-in-training shall be prorated to 1/4 of the first examination fee for each portion of the examination taken. This fee entitles the surveyor-in-training applicant to one examination.

(5) A certificate as a surveyor-in-training does not entitle an individual to practice as a registered public surveyor. Any applicant withdrawing from the surveyor-in-training program after being certified as a surveyor-in-training shall reapply as provided for under the appropriate section of the Act, and shall not be eligible for further consideration as a surveyor-in-training and shall pay the fee, as set by the board, for subsequent examinations and shall be required to repeat the entire examination.

Doc. No. 803569

Standards of Responsibility and Rules of Conduct 408.02.00

These rules are adopted under the authority of Article 5282c, Vernon's Annotated Civil Statutes.

.001. *Ethical Standards.*

(a) Inasmuch as the practice of the land surveying profession is essential to the orderly use of our physical environment, and, inasmuch as the technical work resultant thereof has important effects on the welfare, property, economy, and security of the public, the practice should be conducted with the highest degree of moral and ethical standards. And inasmuch as the state legislature has vested in the Texas Board of Land Surveying the authority, power, and duty to establish and enforce standards of conduct and ethics for public surveyors and licensed state land surveyors to ensure compliance with and enforcement of the Texas Board of Land Surveyors, the following standards of responsibility and rules of conduct are hereby promulgated and adopted by the board.

(b) So that every applicant for registration as a public surveyor or licensed state land surveyor shall be fully aware of the great obligation and responsibility due the public, the standards of responsibility are promulgated by the board. In furtherance of this intent, every registrant should endorse the standards of responsibility.

.002. *Intent.*

(a) The intent shall be:

- (1) to create standards of responsibility as guidelines for the profession; and
- (2) to create rules of conduct for governance of the profession.

(b) The rule shall be binding on all registrants, but nothing contained therein shall be construed to supersede the statutory law of the state.

(c) The board shall determine what acts constitute violation of the rules and shall institute appropriate disciplinary action which may lead to the revocation of the registration in accordance with the state statutes.

.003. *Offer To Perform Services.* The client or employer is entitled to a careful and competent performance of services. Competence in performance of services requires the exercise of proficiency, reasonable care, and diligence. Therefore, every effort should be made to remain proficient in a field of endeavor, and employment for services to be rendered should not be accepted unless such services can be competently performed. The registrant:

- (1) shall accurately and truthfully represent to any prospective client or employer his capabilities and qualifications to perform the services to be rendered;
- (2) shall not offer to perform, nor perform, services for which he is not qualified in any of the technical fields involved, by education or experience, without retaining the services of another who is so qualified;
- (3) shall not evade his statutory responsibility nor his responsibility to a client or employer.

.004. *Conflict of Interests.* The acceptance of employment, or engagement to perform services, creates the duties of agent toward the client or employer, requiring the faithful discharge of duty and performance of services, as well as the avoidance of any conflict of interests. All dealings with a client or employer, and all matters related thereto should be kept in the closest confidence. Should an unavoidable con-

flict of interest arise, the client or employer should be immediately informed of any and all circumstances which may hamper or impair the quality of the services to be rendered. The registrant:

- (1) shall not agree to perform services for a client or employer if there exists any significant financial or other interest that may be in conflict with the obligation to render a faithful discharge of such services, except with the full knowledge, approval, and consent of the client or employer;
- (2) shall not continue to render such services without informing the client or employer, and all other parties involved, of any and all circumstances involved which may in any way affect the performance of such services, and then only with the full approval of the client or employer;
- (3) shall not perform, nor continue to perform services for a client or employer, if the existence of conflict of interest would impair independent judgment in rendering such services;
- (4) shall withdraw from employment at any time during such employment or engagement when it becomes apparent that it is not possible to faithfully discharge the duty and performance of services owed the client or employer, and then only upon reasonable notice to the client or employer;
- (5) shall not accept remuneration from any party other than his client or employer for a particular project, nor have any other direct or indirect financial interest in other service or phase of service to be provided for such project, unless the client or employer has full knowledge and so approves;
- (6) shall keep inviolate the confidences of his client or employer, except as otherwise required in the rules of conduct.

.005. *Representations.* The highest degree of integrity, truthfulness, and accuracy should be paramount in all dealings with, and representations to, others by not misleading in any way the other's understandings of personal qualifications or information regarding a project. The registrant:

- (1) shall not enter into a partnership or any agreement in which any person not legally and actually qualified to perform the services to be rendered has any control over his independent judgment as related to the welfare, property, economy, and security of the public;
- (2) shall not indulge in publicity that is false, misleading, or deceptive;
- (3) shall not misrepresent the amount or extent of prior education or experience to any employer or client, nor to the board;
- (4) shall as accurately and truthfully represent to a prospective client or employer the costs and completion time of a proposed project as is reasonably possible;
- (5) shall not hold out as being engaged in partnership or association with any person or firm unless there exists in fact a partnership or association;
- (6) shall not recommend to a client services of another for the purpose of collecting a fee for himself for those services.

.006. *Unauthorized Practice.* All reasonable assistance in preventing the unauthorized practice of land surveying should be given the board. Unauthorized practice should not be aided in any way. The registrant:

- (1) shall make known to the board any unauthorized practice of which he has personal knowledge;

(2) shall divulge any information, of which he has personal knowledge, related to any unauthorized practice to the board upon request of the board or its authorized representatives;

(3) shall not delegate responsibility to, nor in any way aid or abet, an unauthorized person to practice, or offer to practice.

.007. Maintenance of Standards. Aid should be given the board in maintaining the highest standards of integrity and competence of those in its subject profession and occupation. The registrant:

(1) shall furnish the board with any information that comes into his possession, indicating that any person or firm has violated any of the provisions of the registration laws or code;

(2) shall furnish any information he might have concerning any alleged violation of the registration laws or code upon request of the board or its authorized representatives.

.008. Adherence to Statutes and Codes. Strict adherence to practice requirements of related sections of the statutes, the state code, and all local codes and ordinances should be maintained in all services rendered. The registrant:

(1) shall abide by, and conform to, the registration and licensing laws of the state;

(2) shall abide by, and conform to, the provisions of the state code and all local codes and ordinances;

(3) shall not violate nor aid and abet another in violating a rule of conduct nor engage in any conduct that may adversely affect his fitness to practice;

(4) shall not sign nor impress his seal or stamp upon documents not prepared by him or under his control or knowingly permit his seal or stamp to be used by any other person.

.009. Professional Conduct.

(a) Competitive bidding for professional surveying services is not in the best interest of the public and is a form of solicitation and is a conduct contrary to the practice of all learned professions in the State of Texas; therefore,

(b) the surveyor shall not offer or promise to pay or deliver, directly or indirectly, any commission, political contribution, gift, favor, gratuity, benefit, or reward as an inducement to secure any specific surveying work or assignment; providing and excepting, however, that a surveyor may pay a duly licensed employment agency its fee or commission for securing surveying employment in a salaried position.

(c) The surveyor shall not make, publish, or cause to be made or published, any representation or statement concerning his professional qualifications or those of his partners, associates, firm, or organization which is in any way misleading, or tends to mislead the recipient thereof, or the public, concerning his surveying education, experience, specialization, or any other surveying qualification.

