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TEXAS DOCUMENTS

# TEXAS REGISTER

## In This Issue...

Emergency rules adopted by the Texas Department of Human Resources regarding exclusion of Veterans Administration aid-and-attendance benefit in Medicaid eligibility determination process; effective date—May 16 ..... 1996

New rules proposed by the Texas Department of Human Resources concerning general licensing procedures; proposed date of adoption—June 23 ..... 1999

State Board of Insurance proposes amendments to its rating and policy forms; proposed date of adoption—June 23 ..... 2015

Texas Department of Human Resources adopts amendments about consideration of an automobile as a resource in its Medicaid eligibility rules; effective date—November 1, 1979 ..... 2019

Nurse education rules adopted by the State Board of Nurse Examiners; effective date—June 4 ..... 2022

Railroad Commission of Texas adopts amendments to its rule on Natural Gas Policy Act applications; effective date—June 6 ..... 2027



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)

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

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

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

# TEXAS REGISTER

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- 2042 *Table of TAC Titles*

## Appointments

### Texas Guaranteed Student Loan Corporation

*For a two-year term to expire January 31, 1981:*

Shirley M. Binder, Director  
Student Financial Aid  
University of Texas at Austin  
P.O. Box 7758, U.T. Station  
Austin, Texas 78712

Ms. Binder is filling the unexpired term of Joe L. McCormick of Houston, Harris County, who resigned.

### Nueces River Authority

*To the Board of Directors, for a term to expire February 1, 1983:*

Jesse Lockhart, Jr.  
Vance Route  
Barksdale, Texas 78828

Mr. Lockhart will be filling the unexpired term of O. D. Dooley of Brackettville, Kinney County, who resigned.

## Texas Water Development Board

*To be member and chairman for a six-year term to expire December 31, 1985:*

Louis A. Beecherl, Jr.  
2750 Bryan Tower  
Dallas, Texas 75201

Mr. Beecherl is replacing A. L. Black of Friona, Parmer County, whose term expired.

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

Doc. No. 803687      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-337

Request from Ron Jackson, executive director, Texas Youth Council, Austin.

**Summary of Request:** May the Texas Youth Council provide residential care to and exercise control over a person, otherwise validly committed for delinquent conduct, when such person has been placed on probation as an adult?

Issued in Austin, Texas, May 14, 1980.

Doc. No. 803703

C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

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

# EMERGENCY RULES

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.

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## NONCODIFIED

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### Texas Department of Human Resources

#### Medicaid Eligibility

#### Income for Individuals Related to the SSI Program. 326.25.34

The Department of Human Resources adopts, on an emergency basis, Rules 326.25.34.021 and .022 regarding the exclusion of the Veterans Administration aid-and-attendance benefit in the Medicaid eligibility determination process. The rules are being added to conform with a recent Department of Health, Education, and Welfare clarification of an existing federal regulation. Since any applicant with a Veterans Administration payment could be unduly penalized and might be unable to receive needed medical attention, the rules are being adopted on an emergency basis to prevent a direct threat to those individuals' health, safety, and well-being.

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

##### .021. *VA Aid-and-Attendance Exclusion.*

(a) The Veterans Administration pays additional compensation and pension allowances to some disabled veterans, their spouses, widows, or parents. This additional allowance is designated by VA as aid and attendance and is based upon the individual's need for the regular aid and attendance of another person.

(b) Aid-and-attendance allowances are excluded from income consideration in the eligibility determination process as they represent medical expenses paid by a third party.

(c) VA considers veterans, their spouses, widows, widowers, or parents in need of regular aid and attendance if the individual is:

(1) blind or so nearly blind as to have corrected visual acuity of 5/200 or less or concentric contraction of the visual field by 5° or less; or

(2) a patient in a nursing home on account of mental or physical incapacity; or

(3) unable to keep clean and presentable without assistance; or

(4) unable to dress or undress unaided; or

(5) has frequent need of adjustment of any prosthetic or orthopedic appliances which, by reason of the particular disability, cannot be done without aid (this will not include the adjustment of appliances which nondisabled persons would be unable to adjust without aid, such as supports, belts lacing at the back, etc.).

(d) The A&A portion of the total VA benefit payment must be deducted from the available income of the applicant/recipient when determining the individual's Medicaid eligibility. However, the A&A benefit must be considered available in computing the individual's applied income.

(e) The A&A portion should be shown as a part of the total VA benefit on the input document. Then, the amount of the A&A benefit would be included with all other exclusions and deductions. These entries will allow the A&A benefit to be excluded for eligibility and will include the A&A benefit in computing the individual's applied income.

(f) Any A&A allowance received by an ineligible spouse is to be totally excluded when determining the amount of spouse contributions to applied income and when reporting ineligible spouse income.

(g) Neither the beneficiary's award letter or the VA check indicates whether aid and attendance is included in an individual's total VA payment. Therefore, in order to verify the type and amount of benefits received, it may be necessary to contact the Veterans Administration via Form 52. Form 52 should be annotated to indicate that separate amounts for each type of VA benefit received are required.

##### .022. *Housebound Allowances.*

(a) Veterans who do not qualify for regular aid and attendance and widow(ers) receiving dependency and indemnity compensation who do not qualify for regular aid and attendance may qualify for a housebound allowance. Housebound allowance is also excluded from income in the eligibility determination process as a third-party payment for medical expenses.

(b) The criteria for housebound payments are:

(1) the individual has a single, permanent disability rated as 100% without resort to individual unemployment; and

(2) has an additional disability or disabilities independently notable at 60% or more, separate and distinct from the permanent disability rated as 100%, and involving different anatomical segments or bodily systems; or

(3) is permanently housebound by reason of one or more disabilities (this requirement is met when the individual is substantially confined as a direct result of his or her disabilities, to his or her dwelling or, if hospitalized, to the ward or clinical area); and

(4) it is reasonably certain that the disability or disabilities and resultant confinements will continue throughout the individual's lifetime.

(c) Housebound allowances would usually be received only by individuals residing in the community. If an individual receiving a housebound allowance is eligible for medical assistance only in a nonvendor living arrangement, the amount of the housebound allowance should be totally excluded when reporting the individual's VA income. If, however, an individual enters a Title XIX long-term care facility while still receiving the housebound allowance and applies/is eligible for medical assistance, the amount of the housebound allowance must be treated in the case budget and reported in the same manner as for an aid-and-attendance allowance. The Veterans Administration should also be advised of the change in the individual's living arrangement so that the individual's VA benefits may be appropriately adjusted.

(d) Any housebound allowance received by an ineligible spouse is to be totally excluded when determining deemed

income or the amount of spouse contributions to applied income, and when reporting ineligible spouse income.

(e) Neither the beneficiary's award letter or the VA check indicates whether a housebound allowance is included in an individual's total VA payment. Therefore, in order to verify the type and amount of benefits received, it may be necessary to contact the Veterans Administration via Form 52. Form 52 should be annotated to indicate that separate amounts for each type of VA benefit received are required.

Issued in Austin, Texas, on May 16, 1980.

Doc. No. 803716      Jerome Chapman  
                                 Commissioner  
                                 Texas Department of Human Resources

Effective Date: May 16, 1980

Expiration Date: September 13, 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*, 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 "Non-codified."

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## NONCODIFIED

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### Texas Department of Human Resources

(Editor's note: Proposals by the Texas Department of Human Resources concerning day care licensing and general licensing procedures, including new rules and repeals of existing rules, are being published serially beginning in this issue. The chapters, subchapters, and rules affected by the proposal are listed below. The proposed date of adoption for all the rules is June 23, 1980. Chapter .90 and Chapter .92.11-.92.21 appear in this issue.)

#### Day Care Licensing

Standards for Registered Family Homes  
326.90.06.008-.015

#### General Licensing Procedures

Definitions  
326.92.11.001, .002

Organization and Administration  
326.92.12.001, .002

Departmental Licensing Functions  
326.92.13.001-.004

Exemptions from Licensing  
326.92.14.001, .002

General Licensing Handbook  
326.92.15.001, .002

Exemptions from Licensing  
326.92.15.003, .004

Miscellaneous Compliance Requirements  
326.92.16.001

Day Care Licensing Procedures  
326.92.21.001-.038  
326.92.21.039-.104

Day Care Licensing Administrative Action  
326.92.22.001-.009  
326.92.22.010-.030

Complaints and Investigations in Day Care Licensing  
326.92.23.001-.003  
326.92.23.004-.013

Judicial Actions in Day Care Licensing  
326.92.24.001

Day Care Facility Records  
326.92.24.002, .003

Registered Family Homes  
326.92.25.001-.027

Child-Placing Agency (Day Care Only)  
326.92.26.001

Agency and Instructional Licensing Procedures  
326.92.31.001-.025  
326.92.31.026-.067

Administrative Action in Agency and Institutional Licensing  
326.92.32.001-.011

Special Cases  
326.92.32.012-.027

Complaint Investigation in Agency and Institutional Licensing  
326.92.33.001-.007  
326.92.33.008-.030

Judicial Actions in Agency  
326.92.34.001

Administrative Actions in Agency and Institutional Licensing  
326.92.34.002-.020

Additional Procedures for Agency and Institutional Licensing Staff  
326.92.35.001, .002

Judicial Actions in Agency and Institutional Licensing  
326.92.35.003

Appeals from Licensing Staff Decisions  
326.92.41.001-.011  
326.92.41.012-.026

Institutional Administrators Licensing  
326.92.51.001-.010  
326.92.51.011-.019

Appeals by Applicants for Holders of Child Care Administrator Licenses  
326.92.52.001-.013

The Department of Human Resources proposes numerous new rules and repeals of its rules regarding the policies and procedures for the licensing of child care facilities and child-placing facilities and the licensing of administrators of child-caring institutions. The Human Resources Code, Chapters 42 and 43, authorizes the department to administer the licensing regulations and provides the legal basis for child care



regulation. The purpose of child care regulation is not to prevent or unduly interfere with the provision of out-of-home care for children, but to regulate it in such a way as to reduce, as much as possible, the risk of harm to children in such care.

Several rule changes include new policies and procedures which emphasize accountability of department licensing staff. Currently, the responsibility for, and authority to issue, deny, revoke, or suspend day care licenses, is assigned to the regional administrator who may delegate this authority to the program director for day care licensing. The proposed material requires that any delegation of this authority be in writing and places certain limitations on this delegation. Further, information which alerts the department to situations potentially hazardous to children must have the concurrence of the director of licensing. Also proposed is a requirement that any supplementary regional licensing policies or procedures must have the concurrence of the director of licensing.

The rules on investigation of complaints place more specific requirements on the staff responsible for the investigation, including a provision for supervisory review and approval before closing an investigation. Several new requirements relate to the documentation of observations, follow-up of non-compliance with standards, and supervisory approval of licensing staff's actions and written documentation.

Included in the rules are requirements for personal history forms to be filled out by applicants, directors, and administrators of regulated facilities. Licensing staff are directed to investigate any information received on these forms, or from reference responses, or from any other source which would indicate that the presence of an individual at a facility is a violation of standards or causes a serious threat of violation to exist. The determination of proof of rehabilitation of an individual with a conviction record of an offense that violates standards may be made by the director of licensing on the basis of a recommendation from a specified committee.

The department has determined that the following rule changes will have no fiscal implications for the state or units of local government.

Written comments are invited and may be sent to Susan L. Johnson, administrator, Handbook and Procedures Development Division—051, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.

## Day Care Licensing

### Standards for Registered Family Homes 326.90.06

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

The repeal of Rules 326.90.06.008-.015 is proposed under the authority of the Human Resources Code, Title 2.

- .008. *Registration Log.*
- .009. *Registration Notification.*
- .010. *Registration Enforcement.*
- .011. *Reports—Unregistered Facilities.*
- .012. *Noncompliance with Standards.*

- .013. *Contacts with Registered Family Homes.*
- .014. *Registration Lists.*
- .015. *Evaluation of Registration.*

Doc. No. 803717

## General Licensing Procedures

### Definitions 326.92.11

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

The repeal of Rules 326.92.11.001 and .002 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *General Definitions.*
- .002. *Definitions of Abuse and Neglect.*

Doc. No. 803718

### Organization and Administration 326.92.12

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

The repeal of Rules 326.92.12.001 and .002 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *Activities and Responsibilities of the Licensing Division.*
- .002. *State Advisory Committee on Child Care Facilities.*

Doc. No. 803719

### Departmental Licensing Functions 326.92.13

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

The repeal of Rules 326.92.13.001-.004 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *Development of Standards.*
- .002. *Regulatory Administration.*
- .003. *Regulatory Assistance.*
- .004. *Consultation.*

Doc. No. 803720

### Exemptions from Licensing 326.92.14

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

The repeal of Rules 326.92.14.001 and .002 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *Exempt Facilities.*
- .002. *Other Exempt Child Care Arrangements.*

Doc. No. 803721

## General Licensing Handbook 326.92.15.001, .002

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

The repeal of Rules 326.92.15.001 and .002 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *Purpose and Availability.*
- .002. *Revisions.*

Doc. No. 803722

## Exemptions from Licensing 326.92.15.003, .004

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

.003. *Nonregulated Activities.* In addition to the statutory exemptions, the department does not regulate the following types of facilities or activities.

(1) **Skills classes.** Programs designed primarily to teach skills, such as baton classes, swimming classes, dancing classes, and arts and crafts classes, when such classes are not part of a school, kindergarten, or nursery school program and are not child care arrangements. If such classes are sequential and continuous, they become child care arrangements and are subject to regulation. When such classes are operated in connection with a child care or kindergarten or nursery school facility, they are not exempt. In an exempt program, the care and supervision of the child is not the reason for the child's enrollment. Facilities providing after-school child care are subject to regulation.

(2) **Programs which operate for less than 24 hours per day and for two days or fewer per week, such as those usually called "mother's day out" programs.**

(3) **programs operated on or by federal installations, such as those on military bases or Indian reservations.**

### .004. *Exempt Facilities Requesting Regulation.*

(a) When an exempt facility requests regulation, a determination is made as to which of the five following categories the facility and request fall within. The facility is then dealt with according to the instructions for that category:

- (1) exempt facilities which request regulation without regard to their exempt status;
- (2) exempt facilities which request a licensing investigation but not a license;
- (3) exempt facilities which are found to be exempt during the licensing investigation;
- (4) facilities which have been issued a license, registration, or certification but have subsequently been found to be exempt from regulation;
- (5) exempt facilities which for funding purposes must meet minimum standards.

(b) **Category 1: Exempt but requesting regulation.** No statutorily or administratively exempt facility is to be regulated pursuant to the child care licensing law. The legal requirement for regulation applies only to those facilities not exempted under the law or department policy.

(c) **Category 2: Exempt but requesting an investigation.** Licensing staff will not perform licensing investigation requested by exempt facilities except as allowed in (f). A licensing investigation constitutes a determination that minimum standards are or are not met at the time of the investigation, but it does not attempt to determine continued compliance.

(d) **Category 3: Exempt but under investigation.** In accordance with the policy set forth in (c), if an investigation is under way when a facility is found to be exempt, the investigation ceases. Licensing staff notifies the exempt facility under investigation in writing that since it has been found to be exempt, the investigation will not be completed. The letter states that the application is being returned because the facility has been found to be exempt and cites the basis for exemption.

(e) **Category 4: Exempt but holding a license, registration, or certificate.** If a facility has been issued a license, certificate, or registration and is later found to be exempt, licensing staff notifies the facility by letter of the provisions of this paragraph and cites the basis for exemption. The license, registration, or certificate will be allowed to expire and will not be renewed. If the exempt facility wishes to terminate its regulated status, it may return the license/certificate/registration voluntarily and regulation will cease. Revocation procedures are not followed. Licenses, registrations, or certificates held by exempt facilities continue to be valid until their expiration date. As with other regulated facilities, compliance with minimum standards is enforced if the license, registration, or certificate is not voluntarily returned.

(f) **Category 5: Compliance for funding.** Despite the exemptions set forth in the licensing law, some exempt facilities are required by other laws or regulations to meet applicable minimum standards for funding purposes. If an official statement concerning compliance is necessary for an exempt facility to receive funding, the facility must direct a request for standards evaluation to the director of licensing, who will involve regional day care or agency and institutional licensing staff as appropriate in the decision. The facility must submit an application and go through an abbreviated investigation. Usually, licensing staff completes one standard-by-standard evaluation and reports the results (corrections, if required, are specified) in writing to the person requesting the evaluation. Requests for waivers or variances are not accepted from facilities under this category. No license is issued to exempt facilities.

(g) In carrying out the procedures stated in (b)-(f), staff informs exempt facilities that copies of minimum standards are available should they wish to use them as guides for self-checking for compliance.

Doc. No. 803723

## Miscellaneous Compliance Requirements 326.92.16

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

The repeal of Rule 326.92.16.001 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *Compliance with Racial Discrimination Standard.*  
Doc. No. 803724

## Day Care Licensing Procedures 326.92.21.001-.038

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

The repeal of Rules 326.92.21.001-.038 is proposed under the authority of the Human Resources Code, Title 2.

- .001. *Preapplication Stage—Initial Activities.*
- .002. *Preapplication Stage—Contact with Governing Body.*
- .003. *Preapplication Stage—Exemptions.*
- .004. *Application Phase.*
- .005. *Licensing Study—Evaluation Phase.*
- .006. *Standard-by-Standard Evaluation—General.*
- .007. *Licensing Study—General.*
- .008. *Separate Licenses.*
- .009. *Criteria for Issuance of a Provisional License.*
- .010. *Monitoring of Provisional Licensee.*
- .011. *First Biennial License/Certificate—Issuance.*
- .012. *Post-Issuance Monitoring.*
- .013. *Noncompliance with Standards.*
- .014. *Evaluation after Expiration of Time Limit.*
- .015. *Change of Facility Ownership or Address.*
- .016. *Relicensing/Recertification (Biennial License)—Renewal Process.*
- .017. *Failure to Apply for Renewal of a Biennial License.*
- .018. *Denial of Application for Renewal of a Biennial License.*
- .019. *Amending a License/Certificate.*
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- .021. *Denial of an Application or Suspension or Revocation of a License—Opportunity to Show Compliance.*
- .022. *Standard-by-Standard Evaluation—Denial of an Application or Suspension or Revocation of a License.*
- .023. *Evaluation after a Reasonable Time Limit.*
- .024. *Notice of Intent to Deny an Application or Revoke a License/Certificate after a Standard-by-Standard Evaluation.*
- .025. *Appeal or Suspension Not Requested.*
- .026. *Appeal Request Received—Staff Responsibilities.*
- .027. *Request for Suspension.*
- .028. *Suspension Requested—Follow-Up.*

- .029. *Notice of Intent to Deny an Application or Revoke a License/Certificate without a Standard-by-Standard Evaluation.*
- .030. *Regulation of State-Operated Facilities.*
- .031. *Constraints and Requirements.*
- .032. *Special Report—Serious Harm to Children.*
- .033. *Reports of Unregulated Operating Facilities.*
- .034. *Initial Contact Procedures—Unregulated Operating Facilities.*
- .035. *Showing Intent to Comply with Licensing Requirements.*
- .036. *Application Time Limits—Unregulated Operating Facilities.*
- .037. *Referral for Judicial Action.*
- .038. *Part-Day Facilities.*

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## 326.92.21.039-.104

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

.039. *Licensing Staff Responsibilities—Identification.*  
When visiting a facility, licensing staff must notify the person in charge at the facility of the purpose of the visit and must have on their person a valid identification card with a photograph, issued by the department. The licensing representative must present this card as identification at any time it is requested by the person in charge of the facility.

### .040. *Unregulated Facility.*

(a) The authority to determine if a facility is subject to regulation under the statute is inherent in the responsibility to regulate facilities that are within the definitions of the statute.

(b) When visiting an unregulated facility to determine if the facility is subject to regulation, the licensing representative states the purpose of the visit, and presents the department identification card. If the person in charge refuses to cooperate in the investigation, the licensing representative advises the person that licensing staff have the authority under the child care licensing law to make a determination whether child care is being provided and if so, whether it is subject to regulation. If the person persists in refusing to cooperate, the licensing representative leaves the premises noting any evidence of violation of the child care licensing law and documenting any observed hazards to children or substandard child care practices. The licensing representative notifies the supervisor as soon as possible. Depending on the circumstances, licensing staff must take one or more of the following courses of action:

- (1) confer with supervisory personnel to determine the appropriate course of action and, if appropriate, consult with regional attorney;
- (2) observe the facility to determine it is providing care for children;
- (3) make immediate referral to investigations and/or protective services divisions;
- (4) contact agency and institutional licensing if it is observed that 24-hour care is being provided;
- (5) schedule an appointment with the person apparently providing child care.

#### .041. Regulated Facility.

(a) In carrying out inspection responsibilities, licensing staff do not routinely inspect areas not considered to be part of the child care operation except when circumstances require inspection of other parts of the facility to determine compliance with standards. Although the licensee may choose to limit children to certain areas of the structure, this does not preclude the licensing representative from inspecting any area at the address stated on the license that affects or could affect the health, safety, or well-being of the children in care.

(b) When inspection is refused, obstructed, or delayed by facility staff to the extent that licensing staff cannot carry out their regulatory responsibility, the person in charge is advised that such actions are in violation of Section 42.004(a), Human Resources Code, and that the license may be revoked if resistance to regulation persists. If resistance continues, the licensing representative leaves with the person in charge a form citing violation of the child care licensing law and the consequences of such violation and notifies the supervisor.

(c) Depending on the circumstances, licensing staff take one or more of the following courses of action:

- (1) revoke the license;
- (2) schedule another appointment with licensee;
- (3) advise the licensee by letter of the noncompliance with the law and set a date for a next visit. Advise the licensee that if the licensing representative is further refused, obstructed, or delayed in carrying out regulatory responsibilities, the license may be revoked under Section 42.072(a) of the Human Resources Code. A visit is made to the facility and, if resistance to regulation persists, the license is revoked.

.042. *Immediate Danger to Children.* Such extreme conditions may be discovered in the course of investigation of complaints or a visit to any licensed or unlicensed facility. Upon finding such conditions, the licensing representative reports to the regional director who contacts the director of licensing who will designate another person to verify the conditions. Licensing staff also notify protective services. After verification, with assistance from other department resources as necessary, procedures for referral for judicial actions are followed.

#### .043. Initial Activities.

(a) When a person informs licensing staff that he or she plans to operate a child care facility for part of the day, a licensing representative is assigned to work with the person. The purpose of inquiry-related activities is to give a person enough information to apply for a particular type of license. The licensing representative gets the following information from the inquirer:

- (1) name, address, and telephone number;
- (2) type of program being considered and name of sponsoring body, if any;
- (3) stage in planning for the proposed program.

(b) The licensing representative provides the person with:

- (1) a copy of the appropriate minimum standards;
- (2) an application for a license to operate a day care facility or child-placing agency (day care only), plan of operation where appropriate, director designation form, personal history statement, and the list of other documentation needed for an application investigation;

(3) a statement concerning other requirements:

(A) fire, health, and sanitation inspections as required by standards,

(B) that zoning, building code, and other legal requirements are not enforced by the licensing staff, but the facility may be affected by these;

(4) an explanation of any difference between the actual capacity and the licensed capacity;

(5) a list of waivers/variances granted including waiver/variance conditions and expiration dates;

(6) a statement that any complaints against the facility will be investigated.

(c) The licensing representative advises the person that the department is required by law to make a decision on the completed application within two months from the date it is accepted.

(d) During the preapplication phase, the licensing representative explains the licensing process including:

- (1) the concept of minimum standards;
- (2) the requirements of the application investigation:
  - (A) nonoperating facilities must meet all standards where compliance can be determined without the presence of children,
  - (B) operating facilities must meet all standards except those on which waivers or variances have been granted;
- (3) the time frame for the licensing process;
- (4) that applicant will be involved in the investigation and will be immediately advised of any noncompliance;
- (5) the responsibility of licensing staff to provide technical assistance;
- (6) the waiver/variance concept and procedure;
- (7) procedures for denial of an application;
- (8) the monitoring requirement following the issuance of a license;
- (9) routine notices of noncompliance;
- (10) the transition from a provisional license to a biennial license;
- (11) the complaint procedures;
- (12) the administrative review;
- (13) administrative suspension;
- (14) procedures for cases of suspension in place of revocation, or revocation of a license;
- (15) the availability of any consultation services.

(e) The licensing representative gives the names and office telephone numbers of the licensing representative, supervisor, and regional or program director to the person and notifies the person of any changes in this information.

(f) The amount of information provided in the preapplication phase may require a series of personal interviews. The licensing representative determines the number and frequency of the interviews in relation to the inquirer's needs, when the facility is scheduled to begin operation, and the stage in planning.

.044. *Closing Inquiries.* The licensing staff offers assistance in submitting an application. If, within three months, a nonoperating inquirer does not submit an application or otherwise demonstrates intent to apply, the licensing representative closes the inquiry and makes notation in the record; but no letter to the inquirer is necessary. With recorded supervisory approval, a nonoperating inquiry may be active for more than three months.

**.045. Contact with Governing Body or Designee.** Licensing staff meet with the governing body of a facility or designee early in the licensing process. Exceptions are a governing body operating a similar licensed child care facility in Texas and a governing body located outside the State of Texas. When a governing body is located in Texas, but outside the assigned licensing representative's territory, local licensing staff asks licensing staff in the governing body's community to meet with the governing body. The purpose of the meeting is to give the governing body the initial activities information. Licensing staff emphasize and thoroughly explain minimum standards which specify the governing body's responsibilities.

**.046. Exemptions.**

(a) When a facility claims exemption under any provision of Section 42.041 of Human Resources Code (except 42.041(b)(7), (8), or (9)) or under any other provision of the rules, the licensing staff ask the governing body of the facility to make a written claim to the licensing representative, citing the subsection of the statute or rule under which exemption is claimed and including any and all documentation supporting the exemption claim. Upon receipt of the information, the regional director evaluates the information and responds, in writing, to the person claiming the exemption. Questions about a particular claim to exemption are referred by the regional director to the director of day care licensing.

(b) When a facility claims exemption under Section 42.041(b)(7), (8), or (9) of the Human Resources Code, the governing body submits the claim in writing to the director of licensing, citing the specific provision in the Human Resources Code under which exemption is claimed and including any and all documentation supporting the exemption claim. The director of licensing evaluates the information and responds in writing to the person claiming the exemption.

**.047. Exemptions under Human Resources Code, Section 42.041(b)(7).**

(a) Section 42.041(b)(7) exempts an educational facility accredited by the Texas Education Agency (TEA) or the Southern Association of Colleges and Schools that operates primarily for educational purposes in grades kindergarten and above. Approval for contracting does not constitute accreditation as that term is used in the child care licensing law.

(b) When a facility qualifying for exemption under Section 42.041 also operates a program for children below kindergarten age, the director of licensing will consider the question of exempting the program for subkindergarten children. When a facility exempt under Section 42.042(b)(7) submits a claim to exempt its subkindergarten program, the facility must show that it meets the following criteria when submitting the claim, in writing, to the director of licensing:

(1) that the subkindergarten program operates only for children ages two years and above and operates for four hours or less per day;

(2) that the subkindergarten program operates primarily for educational purposes;

(3) that the accrediting authority includes the subkindergarten program in the accreditation and in the continuing compliance requirements. The hours of operation and the ages of children included in the accreditation must be documented in the accreditation statement. If the accrediting

authority does not include the subkindergarten program in the accrediting process and its continuing compliance requirement, the subkindergarten program is subject to licensure.

**.048. Exemptions under Human Resources Code, Section 42.041(b)(8).**

(a) For exemption under Section 42.041(b)(8), the organization to which the educational facility belongs must submit the following to the director of licensing.

(1) Documentation that the organization promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by the state, municipal, and county codes for the locality in which member schools are located. This may be done by either the organization requiring that member schools comply with state, municipal, and county health, safety, and sanitation codes; or the organization promulgating its own health, safety, fire, and sanitation standards. A copy of health, safety, fire, and sanitation requirements must be submitted to the director of licensing. Specific fire, health, safety, and sanitation requirements promulgated by the organization will be evaluated by the state fire marshal and the Texas Department of Health.

(2) A plan to ensure continued compliance by members of the organization with health, safety, fire, and sanitation requirements. The plan must require member schools to document that applicable state, municipal, and county health, safety, fire, and sanitation codes are met.

(3) Documentation that the organization has the means to monitor member schools for continuing compliance with the organization's health, safety, fire, and sanitation requirements. The organization's plans for monitoring member schools will be reviewed periodically by the department.

(4) A list, updated as necessary, of the names and addresses of the member schools which meet the criteria stated in Section 42.041(b)(8). The organization is expected to notify the department when any new member schools meet the exemption criteria and advise the department when a school ceases to be a member of the organization or ceases to meet the exemption criteria.

(b) Subkindergarten programs operated solely for educational purposes by facilities which meet the exemption criteria in Section 42.041(b)(8) will also be considered for exemption from regulation by the department if documentation of compliance with all of the following is submitted to the director of licensing:

(1) that there is no child under two years of age in this portion of the facility;

(2) that the subkindergarten portion of the facility operates for no more than four hours per day and does not provide custodial care for more than one hour during the hours before or after the four-hour or less school day;

(3) that the organization of which the facility is a member requires that the subkindergarten program meet health, safety, fire, and sanitation standards and that the subkindergarten's compliance with these standards is monitored.

(c) If the organization of which the facility is a member does not require and monitor compliance with the health, safety, fire, and sanitation standards for the subkindergarten program, the subkindergarten program will be considered a separate operation from the kindergarten and above program, and will be subject to licensing.

**.049. Application—Submission and Acceptance.**

(a) An inquiry becomes an application when a licensing representative receives a completed and signed application, a personal history statement on the applicant, a director designation form, a personal history statement on the person designated as director, and all other documentation required for submittal by the applicable set of minimum standards.

(b) Personal history statements are required for the applicant and for the person designated as director. However, when the applicant is a corporation, a church, or a nonincorporated governmental body, no personal history statement is required from the applicant. When the director or primary caregiver is also the applicant, only one personal history statement is required.

(c) An application gives the department the authority to begin the licensing investigation and gives the applicant the rights set forth in departmental rules. Monitoring for compliance with minimum standards begins when the facility is in the application phase.

(d) All first-time applications for licensing, including those from unregulated operating facilities, are applications for a provisional license. The application for a provisional license is also an application for a first biennial license. The law mandates that the Licensing Branch complete the investigation and render a decision on an application for a provisional license within two months after the application is accepted.

(e) Upon receipt of the application, including the required documentation, the licensing representative has 10 working days to review the material to determine whether it is complete and substantiates compliance with standards requiring submittal of documentation. If the application is incomplete or compliance is not substantiated, it is returned to the applicant for completion or correction. After receiving the application again, the licensing representative has 10 more days to evaluate the material for completeness and correctness. When the licensing representative has determined that the application is complete and correct, the licensing representative signs and dates the application form. The two-month time limit for the decision on the provisional license begins on this date.

**.050. Application Naming Designee.** When an application is received in which the applicant or governing body has named a designee, the licensing representative sends a letter and a copy of the application form to the church, corporation, or public agency which has submitted the application. The letter states that all official correspondence will be sent to the designee and that waiver/variance requests signed by the designee will be accepted and forwarded to the director of licensing. The letter also asks if the governing body wishes copies of correspondence sent to any other entity. The letter reminds the governing body that it is ultimately responsible for the operation of the facility and states that correspondence concerning possible revocation or denial of a license will be sent to the governing body.

**.051. Application Received after Revocation or Denial of License.**

(a) When an application is received from a person who has been sent a letter of denial or revocation, and the 30 days time to request appeal has not expired and no appeal has been requested, the licensing representative returns the application and advises the person that no action may be taken on the application until the decision on the denial/revocation

becomes final. However, if a facility ceases operation before the end of the time to request an appeal and waives, in writing, the right to request an appeal, licensing staff will accept any completed application which is submitted.

(b) If an application is received after an appeal has been requested, the licensing representative returns the application and advises the person that the appeal process must be completed before an application may be accepted unless the appeal request is withdrawn and the facility has ceased operation.

(c) If an application is received after the 30-day time to request an appeal has expired and no appeal has been requested, the application is accepted if the facility has ceased operation. The application will be denied if the facility begins operation before issuance of the provisional license. If the facility continues to operate, the application is returned and the person is advised that the license has been revoked/denied and the facility is operating in violation of the Human Resources Code, Section 42.041(a). The person is also advised that unless operation ceases, the facility will be referred for legal action.

(d) If an application is received after the Licensing Appeal Review Committee has upheld revocation or denial, but before the 30-day period to challenge the decision in court has expired, the licensing representative accepts and acts on the application if the facility has ceased operation. If the facility continues to operate, the licensing representative returns the application and advises the applicant that an application may not be accepted until the facility ceases to operate.

(e) If an application is submitted after the 30-day challenge period has expired and the facility continues to operate, the licensing representative returns the application and advises the person that an application may not be accepted as continued operation is in violation of the Human Resources Code, Section 42.041(a). If the facility is not operating the licensing representative accepts the application if it is complete.

(f) An application may be accepted at any time from a nonoperating facility whose application has been denied provided the right to appeal has been waived as stated in this rule.

**.052. Withdrawal of Application.**

(a) When a nonoperating applicant decides not to continue the application process and not to open a child care facility, the application may be withdrawn without further action. If a facility which is operating and has an application pending ceases to operate and requests to withdraw its application, it may do so. Denial procedures are not followed in these instances.

(b) When the request to withdraw the application is received, the licensing representative sends a letter informing the applicant that, in accordance with his or her request, the application has been withdrawn and is enclosed. The letter notifies the applicant that if he or she decides in the future to offer child care, it will be necessary to obtain a license. A statement of the right to appeal is not included. The letter is signed by the licensing representative.

**.053. Investigation.—Constraints and Requirements.**

(a) The branch has two months from the date the application is accepted to complete the investigation and determine if standards are being met and if a license should be issued. The investigation must not exceed the two-month

limit. Each contact during the investigation must be planned and purposeful and, except for any complaint investigation visit, during this phase all visits are announced. Prior to inspection visits, the licensing representative advises the director or person in charge of the standards he or she plans to evaluate and informs the person in charge that any other standard may be evaluated during the visit. The licensing representative confirms the findings of each visit.

(b) A standard-by-standard evaluation is required before a license is issued. A second standard-by standard evaluation may be necessary if the facility does not demonstrate reasonable compliance with all standards. Compliance is determined on the basis of the following: visits by the licensing representative; evaluation of the plan of operation, where required; completion of fire and sanitation inspections including making any corrections called for; requests for and evaluation of responses from references and other written information.

(c) After the investigation is completed, the licensing representative prepares an investigation summary report and submits it with the facility record to the supervisor, regional director, and regional administrator for decision.

(d) When, during the course of the investigation it is determined that the facility is not meeting minimum standards, the licensing representative notifies the facility in writing of unmet standards, the corrections necessary for compliance, and the time limits for coming into compliance. If noncompliance continues, the licensing representative follows the appropriate procedures.

#### *.054. Personal Reference Information.*

(a) Immediately upon acceptance of an application, the licensing representative sends a Personal Reference Request form to those persons listed as references on the personal history statement for the applicant and for the person designated as the director or care giver. If the person listed as a reference has not returned the form within 15 days, the licensing representative advises the applicant that the facility is in noncompliance with the standard requiring references, that the applicant may wish to contact the original reference, and that the applicant may submit other names.

(b) The licensing representative investigates all information from references and from any other source, which indicates that the presence of any individual at the child care facility is in violation of minimum standards or causes a threat of serious harm to children. Verification of such information serves as a basis for denial of an application or revocation of a license.

(c) The same procedures are to be followed when a new director is named and a new personal history statement is submitted.

#### *.055. Standard-by-Standard Evaluation—General.*

(a) A standard-by-standard evaluation is conducted by one or more licensing staff member. All standards applicable to the facility are reviewed for compliance. A standard-by-standard evaluation is conducted in as little time as possible and is completed within one week of the day it was begun.

(b) A standard-by-standard evaluation is conducted in the following circumstances:

(1) immediately prior to the issuance of a license, either provisional or biennial except as provided in rules for renewal of biennial license and monitoring of provisional license;

(2) following the reinstatement of a suspended license;

(3) prior to a notice of denial/revocation of a license, except in situations described in rules for revocation/denial without a standard-by-standard evaluation.

(c) No standard-by-standard evaluation is to be done at an unregulated facility prior to acceptance of an application.

(d) Any time that a standard-by-standard evaluation is conducted and not followed by issuance or denial/revocation, the licensing representative completes a compliance record or sends a letter which includes the necessary information.

#### *.056. General Documentation.*

(a) The licensing representative is responsible for advising the licensee of the results of an inspection or investigation visit. This notice may be in either or both of two forms: a notification letter or compliance record. When the evaluation is complete, any noncompliance and dates set for correction are discussed with the person in charge at the facility unless supervisory consultation concerning a specific standard(s) is necessary. In this case, noncompliance and corrections needed for that standard(s) are discussed immediately after supervisory consultation.

(b) If the compliance record is used, the licensing representative completes it at the time of the inspection visit and details:

(1) Citation of all standards that were evaluated.

(2) Citation of provisions of Chapter 42 with which noncompliance is observed and specifics of noncompliances.

(3) Citation of standards with which the facility was in noncompliance and specifics of any noncompliance. Any noncompliance with the conditions of a waiver/variance are included.

(4) Correction(s) required.

(5) Date by which correction(s) must be made.

(6) Statement that not all standards were evaluated, if applicable.

(7) Statement that the licensee or person in charge was advised of the right to an administrative review and informed of the procedure for requesting such.

(c) Signed comments by the licensee or person in charge are permitted on the face of the compliance record.

(d) The licensing representative requests the licensee or person in charge to sign the compliance record as an acknowledgment of receipt of a copy of the form. Signing the form does not indicate agreement with any description of noncompliance stated on the form. If the person declines to sign the form, the licensing representative notes this on the compliance record showing the name of the person in charge. A copy of the form is left at the facility. If the person in charge is someone other than the licensee, a copy of the compliance record is sent to the licensee and/or the designee.

(e) The second form of notification is a letter to the licensee. The letter includes the same information above and may be used instead of or in addition to the compliance record.