(d) The public shall be provided every reason for relying upon the surveyors' seals, signatures, or professional identification on all documents, plats or maps, surveyors' reports, plans, or other surveying data on which they appear as a representation that the surveyors whose seals, signatures, or professional identification appear thereon, have personal knowledge thereof and that they are professionally responsible therefor.

.010. Disciplinary Rules. The surveyor shall not:

(1) violate any provision of the Land Surveying Practices Act of 1979 or disciplinary rule thereof;

(2) circumvent or attempt to circumvent any provision of the Land Surveying Practices Act of 1979 or disciplinary rule thereof through actions of another;

(3) participate, directly or indirectly, in any plan, scheme, or arrangement attempting to or having as its purpose the evasion of any provision of the Land Surveying Practices Act of 1979;

(4) fail to exercise reasonable care or diligence to prevent his partners, associates, or employees from engaging in conduct which if done by him, would violate any of the provisions of the the Land Surveying Practices Act of 1979;

(5) engage in any illegal conduct involving moral turpitude;

(6) engage in any conduct that discredits or attempts to discredit the profession of surveying;

(7) permit or allow himself, his professional identification, seal, form, or business name, or his service to be used or made use of, directly or indirectly, or any manner whatsoever, so as to make possible to create the opportunity for the unauthorized practice of surveying by any person, firm, or corporation of this state;

(8) perform any acts, allow any omission, or make any assertions or representations which are fraudulent, deceitful, or misleading, or which in any manner whatsoever, tend to create a misleading impression;

(9) injure or attempt to injure or damage the professional reputation of another by any means whatsoever; provided and except, however, that this shall not relieve the surveyor of the obligation to expose unethical or illegal conduct to the proper authorities or preclude a frank but private appraisal of surveyors or other persons or firms considered for employment;

(10) aid or abet, directly or indirectly, any unlicensed person in connection with the unauthorized practice of surveying or any firm or corporation in the practice of surveying unless carried on in accordance with the Land Surveying Practice Act of 1979.

Issued in Austin, Texas, on May 8, 1980.

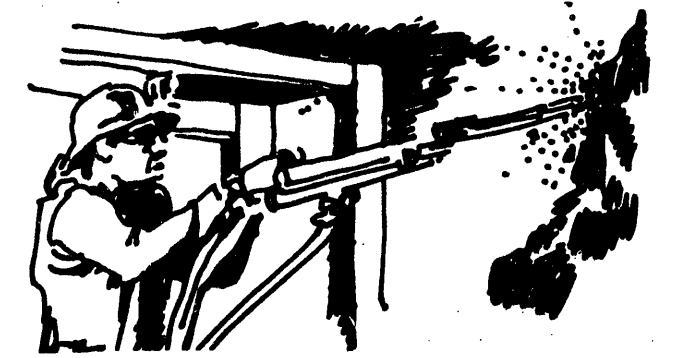
Doc. No. 803570

Betty J. Pope
Executive Secretary
Texas Board of Land Surveying

Effective Date: May 30, 1980

Proposal Publication Date: March 25, 1980

For further information, please call (512) 452-9427.



The Open Meetings Act (Article 6252-17, Texas Civil Statutes) requires that an agency with statewide jurisdiction have notice posted for at least seven days before the day of a meeting. A political subdivision covering all or part of four or more counties, or an institution of higher education, must have notice posted for at least 72 hours before the scheduled meeting time. Notice of an emergency meeting or an emergency addition or amendment to an agenda must be posted for at least two hours before the meeting is convened. Although some notices may be received and filed too late for publication before the meetings are held, all filed notices will be published in the *Register*. Each notice published includes an agenda or a summary of the agenda as furnished for publication by the agency and the date and time of filing. Notices are posted on the bulletin board outside the offices of the secretary of state on the first floor in the East Wing of the State Capitol. These notices may contain more detailed agendas than space allows to be published in the *Register*.

Texas Aeronautics Commission

Friday, May 16, 1980, 10 a.m. The Texas Aeronautics Commission conducted an emergency conference call from Room 107, State Office Building, 410 East 5th Street, Austin. The commission met in executive session to discuss the appointment of a director. Urgent public necessity required the meeting on less than seven days notice because of the need to hire a permanent director. The agency is functioning with an interim director.

Additional information may be obtained from Gwendolyn H. Webb, 410 East 5th Street, Austin, Texas, telephone (512) 475-4768.

Filed: May 12, 1980, 4:28 p.m.
Doc. No. 803636

Texas Alcoholic Beverage Commission

Tuesday, May 27, 1980, 10:30 a.m. The Texas Alcoholic Beverage Commission will meet in Room 210 of the Jefferson Building, 1600 West 38th Street, Austin. The commission will approve minutes of the April 1980 meeting; hear the administrator's report on agency activity; approve affidavit for destruction of tested alcoholic beverages; and consider TABC budget submission for fiscal year 1982-83.

Additional information may be obtained from W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, telephone (512) 458-2500.

Filed: May 13, 1980, 10:02 a.m.
Doc. No. 803639

Texas Amusement Machine Commission

Thursday, May 22, 1980, 2 p.m. The Texas Amusement Machine Commission will meet in the second floor conference room of Twin Towers, 1106 Clayton Lane, Austin. The commission will discuss the Advisory Committee composition; present and discuss the auditor's report and management letter from the state auditor's office; present and discuss the proposed budget for fiscal years 1982 and 1983; consider pro-

posed changes concerning licensing and enforcement procedures; hear a report on current operations, and Advisory Committee reports and recommendations.

Additional information may be obtained from Jackie L. Vaughan, P.O. Box 13226, Austin, Texas 78711, telephone (512) 475-5651.

Filed: May 14, 1980, 2:28 p.m.
Doc. No. 803675

Texas Board of Architectural Examiners

Friday, May 30, 1980, 9 a.m. The Texas Board of Architectural Examiners will meet in Building H-117, 5555 North Lamar, Austin. According to the agenda summary, the board will consider the following: approval of minutes; examinations; reciprocity; reinstatements; renewals; budget; rules and regulations; registration law; and violations.

Additional information may be obtained from Philip D. Creer, 5555 North Lamar, Building H-117, Austin, Texas 78751, telephone (512) 458-1363.

Filed: May 15, 1980, 10:03 a.m.
Doc. No. 803684

State Banking Board

Tuesday, May 20, 1980, 2 p.m. The State Banking Board will meet at 2601 North Lamar, Austin. According to the agenda, the board will conduct a voting session on the following: interim charter application—Sunbelt State Bank, Brownwood; interim charter application—West University Bank, Houston; domicile change—Texas Bank, San Antonio; rescinding interim charter—Allied Travis Bank, Austin. The board will also review applications approved, but not yet open.

Additional information may be obtained from Ruth Amberg, 2601 North Lamar, Austin, Texas 78701, telephone (512) 475-4451.

Filed: May 12, 1980, 4:15 p.m.
Doc. No. 803623

Texas Civil Air Patrol Commission

Monday, June 2, 1980, 1:30 p.m. The Texas Civil Air Patrol Commission will meet at 5805 North Lamar, Austin, to elect officers and consider the fiscal year 1982-83 budget.

Additional information may be obtained from Frank T. Cox, P.O. Box 4087, Austin, Texas 78773, telephone (512) 452-0331, ext. 2434.

Filed: May 14, 1980, 2:07 p.m.
Doc. No. 803671

Texas Department of Community Affairs

Thursday, May 22, 1980, 9:30 a.m.-4:45 p.m. The State Employment and Training Council Manpower Services Division of the Texas Department of Community Affairs will meet in emergency session in the Brazos Room of the

Sheraton Crest Inn, 111 East 1st Street, Austin. According to the agenda, the division will discuss the following: council activities and budget for fiscal year 1980; SETC activities and budget for fiscal year 1981; overview of fiscal year 1981 allocations or preliminary planning estimates; overview of proposed fiscal year 1981 of governor's coordination and special grants; overview of prime sponsor operations (six month period); review of prime sponsor summer youth allocations and related activities; and staffing arrangements for the SETC. If needed, the division will also meet in executive session pursuant to Texas Revised Civil Statutes Annotated, Article 6252-17(2)(g)(1974), to discuss appointment and duties of personnel. Urgent public necessity requires this meeting on less than seven days' notice.

Additional information may be obtained from L. C. Harris III, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6216.

Filed: May 15, 1980, 9:42 a.m.
Doc. No. 803685

Texas Department of Corrections

Thursday, May 22, 1980, 1:30 p.m. The Texas Department of Corrections Board will meet in the Lieutenant Governor's Committee Room (Room 220) in the State Capitol, to consider land acquisition by the department for a prison site—La Casita Farms, Starr County.

Further information may be obtained from W. J. Estelle, Jr., P.O. Box 99, Huntsville, Texas 77340, telephone (713) 295-6371, ext. 160.

Filed: May 14, 1980, 2:06 p.m.
Doc. No. 803673

Thursday, May 22, 1980, 2 p.m. The Approval Board of the Texas Department of Corrections will meet in the Lieutenant Governor's Committee Room (Room 220) in the State Capitol to consider land acquisition by the department for a prison site, La Casita Farm, Starr County.

Additional information may be obtained from Linda Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, telephone (512) 475-2071.

Filed: May 13, 1980, 9:34 a.m.
Doc. No. 803638

Texas State Board of Dental Examiners

Friday, May 16, 1980, 9 a.m. The Texas State Board of Dental Examiners has made emergency additions to the agenda of a meeting held in the board meeting room, Baylor College of Dentistry, Dallas. The following items were added to the agenda: discussion of investigations and investigators' work areas; report by Dr. Wilbanks on Mexican dental schools and his visit with a reporter; interviews of applicants for appointment to Dental Hygiene Advisory Committee; and adoption of Rule 382.19.20.003 (discussion postponed from the May 9, 1980, meeting). These emergency additions were made on less than seven days notice because the items were brought about by information received by the board at its San Antonio meeting on May 9, 1980, and needed further discussion and information.

Additional information may be obtained from Carl C. Hardin, 7th and Brazos Streets, Southwest Tower, Austin, Texas 78701, telephone (512) 475-2443.

Filed: May 13, 1980, 3:47 p.m.
Doc. No. 803649

Saturday, May 17, 1980, 9 a.m. The Texas State Board of Dental Examiners held an emergency conference in the board meeting room, Baylor College of Dentistry, Dallas, with Dr. Charles Johnson, an applicant who failed the March 1980 examination. The board agreed to meet with Dr. Johnson on May 17, because he lives out of state and could not attend the May 16, 1980, board meeting. The emergency meeting was scheduled on less than seven days notice because of scheduling problems and a late request submitted by Dr. Johnson.

Additional information may be obtained from Carl C. Hardin, 7th and Brazos Streets, Southwest Tower, Austin, Texas 78701, telephone (512) 475-2443.

Filed: May 13, 1980, 3:48 p.m.
Doc. No. 803650

Texas Department of Health

Wednesday and Tuesday, June 11 and 24, 1980, 9 a.m. and 10 a.m. respectively. The Texas Department of Health will conduct hearings at the following times and locations:

June 11, 1980, 9 a.m., Kilgore Community Inn, 801 Highway 259, Kilgore—application 1327 of Tiger Corporation to operate a proposed Type I municipal solid waste disposal site to be located immediately south of the Sabine River, 0.5 mile west of U.S. Highway 259, 0.7 mile north of FM Highway 1252 (Spinks-Chapman Road), 0.8 mile north of the intersection of U.S. Highway 259 and IH 20, 1.1 miles east of State Highway 42, 2.7 miles north of the Kilgore city limits, and 2.9 miles south of the Longview city limits, Gregg County

June 24, 1980, 10 a.m., Room 232 (Library), Fort Worth—application 1241 of Bajemi Corporation to operate a proposed Type IV disposal site to be located at One Western Oaks, approximately 0.5 mile west of Silver Creek Road and 1.5 miles south of FM Highway 1886, Tarrant County

Additional information may be obtained from Jack Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7271.

Filed: May 13, 1980, 2:41 p.m.
Doc. No. 803655

Saturday, June 28, 1980, 9:30 a.m. The Texas Medical Disclosure Panel of the Texas Department of Health will meet in Room G107, 1100 West 49th Street, Austin. According to the agenda summary, the panel will review all pertinent letters concerning obstetrics-gynecology specialty; receive expert testimony from obstetrics-gynecology and urology representatives; consider progress report on work of the committee on administrative details on implementing use of the disclosure and consent form; and complete deliberation on general surgery procedures.

Additional information may be obtained from E. P. Tottenham, M.D., 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7528.

Filed: May 13, 1980, 2:58 p.m.
Doc. No. 803654

Texas Health Facilities Commission

Friday, May 23, 1980, 9:30 a.m. The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications as summarized on the agenda:

certificate of need

DeTar Hospital, Victoria
AH79-0926-013

exemption certificate

St. Joseph Hospital, Houston
AH80-0319-025

Hendrick Medical Center, Abilene
AH80-0418-014

declaratory ruling

Bell County Health Department Family Planning Program, Temple
AO80-0104-004

amendment of certificate of need order

Scott and White Memorial Hospital for Scott and White
Killeen Renal Dialysis Center, Killeen
AH79-0315-015A (040980)

motion for reconsideration and rehearing

Oak Cliff Medical and Surgical Hospital, Inc., Dallas
AH75-0929-078 (791016021)

Further information may be obtained from O.A. Cassity III, P.O. Box 15023, Austin, Texas 78761, telephone (512) 475-6940.

Filed: May 14, 1980, 11:51 a.m.
Doc. No. 803668

State Department of Highways and Public Transportation

Wednesday and Thursday, May 21 and 22, 1980, 9 a.m. daily. The commission members of the State Department of Highways and Public Transportation will meet in the large hearing room on the first floor and in Room 207 of the State Highway Building, 11th and Brazos Streets, Austin. According to the agenda summary, various highway, bridge, and FM road request presentations will be made by persons from Harris and Cameron Counties in the large hearing room. (Docket is available in the second floor commission office in the State Highway Building.) Upon completion of public presentations, the commission will adjourn to Room 207 to execute contract awards and routine minute orders. The commission will consider decisions on presentations from public hearing dockets, and review staff reports relative to planning and construction programs and projects. The complete agenda is available in the second floor office of the minute clerk in the State Highway Building.

Additional information may be obtained from the engineer-director's office, 11th and Brazos Streets, State Highway Building, Room 203, Austin, Texas, telephone (512) 475-3525.