(f) The licensing representative describes non-compliances noted during a visit to a state-operated part-day facility in a letter to the facility's director and governing body. If noncompliances are found that may endanger the health and safety of children in care, the licensing representative sends a copy of the letter to the director of day care licensing.

**.057. Due Notice Prior to Revocation/Denial without a Standard-by-Standard Evaluation.** When one or more of the situations for revocation/denial after time limit exists, the licensing representative makes an entry on the compliance record describing the situation. In addition, the licensing representative states on the compliance record that failure to achieve compliance within the specified time limit may result in immediate revocation or denial without further notice. If the compliance record is not left with the licensee/applicant, a copy of the compliance record is sent or delivered by personal service within 24 hours to the licensee/applicant. If the compliance record is personally delivered, a notation to that effect is made in the record. When a standard is violated a second time in less than 12 months, a notation is made in the compliance record that if the same standard is violated again within 12 months of the first, the license may be revoked/denied.

**.058. Evaluation after Expiration of Time Limit.**

(a) Following the expiration of the time limit set for compliance with standards in the compliance record or in the notification letter, the licensing representative determines if the deficiencies have been corrected. The licensing representative visits the facility to follow-up noncompliances that may endanger the health or safety of children in care to determine if noncompliances have been corrected and confirms any telephone follow-ups in a letter to the applicant/licensee.

(b) If noncompliances continue after the time limit, the licensing representative recommends a course of action to day care licensing supervisory personnel based on the individual circumstances surrounding the noncompliance. These circumstances can include the seriousness of the noncompliance, the time and expense needed to correct it, and the compliance history of the licensee. The possible courses of action are:

- (1) extend the time limit for correction;
- (2) discuss the possibility of waiver/variance;
- (3) offer technical assistance;
- (4) arrange for an administrative review, if the applicant/licensee requests it;
- (5) conduct a standard-by-standard evaluation;
- (6) recommend denial or revocation;
- (7) recommend referrals for judicial actions.

(c) In the case of repeated noncompliance with standards, the facility is given due notice that denial/revocation without a standard-by-standard evaluation may result.

**.059. Application Investigation—Summary Report.**

(a) The record of the investigation of the facility must contain factual entries on the findings. When the investigation is completed and the facility record entries are up-to-date, the licensing representative prepares an investigation summary report which reflects compliance or noncompliance with licensing requirements. The summary must contain facts to support a recommendation for issuance or denial of the license.

(b) The licensing representative includes in the summary any information from this or previous licensing periods that would have further significance such as negative references or statements made by the applicant or others, administrative or judicial actions, health limitations of staff, and complaints which would alert the department to situations potentially hazardous to the health, safety, and well-being of children.

(c) The licensing representative(s) who investigated the application signs and dates the summary report and submits the summary report and facility record to those persons in the region involved in the decision to issue or deny. The signed summary report is retained in the facility record.

(d) If the licensing representative cannot make a recommendation, he or she states the reasons in the summary report. The supervisor then assumes responsibility for making a recommendation to those responsible for making the decision to issue or deny.

**.060. Separate Licenses.**

(a) If a facility has any combination of day care center, kindergarten/nursery school, or school programs, the governing body may submit applications for separate licenses for each program. If a governing body applies for separate licenses and the facility meets standards for each type of facility, separate licenses are issued. The issuance of each license will be the result of a separate licensing investigation, including separate plans of operation. Materials that are similar for each plan of operation may be duplicated for the facility records.

(b) For a day care facility with separate licenses, where programs are provided in one location or by one governing body, on any given day no child may be in:

- (1) more than one kindergarten or nursery school session;
- (2) more than one school session;
- (3) both a kindergarten or nursery school program and a school program.

**.061. Criteria for Issuance of Provisional License.**

(a) A provisional license is appropriate when:

- (1) a facility applies for a license and has not yet accepted children for care;
- (2) a facility's license has expired;
- (3) an operating facility is not currently licensed;
- (4) a licensed facility changes location;
- (5) a licensed facility changes ownership;
- (6) a licensed facility adds a different program subject to regulation;
- (7) a facility changes from one type of licensed child care to another;
- (8) a provisional license has been denied or has expired without issuance of a biennial, the facility has ceased operation, and an application is submitted for the same facility.

(b) A provisional license is issued when:

- (1) a nonoperating facility meets the appropriate minimum standards except those where compliance cannot be determined in the absence of children in care;
- (2) an operating facility is meeting all applicable minimum standards.
- (c) A provisional license issued to a facility after a licensing investigation reflects compliance with the law and minimum standards.

**.062. Issuance of Provisional License.**

(a) The licensing representative prepares an investigation summary report and submits it with the facility record to the supervisor, the regional director, and regional administrator who, if he or she concurs, signs and issues the license. When a decision to issue a license is made in spite of a summary report containing information which would alert the department to situations potentially hazardous to the health,



safety, and well-being of children, concurrence with the decision to issue is obtained from the director of licensing. This does not authorize the issuance of a license when the facility is not in compliance with standards.

(b) The provisional license is valid for six months from the date of issuance and is not renewable. If an investigation is completed and reflects compliance with the law and standards, the license may be issued before the two-month study period has passed.

#### *.063. Conditions of Provisional License.*

(a) The license states the name of the licensee, the name and address (location) of the facility, the type of facility, the capacity, ages of children to be cared for, the days and hours of operation, the date of issuance, the date of expiration, and any other restrictions on the license.

(b) The regional administrator sends the provisional license to the licensee with a cover letter which includes as a minimum:

(1) a statement that continuing compliance with minimum standards, and the restriction on the license is required during the provisional period, in order for a biennial license to be issued;

(2) a statement that the law provides that an authorized representative of the branch may visit a facility during operating hours to investigate, inspect, and evaluate;

(3) a statement that inspection visits will be made periodically during the provisional licensing period;

(4) an explanation of any difference between the actual capacity and the licensed capacity;

(5) a list of waivers/variances granted including waiver/variance conditions and expiration dates;

(6) a statement that any complaints against the facility will be investigated;

(7) a statement that the license is valid only at the location stated on the license and is not transferable to the new owners; a change in ownership or location requires the issuance of a new license prior to the change taking effect.

#### *.064. Monitoring of Provisional License.*

(a) The licensing representative monitors a facility during the provisional licensing period to determine that minimum standards are met on a continuing basis. The licensing representative also provides technical assistance, when needed.

(b) Three inspection visits are made after children are in care and within the first four months following the issuance of the license. The licensing representative evaluates all standards during the first four months. Inspection visits are planned so that the facility can be evaluated at different times during its hours of operations. On each inspection visit, compliance with standards that relate to the facility capacity and staff-child ratio are evaluated. In addition, the licensing representative is alert to any conditions hazardous or potentially hazardous to the children in care. The licensing representative documents in the facility record that he or she made these evaluations on each visit. Other standards are evaluated for compliance according to the schedule for the facility.

(c) In addition to the three visits mentioned above, the licensing representative also makes complaint investigations and visits to follow up on noncompliances which may endanger the health or safety of children in care to determine if noncompliances have been corrected. He or she follows up on

other noncompliances by telephone or letter, documenting telephone follow-ups in the facility record.

(d) A biennial license may be issued any time after the first three months following the issuance of a provisional license when a facility is determined to be meeting minimum standards on a continuing basis.

(e) Since all standards are to be evaluated during the provisional licensing period, the licensing representative, in consultation with the supervisor, may determine that compliance has been consistent and sufficient to cancel the need for a standard by standard evaluation immediately prior to issuance of the first biennial license.

(f) If a facility never provides care for children, or begins operation so late in the provisional licensing period that there is not time to determine continuing compliance, the provisional license is allowed to expire without issuance of a biennial license. In these situations, an application for another provisional license may be accepted when the provisional license expires.

(g) If, by the end of the fourth month, the licensing representative determines that the provisionally licensed facility is not meeting minimum standards on a continuing basis, including those standards which require the presence of children for evaluation, the licensing representative notifies the licensee in writing that, if the facility does not demonstrate compliance with all minimum standards within two weeks prior to the expiration of the provisional license, the provisional license will be allowed to expire without issuance of a biennial license. Allowing a provisional license to expire without issuing a biennial license constitutes the denial of an application for a biennial license.

#### *.065. Decision Not to Issue a Biennial License upon Expiration of a Provisional License.*

(a) If a decision is made to allow a provisional license to expire without issuance of a biennial license, the regional director confers with the regional attorney and the program management specialist reviewing the basis for the decision including the compliance history during the provisional period. The record must show that the licensee was given due notice that standards were not met on a continuing basis during the provisional period and that the facility was not in reasonable compliance with all standards when a standard-by-standard evaluation was conducted within two weeks prior to the expiration of the provisional license.

(b) With the concurrence of the program management specialist and the regional attorney, a letter is sent from the regional administrator, addressed to the licensee, "certified mail—return receipt requested." The letter is sent within 10 days of the last standard-by-standard evaluation and contains the following:

(1) Purpose of the letter. Notification by the department of the decision not to issue a biennial license.

(2) Date of issuance of the provisional license, type of license capacity, ages of children to be served, any other restrictions on the license, and (location) address of facility.

(3) A quotation of the legal basis for action, Human Resources Code, Section 47.072(a), and the title of the applicable set of minimum standards.

(4) Reference to complaint investigation(s), if any, during which violations of standards were found.

(5) Documentation showing that standards were not met during the provisional period: specific citation of standard(s) not met with specific date(s), and facts supporting a finding of noncompliance. If a standard was found to be

unmet during the provisional period on more than one occasion, below each standard and for each instance of non-compliance, the date of the letter or compliance record giving notification of noncompliance is shown. Corrections needed and dates for corrections are not included.

(6) A statement advising the licensee of the right to request an appeal of the decision within 30 days after receipt of the letter, and statements that the request must be addressed to the director of licensing, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, that the letter requesting an appeal must state the reasons against the denial of a biennial license; and that a copy of such a request must be sent to the assigned licensing representative whose name and address are in the letter.

(7) A statement that if no appeal is requested, the decision is final 30 days from receipt of the letter and that the facility must close.

(8) A statement that the attachments are made a part of this letter by incorporation.

(9) A copy of appropriate handbook material and a marked copy of those pages of minimum standards on which a cited standard appears are enclosed with the letter.

*.066. Criteria for Issuance of Biennial License.* A biennial license may be issued when:

(1) a facility has satisfied provisional licensing requirements (first biennial license);

(2) a facility has met the requirements for the renewal of a biennial license.

*.067. Issuance of First Biennial License.*

(a) The facility's first biennial license may be issued after the first three months of the provisional license, providing minimum standards have been met on a continuing basis.

(b) The biennial license, which supersedes the provisional license, does not require another application. When the facility record is up-to-date and contains documentation of compliance on a continuing basis and contains the recommendation of the licensing representative and supervisor, the licensing representative prepares a summary report. The summary report and the facility record are submitted to those persons in the region involved in the decision to issue or deny. The license is signed by the regional administrator. When a decision to issue a license based on compliance with standards is made in spite of a summary report containing information which would alert the department to situations potentially hazardous to the health, safety, and well-being of children, concurrence with the decision to issue is obtained from the director of licensing.

(c) As with the provisional license, the biennial license states the name of the licensee, name and address (location) of the facility, the type of facility, the capacity, and ages of children to be served, the days and hours of operation, date of issuance, date of expiration, and any other restrictions on the license.

(d) The regional administrator sends the biennial license to the licensee with a cover letter which includes as a minimum:

(1) a statement that the law requires continuing compliance with minimum standards and restrictions on the license and that violations or failure to comply places the license in jeopardy;

(2) a statement that the law provides that an authorized representative of the branch may visit a facility during operating hours to investigate, inspect, and evaluate;

(3) a statement that periodic inspection visits will be made, all of which may be unannounced;

(4) an explanation of any differences between capacity requested on the application, licensed capacity, and actual capacity;

(5) a list of any waivers/variances including waiver/variance conditions and expiration dates;

(6) notice that any complaints against the facility will be investigated;

(7) a statement that the license is valid only at the location stated on the license and is not transferable to new owners; a change in ownership or location requires the issuance of a new license prior to the change taking effect.

*.068. Inspection Frequency.* Inspection visits are made only during the hours of operation stated on the license. The Human Resources Code, Chapter 42, requires one unannounced visit each year to child care facilities. Additional visits may be announced or unannounced. The Licensing Branch requires inspection visits approximately every four months to determine if the facility continues to meet minimum standards. Except under unusual circumstances, which must be documented in the record, no more than five months may elapse between inspection visits. Inspection visits are not made more frequently unless the licensing representative documents in the facility record that more frequent visits are necessary. For facilities closed during the summer months, the three required visits are made during the nine-month operating period. Investigation visits are made when complaints alleging violation of minimum standards or the child care licensing law are received.

*.069. Conduct of Inspections.*

(a) Upon arrival at the facility, the person in charge is advised of the standards scheduled for evaluation and that compliance with other standards may be evaluated.

(b) On each inspection visit, the licensing representative evaluates compliance with standards that relate to facility capacity and staff-child ratio. In addition, the licensing representative is alert to any conditions hazardous or potentially hazardous to the children in care, documenting in the licensing record that these evaluations were made on each visit. Compliance with other standards is evaluated according to the schedule for the facility.

(c) Before departure, the licensing representative discusses any noncompliance and corrections needed with the person in charge and sets compliance dates. The visit is documented as prescribed in departmental rules.

(d) The licensing representative visits the facility to follow up noncompliances that may endanger the health and safety of children in care to determine if the noncompliances have been corrected. Other noncompliances are followed up by telephone and documented in the facility record.

*.070. Notice of Expiration Letter.*

(a) Approximately three months before the biennial license/certificate expires, the licensing representative notifies the licensee in writing of the approaching expiration of the license/certificate, enclosing an application and any other forms required by minimum standards. The letter includes a statement that the application must be complete and returned to the licensing representative no later than two months prior to the expiration date of the license. The letter also states that if a completed application is not accepted at least two months prior to the expiration date of the license, the current license may expire without a new biennial license.

nial license having been issued. The licensing representative advises the licensee that any waiver/variance requests (new or renewal) are to be sent with the application and that request forms are available from the licensing office. When a facility has waivers/variances in effect, request forms for renewal are included with the letter.

(b) The licensing representative advises the licensee that a new plan of operation is not required for renewal. However, the licensee is advised that if he or she plans to make or has made changes in the original operation, the licensee must identify such changes so that the renewed license reflects them. A current floor/yard plan is required and may be the plan originally submitted if this remains the same.

*.071. Evaluation.*

(a) After receiving the application and other materials, the licensing representative has 10 working days to evaluate it for completeness and two months to complete the evaluation after the application is accepted.

(b) After accepting the application, the licensing representative performs a standard-by-standard evaluation unless all standards were evaluated in a systematic manner during the previous 12 months and the facility was found to be in continuing compliance. The licensing representative makes at least one inspection visit between acceptance of the application and issuance of the new license. Staff are to be alert to alteration to the facility, changes in space usage, and any encroachment on the children's activity space. If a facility has a licensing history of noncompliance or a recent record of high-risk noncompliances, the licensing representative arranges the inspection schedule to permit two standard-by-standard evaluations before the expiration of the license.

*.072. Evaluation—Summary Report.* After completing the renewal evaluation, if the facility is found to be in compliance with all minimum standards, the licensing representative prepares a summary report noting exceptions and any changes to the current license or facility operation. The licensing representative includes in the summary any information from this or previous licensing periods that could have a future significance, such as negative references or statements made by the applicant or others, administrative or judicial action, health limitations of staff and complaints which would alert the department to situations potentially hazardous to the health, safety, and well being of children. The study summary is then reviewed.

*.073. Early Renewal.* In the event that the license is issued prior to the expiration date of the current license, revocation of the current license is not necessary. The new license supersedes the old one. A statement is included in the transmittal letter that the current license, due to expire on a specific date, is superseded by the one being issued.

*.074. Issuance of Biennial License.*

(a) The biennial license is issued when the facility record is up-to-date, contains documentation of compliance on a continuing basis, and contains the recommendation of the licensing representative and supervisor. The license is signed by the regional administrator. Signed and dated approval by the supervisor and regional director must be in the facility records.

(b) When a decision to issue a license based on compliance with standards is made in spite of the summary report containing information which would alert the depart-

ment to situations potentially hazardous to the health, safety, and well-being of children, concurrence with the decision to issue is obtained from the director of licensing.

*.075. Failure To Meet Application Time Limits.*

(a) If the licensee fails to return the completed application at least two months before the expiration date of the license, the licensing representative sends a letter informing the licensee that further delay could result in expiration without a new license having been issued. The licensee is also advised that continuing to operate when a license has expired is a violation of the law.

(b) If the license expires and no application has been received, the licensing representative writes a letter notifying the facility that the license is no longer valid and must be returned. The letter must also state that continued operation without a license is in violation of Chapter 42 of the Human Resources Code, and may result in referral for legal action by the department.

(c) If an application is received prior to the expiration date of the license, the licensing representative processes the application according to required procedures, that is 10 days to determine completeness, and two months to conduct evaluation. The previous license continues to be in effect until a decision is made to issue or deny.

*.076. Denial of Application for Renewal.*

(a) If the licensee applies for a new license and the facility has not maintained continuing compliance with minimum standards or Chapter 42 of the Human Resources Code, the application is denied.

(b) The decision is made before the expiration of the current license. Notice of denial of a renewal application states the specific date on which the current license will expire. If the denial takes place more than one month prior to the expiration of the current license, the current license is revoked in the same letter. If the expiration date of the current license occurred during the evaluation period, this is stated.

*.077. Changing the Restrictions on a License.*

(a) Following the issuance of a license, a facility may want to change its operation or make other changes that affect compliance with minimum standards. Depending upon the extent of the change and its impact on the facility, licensing staff may amend the license to reflect the change(s) or conduct a new evaluation and issue a new license if the facility is in compliance with standards.

(b) If the decision is to amend the license, the licensing representative evaluates the situation to see that there are no violations of standards involved in the change(s). After this is determined, the licensing representative prepares a license form reflecting the new conditions. The original issuance and expiration dates are not changed on an amended license. The date the license was amended is shown on the lower part of the license. After the amended license is signed by the regional administrator, the licensing representative sends the license to the licensee with a letter specifying the extent of the amendment(s) and requesting that the original license be returned.

(c) If a decision is made to issue a new license, a new evaluation with emphasis on the changes is made. A new application is required.

*.078. Suspension—Administrative.*

(a) To qualify for an administrative suspension, the facility must notify the licensing representative in writing of specific plans for resuming operation following a temporary suspension of operations. The suspension period requested must not exceed the time limits of the current license.

(b) When a decision is made to suspend the license, the licensing representative notifies the licensee of the decision in a letter stating the dates of the facility's planned suspension of operation. The licensing representative makes arrangements to obtain the license and return it on or before the day the suspension expires. A request to extend the suspension period may be granted for just cause if the total suspension period does not exceed four months. Suspension of operation for more than four months is considered to be cessation of operation.

(c) At the end of the suspension period, the license is automatically reinstated. The licensing representative conducts a standard by-standard evaluation after the license has been reinstated to determine compliance with standards.

*.079. Suspension—in Place of Revocation.* The regional administrator may exercise the option of suspending the license instead of revoking it, providing the licensee requests a suspension in place of revocation and qualifies for suspension under Section 42.071 of the Human Resources Code. Suspension may be offered only if licensing staff have found repeated noncompliance that has not endangered the health and safety of children. To qualify for license suspension under this section, a facility must show that standards can be met within the suspension period and cease its operation. The suspension period may not extend past the expiration date of the current license.