Filed: May 13, 1980, 9:21 a.m.
Doc. No. 803637

State Board of Insurance

Tuesday, May 20, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application for admission of SAI-Industrial Assurance Company (U.S. Branch), New York, New York—Docket 5972.

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

Filed: May 12, 1980, 2:51 p.m.
Doc. No. 803617

Tuesday, May 20, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application for admission of Lumbermans National Insurance Company, Indianapolis, Indiana—Docket 5995.

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

Filed: May 12, 1980, 2:51 p.m.
Doc. No. 803618

Tuesday, May 20, 1980, 2:30 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application for admission of Lumbermans Life Insurance Company, Indianapolis, Indiana—Docket 5996.

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

Filed: May 12, 1980, 2:51 p.m.
Doc. No. 803619

Wednesday, May 21, 1980, 9 a.m. The State Board of Insurance will meet in rescheduled session in Room 408, 1110 San Jacinto Street, Austin. According to the agenda, the State Board of Insurance will conduct a public hearing to consider the appeal of National Home Life Assurance Company, Frazer, Pennsylvania from Commissioner's Orders 79-3461 and 80-0009—Docket 1144. Postponed from April 2, 1980.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 12, 1980, 2:51 p.m.
Doc. No. 803620

Wednesday, May 21, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application for certificate of authority of Cumberland Life Insurance of Texas, Irving—Docket 5921.

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

Filed: May 12, 1980, 2:51 p.m.
Doc. No. 803621

Wednesday, May 21, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application for a certificate of authority of American Financial Life Insurance Company, Dallas—Docket 5890.

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

Filed: May 12, 1980, 2:51 p.m.
Doc. No. 803622

Thursday, May 22, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the revocation of any and all insurance licenses issued to James Richard Anderson, Lubbock, by the State Board of Insurance—Docket 5974.

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

Filed: May 12, 1980, 2:52 p.m.
Doc. No. 803627

Thursday, May 22, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application of Financial Security Group, a Texas general partnership, to acquire control of Financial Security Life Insurance Company of Texas, Wascom—Docket 6014.

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

Filed: May 12, 1980, 2:52 p.m.
Doc. No. 803628

Friday, May 23, 1980, 10 a.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application of Ambassador Life Insurance Company, Houston, for a certificate of authority—Docket 5957.

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

Filed: May 12, 1980, 2:52 p.m.
Doc. No. 803629

Friday, May 23, 1980, 2 p.m. The Commissioner's Hearing Section of the State Board of Insurance will meet in Room 342, 1110 San Jacinto Street, Austin. According to the agenda, the commissioner of insurance will conduct a public hearing to consider the application for original incorporation of West Texas Fidelity Life Insurance Company, Lubbock.

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

Filed: May 12, 1980, 2:52 p.m.
Doc. No. 803630

Tuesday, June 3, 1980, 9 a.m. The State Board of Insurance will conduct a public hearing in Room 408, 1110 San Jacinto, Austin, to consider revision of Texas multiperil rates, premiums, rating plans, amendments to the general basis schedules, and all other rating matters pertaining to Texas multiperil insurance.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 15, 1980, 10:04 a.m.
Doc. No. 803683

Thursday, June 12, 1980, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, with American Association of Insurance Services, concerning Inland Marine Bulletins 80-1 and 80-3.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 14, 1980, 10:15 a.m.
Doc. No. 803661

Tuesday, June 24, 1980, 10 a.m. The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, to consider a presentation by Commercial Union Assurance Companies of their custom auto program, for information purposes only.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: May 14, 1980, 10:15 a.m.
Doc. No. 803662

Texas Advisory Commission on Intergovernmental Relations

Friday, May 23, 1980, 9 a.m. The Committee for the Project to Revise the Model Rules for Law Enforcement Officers of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 118 and 119 of the Stephen F. Austin Building, 17th and Congress, Austin. The committee will consider the Model Rules chapters on child abuse, execution of arrest warrants, and use of force; and hold final discussion and approve chapters on misdemeanor field release by citation, execution of search warrants, warrantless search and seizure, and disorderly conduct.

Additional information may be obtained from Stan Kantrowitz, 17th and Congress, Austin, Texas, telephone (512) 475-3728.

Filed: May 14, 1980, 3:39 p.m.
Doc. No. 803681

Texas Board of Irrigators

Wednesday, May 21, 1980, 9 a.m. The Texas Board of Irrigators will meet in Room 513 (Executive Conference Room) of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider the following: minutes of previous meeting; certification of the May licensed irrigator examination results; date for the next licensed irrigator examination; information furnished regarding study materials; licensed installer examination; responses of various cities the board has information about Article 8751, Vernon's Texas Civil Statutes; exemptions in Section 2 of Article 8751; issuance of application forms; the chairman's report; authority of retail businesses under Article 8751; subcontractor licensing under Article 8751; and whether to request the Texas Attorney General to take appropriate legal action against Otis Milligan, Eluterio Beltran, Richard Beene, Bill Ludlam, and Steven DePrey.

Additional information may be obtained from Joyce Watson, P.O. Box 12337, Austin, Texas 78711, telephone (512) 475-8161.

Filed: May 12, 1980, 4:15 p.m.
Doc. No. 803631

Texas Department of Labor and Standards

Tuesday, June 3, 1980, 1 p.m. The Boiler Division of the Texas Department of Labor and Standards will meet in Room 100B of the John H. Reagan Building, Austin, to study and discuss the effects of the department's rules published in the May 6, 1980, issue of the *Texas Register* upon industry in the state.

Additional information may be obtained from Thomas M. Wedemeir, Box 12157, Austin, Texas 78711, telephone (512) 475-4799.

Filed: May 13, 1980, 2:20 p.m.
Doc. No. 803645

Texas Board of Licensure for Nursing Home Administrators

Tuesday, May 13, 1980, 10 a.m. The Texas Board of Licensure for Nursing Home Administrators met in emergency closed session at 7333 Highway 290 East, Austin, under the authority of Section II G of the Open Meetings Act, to discuss pending litigation.

Additional information may be obtained from Mable Staton, 7333 Highway 290 East, Austin, Texas 78723, telephone (512) 926-9530.

Filed: May 12, 1980, 1:44 p.m.
Doc. No. 803615

Texas Motor Vehicle Commission

Thursday, May 22, 1980, 9:30 a.m. The Texas Motor Vehicle Commission will meet in Suite 200 of the National Building, 815 Brazos Street, Austin. According to the agenda summary, the commission will consider the hearing report and final orders in the following proceedings: 181—application of Superior Pontiac Company, San Antonio; 195—James A. Swinney, Jr., complainant v. Durant Chevrolet Company and Chevrolet Motor Division, GMC, respondents. The commission will also hear the financial report.

Additional information may be obtained from Russell Harding, 815 Brazos Street, National Building, Suite 200, Austin, Texas, telephone (512) 476-3587.

Filed: May 13, 1980, 10:28 a.m.
Doc. No. 803641

State Occupational Information Coordinating Committee

Thursday, May 29, 1980, 1 p.m. The Technical Steering Group of the State Occupational Information Coordinating Committee will meet in Room 504(A) of the TEC Building, 12th and Trinity, Austin. The group will adopt minutes of the previous meeting; consider SOICC Project review; and discuss program plans for fiscal year 1981.