*.080. Standard-by-Standard Evaluation—Possible Denial of an Application or Suspension or Revocation of a License or Registration.*

(a) The licensing representative may conduct a standard-by-standard evaluation as the result of a facility's failure to comply with standards after one or more reasonable time limits have been set. A standard by standard evaluation may also be conducted after a visit to the facility that indicates noncompliance with minimum standards to the extent that denial of an application or revocation of a license may become necessary.

(b) The licensing representative conducts a standard-by-standard evaluation immediately after a suspended license has been reinstated.

(c) Whenever possible, the standard-by-standard evaluation is conducted by two licensing representatives. It is conducted in such a manner that the process is not prolonged unnecessarily and the day care program is disrupted as little as possible. When the evaluation is complete, the licensing representative discusses the noncompliances and the dates set for correction with the person in charge unless supervisory consultation concerning specific standard(s) is necessary. In that case, noncompliances and corrections needed for that standard(s) are discussed immediately after supervisory consultation.

(d) If there are noncompliances to be corrected before the letter described in (f) is sent, the licensing representative leaves a compliance record with the person in charge listing those standards, the corrections required, and the date by which corrections must be made.

(e) The results of the standard-by-standard evaluation are sent to the licensee/applicant within 10 working days. The licensing representative(s) who conducted the standard-by-standard evaluation signs the letter and mails it to the licensee/applicant. If a designee has been named by the licensee/applicant, a copy is sent to the designee.

(f) When noncompliances are observed during the evaluation, the licensing representative sends the letter "certified mail—return receipt requested" or hand delivers it and includes the following:

(1) date of application or most recent license and type of license;

(2) facility capacity, address of facility;

(3) date(s) of the standard-by-standard evaluation, the set of applicable minimum standards, and name(s) of the representative(s) conducting the evaluation;

(4) for each noncompliance, the letter must include:

(A) a specific citation of the standards violated,

(B) specific facts supporting a finding of non-compliance including any findings based on observations of individuals other than licensing staff as reported to the licensing staff.

(C) specific corrections needed to achieve compliance;

(5) citation and quotation of any specific provisions of the child care licensing law not involving minimum standards with which noncompliances were observed and the specifics of noncompliances;

(6) a specific date by which compliance must be achieved;

(7) a statement that all other standards must continue to be met;

(8) a statement that failure to achieve compliance with unmet standards and/or failure to maintain compliance with all other standards may result in a decision to deny the application or revoke the license;

(9) an explanation of the right to an administrative review and the procedure for requesting such a review;

(10) enclosure of a marked copy of those pages of the applicable set of minimum standards on which a cited standard appears.

*.081. Evaluation after a Reasonable Time Limit.*

(a) After the expiration of the time limit set in the letter described in Rule .080, the licensing representative(s) perform(s) another standard-by-standard evaluation to determine compliance with minimum standards. The results of this second standard-by-standard evaluation, if non-compliance is observed, may lead to one or more of the following decisions:

(1) extension of the time limit;

(2) request(s) for waivers or variances;

(3) recommendation that the application be denied or the license revoked;

(4) second letter of noncompliance;

(5) recommend suspension, if the licensee is willing to suspend operation in lieu of revocation.

(b) When a standard-by-standard evaluation is conducted after a suspension under Section 42.071(b) of the Human Resources Code, and the facility is found to be in non-compliance, the license must be revoked.

*.082. Notice of Decision to Deny an Application or Revoke a License or Registration after a Standard-by-Standard Evaluation.*

(a) If, as a result of the standard-by-standard evaluation, a decision is made to deny an application or revoke a license or registration, the regional director confers with the regional attorney and the program management specialist to review the basis for the decision and all relevant material in the facility's record. The decision whether to offer suspension instead of revoking the license is made.

(b) Within 10 working days and with the concurrence of and as necessary, assistance from the regional attorney and the program management specialist, the regional administrator sends a letter by "certified mail—return receipt requested" or by personal service, to the applicant/licensee. The letter must contain but is not limited to the following:

(1) Purpose of the letter: notification of decision to deny the application or revoke the license or registration.

(2) Reference to previous letter(s) of noncompliance, including the standard-by standard evaluation.

(3) Date(s) of evaluation(s), the set of applicable minimum standards, and name(s) of the licensing representative(s) who conducted the evaluation(s).

(4) Quotation of the legal basis for action: Human Resources Code, Section 42.072, and applicable set of minimum standards.

(5) Specific citations and quotation of the standards with which the facility is in noncompliance and the specific facts supporting a finding of noncompliance.

(6) Citation and quotation of any specific provisions of the child care licensing law not involving minimum standards with which noncompliance was observed and specifics of noncompliance.

(7) If previous noncompliances are a part of the basis for the decision, a copy of the applicable noncompliance letter or compliance record is attached to the letter, and reference is made to the attachment.

(8) Explanation of the right to request an appeal of the decision within 30 days after receipt of the letter and instructions that a written request for an appeal must be addressed to the director of licensing, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. The letter must state the reasons against denial or revocation. A copy must be sent to the assigned licensing representative whose name and address are provided.

(9) If this is a revocation letter, Human Resources Code, Section 42.071(b) and (c), provide that the Licensing Branch may suspend a license for a definite period instead of revoking the license if the noncompliances do not endanger the health or safety of children. If the facility wishes to request suspension rather than revocation, it must do so in writing within 30 days from the receipt of the letter. The facility must show specifically that standards can be met; that the suspension is requested for a specific period; and that operations will cease. The request must be sent to the regional administrator.

(10) A statement that if no appeal or suspension (if offered) is requested, the decision is final 30 days after receipt of the letter and in the case of a revocation letter, that the license must be returned within five days.

(11) A statement that the attachments are made a part of this letter by incorporation.

(12) A copy of appropriate handbook material and a marked copy of those pages of the minimum standards on which appears a cited standard are enclosed with the letter.

*.083. Appeal or Suspension Not Requested.*

(a) If a request for an appeal or suspension is not received postmarked within the 30 day period, the regional administrator notifies the applicant/licensee in writing by "certified mail—return receipt requested" that the denial or revocation is final. The letter includes statements that:

(1) The decision is final in accordance with Human Resources Code, Section 42.074.

(2) In the case of revocation, the license or certificate must be returned to the licensing representative within five days. If the license has already been returned, the letter acknowledges receipt of the license.

(3) Beginning or continued operation without a license is a violation of the law and may result in a referral to the county attorney, district attorney, or the attorney general for appropriate legal action in the case of a nonstate operated facility.

(b) Approximately one week after this letter is mailed to the facility, the licensing representative determines whether the facility continues to care for children and obtains the license if it has not been returned. Any continued operation is documented.

*.084. Appeal Request Received—Staff Responsibilities.* If the director of licensing grants the request to appeal the decision, the director advises the applicant and the applicant's attorney, if known, in writing that an advisory review board will be appointed to hear the appeal. The letter also states that the regional attorney will inform the appellant of the date, time, and place of the hearing. If the request is denied, the reason(s) is stated in a letter.

*.085. Monitoring during Appeal Process*

(a) After a request for an appeal has been granted and the appeal process continues, the licensing representative and supervisor confer with the regional attorney concerning monitoring visits. Because the license is still in effect until the appeal process is complete, the department retains responsibility for ensuring that children are cared for in conformity with minimum standards and the law. A schedule is established so that inspections continue. All such inspections may be unannounced. Any complaints received will likewise be investigated. All noncompliances are noted, time limits set, and corrections required as appropriate, to be communicated by letter after regional attorney approval. Monitoring continues so long as the appeal is in process and the facility operates.

(b) During the 30-day time limit, during which time the facility has not requested an appeal, no visits are made to the facility unless a complaint is made on the facility or unless approved by the program director.

*.086. Appointment of Advisory Review Board.* The director of licensing appoints a chairman, four members, and no less than one alternate to the advisory review board. Appointment is made in a letter to each appointee from the director of licensing. This letter serves as a contract specifying the service to be provided to the department and the payment for said service. The director advises the appointees not to discuss the merits of the case with the parties concerned prior to the hearing. The appointment letter contains a statement that the regional attorney will advise the appointees of

the date, time, and place scheduled for the hearing. The appellant and attorney, if known, are sent a list of the names of the appointees.

*.087. Appeal Review Committee.*

(a) The director of licensing convenes an appeal review committee after receiving the advisory review board's recommendation and the record of the hearing. Standing members of the committee are the director of licensing, the division representative responsible for establishing standards, and the division representative responsible for administering the child care licensing law in the region where the facility is located. With the approval of the director of licensing and for just cause a substitute member may be appointed in writing by the appropriate standing member(s). To assist the committee in its deliberations, before this committee meets, the program management specialist assigned to the region indexes the transcript and exhibits, listing the pages containing testimony about compliance with standards which were the basis for denial or revocation. All members of the committee review the transcript prior to the meeting of the committee.

(b) During its deliberations the committee reviews the board's recommendations, refers to the transcribed record of the hearing, and reviews the letter of denial or revocation together with any other items making up the official record to determine if alleged noncompliances were established by a preponderance of the evidence at the hearing. The committee renders a majority vote decision on findings of fact and conclusions of law. This committee completes its deliberations and renders a decision within two weeks after receiving the board's recommendation. The attorney who conducted the hearing prepares the findings of fact of the committee from decision notes prepared by the committee.

(c) The findings of fact and conclusions of law are the final administrative decision and are signed by the committee members. This is sent "certified mail—return receipt requested" to the appellant with a covering letter signed by the director of licensing. If the decision is to uphold the revocation or denial, the appellant is advised of his or her right to request a rehearing before the committee and that such request must be made within 10 days after receiving the decision. This request must be in writing to the director of licensing. Within 10 days after receipt of the request the director notifies the appellant and his or her attorney, if known, by "certified mail—return receipt requested," whether the request is granted or denied. If granted, the director of licensing makes arrangements for a rehearing. The director or licensing then advises the chairperson, members, and alternate members of the advisory review board of the committee's decision.

*.088. Suit Not Filed.*

(a) If the appellant does not challenge the final administrative decision in a suit filed in district court within 30 days from the date of receiving the decision on the request for rehearing, the regional administrator sends the following notification to the licensee/applicant, "certified mail—return receipt requested."

(1) The decision to deny the application or revoke the license is final in accordance with Human Resources Code, Section 42.072.

(2) In the case of revocation, the license must be returned to the licensing representative within five days.

(3) Beginning or continued operation without a license is a violation of the law and may result in a referral to

the county attorney, district attorney, or attorney general for legal action in the case of a nonstate-operated facility.

(b) Approximately one week after this letter is sent to the facility, the licensing representative determines whether the facility continues to care for children and obtains the license if it has not been returned. The licensing representative documents any continued operation. If the facility is not operated by the state, the regional director confers with the regional attorney to determine if the matter will be referred for legal action.

*.089. Request for Suspension—General.* As a result of the denial or revocation letter, the licensee may request that the license be suspended rather than revoked. This request must be in writing to the regional administrator, it must show specifically that standards can be met within the suspension period, and it must give suggested dates for suspension.

*.090. Regional Decision.*

(a) If the regional administrator decides to grant the request for suspension, he or she sends a letter to the licensee "certified mail—return receipt requested" that:

(1) acknowledges receipt of the request;

(2) states the dates of the suspension and advises the licensee that during this period no children are to be in care at the facility;

(3) advises the licensee that any request for an extension of the suspension must be received by the regional administrator before the end of the suspension period and that cessation of operation for more than four months requires the license to be revoked;

(4) informs the licensee that a standard-by-standard evaluation will be conducted after the suspension period expires and that failure to meet standards will result in revocation of the license as required by Human Resources Code, Section 42.071(c).

(b) If a suspension is requested and denied, the regional administrator notifies the licensee in a letter sent "certified mail—return receipt requested" stating the reason(s) for denial of the request. The licensee is notified that the department is proceeding with revocation and that the licensee has 30 days from the date of receipt of the letter to appeal the revocation.

*.091. Suspension Granted—Follow Up.* If suspension is granted, the license is automatically reinstated at the end of the suspension. Immediately after the suspension period the licensing representative conducts a standard-by-standard evaluation. If the licensing representative determines that the facility is in compliance with all standards, he or she notifies the licensee by letter. If the facility is not in compliance with all standards, the license is revoked.

*.092. Revocation/Denial without a Standard-by-Standard Evaluation.* Under certain circumstances the regional administrator sends a notice of the decision to deny an application or revoke a license or registration without staff first performing a standard-by-standard evaluation. There are two types of situations in which this is done. The first type requires immediate enforcement action by licensing staff; the second also requires immediate action after the facility has had a reasonable time to correct the noncompliance(s) and has failed to comply.

**.093. Immediate Enforcement Action.**

(a) For nonstate-operated facilities, when an application is denied or a license revoked under this rule, judicial referral is initiated at the same time.

b) A notice of the decision to deny an application or revoke a license is sent "certified mail—return receipt requested" or by personal service if licensing staff determine that an incident resulting in one of the following has occurred in a regulated facility as the result of a violation of minimum standards or the law:

- (1) death of a child;
- (2) serious injury to a child; or a child has contracted a serious illness;
- (3) validated instance(s) of abuse or neglect;
- (4) report from law enforcement officials or a health or fire agency that a dangerous situation exists.
- (5) refusal by facility personnel to admit licensing staff for inspection of the facility where there is evidence or cause to believe that the children's health or safety are in danger.
- (6) presence of a person(s) at the facility which is a violation of standards or causes a serious threat of violation to exist and when that person's behavior is believed to constitute an actual or potential threat to the children in care.

(c) The licensing representative(s) determines whether violations of minimum standards or the law have occurred. If it is determined that minimum standards of the law were or are being violated or that there is a threat of a serious violation, with the concurrence of the program management specialist and the regional attorney, the regional administrator sends a letter, "certified mail—return receipt requested," to the licensee/applicant within five days after non-compliance was established. The letter must contain at least the following:

- (1) Notification of decision to deny the application or revoke the license.
- (2) A quote of the legal basis for the action: Human Resources Code, Section 42.072(a), and where appropriate 42.052(c) and (d). Indicate applicable set of minimum standards.
- (3) Date(s) of the evaluation or investigation and the name(s) of the licensing representative(s) involved.
- (4) Specific citation of standard(s) with which the facility is in noncompliance and the specific facts that support a finding of noncompliance with reference to any reports from specialists which support the noncompliance findings.
- (5) Citation and quotation of any specific provisions of the child care licensing law not involving minimum standards with which noncompliance was observed, and the specifics of noncompliance.
- (6) A statement that the licensee/applicant has the right to request an appeal of the decision within 30 days after receipt of the letter. A statement that a request for an appeal must be in written form, addressed to the director of licensing, Texas Department of Human Resources, P.O. 2960, Austin, Texas 78769; that the letter requesting an appeal must state the reasons against denial or revocation; and that a copy of such request must be sent to the assigned licensing representative whose name and address are in the letter.
- (7) A statement that if no appeal is requested, the denial or revocation is final 30 days after receipt of the letter and in the case of a revocation letter, that the license must be returned within five days.

(8) A statement that the attachments are made a part of this letter by incorporation.

(9) A copy of appropriate handbook material and a marked copy of those pages of the minimum standards on which a cited standard appears are enclosed with the letter.

**.094. Revocation/Denial—after Time Limit.**

(a) Provided the licensee/applicant has been advised of possible revocation/denial and given due notice, and if corrections are not made to bring the facility in compliance with the standards or section of the law associated with the following within the prescribed time limits, the application may be denied or the license revoked for any of the following reasons:

- (1) the facility has had a fire inspection or sanitation inspection report with corrections required, but the corrections have not been made;
- (2) facility staff have refused to allow licensing staff entry to the facility during hours of operation to inspect or investigate, or have obstructed or unreasonably delayed licensing staff in carrying out regulatory responsibilities;
- (3) a person(s) is on the premises whose presence is a violation of minimum standards or causes a threat of violation of minimum standards to exist;
- (4) there has been a violation of restrictions (terms) on the license;
- (5) violation of the same minimum standard has occurred three or more times within a one-year period.

(b) If a decision is made to deny the application or revoke the license under this subsection, concurrence is obtained from the program management specialist and the regional attorney. The regional administrator sends a letter "certified mail—return receipt requested" within 10 working days after noncompliance was established. Licensing staff may deliver the letter by personal service. The letter must contain at least the following:

- (1) Notification of intent to deny the application or revoke the license.
- (2) A citation and a quotation of the legal basis of action: Human Resources Code, Section 42.072(a), and where appropriate 42.052(c) and (d), and state the name of the applicable set of minimum standards.
- (3) Date(s) of the evaluation(s) or investigation and names of the licensing representative(s) involved.
- (4) Reference to and attachment of previous notice(s) of noncompliance.
- (5) Citation of unmet standards and the specific facts supporting a finding of noncompliance. Refer to any reports from specialists which support findings of noncompliance.
- (6) Explanation of the right to request an appeal of the decision within 30 days after receipt of the letter and instructions that a request for an appeal must be addressed to the director of licensing, Texas Department of Human Resources, P.O. Box 2960, Austin, Texas 78769. The letter must state the reasons against denial or revocation. A copy must be sent to the assigned licensing representative, whose name and address must be provided.
- (7) A statement that if no appeal is requested, the denial of revocation is final 30 days after receipt of the letter and in case of a revocation letter, that the license must be returned within five days.
- (8) A statement that the attachments are made a part of this letter by incorporation.
- (9) A copy of appropriate handbook material and a marked copy of those pages of the standards on which a cited standard appears enclosed with the letter.

**.095. Regulation of State-Operated Facilities.** State-operated facilities are exempt from licensing, but are subject to regulation through certification. Facilities operated by Texas cities or counties are not state-operated facilities. If, during the inquiry phase a facility claims to be state-operated, the licensing representative requests documentation to support this claim. If a determination cannot be made by regional staff, the regional administrator submits available information about the facility to the director of licensing. The director of licensing determines if the facility is subject to licensing or certification and notifies the regional administrator of the determination.

**.096. Constraints and Requirements of State-Operated Facilities.** State operated facilities are regulated and certified as prescribed for licensed facilities, except as follows.

(1) If day care licensing staff meet any resistance to regulation, the licensing representative notifies his or her supervisor and regional director who contacts the program management specialist for technical assistance.

(2) No provisional certificate is issued, the first time certification of a state operated facility is a biennial certificate.

(3) No judicial referral is made of a state operated facility, nor is judicial referral mentioned as a consequence of noncompliance with the standards or the law.

(4) The director of licensing sends copies of all letters involving denial, suspension, or revocation to the head of the state agency under which the facility operates.

(5) A copy of notification letters are sent to the director of day care licensing, if noncompliances are found that may endanger the health or safety of children in care.

(6) The licensing supervisor sends to the director of licensing a copy of all complaint investigation reports in which noncompliances are found that may endanger the health or safety of the children in care.

**.097. Special Report—Serious Harm to Children.** If licensing staff finds conditions that threaten serious harm to children in care in a state-operated facility, the licensing representative notifies the director of licensing who assumes responsibility for notifying the commissioner. The governor is notified at the direction of the commissioner.

**.098. Reports of Unregulated Operating Facilities.**

(a) When licensing staff learn that an unregulated facility may be in operation, the licensing representative collects as much information about the facility as possible before any direct contact is made. This information is gathered to determine whether unregulated child care is being provided. The licensing representative may obtain information from other sources.

(b) The child care facility complaint report is used to record all complaints against a child care facility. This includes any reports which meet the definition of complaint. The report form is not used in instances where licensing staff have seen advertisements or bulletin board announcements. When the investigation is complete, the licensing representative completes a child care facility complaint investigation report, signs and dates it, and submits it to the licensing supervisor for signed approval.

**.099. Initial Contact Procedures.**

(a) When licensing staff determine that a day care facility is probably in operation illegally, a licensing repre-

sentative contacts the care giver by phone, letter, or in person to determine if the facility is subject to regulation.

(b) In all cases, the licensing representative advises the care giver that the department has information that child care is being provided and that the department must determine if that care is subject to regulation under state law. The licensing representative explains the various types of part-day care and provides a copy of the child care licensing law. If this contact is by phone or letter, the licensing representative arranges a date and time for a visit to the facility.

(c) The purpose of the licensing representative's first visit is to determine if the facility is subject to regulation under the child care licensing law. If so:

(1) determine the particular category of child care, if subject to regulation;

(2) determine whether children are being exposed to conditions which are hazardous to their health, safety, and well-being;

(3) give information about licensing;

(4) set application item limits;

(5) ensure that the care giver understands that licensing is a statutory requirement and not a matter of choice or personal preference

(d) The length of the inspection visit and amount of material covered in the first contact is flexible as determined by the care giver's level of understanding. A letter confirming each contact and points of discussion is sent.

**.100. Report of Child Abuse/Neglect in an Unregulated Facility.**

(a) When a report alleges child abuse/neglect in a unregulated facility, the main responsibility of licensing staff is to determine whether the facility is subject to regulation. The investigation of the child abuse/neglect allegation is the primary responsibility of protective services.

(b) When a child abuse/neglect allegation is received or the specific complaint about an unregulated facility indicates that child abuse/neglect may have occurred, licensing staff immediately notify protective services staff of the receipt of information. If such information is first received by protective services staff, this is immediately reported to licensing staff.

(c) Following such notification, a joint visit is made to the facility. If, during the joint visit the facility is found to be subject to regulation, licensing staff implement initial contact procedures. The facility is not cited for violation of minimum standards. Protective services proceeds with the child abuse/neglect matter as appropriate, and provides licensing staff with a written report on the investigation.

(d) If it is determined that the facility is not subject to regulation as a child care facility, licensing staff close the investigation.

**.101. Refusal to Submit an Application.**

(a) After contacts with the care giver which the licensing representative has confirmed in writing, appropriate application forms have been provided, and the care giver has not submitted an application, a referral for legal action is made. The referral letter contains at least:

(1) a request for appropriate judicial action;

(2) dates and contacts with the care giver;

(3) reference to application materials given the care giver;

(4) reference to materials on which the care giver was to act and references to failure to act;



(5) a statement as to the reasonable time limits that were given.

(b) After referral for judicial action is made, no application from the care giver is accepted without prior consultation with the official to whom the referral was made. Upon agreement with the official, the referral may be withdrawn and the application accepted.

*.102. Public Advertising.* In order to support charges of public advertising of an unlicensed facility, licensing staff gather clippings, names of witnesses, or photographs of signs. Clippings and photographs are dated and initialed, and in the case of photographs, initials of two witnesses are preferred. If there is doubt as to what is required for proof, the regional attorney is requested to provide specific guidelines for each situation.

*.103. Documentation for Referral.*

(a) In the case of a regulated facility, no referral for legal action is made under Sections 42.074 and 42.075 without also initiating steps to revoke the license or deny the application.

(b) Any licensing representative who believes that he or she has accumulated the facts necessary to support a referral for judicial action prepares a summary of the case to support the referral and sends it to the regional director through the supervisor. The licensing representative ensures that entries in the record are current. Examples of possible referrals for civil and/or criminal action are as follows:

(1) operating facility subject to regulation refusing to apply after time limits have expired;

(2) confirmed case of child abuse or neglect in a regulated facility or a facility subject to regulation;

(3) death, or serious injury, or serious illness of a child as the result of noncompliance with standards or provisions of the law;

(4) the presence of a person in the facility which is a violation of standards or causes a serious threat of violation to exist and when that person's behavior is believed to constitute an actual or potential threat to the children in care;

(5) a report from a representative of a health or fire agency that the children in a facility are in danger because safety, health, or fire hazards exist;

(6) where a facility continues to operate after the expiration of the 30-day time limit when no appeal or suspension has been requested;

(7) a facility continues to operate after the denial or revocation decision is final.

*.104. Injunction Ordered—Follow Up.* When an injunction is ordered and a child care facility has been served, licensing staff makes a visit to the facility after the effective date of the order to determine that the facility is abiding by the order. Violation of the order is documented and this information sent to the regional attorney. The regional attorney evaluates the information and, if appropriate, refers the case for contempt proceedings. Closure of the facility is also documented in the facility record.

Issued in Austin, Texas, on May 16, 1980.

Doc. No. 803726 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption: June 23, 1980  
For further information, please call (512) 441-3355.



## State Board of Insurance

### Rating and Policy Forms

#### Board Shall Fix Rates 059.05.25

The State Board of Insurance proposes to amend Rule 059.05.25.003, which adopted by reference the Texas General Basis Schedules, as follows:

(1) adopting the guidelines and standards for approval of testing laboratories and amending the manual rules to recognize testing laboratories, in addition to Underwriters Laboratories, which meet the necessary criteria and have been specifically approved by the board;

(2) amending the mortgage clause rule to eliminate that portion of the rule forbidding the mortgage clause to be payable to an unnamed holder, future holder, or assignee of the mortgage note;

(3) amending the manual rules to allow replacement cost endorsement FRO-465 to be applicable to secondary residences;

(4) amending the manual rules to allow replacement cost endorsements HO-365 and/or HO-365T to be applicable to secondary residences;

(5) amending the manual rules governing the automatic increase in insurance endorsement for fire policies and for Texas multiperil policies to permit the use of such forms on blanket buildings and contents coverage for churches and schools;

(6) adding rules and rates to govern the writing of new Form 81G, damage by weight of ice, sleet, and snow;

(7) eliminating the manual rule requiring the type of farm to be shown on Form 81;

(8) amending the manual rules governing the farm and ranch owners policy to allow the writing, under a farm and ranch owners policy, of Coverage D, scheduled farm and ranch property using Form FRO-459, without requiring the writing of Coverage A (dwelling), Coverage B (household goods) or Section II;

(9) amending the manual rules governing Texas multiperil policies to allow blanket rent insurance to be written at 80% coinsurance;

(10) amending the manual rules governing extended coverage to provide an extended coverage classification of SWR for one story steel frame buildings, less than 30 feet in height, with a metal deck roof;

(11) adding manual rules and rates to govern the writing of the new Form TxMP-190A, TMP consequential loss extension endorsement;

(12) amending various manual rules governing the cancellation of fire policies, standard homeowners policies, standard farm and ranch policies, standard farm and ranch owners policies and Texas multiperil policies to reflect that when a policy is cancelled pro rata to rewrite a new policy, the new policy may be issued in any one company of the "same group of companies" in lieu of the "same company";

(13) amending the manual rules and rates to provide medical payments limits tables of \$500, \$1,000, \$2,000, \$3,000, \$4,000, and \$5,000;

(14) amending the manual rules governing farm and ranch owners policies to permit the writing of Section II coverage (Coverage E, personal liability) without requiring the writing of Section I coverage;

(15) amending the manual rules and rates to provide employer's liability farm employees rates with medical payments limits tables of \$500, \$1,000, \$2,000, \$3,000, \$4,000, and \$5,000;

(16) adding manual rules and rates governing the writing of new Form TxMP-205, TMP broad form comprehensive general liability endorsement;

(17) amending the manual rules governing the writing of TMP boiler and machinery coverage to reflect the updating of the boiler and machinery forms to coincide with the monoline boiler and machinery coverage;

(18) adding manual rules and rates to govern the writing of the new Form TxMP-52, TMP vacancy permit;

(19) amending the manual rules to allow Form TxMP-123, TMP optional perils endorsement, to be attached to the Texas multiperil policy when such is providing coverage to risks qualifying under the mercantile program;

(20) amending the manual rules governing the TMP automatic increase in insurance endorsement to eliminate reference to two- and three-year premium factors and provide only annual factors with the resulting premium being subject to three times annual for three-year policies;

(21) amending the manual rules and rates governing the automatic increase in insurance endorsement Form 137 to coincide with the Texas multiperil automatic increase in insurance rules regarding the three-year premium being three times annual;

(22) amending the manual rules to allow Form HO-301, additional insured endorsement, to be applicable for the inclusion of certain relatives on a homeowners condominium policy as insureds;

(23) adding the manual rules and rates to govern the new Form TxMP-148, TMP business interruption insurance;

(24) amending the manual rules to set forth certain standards for the installation of hood and vent (duct) systems.

These amendments are attached hereto (see attachment) and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from the proposed amendments.

Public comment on these amendments is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed pursuant to the authority of Article 5.25 of the Texas Insurance Code.

.003. *Texas General Basis Schedules.* The State Board of Insurance adopts by reference the attached Texas General Basis Schedules as amended **August 1, 1980** (in July 1979). *The Texas General Basis Schedules* (This document) is published by and available from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 803688

## Standard Forms 059.05.36.001

The State Board of Insurance proposes to amend Rule 059.05.36.001, which adopted by reference fire policy forms, as follows:

(1) adding a new Form 134, cancellation and/or non-renewal endorsement-mandatory, to provide that written notification by the company is not required to the successor or assignee of the mortgagee specifically named on the policy (see Attachment A);

(2) amending Form 137, automatic increase in insurance endorsement, to be applicable to blanket building and contents coverage for churches and schools (see Attachment B);

(3) amending Form No. 81, farm and ranch form, to eliminate the provision requiring "type of farm" be shown (see Attachment C);

(4) adding a new Form 81G, damage by weight of ice, sleet, and snow endorsement, to provide the peril of weight of ice, sleet, and snow to farm and ranch outbuildings (see Attachment D);

(5) amending Form 29, special cancellation and renewal provisions, to provide that a company may cancel a policy within 90 days in lieu of 60 days (see Attachment E);

(6) amending Form 167, hood and vent (duct) protection clause to provide for other automatic systems installed according to the provisions of Chapter 7, of National Fire Protection Association Standard Number 96-1978, "Removal of Smoke and Grease—Laden Vapors from Commercial Cooking Equipment" (see Attachment F).

These amendments are attached hereto (Attachments A-F) and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from the proposed amendments.

Public comment on these amendments is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed pursuant to the authority of Article 5.36 of the Texas Insurance Code.

.001. *Fire Policy Forms.* The State Board of Insurance adopts by reference the *attached* [following] Fire Policy Forms [(copies of which are attached)] as amended **August 1, 1980** (in 1979). These forms are published by and available from the Texas Insurance Advisory Association, 2801 South Interregional Highway, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 803689

**059.05.36.002**

The State Board of Insurance proposes to amend Rule 059.05.36.002, which adopted by reference homeowners policy forms, as follows:

(1) Amending the following forms to provide that a company may cancel a policy within 90 days in lieu of 60 days:

- Form HO-A—Homeowners Limited form
- Form HO-B—Homeowners Broad form
- Form HO-C—Homeowners All-Risk form
- Form HO-B-T—Homeowners Limited form—Tenant
- Form HO-C-T—Homeowners All Risk form—Tenant
- Form HOB-CON-1—Homeowners Policy—Condominium Unit—Owners form
- Form HOC-CON-1—Homeowners Policy—Condominium Unit—Owners All-Risk form

(see Attachment A).

(2) Amending Form HOB-CON-1, Homeowners Policy—Condominium Unit—Owners form to eliminate the words "made by the insured" in relation to alterations and additions (see Attachment B).

These amendments are attached hereto (Attachment A and B) and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from the proposed amendments.

Public comment on these amendments is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed pursuant to the authority of Article 5.36 of the Texas Insurance Code.

**.002. Homeowners Policy Forms.** The State Board of Insurance adopts by reference the attached homeowners policy forms as amended **August 1, 1980** [in July 1979]. **These forms are** [This document is] published by and available from **the Texas Insurance Advisory Association, 2801 South Interregional Highway, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.**

Doc. No. 803690

**059.05.36.003**

The State Board of Insurance proposes to amend Rule 059.05.36.003, which adopted by reference farm and ranch owners policy forms, by amending forms FRO-A, Farm and Ranch Owners Limited form; FRO-B, Farm and Ranch Owners Broad form and FRO-C, Farm and Ranch Owners All-Risk form, to provide that a company may cancel a policy within 90 days in lieu of 60 days (see Attachment A).

This amendment is attached hereto (Attachment A) and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from the proposed amendment.

Public comment on this amendment is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed pursuant to the authority of Article 5.36 of the Texas Insurance Code.

**.003. Farm and Ranch Owners Policy Forms.** The State Board of Insurance adopts by reference the attached farm and ranch owners policy forms as amended **August 1, 1980** [in July 1979]. **These forms are** [This document is] published by and available from **the Texas Insurance Advisory Association, 2801 South Interregional Highway, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.**

Doc. No. 803691

**Multiperil Forms 059.05.81**

The State Board of Insurance proposes to amend its Rule 059.05.81.001, which adopted by reference multiperil policy forms, as follows:

(1) amending Form TxMP-198, TMP automatic increase in insurance endorsement, to be applicable to blanket buildings and personal property coverage for churches and schools (see Attachment A);

(2) adding a new Form TxMP-190A, TMP consequential loss extension endorsement (see Attachment B);

(3) amending Forms TxMP 107, TMP special commercial property form, TxMP 108, TMP special commercial property reporting form, TxMP 115, TMP special property form, TxMP 116, TMP special property reporting form and TxMP 124, TMP additional coverage endorsement, to provide for the limit of liability for transportation coverage under the extensions of coverage as \$2,500 in lieu of \$1,000 (see Attachment C);

(4) adding a new Form TxMP 205, TMP broad form comprehensive general liability endorsement (see Attachment D);

(5) amending the following TMP boiler and machinery forms to reflect current approved changes made to monoline boiler and machinery forms.

TxMP 400—TMP boiler and machinery coverage endorsement;

TxMP 401—TMP Section IV—boiler and machinery coverage—declarations;

TxMP 402—TMP additional objects groups;

TxMP 407—TMP business interruption endorsement;

TxMP 408—TMP business interruption endorsement;

TxMP 409—TMP extra expense endorsement;

TxMP 410—TMP business interruption endorsement;

TxMP 411—TMP consequential damage endorsement;

TxMP 422—TMP schedule definitions and special provisions endorsement;

TxMP 424—TMP special business interruption endorsement;

TxMP 425—TMP special business interruption endorsement;

TxMP 426—TMP special extra expense endorsement;

TxMP 427—TMP special consequential damage endorsement;

(see Attachment E);

(6) adding a new Form TxMP-51, TMP amendatory endorsement—mandatory, to amend the vacancy conditions of the basic policy and adding new Form TxMP-52, TMP vacancy permit (see Attachment F);

(7) adding a new Form TxMP-148, TMP business interruption insurance, for extending the period of indemnity under Form TxMP-140 (see Attachment G);

(8) amending Form TxMP-30, TMP special cancellation and renewal provision, to provide that a company may cancel a policy within 90 days in lieu of 60 days (see Attachment H).

These amendments are attached hereto (Attachments A-H) and incorporated herein by reference.

The staff of the State Board of Insurance has determined that there are no fiscal implications for the state or any unit of local government that would result from the proposed amendments.

Public comment on these amendments is invited and may be submitted in writing to G. J. Jones, property actuary, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are proposed pursuant to the authority of Article 5.81 of the Texas Insurance Code.

.001. *Multiperil Policy Forms.* The State Board of Insurance adopts by reference the attached [Texas] multiperil policy forms as amended **August 1, 1980** [in July 1979]. **These forms are** [This document is] published by and available from **the Texas Insurance Advisory Association, 2801 South Interregional Highway, Austin, Texas 78741, and from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.**

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

Doc. No. 803692      Pat Wagner  
   Chief Clerk  
   State Board of Insurance

Proposed Date of Adoption: June 23, 1980  
For further information, please call (512) 475-6664.

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."



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## NONCODIFIED

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### Texas Department of Human Resources

#### Medicaid Eligibility

#### Resources for Individuals Related to the SSI Program 326.25.33

The Department of Human Resources adopts amendments to Rule 326.25.33 010 about consideration of an automobile as a resource in its Medicaid eligibility rules. As a result of a recent federal regulation (20 Code of Federal Regulations 416.1218), the rule is being amended to increase the automobile exclusion from \$2,000 equity value to \$4,500 market value. Only one automobile may be disregarded under this revised policy.

The following amendments are adopted under the authority of the Human Resources Code, Title II, pursuant to federal requirements, effective November 1, 1979.

#### .010. Automobile.

(a) (No change.)

(b) In determining the resources of an individual (and spouse, if any), an automobile is excluded if its market value is \$4,500 or less. If the market value exceeds \$4,500, the value in excess of that amount is counted toward the resource limit. The "current market value" of an automobile is the average price an automobile of that particular year, make, model, and condition will sell for on the open market (to a private individual) in the particular geographic area involved.

(c) Any other automobiles are treated as nonliquid resources and counted to the extent of their equity value against the resource limit. The "equity value" is the price that item can reasonably be expected to sell for on the open market in the particular geographic area involved, minus any encumbrances.

(d)-(e) (No change.)

(f) Where more than one automobile is owned by the individual, spouse, or a person whose income and resources are deemed to the eligible individual, the automobile of the highest value may be excluded for use if it is to the advantage of the applicant/recipient.

(g) Any other automobiles are treated as nonliquid resources and counted to the extent of their equity value.

Issued in Austin, Texas, on May 16, 1980.

Doc. No 803750 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date November 1, 1979

Proposal Publication Date N/A

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

### State Board of Nurse Examiners

#### Practice and Procedure 388.02.00.001-.057

The Board of Nurse Examiners for the State of Texas has adopted the repeal of Rules 388.02.001-.057. The proposed repeal was published in the April 1, 1980, issue of the *Texas Register* (5 TexReg 1276). The repeal of Rules 388.02.00.001-.057 was proposed because of extensive changes necessary for revision.

Pursuant to the authority of Texas Revised Civil Statutes, Article 4514 through 4528, the Board of Nurse Examiners has repealed Rules 388.02.00.001-.057.

Doc No 803704

#### 388.02.00.058-.071

Under authority of Articles 4514 through 4528, Texas Revised Civil Statutes, the Board of Nurse Examiners for the State of Texas adopts Rules 388.02.00.058-.071, with only minor changes from the proposed text.

*058. Definitions.* As used in these rules, the words and terms defined in this section shall have the meanings set forth below.

(1) "Act" means the Nurse Practice Act, Articles 4513-4528, Texas Revised Civil Statutes.

(2) "APA" means the Administrative Procedure and Texas Register Act, Article 6252-13a, Texas Revised Civil Statutes.

(3) "Board" means the Board of Nurse Examiners appointed pursuant to Article 4513, Revised Civil Statutes.