Additional information may be obtained from Edmund F. Ney, 12th and Trinity, Austin, Texas 78778, telephone (512) 397-4970.

Filed: May 14, 1980, 12:43 p.m.
Doc. No. 803670

Texas Optometry Board

Thursday, May 22, 1980, 1:30 p.m. The Texas Optometry Board will meet at the Hilton Inn, Austin. According to the agenda summary, committees of the board will meet at 1:30 p.m. At 2 p.m. the general board meeting will begin, at which time the following items will be discussed: reports of secretary-treasurer, legal counsel and committees; old business—Section 5.10 of Act and Attorney General opinions, (if received); new business—request for duplicate license; IAB meeting in Denver, Colorado; letters sent to licensees; cancellation of licenses; renewal card and certificate; and Sunset

Review. The board will also meet in executive session to discuss pending litigation with the board attorney in accordance with Section 2(e) of Article 6252-17, Open Meetings Act. If necessary, the board will continue the meeting the following morning. Members will attend the Sunset Commission hearings May 23, 1980, at 2 p.m.

Additional information may be obtained from Lois Ewald, 5555 North Lamar, Commerce Park, Suite H-101, Austin, Texas 78751, telephone (512) 458-2141 or (STS) 824-1595.

Filed: May 14, 1980, 2:07 p.m.
Doc. No. 803672

Board of Pardons and Paroles

Tuesday-Friday, May 27-30, 1980, 9 a.m. daily. The Board of Pardons and Paroles will meet in Room 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 the agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: May 12, 1980, 4:11 p.m.
Doc. No. 803635

Wednesday, May 28, 1980, 9 a.m. The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: May 12, 1980, 4:11 p.m.
Doc. No. 803634

State Pension Review Board

Wednesday, May 21, 1980, 10 a.m. The State Pension Review Board will meet in Room 100E of the John H. Reagan Building, 105 West 15th Street, Austin. The board will consider reports on Conference on State Pension Commissions (Washington, D.C.) and Municipal Finance Officers Association Conference (Phoenix); and presentation by Thomas Bleakney comparing the benefit formulas of plans under study by the actuarial firm of Milliman and Robertson.

Additional information may be obtained from Rita Horwitz, John H. Reagan Building, Room 200, Austin, Texas, telephone (512) 475-8332.

Filed: May 13, 1980, 3 p.m.
Doc. No. 803648

Texas State Board of Physical Therapy Examiners

Saturday, May 24, 1980, 3:30 p.m. The Texas State Board of Physical Therapy Examiners will meet in Room 1600-A, Dallas Sheraton Hotel, Southland Center, Dallas. The agenda includes consideration of the Sunset Advisory Commission staff report; 1982 83 budget request; rule discussion to allow fourth examination; transcutaneous nerve stimulation; and miscellaneous board business. The agenda also includes a rule discussion to allow a fourth examination.

Additional information may be obtained from Lois M. Smith, 5555 North Lamar, H-135, Austin, Texas, telephone (512) 475-7956.

Filed: May 15, 1980, 10:04 a.m.
Doc. No. 803682

Public Utility Commission of Texas

Wednesday, May 21, 1980, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda, the commission will consider adoption of proposed rules and meet in executive session to discuss personnel matters.

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

Filed: May 12, 1980, 4:12 p.m.
Doc. No. 803632

Friday, May 23, 1980, 9 a.m. The Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin. According to the agenda summary, the commission will consider final orders and hear oral argument in the following dockets: 2869; 2916; 2948 and 2981; 3047; 3032; 2978; 2984; 3017 and 2639; 2880 and 2856; 2354; 3025; 3182; 2636; 2581; 2529; 2305; 2356; 2418; 2556; 2584; 2789; 3037; 3090; 3161; 2572 and 3145; 3091; 3101; 3119; 3139; 3159; 3160; 3163; 3164; 3169; 3183; 3184; 3185; 3186; 3188; 3189; 3194; 3197; 3209; and 3227.

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

Filed: May 13, 1980, 3:01 p.m.
Doc. No. 803652

Thursday, June 5, 1980, 10 a.m. The Hearings Division of the Public Utility Commission of Texas will meet in Suite 450N, 7800 Shoal Creek Boulevard, Austin, for a prehearing conference in Docket 2416—application of Guadalupe Valley Telephone Cooperative, Inc., to revise depreciation rates.

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

Filed: May 14, 1980, 2:06 p.m.
Doc. No. 803674

School Land Board

Tuesday, May 20, 1980, 10 a.m. An additional item has been included on the agenda of a meeting of the School Land Board which will meet in Conference Room 831 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The board will also consider retroactive fees for structures on coastal public lands.

Additional information may be obtained from Linda Fisher, 1700 North Congress Avenue, Stephen F. Austin Building, Room 835, Austin, Texas 78701, telephone (512) 475-2071.

Filed: May 12, 1980, 4:27 p.m.
Doc. No. 803625

Texas State Board of Examiners in Social Psychotherapy

Friday, May 23, 1980, 5 p.m. The Texas State Board of Examiners in Social Psychotherapy will meet in Conference Room T 507, 1100 West 49th Street, Austin. According to the agenda summary, the board will approve minutes of the May 3, 1980, meeting; consider committee reports on application screening, examination development, Sunset Committee, accreditation and training programs, and the Executive Committee, review licensure examination results, interviews with persons requesting information about examination results as provided for under Section 16 of the Social Psychotherapist Regulation Act; discuss matters pertaining to licensure, regulation, and practice of social psychotherapists; and set the date for the next meeting.

Additional information may be obtained from Daniel L. Boone, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7511.

Filed: May 13, 1980, 2:39 p.m.
Doc. No. 803653

Sunset Advisory Commission

Thursday and Friday, May 22 and 23, 1980, 10 a.m. and 9 a.m., respectively. The Sunset Advisory Commission will meet in Room E of the John H. Reagan Building, Austin. According to the agenda summary, on Thursday, the commission will consider tentative recommendations on those agencies classified in its work schedule as Group II agencies. Staff reports will then be presented on the Board of Vocational Nurse Examiners, Board of Nurse Examiners, Board of Psychologists, Real Estate Research Center, and Board of Physical Therapy Examiners. Public testimony will be heard on agencies whose staff reports were presented on April 17, 1980. Friday, public testimony will continue on those agencies whose staff reports were presented on April 17, 1980.

Additional information may be obtained from Cindy Unsell, 203 John H. Reagan Building, Austin, Texas 78701, telephone (512) 475-6565.

Filed: May 12, 1980, 2:49 p.m.
Doc. No. 803633

University Interscholastic League

Wednesday, June 4, 1980, 2-4 p.m. The State Executive Committee of the University Interscholastic League will meet in Room 3.102 of Sid Richardson Hall, University of

Texas, Austin, to consider violations of the athletic code. At 2 p.m. the committee will consider a violation by a San Diego fan, and at 3 p.m. a violation by a Junction coach.

Additional information may be obtained from Bailey Marshall, P.O. Box 8028, Austin, Texas 78712, telephone (512) 471-5883.