(4) "Executive secretary" means the executive secretary of the Board of Nurse Examiners.

(5) "Respondent" means a person against whom have been made allegations of conduct that may violate the Act or the rules, regulations, or orders of the Board of Nurse Examiners. For purposes of these rules, the respondent may act through legal counsel.

(6) "Staff" means the investigative staff of the Board of Nurse Examiners and does not include the executive secretary. For purposes of these rules, the staff may act through the legal counsel to the board.

(7) "Shall" indicates mandatory requirements.

(8) "Should" indicates a recommendation.

*.059. Filing of Documents.* All applications, petitions, complaints, motions, protests, 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.

*.060. Computation of Time.*

(a) In computing any period of time prescribed or allowed by these rules, by order of the agency, or by any applicable statute, unless otherwise specified, 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) Extension. Unless otherwise provided by statute, the time for filing any pleading, motion, or request may be extended by order of the executive secretary, upon written motion duly filed prior to the expiration of the applicable period of time for the filing of the same, showing that the need therefor is not caused by the neglect, indifference, or lack of diligence of the requesting party.

*.061. Service or Notice.* Service on the respondent shall be deemed complete and effective if the document to be served is sent by registered or certified mail to the respondent at the address shown on his or her most recent application for certificate of registration or re-registration under the Act; provided, however, that the staff shall exercise due diligence to determine the address of the respondent at the time of service and, if said address is different from that on the application, the staff shall send another copy of the document to respondent at said address by certified or registered mail.

*.062. Motion for Continuance.*

(a) Continuances may be granted by the executive secretary upon the filing of a written motion and affidavit complying with the requirements of subsection (b) hereof; provided, however, that no motion for continuance shall be granted by the executive secretary unless filed at least five days prior to the hearing.

(b) The motion shall be supported by a sworn affidavit detailing the reasons for the continuance. If the ground of such application be the want of testimony, the respondent shall make affidavit that such testimony is material, showing the materiality thereof, and that he or she has used due diligence to procure such testimony, stating such diligence, and the cause of failure, if known; that such testimony cannot be procured from any other source; and, if it be for the ab-

sence of a witness, the respondent shall state the name and residence of the witness, and what the respondent expects to prove by such witness. The affidavit shall also state the continuance is not sought for delay only, but that justice may be done.

*.063. Witness Fees and Expenses.* A witness who is not a party to the proceeding and who is subpoenaed to appear at a deposition or hearing or to produce books, papers, or other objects, shall be entitled to receive reimbursement for actual expenses incurred in complying with the subpoena according to the schedule below.

(1) Mileage will be paid at the rate of \$.18 per mile if by private car or the actual fare paid to a regularly scheduled train, bus, or air carrier. In all cases, the fare shall be the lowest available for the particular route or trip in question.

(2) The actual cost of food and lodging, if necessary, not to exceed \$40 a day shall be paid.

(3) A witness fee of \$10 shall be paid.

(4) Mileage and fees to which a witness is entitled under this section shall be paid by the party or agency at whose request the witness appears, on presentation of proper vouchers sworn by the witness.

*.064. Preliminary Notice to Respondent.*

(a) Prior to commencing disciplinary proceedings under Rule .065 hereof, the staff shall serve the respondent with written notice.

(b) Such notice shall contain a statement of the charges against the respondent and a statement that the respondent has 20 days from the date the notice is served to provide the staff with a written response to the charges, together with any other written information showing the respondent's compliance with the Act and the rules, regulations, and orders of the board.

(c) After the expiration of the 20-day period, the staff may take no further action, conduct further investigation, or commence disciplinary proceedings under Rule .065 hereof.

*.065. Commencement of Disciplinary Proceedings and Filing of Complaint.*

(a) The staff may commence disciplinary proceedings before the board by filing a written complaint under oath.

(b) The complaint shall contain the following information:

(1) the name of the respondent;

(2) a statement of the conduct alleged to be in violation of the Act or of a rule, regulation, or order of the board; and

(3) a reference to the section of the Act or to the board rule, regulation, or order which respondent is alleged to have violated.

(c) When the complaint is filed, the executive secretary shall serve the respondent with a copy of the complaint and with a notice of hearing which shall state the date, time, and location of the hearing at which the board will consider the complaint. The notice of hearing shall also state that the respondent should file a written answer to the complaint meeting the requirement of Rule .066 hereof within 10 days of receiving the complaint. In addition, the executive secretary shall enclose with the complaint and notice of hearing a copy of the rules governing disciplinary proceedings.

(d) The staff may amend the complaint at any time; provided, however, that no amendment of the complaint shall be effective if filed within 15 days of the hearing unless consented to by the respondent or approved by the executive sec-

retary. A copy of the amended complaint shall be served on the respondent. The first complaint filed shall be entitled "complaint," the first amended complaint filed shall be entitled "first amended complaint," the second amended complaint filed shall be entitled "second amended complaint," and so forth.

*.066. Respondent's Answer.*

(a) The respondent should file an answer to the complaint and to every amendment thereof.

(b) The answer shall be filed by respondent within 10 days of receiving the complaint or any amended complaint; provided, however, that no answer shall be filed less than five days prior to the hearing unless consented to by the staff or approved by the executive secretary.

(c) The answer shall admit or deny each of the allegations in the complaint or amendment thereof. If the respondent intends to deny only a part of an allegation, the respondent shall specify so much of it is true and shall deny only the remainder. The answer shall also include any other matter, whether of law or fact, upon which respondent intends to rely for his or her defense.

(d) The respondent may amend his or her answer at any time subject to the provisions of subsection (b) of this rule.

(e) The first answer filed shall be entitled "answer," the first amended answer filed shall be entitled "first amended answer," the second amended answer filed shall be entitled "second amended answer," and so forth.

(f) The answer shall be typewritten or printed and be in the style and format of the complaint.

(g) The answer shall be notarized.

*.067. Depositions.*

(a) The deposition of any witness may be taken upon a commission issued by the executive secretary upon the written request of the staff or the respondent, a copy of which shall be served on the nonrequesting party.

(b) The written request shall contain the name, address, and title, if any, of the witness; a description of the books, records, writings, or other tangible items, if any, the requesting party wishes the witness to produce at the deposition; the date and location that the requesting party wishes the deposition to be taken; and a statement of the reasons why the deposition should be taken and the items produced.

(c) The cost of the original transcription of the deposition and the fee and expenses described in Rule .063 hereof shall be borne by the respondent if the deposition is requested by the respondent. When the deposition is requested by the staff, the cost of the original transcription of the deposition shall be borne by the board.

*.068. Subpoenas.*

(a) Upon the written request of the staff or the respondent, the executive secretary may issue a subpoena to require the attendance of witnesses or the production of books, records, papers, or other objects as may be necessary and proper for the purposes of the proceedings.

(b) If the subpoena is for the attendance of a witness, the written request shall contain the name, address, and title, if any, of the witness and the date upon which and the location at which the attendance of the witness is sought. If the subpoena is for the production of books, records, writings, or other tangible items, the written request shall contain a description of the items sought; the name, address, and title, if any, of the person or entity who has custody or control over

the items and the date on which and the location at which the items are sought to be produced. Each request, whether for a witness or for production of items, shall contain a statement of the reasons why the subpoena should be issued.

(c) Upon a finding that the respondent has shown good cause for the issuance of the subpoena, the executive secretary shall issue the subpoena in the form described in Section 14(c) of the APA.

*.069. Hearing Procedure.*

(a) Call of docket. At the beginning of the session of the board meeting during which disciplinary hearings have been scheduled, the president will call the docket of the cases. As each case is called, the staff and the respondent will each announce whether they are ready to proceed with the hearing. After the docket is called, the president will announce the order in which the cases will be heard.

(b) Reading of complaint. At the beginning of each hearing, the staff will read the complaint and offer for inclusion in the record the complaint, the copy of the notice of hearing, and the copy of the transmittal letter by which the complaint and notice of hearing were sent to the respondent.

(c) Opening statement of respondent. After the complaint has been read and offered for the record, the respondent may make an opening statement responding to the allegations in the complaint.

(d) Presentation of evidence.

(1) Except where the respondent has admitted the allegations in the complaint, the staff will present evidence to support the allegations in the complaint; provided, however, that the staff shall have the right to present evidence even if the allegations in the complaint are admitted.

(2) The respondent shall have the right to cross-examine witnesses presented by the staff and the board shall have the right to examine the staff's witnesses.

(3) At the conclusion of the staff's evidence, the respondent may present his or her evidence. The staff shall have the right to cross-examine the witnesses presented by the respondent and the board shall have the right to examine the respondent's witnesses. In addition, the board and staff shall have the right to examine the respondent but the respondent may decline to answer any question asked by the board or staff.

(4) At the conclusion of the respondent's evidence, the staff may present additional evidence to rebut evidence presented by the respondent.

(e) Evidentiary rulings. All rulings on the admissibility of evidence shall be made by the president and such rulings shall be governed by Section 14(a), (o), and (q) of the APA.

(f) Closing statement of staff and respondent. At the conclusion of all the evidence, the staff may make a closing statement. After the staff's statement, if any, the respondent may make a closing statement.

(g) Transcription of hearing. Each hearing will be recorded by a court reporter. No transcription of a hearing shall be made except on written request to the executive secretary. The cost of the transcription shall be borne by the person making the request.

*.070. Decision of the Board.*

(a) Based on the evidence presented at the hearing, the board may:

- (1) dismiss the complaint, in whole or in part;
- (2) warn or reprimand the respondent;

(3) deny admission to its examination or deny the issuance or renewal of a license to respondent;

(4) suspend respondent's license; or

(5) cancel or revoke a respondent's license or permit.

(b) The board may probate a disciplinary action to deny, revoke, cancel, or suspend a license under such terms and conditions as the board deems appropriate.

(c) The decision of the board shall be reduced to writing in the form of an order, shall be signed by a majority of the board, and shall comply with Section 16(b) of the APA. A copy of the order shall be mailed or delivered to the respondent.

(d) The decision of the board is final and appealable upon the signing of the written order as provided in subsection (c) hereof.

(e) A motion for rehearing shall not be a prerequisite for appeal of the decision.

#### .071. Rescission of Probation.

(a) At least 20 days prior to a hearing to rescind probation, the probationer shall be served with written notice of the allegations supporting rescission of the probation.

(b) The hearing shall be conducted in accordance with Rule .069 hereof and the decision of the board shall be rendered in accordance with Rule .070 hereof.

Issued in Austin, Texas, on May 14, 1980.

Doc. No. 803705 Margaret L. Rowland, R.N.  
Executive Secretary  
State Board of Nurse Examiners

Effective Date: June 5, 1980

Proposal Publication Date: April 1, 1980

For further information, please call (512) 478-9802.

## Nurse Education 388.03.00.001-.020

The State Board of Nurse Examiners has adopted the repeal of Rules 388.03.00.001-.020. Notice of the proposed repeal was published in the March 28, 1980, issue of the *Texas Register* (5 TexReg 1204). The repeal of Rules .001-.020 was proposed because of extensive changes necessary for updating.

Pursuant to the authority of Texas Revised Civil Statutes, Articles 4514 and 4518, Section 1, the State Board of Nurse Examiners has repeal Rules .001-.020.

Doc. No. 803679

## 388.03.00.021-.042

Proposed Rules 388.03.00.021-.042 were considered by the State Board of Nurse Examiners at their meeting on May 6, 1980. Written comments with suggestions for changes were received from two individuals and were considered by the board in making minor revisions in the proposed rules.

Under the authority of Articles 4514 and 4518, Section 1, Texas Revised Civil Statutes, the State Board of Nurse Examiners has adopted Rules .021-.042 with minor changes in the proposed text.

.021. *Definitions.* As used in these rules, the words and terms defined in this section shall have the meanings set forth below.

(1) "Board" refers to the Board of Nurse Examiners for the State of Texas.

(2) "Shall" and "must" indicate mandatory requirements.

(3) "Should" indicates a recommendation.

(4) "Accredited nursing program" is a school, department, or division of nursing accredited/approved by a nursing board or other licensing authority which has jurisdiction over accreditation/approval of nursing programs.

(5) "Basic program" is an educational unit whose purpose is to prepare practitioners of nursing and whose graduates are eligible to write the State Board Test Pool Examination for Registered Nurse Licensure.

(A) "Diploma program" is a program leading to a diploma in nursing conducted by a single purpose school usually under the control of a hospital.

(B) "Associate degree program" is a program leading to an associate degree in nursing conducted by an educational unit in nursing within the structure of a college or university.

(C) "Baccalaureate degree program" is a program leading to a bachelor's degree in nursing conducted by an educational unit in nursing which is a part of a senior college or university.

(6) "Baccalaureate degree program for registered nurses" is a program leading to a bachelor's degree in nursing which admits only registered nurses.

(7) "Survey visit" is an on-site visit of a nursing program, including clinical facilities, by a board representative for the purpose of evaluating the program of learning.

(8) "Controlling institution" is a college, university, or hospital responsible for the administration and operation of an accredited nursing program.

(9) "Cooperating agency" is an agency, other than the controlling institution, which is utilized in providing learning experiences for students.

(10) "Director" is a registered nurse responsible for the administration of the nursing program, regardless of the title assigned by the institution, and meets the requirements as stated in Rule .028(b) for diploma and associate degree programs; Rule .029(c) for baccalaureate degree programs.

(11) "Acting director" is a registered nurse temporarily responsible for the administration of the nursing program and meets the requirements as specified for the director.

(12) "Faculty member" is an individual employed to teach in the nursing program and meets the requirements as stated in Rule .028 for diploma and associate degree programs; Rule .029 for baccalaureate degree programs.

(13) "Clinical laboratory" means faculty-planned and guided learning experiences designed to assist students to meet the course objectives and to apply nursing knowledge and skills in the direct care of patients/clients. This includes associated clinical conferences and planned learning experiences in skills laboratories, acute care facilities, extended care facilities, and other community resources.

(14) "Course" is a specific set of learning experiences organized to meet a group of objectives within a stated time period. A course involves both organized subject matter and related activities. A clinical nursing course must include both theory and clinical laboratory taught concurrently.

(15) "Advanced placement" refers to placement of students in the curriculum through the use of standardized or teacher-made tests and assessment of clinical competence.



(16) "Examination year" is the time period from September 1st of one year to August 31st of the following year.

(17) "Pass rate" is the percentage of first time candidates within one examination year who pass the State Board Test Pool Examination.

(18) "Extended campus" is a cooperative arrangement between a controlling institution, which operates an accredited nursing program, and another educational institution for the purpose of offering the nursing program at another site.

#### .022. *New Programs.*

(a) An institution considering the establishment of a nursing program shall advise the board of its intent in writing.

(b) The institution shall submit a proposal to the board at least three weeks prior to the board meeting at which the request for the new program is to be considered.

(c) Eight copies of the proposal are required. One copy is to be sent to each board member and two copies are to be sent to the office of the board.

(d) The proposal shall include the following information:

- (1) purpose and type of program;
- (2) feasibility study;
- (3) potential effect on other nursing programs in the area;
- (4) tentative timetable;
- (5) organizational structure;
- (6) tentative budget plans;
- (7) source of potential qualified director and faculty;
- (8) description of anticipated student population;
- (9) description of support staff;
- (10) description of physical facilities; and
- (11) description of available clinical resources.

(e) Planning stage.

(1) Following approval by the board to establish the program, a minimum period of one year of planning under the guidance of the board, is recommended.

(2) The following timetable is usually required:

(A) nine months prior to anticipated admission of students, appoint a qualified director and employ secretarial staff;

(B) six months prior to anticipated admission of students, appoint qualified faculty, adequate in number for the first year of operation; and

(C) two months prior to anticipated admission of students, submit application for initial accreditation.

(3) Initial accreditation must be granted prior to admission of students.

#### .023. *Accreditation.*

(a) Types of accreditation.

(1) Initial accreditation is granted a new program when legal requirements and standards are met and there is written evidence of the program's readiness to admit students. Students shall not be admitted until initial accreditation has been granted.

(2) Full accreditation is granted prior to the graduation of the first class on evidence that the program is continuing to meet the legal requirements and standards of the board.

(3) Warning.

(A) At such time as the board determines that a program is not meeting the legal requirements and stan-

dards, the program is provided written notice of the deficiencies and is given a specified time in which to meet these requirements.

(B) If the program fails to correct the deficiencies within the prescribed period, it shall be placed on conditional accreditation.

(4) Conditional accreditation is granted for one year to programs which have previously received a warning and have not corrected deficiencies.

(5) Withdrawal of accreditation. A program which fails to correct the deficiencies resulting in conditional accreditation will be removed from the list of state accredited nursing programs.

(b) Accreditation procedure. The continuing accreditation status of each program shall be determined annually by the board either on the basis of a survey visit or review of an annual report.

(1) Survey visit. Nursing programs shall be visited periodically but at least every three years by a board representative. The visitor will gather data and other evidence to support whether the program is meeting the minimum requirements as specified in Rules .021-.041. A written report of the visit together with the annual report submitted by the director will be reviewed by the board at a regularly scheduled meeting. A report of the visit and the decision of the board regarding the accreditation status of the program will be sent to the director with a copy to the chief administrative officer of the controlling institution.

(2) Review of annual report. When a program is not visited by a board representative during an academic year, the accreditation status is determined by the board on the basis of the annual report of the program and other pertinent data.

#### .024. *Closing a Program.*

(a) When the decision to close a program has been made, the director must notify the board and submit a written plan for terminating the program.

(b) All requirements and standards for students in the program must be maintained until the last student transfers or completes the program.

(c) Provisions must be made by the controlling institution for safe storage of vital records, including permanent records of all graduates.

(d) The director must notify the board where the records are permanently stored.

.025. *Change of Control.* When control of a nursing program is transferred from one institution to another, a proposal must be submitted to the board containing the following information:

- (1) feasibility study;
- (2) purpose of proposed change;
- (3) administration and organizational plan; and
- (4) anticipated effect on students, faculty and resources.

#### .026. *Philosophy and Objectives.*

(a) A statement of philosophy, consistent with that of the controlling institution, shall be developed by the faculty.

(b) The philosophy shall express the fundamental beliefs and basic educational principles to which the faculty subscribe. The statement of philosophy shall include the faculty's beliefs in relation to:

- (1) nursing;
- (2) nursing education;

(3) the teaching-learning process, including the role of the faculty and students in this process; and

(4) the role of the graduate within the totality of nursing practice.

(c) The objectives shall be stated in behavioral terms, shall be consistent with the philosophy, and shall specifically identify the competencies in nursing for which the graduate is prepared.

(d) The philosophy and objectives shall be used as a basis for planning, organizing, implementing, and evaluating the program.

(e) The faculty shall periodically review the philosophy and objectives and shall make revisions when appropriate.

#### *.027. Administration and Organization.*

(a) The controlling institution shall be accredited by the appropriate accrediting agency.

(b) An organizational chart shall be available showing the position of the nursing program within the overall structure of the controlling institution and indicating lines of responsibility and channels of communication.

(c) In colleges and universities, the program shall have comparable status with other academic units.

(d) The controlling institution shall provide financial support and resources needed to operate a program which can meet the standards and legal requirements of the board. The financial resources shall support adequate educational facilities, equipment, and qualified administrative and instructional personnel.

(e) The program shall be administered by a registered nurse qualified according to Rule .028(b) for diploma and associate degree programs; Rule .029(c) for baccalaureate programs.

#### *.028. Faculty Qualifications—Diploma and Associate Degree Programs.*

(a) Each nurse faculty member shall

(1) hold a current license to practice as a registered nurse in the State of Texas;

(2) be competent in the practice of nursing in his or her area(s) of teaching; and

(3) hold a master's degree, preferably in nursing. A faculty member holding a master's degree in a discipline other than nursing shall hold a bachelor's degree in nursing from an accredited baccalaureate program in nursing and have at least six semester hours of graduate level content in nursing appropriate to her or his teaching responsibilities.

(b) The director shall meet the requirements as stated in Rule .028(a) above and shall have demonstrated competence in education and administration.

(c) Documentation of faculty qualifications shall be included in the official files of the program.

#### *.029. Faculty Qualifications—Baccalaureate Degree Programs.*

(a) Each nurse faculty member shall:

(1) hold a current license to practice as a registered nurse in the State of Texas;

(2) be competent in the practice of nursing in her or his area(s) of teaching; and

(3) hold a master's degree, preferably in nursing. A faculty member holding a master's degree in a discipline other than nursing shall hold a bachelor's degree in nursing from an accredited baccalaureate program in nursing, and have at least 12 semester hours of graduate level content in nursing appropriate to her or his teaching responsibilities.

(b) An increasing number of faculty members should hold doctoral degrees appropriate to their responsibilities.

(c) The director shall meet the requirements as stated in Rule .029(a) above and, in addition, shall:

(1) hold an earned doctoral degree, and

(2) have demonstrated competence in education and administration.

(d) Documentation of faculty qualifications shall be included in the official files of the program.

#### *.030. Change of Director.*

(a) When the director of the program changes, the administrative officer of the controlling institution shall submit to the board written notification of the change.

(b) A vita indicating that the new director has met the board's qualifications must be submitted with the notification of the change.

(c) If an acting director is appointed to fill the position of the director, this appointment shall not exceed one year.

(d) If the individual to be appointed as acting director does not meet the requirements for director as specified in these rules, approval of the board must be obtained prior to the appointment.

#### *.031. Faculty Policies.*

(a) There shall be written personnel policies for nursing faculty that are in keeping with accepted educational standards.

(b) Policies concerning the teaching load for nursing faculty shall be written. Activities related to the teaching-learning process must be taken into account and sufficient time provided for the accomplishment of these activities.

(c) If the director is required to teach, she or he shall carry only a minimum teaching load.

(d) The number of faculty members shall be determined by such factors as:

(1) the number and level of students enrolled;

(2) the curriculum plan;

(3) activities for which faculty is responsible; and

(4) the number and geographic locations of clinical laboratory facilities.

(e) The ratio of instructors to students in the direct care of patients/clients shall be within the range of 1:6-12.

#### *.032. Faculty Organization.*

(a) The faculty shall be organized with written policies and procedures to guide its activities.

(b) The faculty shall meet regularly and function in such a manner that all members participate in planning, implementing, and evaluating the nursing program.

(c) Committees necessary to carry out the functions of the program shall be established with duties and membership of each committee clearly defined.

(d) Minutes of faculty organization and committee meetings shall document actions and decisions of the faculty and shall be available for reference.

#### *.033. Faculty Development and Evaluation.*

(a) There shall be a formal plan for orientation of new faculty members.

(b) A program of faculty development shall be offered to encourage and assist faculty members in their professional growth and development.

(c) A variety of means shall be utilized to evaluate professional growth and teacher effectiveness.

*.034. Curriculum.*

(a) The curriculum shall be planned, implemented, and evaluated by the faculty to reflect the philosophy and objectives for the designated program and shall be developed within a conceptual framework.

(b) In institutions of higher learning, the curriculum shall meet the institution's requirements for a degree.

(c) Nonnursing courses are shared with students in other disciplines.

(d) A reasonable balance shall be maintained between nursing and supportive courses. The curriculum shall include the content areas as indicated below.

(1) Physical and biological sciences shall include but not be limited to content drawn from the areas of human anatomy and physiology, chemistry, microbiology, pharmacology, and nutrition. Principles drawn from these content areas shall serve as a foundation for nursing practice and shall be appropriately applied throughout the program.

(2) Social and behavioral sciences shall include but not be limited to content drawn from the areas of communications, psychology, sociology, and growth development. These content areas shall be designed to assist the student to develop an understanding of individuals and their interaction in society and the effect of economic, religious, and cultural factors upon human behavior.

(3) The nursing component shall include but not be limited to the content areas described below.

(A) Students shall be provided instruction and concurrent clinical laboratory experiences in the nursing care of childbearing families and adults and children of various age groups requiring nursing measures appropriate for either the maintenance or the restoration of mental and physical health. Experiences in community health nursing shall be included in baccalaureate degree programs. Clinical subject matter may be integrated or organized into discrete blocks, depending upon the philosophy, objectives, and conceptual framework of the program.

(B) Learning experiences, carefully selected and guided, shall be developed to prepare students to recognize and analyze nursing needs, to select and apply relevant knowledge and appropriate methods to best meet the nursing needs of patients/clients and the family, and to evaluate the effectiveness of the nursing care administered.

(C) Clinical laboratory experiences shall include nursing practice common to the care of individuals and families throughout the life cycle in a variety of health conditions and situations. The preventive, rehabilitative, and curative aspects as well as the biophysical, psychosocial, cultural, and spiritual components of health and illness shall be included.

(D) Content from history, trends, ethical, and legal aspects of nursing, and professional relationships shall be included. The student shall be provided opportunities to develop as a responsible and accountable person.

(E) Clinical laboratory experiences shall be sufficient in quantity and quality to provide opportunity for application of theory and for achievement of the stated objectives in the patient/client care setting.

(F) The student shall have sufficient opportunity to develop manual-technical skills essential for safe, effective nursing practice.

(G) Throughout the program, learning experiences shall be provided which will assist students to develop abilities and skills in observation, problem-solving, communications, and interpersonal relationships.

(e) There shall be written rationale for the ratio of classroom to clinical laboratory hours for each clinical nursing course. The recommended ratio is three clock hours of clinical laboratory for each one clock hour of classroom instruction.

(f) Methods and tools for evaluating cognitive and psychomotor skills of students shall be developed and implemented in order to assure satisfactory progression of students.

(g) Inherent in the stated purposes of all basic programs shall be provision for acquisition of knowledge and skills necessary for licensure.

*.035. Curriculum Changes and Expansion of Nursing Program.*

(a) Proposed changes in course offerings which will alter the total curriculum or the philosophy, objectives, and conceptual framework of the program must be approved by the board prior to implementation.

(b) Alterations in course offerings and/or learning experiences in order to accommodate the needs of students with previous nursing knowledge must be approved by the board prior to implementation.

(c) Requests for consideration of curriculum changes or alterations in course offerings must reach the office of the board so that the changes may be considered at two regular board meetings prior to the anticipated date of implementation. One copy shall be submitted to each board member and two copies shall be sent to the office of the board at least three weeks prior to the board meeting at which the request is to be considered and shall include the following materials:

(1) rationale for proposed changes;

(2) concise presentation of current curriculum and proposed changes;

(3) timetable for implementation of changes; and

(4) explanation of the anticipated effect on

(A) currently enrolled students;

(B) roles and functions of graduates of the changed

program;

(C) faculty; and

(D) resources and facilities.

*.036. Students.*

(a) The size of classes admitted shall be determined by such factors as the number of qualified faculty employed and adequacy of clinical facilities, classrooms and conference space.

(b) The policies pertaining to admission, progression, and graduation shall be in writing.

(1) For baccalaureate and associate degree programs, these policies shall be consistent with but not limited to policies of the controlling institution.

(2) For diploma programs, these policies shall be developed by the faculty based on acceptable educational standards.

(c) Policies relating to transfer, readmission, and advanced placement shall be consistent with the general policies of the nursing program and with those of the controlling institution.

(d) The advanced placement policy shall provide for evaluation of students' theoretical knowledge and clinical competence.

(e) Policies for student health, safety, and welfare shall be consistent with the policies of the controlling institution.

#### .037. *Educational Resources and Facilities.*

(a) The physical facilities shall be adequate to meet the needs of the program in relation to the size of the faculty and the student body. These facilities include offices, classrooms, conference rooms, laboratories, and library.

(b) The director shall have a private office; faculty members should have private offices which are conveniently located and adequately equipped.

(c) The director and faculty shall have secretarial and clerical assistance adequate in preparation and sufficient in numbers to carry out the functions of the program.

(d) The library holdings shall be up-to-date, pertinent and of sufficient quantity and quality to meet the needs of the nursing students and faculty.

#### .038. *Clinical Resources.*

(a) It shall be the responsibility of the faculty to select facilities which provide opportunities for students to observe and practice safe, effective nursing care.

(b) Cooperating agencies, which are used for 10% or more of the students' clinical laboratory in any given course, shall be approved by the board prior to use by the program and shall meet the following requirements:

(1) accreditation by the joint commission on accreditation of hospitals or other appropriate approval;

(2) a sufficient number and variety of patients/clients to provide learning experiences for all students to achieve the stated objectives;

(3) registered nurses directly supervising each clinical unit used for educational purposes;

(4) a sufficient number of registered nurses and other nursing personnel to ensure safe and continuous care of patients/clients;

(5) conformance with accepted standards of nursing care and practice; and

(6) available space for clinical conferences.

(c) A faculty member shall be responsible for the clinical instruction of students in only one facility at any one time.

(d) Written agreements between the program and the cooperating agencies shall specify the responsibility of the program to the agency and the responsibility of the agency to the program. Documentation of annual review of these written agreements shall be included in the official files of the program.

(e) Programs planning to use a cooperating agency which has been approved for another program must submit a request to the board which shall include a letter from the director of nursing service of the agency stating that the proposed affiliation would not jeopardize programs currently utilizing the agency nor adversely affect the safety of care provided.

(f) A cooperating agency utilized as a clinical laboratory shall submit an annual report to the board which shall include the following information:

(1) accreditation status;

(2) patient census;

(3) nurse staffing;

(4) educational facilities; and

(5) coordination between agency and nursing program.

#### .039. *Records and Reports.*

(a) An accurate and appropriate system of records shall be maintained.

(b) Provisions shall be made for the protection of records against loss or destruction and invasion of privacy.

(c) Current records of students shall be on file and shall include admission data, transcripts, evaluations, and health information.

(d) Permanent records of graduates shall include application forms and all official transcripts.

(e) Faculty records shall include application data, qualifications, employment contracts, position descriptions, professional development activities, and evaluations of performance.

(f) Administrative records shall include minutes of meetings, annual reports, and school bulletins.

(g) An annual report, in duplicate, shall be submitted to the board by the director in accordance with guidelines established by the board. The report shall include the following information:

(1) philosophy and objectives;

(2) administration and organization;

(3) faculty census, organization, qualifications, professional activities, graduate studies, and policies;

(4) curriculum development, implementation, and evaluation;

(5) student census and policies;

(6) resources, facilities, and services;

(7) systematic plan for evaluation of the total program; and

(8) action taken on board recommendations and requirements.

(h) Two copies of the current school bulletin shall be submitted to the office of the board.

#### .040 *Pass Rate of Graduates on the State Board Test Pool Examination.*

(a) Within an examination year, at least 75% of the first time candidates from a nursing program must achieve a passing score on the State Board Test Pool Examination for Registered Nurse Licensure.

(b) A warning will be issued to a program when the pass rate of first time candidates does not comply with subsection (a) above. Subsequent to the warning and within such time as it deems proper, the board will require an evaluation report from the faculty that identifies the factors contributing to the failure to comply with subsection (a) above and the corrective measures that will be implemented.

(c) Within two examination years from the date of the warning, if compliance has not been made with respect to the requirements in subsection (a) above, the program will be placed on conditional accreditation.

(d) If compliance with subsection (a) above is not made by the program within one examination year from the date of conditional accreditation, accreditation may be withdrawn.

#### .041. *Total Program Evaluation.*

(a) There shall be a written plan for the systematic evaluation of the total program. The plan shall include methodology, frequency of evaluation, assignment of responsibility, and evaluative criteria. The following broad areas shall be periodically evaluated:

- (1) organization and administration of the program;
- (2) philosophy and objectives;
- (3) curriculum;
- (4) educational facilities, resources, and services;
- (5) clinical resources;
- (6) students' achievement;
- (7) graduates' performance on licensing examination;

- (8) graduates' nursing competence; and
- (9) faculty's performance.

(b) All methods and instruments used for evaluative purposes shall be periodically reviewed and evaluated.

(c) Implementation of the plan for total program evaluation shall be documented in the minutes.

#### .042. *Extended Campus.*

(a) The director of the program shall obtain the board's approval prior to implementing an extended campus.

(b) Educational resources and services of the extended campus shall meet the same standards as those of the controlling institution and shall meet the board's requirements as stated in Rules .021-.041.

(c) A proposal for establishing an extended campus must reach the office of the board so that the proposal may be considered at two regular board meetings prior to the anticipated date for implementation. One copy of the proposal shall be submitted to each board member and two copies shall be sent to the office of the board at least three weeks prior to the board meeting at which the proposal is to be considered.

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

Doc. No. 803678      Margaret L. Rowland, R.N.  
Executive Secretary  
State Board of Nurse Examiners

Effective Date: June 4, 1980

Proposal Publication Date: March 28, 1980

For further information, please call (512) 478-9802.

## Railroad Commission of Texas

### Oil and Gas Division

#### Natural Gas Policy Act (NGPA) Determination Procedures 051.02.03

The Railroad Commission of Texas is amending Rule 051.02.03.003(e), pertaining to Natural Gas Policy Act (NGPA) applications. This amendment clarifies documentation required to be submitted in a request for stripper well status under Section 108 of the Natural Gas Policy Act of 1978.

The rule in its final form achieves three objectives. First, the phrase "production figures" is substituted for the word "records" in the first paragraph of subsection (e). The change is intended to clearly require only the figures taken from commission records, not the records themselves. Second, the 24-month lease inventory is deleted because federal regulations no longer require the statement. Third, the explanation of methods of production on a multiple well lease where wells are not individually metered clarifies the type of documentation requested, dependent upon the method of allocation used.

The amendment is adopted to simplify and expedite the NGPA review process. On March 17, 1980, the commission adopted the rule change on an emergency basis and proposed the amendment be adopted on a regular basis. During the comment period, one correspondence was received with two comments. One comment was accepted in its entirety in the final rule by using the term "production figures" and the other comment became inapplicable after the final form of the rule deleted the requirement for a copy of the appropriate W-10 well test.

This amendment is adopted under the authority of Title III, Texas Natural Resources Code.

#### .003. *Documents Supporting Application.*

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

(e) Stripper wells under Section 108. Each application must include the F-1, the FERC Form 121, the oath prescribed by FERC regulations containing each of the elements therein, production figures, taken from the commission's P-1's or P-2's of any natural gas production during the 12 months preceding the end of the 90-day production period, and crude oil production for oil wells for the three months preceding the end of the 90-day production period defined by the FERC. This information shall be summarized by month on a single table or chart accompanied by the statement required in Rule .003(a) and the P-1 or P-2 for the last month of the production period. Statements required by the FERC concerning the nonproduction days and an identification of the production period shall be furnished. For a multiple well lease where wells are not individually metered, oil and gas production may be allocated by averaging equally among the nonmetered wells only when there is no other reliable method of allocation. To justify averaging of production, the applicant must specifically state why the W-10 is not reliable as a basis for allocation and that there is no other reliable method of allocation. An applicant may utilize a W-10 well test conducted during the relevant 12-month period or an alternative method of allocation when the reliability of the method is supported by evidence in the application. The applicant shall submit either an explanation of how the W-10 was used or a description of the alternative method of allocation. The applicant shall file sample calculations and a summary by month of production allocated to the subject well. If an increase in average daily production above 60 MCF occurs after a well has been qualified and is alleged to be due to an enhanced recovery technique, supporting evidence is required in a subsequent proceeding. If a well is alleged to be seasonally affected, such a determination may be sought in the original application.

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

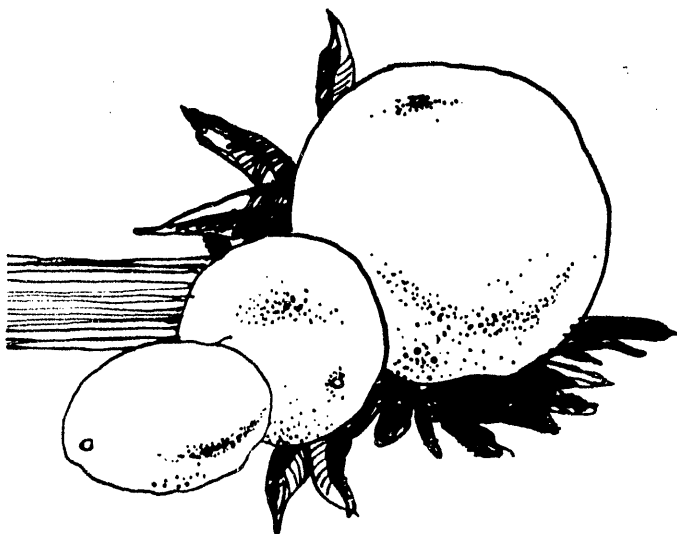
Doc. No. 803715      John H. Poerner, Chairman  
James E. (Jim) Nugent &  
Mack Wallace, Commissioners  
Railroad Commission of Texas

Effective Date: June 6, 1980

Proposal Publication Date: March 25, 1980

For further information, please call (512) 445-1278.

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 Alcoholic Beverage Commission

**Monday, April 28, 1980, 10:30 a.m.** The Texas Alcoholic Beverage Commission will meet in Room 210 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda, the commission will approve minutes of the March 1980 meeting; consider the administrator's report of agency activity; and approve affidavit of destruction of tested alcoholic beverages.

Additional information may be obtained from W. S. McBeath, P.O. Box 13127, Austin, Texas 78711, telephone (512) 458-2500.

Filed: April 15, 1980, 10:42 a.m.  
Doc. No. 802794

## State Banking Board

**Wednesday, May 28, 1980, 9 a.m.** The hearing officer of the State Banking Board will conduct a hearing at 2601 North Lamar, Austin, on the proposed domicile relocation of King State Bank, Houston, to 8100 Airport Boulevard (corner of Airport Boulevard and Ruthby Street), Houston.

Additional information may be obtained from Ruth Amberg, 2601 North Lamar, Austin, Texas 78705, telephone (512) 475-4451.

Filed: May 16, 1980, 4:58 p.m.  
Doc. No. 803788

## State Board of Barber Examiners

**Tuesday, June 3, 1980, 8 a.m.** The members of the State Board of Barber Examiners will meet in Suite H-111, 5555 North Lamar, Austin. The board will consider minutes of the previous meeting; sign teachers' licenses and school permits; interview out-of-state applicants; read letters to the board; discuss inspection dates for barber colleges in Odessa and Abilene; consider reports by the executive secretary; and meet in executive session.

Additional information may be obtained from Mary Jo McCrorey, 5555 North Lamar, H-111, Austin, Texas 78751, telephone (512) 458-2241.