Filed: May 14, 1980, 3:21 p.m.
Doc. No. 803677

Board of Vocational Nurse Examiners

Tuesday-Thursday, May 20-22, 1980, 8 a.m. daily. The Board of Vocational Nurse Examiners makes an emergency addition to the agenda of a meeting to take place in the Sheraton-Crest Inn, 111 East First Street, Austin. The item adds a May 20, 1980, 8:30 a.m. board meeting to the agenda to consider minutes of the previous meeting; report of executive secretary; report of Division of Education; unfinished business; the budget proposal for the next biennium; announcements; and administrative hearings.

Additional information may be obtained from Waldeen D. Wilson, 5555 North Lamar, Commerce Park, Building H, Suite 131, Austin, Texas 78751, telephone (512) 458-1203.

Filed: May 13, 1980, 3:48 p.m.
Doc. No. 803651

Texas Water Commission

Wednesday, June 4, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by the City of Lorena for a water quality permit (12195-01) to authorize discharge of 150,000 gallons per day of treated domestic sewage to North Cow Bayou; thence into Cow Bayou; thence into the Brazos River Basin in McLennan County. The commission will also consider adoption of the adjudication of claims of water rights in the Lavaca River Basin and a portion of the Lavaca-Guadalupe Coastal Basin.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 13, 1980, 3:39 p.m.
Doc. No. 803656

Wednesday, June 11, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agenda, the commission will consider an application by Lumberman's Investment Corporation for Water Quality Permit 12200-01 to authorize discharge of 250,000 gallons per day of treated domestic sewage in Williamson County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 13, 1980, 3:39 p.m.
Doc. No. 803657

Wednesday, June 11, 1980, 10 a.m. The Texas Water Commission has included an additional item on the agenda of its meeting to be held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. As summarized on the agenda, the commission will also consider an application by the City of Burton for Water Quality Permit 12193-01 to authorize a discharge of 44,000 gallons per day of treated domestic sewage in the Brazos River Basin in Washington County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 13, 1980, 3:39 p.m.
Doc. No. 803658

Wednesday, June 18, 1980, 10 a.m. The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by Malone Service Company for a water quality permit (Application 90225) to authorize receipt, storage, processing, and disposal of Class I, II, and III industrial solid wastes in the vicinity of Swan Lake in Texas City.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 13, 1980, 3:39 p.m.
Doc. No. 803659

Texas Water Development Board

Tuesday, May 20, 1980, 8:30 a.m. The Texas Water Development Board will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the board will consider the following: minutes of previous meeting; status of the department's programs; status of the development fund; financial assistance to the City of Galveston, Town of Magnolia, and City of Laredo; status of the federal construction grant program for the month of April and a Step 2 and 3 grant increase for the City of Lacy Lakeview; recommendation to the governor that he designate certain cities and districts as waste treatment management agencies; interagency agreement with appropriate universities concerning 1972 Texas input-output model; contract with an appropriate organization to investigate potential water storage facilities on the Lower Rio Grande below Falcon Reservoir; interagency contract with the Governor's Office to support "Texas 2000" concerning study affecting future growth of Texas; contract with High Plains Underground WCD 1 to perform irrigation efficiency tests; and possible sale of Texas water development fund bonds. The board will also recess into executive session to discuss litigation relating to the department.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas, 78711, telephone (512) 475-3187.

Filed: May 12, 1980, 4:15 p.m.
Doc. No. 803626

Tuesday, May 20, 1980, 8:30 a.m. The Texas Water Development Board makes an emergency addition to the agenda of meeting to be held in Room 118 of the Stephen F. Austin State Office Building, 1700 North Congress Avenue, Austin, regarding the nomination and election of a vice chairman of the board. The fact that the vice chairman's term has expired constitutes a matter of urgent public necessity.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas, 78711, telephone (512) 475-3187.

Filed: May 14, 1980, 4:08 p.m.
Doc. No. 803680

Regional Agencies

Meetings Filed May 12, 1980

The Education Service Center, Region XVI, Board of Directors, met at 1601 South Cleveland, Amarillo, on May 15, 1980, at 1 p.m. Further information may be obtained from Dr. Kenneth M. Laycock, P.O. Box 30600, Amarillo, Texas 79120, telephone (806) 376-5521.

The South Texas Health Systems Agency, members of the Coastal Bend Subarea Health Advisory Council, will meet at the Greenwood Senior Community Center, 4040 Greenwood Road, Corpus Christi, on May 20, 1980, at 6:30 p.m. Further information may be obtained from Helen C. Fisher, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

The West Texas Council of Governments held its annual meeting at City Hall, 2 Civic Center Plaza, El Paso, on May 16, 1980, at 9:30 a.m. The Board of Directors also met on May 16 at 10:30 a.m. in the same location. Further information on the two meetings may be obtained from Eleanor K. Bode, Suite 700, Mills Building, 303 North Oregon Street, El Paso, Texas 79901, telephone (915) 532-2910.

Doc. No. 803624

Meetings Filed May 13, 1980

The Brazos Valley MHMR Center, Board of Trustees, will meet at 202 East 27th Street, Bryan, on May 22, 1980, at 4:30 p.m. Further information may be obtained from Linda S. Davis, 202 East 27th Street, Bryan, Texas 77801, telephone (713) 779-2000.

The Central Counties Center for MHMR Services, Board of Trustees, will meet at 302 South 22nd Street, Temple, on May 22, 1980, at 7:45 p.m. Further information may be obtained from Dr. Steven B. Schnee, P.O. Box 518, Temple, Texas 76501, (817) 778-4841.

The Central Texas Council of Governments, Central Texas Area Agency on Aging, met on May 19, 1980, at 12:30 p.m. at the Mills County Senior Center, (Rt. 3, Box 165), Goldthwaite, and San Saba Community Center, (P.O. Box 846), San Saba. The agency will also be meeting at the following times and locations: May 20, 1980, 12:30 p.m.—Bob Gilmore Senior Center, 2205 East Highway 190, Killeen; May 21, 1980, 12:30 p.m.—Copperas Cove Senior Center, 108 East Avenue E. Copperas Cove, and Gatesville Senior Center, 208 Lutterloh, Gatesville; May 22, 1980, 12:30 p.m.—Hico Senior Center,

(P.O. Box 305), Hico, and Hamilton Senior Center, 200 East Gentry, Hamilton; May 23, 1980, 10:30 a.m.—Harvest House, 300 North 11th Street, Temple; May 27, 1980, 12:30 p.m.—Cameron Senior Center, 7801 North Emancipation, Cameron, and Rockdale Aycock Senior Center, 601 Baxter, Rockdale; May 30, 1980, 12:30 p.m.—American Legion Hall, 101 West Avenue A, Belton. Further information may be obtained from Jack C. Knox, P.O. Box 72, Belton, Texas 76513, telephone (817) 939-1801, ext. 61.

The East Texas CETA Consortium, Board of Directors, will meet in the Blue Room of Allied Citizens Bank Building, Kilgore, on May 21, 1980, at 2 p.m. Further information may be obtained from Wendell Holcombe, Allied Citizens Bank Building, fifth floor, Kilgore, Texas 75662, telephone (214) 984-8641.

The Education Service Center, Region X, Board of Directors, will meet in the Region X board room, 400 East Spring Valley, Richardson, on May 20, 1980, at 9 a.m. Further information may be obtained from H. W. Goodgion, 400 East Spring Valley, Richardson, Texas, telephone (214) 231-6301.

The Education Service Center, Region XIII, Board of Directors, met in Conference Room 206, Education Service Center, Region XIII, 7703 North Lamar, Austin, on May 19, 1980, at 5:30 p.m. Further information may be obtained from Dr. Joe Parks, 7703 North Lamar, Austin, Texas 78752, telephone (512) 458-9131.

The Heart of Texas Council of Governments, Executive Committee, will meet at 320 Franklin Avenue, Waco, on May 24, 1980, at noon. Further information may be obtained from Marcia Ross, 320 Franklin Avenue, Waco, Texas 76701, telephone (817) 756-6631.

The Houston-Galveston Area Council of Governments, Regional Growth Committee, will meet in Room H-GAC (large conference room), 2701 West Alabama, Houston, on May 21, 1980, at 9:30 a.m. Further information may be obtained from Doris Ebner, P.O. Box 22777, Houston, Texas 77027, telephone (713) 627-3200.

The Lower Neches Valley Authority, Board of Directors, will meet in the conference room, LNVA office building, 7850 Eastex Freeway, Beaumont, on May 20, 1980, at 10:30 a.m. Further information may be obtained from J. D. Nixon, P.O. Drawer 3464, Beaumont, Texas 77704.

The Middle Rio Grande Development Council, Budget Review Committee, met in emergency session in City Council chambers, City Hall, Uvalde, on May 14, 1980, at 2 p.m. Further information may be obtained from Elia G. Santos, P.O. Box 1461, Del Rio, Texas 78840, telephone (512) 775-1581.

South Texas Health Systems Agency, Board of Directors, met at the Round Table Restaurant, 1418 South 14th Street, Kingsville, on May 17, 1980, at 1 p.m. The Plan Development Committee Members of the South Texas Subarea Advisory Council, will meet at the Ramada Inn, IH 35 North, Laredo, on May 21, 1980, at 7 p.m. Further information may be obtained from Mario L. Vasquez, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545 and Jorge Elizondo, Station 1, Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545, respectively.

Doc. No. 803640

Meetings Filed May 14, 1980

The Central Texas Health Systems Agency, Inc., Board of Directors, will meet at the Cultural Activities Center, 3011 North 3rd, Temple, on May 27, 1980, at 7:30 a.m. Further information may be obtained from Keith Markley, 1106 Clayton Lane, Suite 210 West, Austin, Texas 78723, telephone (512) 458-9161.

The Upper Leon River Municipal Water District, Board of Directors, will meet in the general office of the filter plant, Proctor Lake, Comanche, on May 22, 1980, at 7 p.m. Further information may be obtained from Lowell G. Pittman, Box 67, Comanche, Texas, telephone (817) 879-2258.

The West Central Texas Council of Governments, A-95 Physical Planning Advisory Committee, will meet at 1021 East North 10th Street, Abilene, on May 21, 1980, at 11 a.m. Further information may be obtained from Gary L. Smith, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 803669

Meetings Filed May 15, 1980

The Deep East Texas Regional MH/MR Services, Board of Trustees, will meet at the Lufkin Memorial Hospital, Lufkin, on May 27, 1980, at 5:30 p.m. Further information may be obtained from Wayne Lawrence, 4101 South Medford Drive, Lufkin, Texas 75901, telephone (713) 639-1141.

The MH/MR Regional Center of East Texas, Board of Trustees, will meet at 2323 West Front Street, Tyler, on May 22, 1980, at 4 p.m. Further information may be obtained from Richard J. DeSanto, 2323 West Front Street, Tyler, Texas 75702, telephone (214) 597-1351.

The Tri-Region Health Systems Agency, Nominating Committee, will meet at the HSA office, 2642 Post Oak Road, Abilene, on May 28, 1980, at 6 p.m. Further information may be obtained from Vic Rhoads, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 803693



State Banking Department Applications to Purchase Control of State Banks

Article 342-401a, Vernon's Texas Civil Statutes, 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 May 12, 1980, the banking commissioner received an application to acquire control of Travis Bank and Trust, Austin, by Don Earney of Abilene and Danny Payne of Abilene. Additional information may be obtained from Robert E. Stewart, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Issued in Austin, Texas, on May 12, 1980.

Doc. No. 803644 Robert E. Stewart
Banking Commissioner

Filed: May 13, 1980, 2:08 a.m.

For further information, please call (512) 475-4451.

Texas Feed and Fertilizer Control Service

Promulgation of List of Ratios and Minimum Grades of Mixed Fertilizer

Public Hearing

The Texas Feed and Fertilizer Control Service will conduct a public hearing, beginning at 10 a.m. on June 30, 1980, in Room 318 of the Reed McDonald Building, Texas A&M University, College Station, Texas 77843, in order to receive public comments concerning a proposed list of recommended ratios and minimum grades for mixed fertilizers which the feed and fertilizer control services anticipate issuing. Section 7 of the Texas Commercial Fertilizer Act of 1961, Vernon's Annotated Civil Statutes, Article 108a, requires the Feed and Fertilizer Control Service to promulgate and publish such a list annually. The proposed list of recommended ratios and minimum grades for use in Texas for the year beginning July 1, 1980, and ending June 30, 1981, is as follows:

Ratio	Minimum Grade	Ratio	Minimum Grade
0-1-1	0-12-12	1-2-1	6-12-6
0-1-2	0-8-16	1-2-2	5-10-10
0-1-3	0-6-18	1-2-3	4-8-12
0-2-1	0-16-8	1-4-4	3-12-12
1-0-1	12-0-12	2-1-0	16-8-0
1-1-0	12-12-0	2-1-1	12-6-6
1-1-1	8-8-8	2-2-1	10-10-5
1-1-2	6-6-12	3-1-0	18-6-0
1-2-0	8-16-0	3-1-2	12-4-8

The ratios and grades in this list are merely recommended ratios and grades. Mixed fertilizers not conforming to the ratios and grades of this list may nonetheless be registered and sold in Texas if they meet the labeling provisions of the Texas Commercial Fertilizer Control Act.

All interested parties are encouraged to attend the hearing and to present testimony concerning the list of ratios and minimum grades. Parties desiring more information concerning the hearing should contact I. J. Shenkir, head, Texas Feed and Fertilizer Control Service, P.O. Box 3160, College Station, Texas 77841.

Issued in College Station, Texas, on May 5, 1980.

Doc. No. 803575 I. J. Shenkir
Head
Texas Feed and Fertilizer Control Service

Filed: May 9, 1980, 2:54 p.m.

For further information, please call (713) 845-1121.

Texas Health Facilities Commission Applications for Declaratory Ruling, Exemption Certificate, and Transfer and Amendment of Certificate

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for declaratory ruling, exemption certificate, transfer of certificate, and amendment of certificate accepted during the period of May 9-13, 1980.

Should any person wish to become a formal party to any of the above-stated applications, that person must file a request to become a party to the application with the chairman of the commission within 25 days after the application is accepted. The first day for calculating this 25-day period is the first calendar day following the date of acceptance of the application. The 25th day will expire at 5 p.m. on the 25th consecutive day after the date said application is accepted. If the 25th day is a Saturday, Sunday, or state holiday, the last day shall be extended to 5 p.m. of the next day that is not a Saturday, Sunday, or state holiday. A request to become a party should be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be received at the commission no later than 5 p.m. of the last day allowed for filing of a request to become a party.

The contents and form of a request to become a party to an application for a declaratory ruling, exemption certificate, transfer of certificate, or amendment of certificate must meet the minimum criteria set out in Rule 315.20.01.050. Failure of a party to supply the minimum necessary information in the correct form will result in a defective request to become a party and such application will be considered uncontested.

The fact that an application is uncontested will not mean that it will be approved. The application will be approved only if the commission determines that it qualifies under the criteria of Sections 3.02 or 3.03 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.17.04.010-.030, Rules 315.17.05.010-.030, Rules 315.18.04.010-.030, and Rules 315.18.05.010-.030.

In the following list, the applicant and date of acceptance are listed first, the file number second, the relief sought third, and description of the project fourth. EC indicates exemption certificate, DR indicates declaratory ruling, TR indicates transfer of ownership of certificate, AMD indicates amendment of certificate, and CN indicates certificate of need.

Saint Anthony's Hospital, Amarillo (5/12/80)
AH80-0508-008

EC—Purchase an Ohio Nuclear Medicine Computer System, Model MCS-560, to upgrade existing service from static to dynamic studies and provide cardiac imaging studies.

The Community Hospital of Brazosport, Brazosport
(5/12/80)

AH80-0509-021

EC—Purchase an ultrasound real time scanning system for the Radiology Department.

El Paso County Hospital District for R. E. Thomason
General Hospital, El Paso (5/12/80)

AH80-0512-042

DR—To establish a hospital affiliated primary care center as a distinct administrative unit of the hospital in order to clear the hospital's emergency room of nonemergency care and the outpatient department specialty clinics of primary care and to make certain renovation to the hospital to accomplish the center.

Doc. No. 803667

Notice of Petition for Certificate of Need Reissuance

Notice is hereby given by the Texas Health Facilities Commission of application (including a general project description) for petitions of reissuance of certificate of need which have been filed with the commission.

The commission may require a hearing on a petition for reissuance of certificate of need when it is determined that good cause exists for such a hearing. A request for a hearing on a petition for reissuance of certificate of need must be submitted to the commission within 15 days after publication of notice and show reason why a hearing should be held. Requests for a hearing are to be mailed to the chairman of the commission, P.O. Box 15023, Austin, Texas 78761, and must be postmarked no later than the day prior to the last day allowed for filing requests for hearing.

The petition will be approved only if the commission determines that it qualifies under the criteria of Section 3.13 of Article 4418(h), Texas Revised Civil Statutes, and Rules 315.18.02.010-.040 and 315.19.02.012-.020.

In the following list, the applicant is listed first, the file number second, and the relief sought and description of the project third.

Cecil and Frances Barcelo for Baybrook Village Convalescent Center, League City
AN79-0406-015R (051280)

Reissuance of CN—Petition for reissuance of CN AN79-0406-015 which authorized the construction of a new nursing home containing 96 intermediate care beds to be located on State Highway 3, two miles east of the intersection of Highway 518 and 1-1/2 miles south of League City.

Issued in Austin, Texas, on May 14, 1980.

Doc. No. 803666 O. A. Cassity III
Director of Hearings
Texas Health Facilities Commission

Filed: May 14, 1980, 11:52 a.m.

For further information, please call (512) 475-6940.

Savings and Loan Department of Texas Notice of Interest Rate

The following information is made available at this time for the benefit of the public and the financial institutions of Texas.

Pursuant to the provisions of House Bill 409, 66th Legislature of Texas, Regular Session, 1979, the savings and loan commissioner of Texas has ascertained the average per annum market rate adjusted to constant maturities on 10-year U.S. Treasury notes for the calendar month of April 1980 to be 11.47%. An additional 2.0% per annum translates to the maximum 12% as provided for by law.

This rate shall govern applicable loans made on or after June 1, 1980, and extending through June 30, 1980.

Issued in Austin, Texas, on May 9, 1980.

Doc. No. 803560 L. Alvis Vandygriff
Commissioner
Savings and Loan Department of Texas

Filed: May 9, 1980, 2:33 p.m.

For further information, please call (512) 475-7991.

Senate

Subcommittee on Consumer Affairs

The Senate Subcommittee on Consumer Affairs will meet on Friday, March 23, 1980, beginning at 9 a.m. in the Lieutenant Governor's Committee Room at the State Capitol.

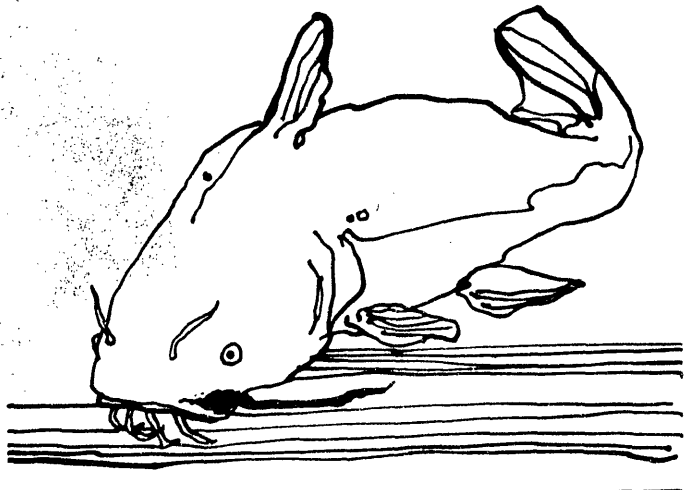
The subcommittee will hold the last of its scheduled public hearings regarding fire prevention, control, and safety in Texas. For further information, contact Ira Hillyer, chief counsel, Senate Subcommittee on Consumer Affairs, telephone (512) 475-3090.

Issued in Austin, Texas, on May 9, 1980.

Doc. No. 803642 Ron Clower
Chairman
Senate Subcommittee on Consumer Affairs

Filed: May 13, 1980, 10:27 a.m.

For further information, please call (512) 475-3090.



TAC Titles Affected in This Issue

The following is a list of the chapters of each title of the *Texas Administrative Code* affected by documents published in this issue of the *Register*. The listings are arranged in the same order as the table of contents of the *Texas Administrative Code*.

TITLE 7. BANKING AND SECURITIES

Part VI. Credit Union Department

7 TAC §§91.61-91.62 (058.01.09.001, .002) 1941

TITLE 22. EXAMINING BOARDS

Part II. State Board of Barber Examiners

Noncodified (378.01.02.002, .003) 1962

Part XXIX. Texas Board of Land Surveying

Noncodified (408.01.01.001-.011) 1969

Noncodified (408.01.02.001-.004) 1970

Noncodified (408.01.03.001-.006) 1970

Noncodified (408.01.04.001-.007) 1970

Noncodified (408.01.05.001-.034) 1972

Noncodified (408.01.06.001) 1975

Noncodified (408.01.07.001) 1975

Noncodified (408.01.08.001) 1975

Noncodified (408.01.09.001, .002) 1975

Noncodified (408.02.00.001-.010) 1976

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

Part I. Texas Department of Human Resources

Noncodified (326.53.80.001-.004) 1962

Noncodified (326.91.13.001-.028) 1944

Noncodified (326.91.14.001-.025) 1950

Noncodified (326.91.15.001-.025) 1955

Part IV. State Commission for the Blind

Noncodified (329.04.00.003) 1943

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