Filed: May 16, 1980, 1:28 p.m.  
Doc. No. 803768

## Texas Energy and Natural Resources Advisory Council

**Wednesday, May 21, 1980, 9 a.m.** The Solar Advisory Committee of the Texas Energy and Natural Resources Advisory Council met in emergency session in Senate Chambers of the State Capitol. According to the agenda summary, the committee heard opening remarks by Dr. Jack Howell; was briefed on the residential conservation service provisions of the Public Utility Regulatory Policy Act of 1978, and their impact on solar development in Texas; and conducted subcommittee meetings on resource and technology, and institutions and standards. Urgent public necessity required the committee meet to consider the briefing on the residential conservation service provisions of the Public Utility Regulatory Policy Act of 1978 and their impact on Texas solar development.

Additional information may be obtained from Roy R. Ray, Jr., 411 West 13th Street, Austin, Texas 78701, telephone (512) 475-5588.

Filed: May 15, 1980, 1:46 p.m.  
Doc. No. 803695

## Texas Department of Health

**Saturday, May 24, 1980, 9:30 a.m.** The board members of the Texas Department of Health will hold their monthly meeting in Room T-607, 1100 West 49th Street, Austin. Ac-

According to the agenda summary, the board will consider minutes of the April 19, 1980, meeting; commissioner's report; department's genetics program; final rules concerning control of communicable diseases, immunization requirements (in child, care facilities, elementary and secondary schools, and institutions of higher education), general requirements and guidelines for athletic trainers, adoption by reference of the 1978 pasteurized milk ordinance and the establishment of standards for Grade A raw milk for retail; proposed rules for the hemophilia assistance program; and approval of the joint laboratory study required by the 66th Legislature. The board will also meet in executive session; hear the following committee reports: Personnel Committee (matter of Frank Hejl), Budget Committee (1982-83 state budget request), and San Antonio Chest Hospital Committee (Lyda Hill's request for use of facilities for an autistic children's program); and set a meeting date for June 1980.

Additional information may be obtained from Joe Klinger, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7487.

Filed: May 16, 1980, 4:04 p.m.  
Doc. No. 803781

According to the agenda summary, the Texas Department of Health will conduct hearings at the following times and locations on the applications listed:

**Wednesday, June 11, 1980, 2 p.m.**—Council Room, City Hall, Athens, application (1345) of the City Refuse Company to operate a proposed Type III municipal solid waste disposal site to be located south of Trinidad, 4.8 miles west-northwest of State Highway 59/State Highway 90 intersection in Crossroads, on the east side of an oil field road in Henderson County

**Tuesday, June 17, 1980, 2 p.m.**—City Council Chambers, City Hall, Franklin, application (1340) of the City of Franklin to operate a proposed Type III municipal solid waste disposal site to be located 2.1 miles southwest of the intersection in Franklin of U.S. Highway 79 with State Highway 46, 0.3 mile southeast of U.S. Highway 79, Robertson County

**Wednesday, June 18, 1980, 2 p.m.**—City Hall, New Waverly, application (1367) of Grady Chandler to operate a proposed Type III municipal solid waste disposal site to be located 1.4 miles northwest of New Waverly, 2.2 miles northwest of the U.S. Highway 75/State Highway 150 intersection, 1/2 mile west of Interstate Highway 45, and 1/2 mile north of State Highway 150 on the east side of a gravel road in Walker County.

**Wednesday, June 25, 1980, 10 a.m.**—City Hall, Eastland, application (298) of the City of Eastland to operate an existing Type I municipal solid waste disposal site located southwest of the intersection of Interstate Highway 20 and State Highway 6, southwest of Eastland, in Eastland County

Additional information may be obtained from Jack C. Carmichael, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7271.

Filed: May 16, 1980, 4:03 p.m.  
Doc. No. 803782



## Texas Health Facilities Commission

**Friday, May 30, 1980, 9:30 a.m.** According to the agenda summary, the Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin, to consider the following applications:

certificate of need

Greenleaf Psychiatric Center, Bryan  
AS79-1130-017

St. Mary's Hospital, Galveston  
AH79-0601-011

Riverside Hospital, Inc., Robstown  
AH80-0114-020

Irving Convalescent Center, Irving  
AN79-1206-036

Maverick County/Kinney County Outpatient Clinics  
Eagle Pass/Bracketville  
A079-1115-022

Wichita Falls State Hospital, Wichita Falls  
AA79-1023-015

Atascosa Health Clinic, Pleasanton, Poteet  
AO79-1022-026

South Texas Rural Health Services, Inc., Cotulla,  
Pearsall, Asherton  
AO80-0124-028

UT System Cancer Center/M. D. Anderson Hospital  
and Tumor Institution, Houston  
AH79-1231-010

Scott and White Memorial Hospital, Temple  
AH79-1219-011

Alvin Community Hospital, Alvin  
AH79-1221-002

Hermann Hospital, Houston  
AH80-0208-008

exemption certificate

Gulf Bend Mental Health Mental Retardation Center,  
Victoria  
AA79-1105-032

Ada Wilson Hospital, Corpus Christi  
AH80-0407-051

Torbett-Hutchings-Smith Memorial Hospital, Marlin  
AH80-0401-021

Richards Memorial Hospital, Paducah  
AH80-0408-020

Longview Regional Hospital, Longview  
AH80-0409-033

declaratory ruling  
Brazos Valley MH/MR Center, Mental Health  
Halfway House, Bryan  
AA79-1228-025

amendment of exemption certificate order  
Park Place Hospital, Port Arthur  
AH78-0816-031A (110179);

amendment of certificate of need order  
St. Joseph Hospital, Houston  
AH78-1013-020A (041080)  
Longview Regional Hospital, Longview  
AH78-0125-001A (040980).

Further information may be obtained from O. A. Cassity III,  
P.O. Box 15023, Austin, Texas 78761, telephone (512)  
475-6940.

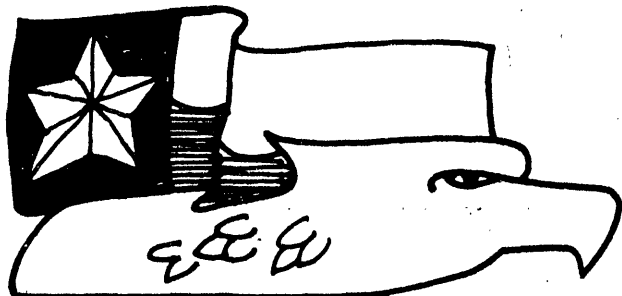
Filed: May 16, 1980, 11:47 a.m.  
Doc. No. 803752

## Texas Historical Commission

**Wednesday, May 28, 1980, 9 a.m.** The Texas Antiquities Committee of the Texas Historical Commission will meet in Room 510 of the Sam Houston Building, Austin. According to the agenda, the committee will consider the following: approval of minutes; proposal by ad hoc committee for cooperative project between industry and Texas Antiquities Committee for preservation of historic shipwrecks; status of proposed rules for protection of UW cultural resources; disposition of the 1554 collections; status of Platoro case; report on field work (A general report of work in progress, including but not limited to the Davis Site, 41CE19, City of Laredo, city cemetery, dogtrot cabin on Texas Youth Council land; Hatchel-Barkman land trade completion; state archeological landmark designation guidelines; permits issued to date and guidelines for archeological work in lignite areas; publications; resolution concerning Fulton Mansion; U.S. Hatteras; report on proposed changes to Corps of Engineers' regulations; and date for next meeting.

Additional information may be obtained from Jan Crumpton,  
P.O. Box 12276, Austin, Texas 78711.

Filed: May 19, 1980, 9:55 a.m.  
Doc. No. 803791



## Texas Department of Human Resources

**Wednesday, May 28, 1980, 1 p.m.** The Financial Services Advisory Subcommittee of the Texas Department of Human Resources will meet in Room 2-B-27, 1708 East Anderson Lane, Austin. According to the agenda summary, the subcommittee will consider budget issues pertinent to the AFDC and Food Stamp Programs and information regarding the department's legislative appropriations request for fiscal years 1982-83. The subcommittee will discuss issues presented and make recommendations to the department, and overview federal regulations effective August 1, 1980, requiring joint processing of SSI and food stamp applications.

Additional information may be obtained from Ernest F. Schmid, 1708 East Anderson Lane, Austin, Texas, telephone (512) 835-0440.

Filed: May 16, 1980, 11:21 a.m.  
Doc. No. 803753

## State Board of Insurance

**Thursday, May 29, 1980, 10 a.m.** The State Board of Insurance makes additions to the agenda of a meeting to be held in Room 408, 1110 San Jacinto, Austin. The additions concern the proposed elimination of the weekly payroll limitation rule in favor of total payroll, and proposed adoption of new Workers' Compensation Basic Manual.

Additional information may be obtained from Pat Wagner,  
1110 San Jacinto, Austin, Texas 78786, telephone (512)  
475-2950.

Filed: May 19, 1980, 9:58 a.m.  
Doc. No. 803794

**Tuesday, June 3, 1980, 9 a.m.** The State Board of Insurance will conduct a public hearing in the State Highway Building, 11th and Brazos Streets, Austin, to consider revision of the Texas Multiperil rates, premiums, rating plans, amendments to the general basis schedules, and other matters pertaining to Texas Multiperil insurance. (Notice of this hearing was published in the May 20, 1980, issue of the *Texas Register* but the location of the meeting was incorrectly shown to be 1100 San Jacinto Street, Austin.)

Additional information may be obtained from Pat Wagner,  
1110 San Jacinto, Austin, Texas 78786, telephone (512)  
475-2950.

Filed: May 19, 1980, 9:58 a.m.  
Doc. No. 803795

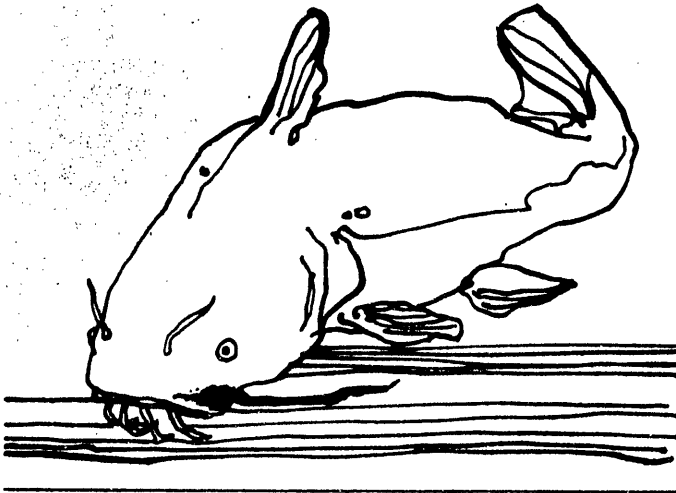
## Legislative Audit Committee

**Tuesday, May 27, 1980, 9:30 a.m.** The Legislative Audit Committee will meet in Room 301 of the State Capitol, to consider progress reports on audit concerns and administrative policies.

Additional information may be obtained from George W. McNeil, P.O. Box 12067, Austin, Texas 78711, telephone (512) 475-4115.

Filed: May 15, 1980, 1:34 p.m.  
Doc. No. 803694





## Pan American University

**Tuesday, June 3, 1980, 9 a.m.** The Pan American University Board of Regents will conduct a workshop session in the conference room of the Administration Building, Pan American University, Edinburg, to consider the proposed budget for 1980-81.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: May 15, 1980, 4:58 p.m.  
Doc. No. 803708

**Tuesday, June 3, 1980, noon.** The Academic and Developmental Affairs Committee of the Pan American University Board of Regents will meet in executive session in the faculty lounge, University Center, Pan American University, Edinburg, to consider employment of personnel (authorized by Article 6252-17, Section 2g, Vernon's Annotated Texas Statutes.)

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: May 15, 1980, 4:58 p.m.  
Doc. No. 803709

**Tuesday, June 3, 1980, 2 p.m.** The Buildings and Grounds Committee of the of Regents, Buildings and Grounds Committee of Pan American University Board of Regents will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider renovation of the natatorium; construction of a new outdoor swimming pool; rerouting of the telephone cable; and a written policy for the selection of an architect.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: May 15, 1980, 4:59 p.m.  
Doc. No. 803708

**Tuesday, June 3, 1980, 3 p.m.** The Pan American University Board of Regents will meet in the conference room, Administration Building, Pan American University, Edinburg, to consider minutes of previous meeting; reports of Buildings and Grounds Committee and Academic and Developmental Affairs Committee; allocation of scholarships; leave of absence; budget changes; and 1980-81 budget.

Additional information may be obtained from Dr. Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: May 15, 1980, 4:59 p.m.  
Doc. No. 803707

## Public Utility Commission of Texas

**Friday, May 30, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on an application filed by Gulf Coast Electronics, Inc., for a certificate of convenience and necessity within Jefferson, Orange, and surrounding counties—Docket 2875.

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

Filed: May 15, 1980, 3:27 p.m.  
Doc. No. 803701

**Tuesday, June 3, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing conference in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Texas Electric Service Company for a rate increase—Docket 3250.

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

Filed: May 19, 1980, 9:57 p.m.  
Doc. No. 803792

**Thursday, July 10, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider a complaint of Pine Forest Water Company against the City of Longview—Docket 3202.

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

Filed: May 19, 1980, 9:57 a.m.  
Doc. No. 803793

**Tuesday, June 17, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, to consider an application of Magic Valley Electric Cooperative, Inc., for a rate increase within Cameron, Hidalgo, Kennedy, Starr, and Willacy Counties—Docket 3212.

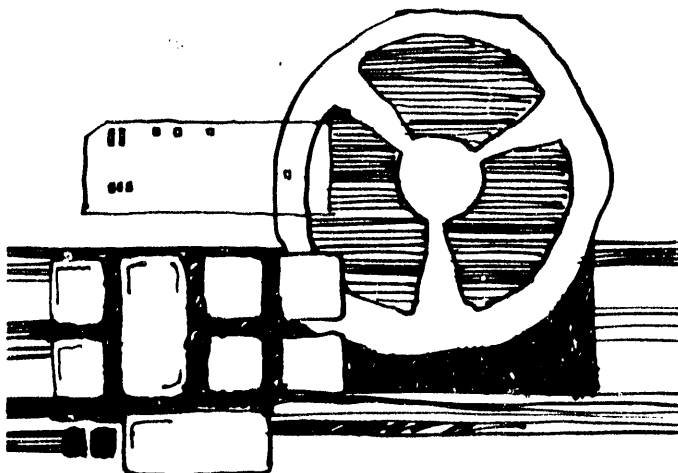
Additional information may be obtained from Philip F. Ricketts, 7800 Shoal Creek Boulevard, Suite 450N, Austin, Texas 78757, telephone (512) 458-0100.

Filed: May 16, 1980, 1:28 p.m.  
Doc. No. 803766

**Monday, July 28, 1980, 10 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3195—application of Douglas Utility Company for a rate increase within Harris County.

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

Filed: May 16, 1980, 1:29 p.m.  
Doc. No. 803767



## State Purchasing and General Services Commission

**Friday, May 30, 1980, 10 a.m.** The State Purchasing and General Services Commission will meet in Room 916 of the LBJ State Office Building, 111 East 17th Street, Austin. According to the agenda summary, the commission will review the biennial budget request for fiscal years 1982-83; review provisions of Section 6.05, paragraph (j) of Article 601b, Vernon's Texas Civil Statutes, relating to leasing; report on evaluation surveys and liaison reports; discuss State Purchasing and General Services Commission monthly reports; and set date and time for next regular meeting.

Additional information may be obtained from Homer A. Foerster, P.O. Box 13047, Austin, Texas, telephone (512) 475-2211.

Filed: May 19, 1980, 10:18 a.m.  
Doc. No. 803798

## Railroad Commission of Texas

**Monday, May 19, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. The added item concerned consideration of Oil and Gas Docket 3-72,099—application of Moss Bluff Storage Venture for an underground storage cavern facility and for salt water injection in the Moss Bluff Salt Dome, Liberty County. This matter was considered on less than seven days notice as a matter of urgent public necessity because of its potential effect on a number of underground storage projects in Texas. Without immediate action, the commission would have been unable to consider the full impact of its decision.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1285.

Filed: May 16, 1980, 11:28 a.m.  
Doc. No. 803754

**Monday, May 19, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin, regarding application of Circle G Drilling Company, Inc., for an exception to Statewide Rule 38, Boonsville (BGC) Field, Wise County—Docket 9-74,803. This matter was considered on less than seven days notice as a matter of urgent public necessity.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: May 16, 1980, 11:28 a.m.  
Doc. No. 803755

**Monday, May 19, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made an emergency addition to the agenda of a meeting held in the first floor auditorium, 1124 South IH 35, Austin. These added items which were properly noticed and passed at the meeting of May 12, 1980, concerned Docket 9-71663; and consideration of whether or not to publish proposed amendments to Rules 051.02.02.013 (Statewide Rule 13) and 051.02.02.021 (Statewide Rule 21). Consideration of the items on less than seven days notice was required as a matter of urgent public necessity.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: May 16, 1980, 11:28 a.m.  
Doc. No. 803756

**Tuesday, May 27, 1980, 9 a.m.** The Railroad Commission of Texas will meet in the third floor conference room, 1124 South IH 35, Austin. According to the agenda, following the regular meeting, the commission will go into executive session to discuss personnel actions for all divisions and to con-

sult with its legal staff on prospective and pending litigation pursuant to Sections 2g and 2e of the Act, respectively.

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

Filed: May 16, 1980, 11:30 p.m.  
Doc. No. 803762

**Tuesday, May 27, 1980, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda, the division will consider Gas Utilities Dockets 2329, 2305, 2623, 2578, and 2579; and the director's report.

Additional information may be obtained from Lucia Sturdevant, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1126.

Filed: May 16, 1980, 11:30 a.m.  
Doc. No. 803760

**Tuesday, May 27, 1980, 9 a.m.** The Liquefied-Petroleum Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider the director's report.

Additional information may be obtained from Guy G. Mathews, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1189.

Filed: May 16, 1980, 11:29 a.m.  
Doc. No. 803759

**Tuesday, May 27, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the division considered various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: May 16, 1980, 11:29 a.m.  
Doc. No. 803758

**Tuesday, May 27, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda summary, the addition concerns consideration category determinations under Sections 102(c)(1)(B), 102(c)(1)(C), 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Linda D. Carr, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1273.

Filed: May 16, 1980, 11:29 a.m.  
Doc. No. 803757

**Tuesday, May 27, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin, regarding Oil and Gas Docket 3-74,280.

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas 78711.

Filed: May 16, 1980, 11:30 a.m.  
Doc. No. 803761

**Tuesday, May 27, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas makes an addition to the agenda of a meeting to be held in the first floor auditorium, 1124 South IH 35, Austin. The addition concerns consideration of the following proper plugging matters: Dockets 2-70,332, 2-70,330, 2-70,331; and 2-70,329.

Additional information may be obtained from Roger Schultz, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1282.

Filed: May 16, 1980, 11:30 p.m.  
Doc. No. 803763

**Tuesday, May 27, 1980, 9 a.m.** The Surface Mining Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin. According to the agenda, the division will consider an application for revision to Chevron Resources Company's Permit 010, adding 87 acres to the permit area at the Panna Maria Site (Docket 010D); a performance bond of Conoco Inc. and permit issuance for the Tom Retzloff Site (Docket 028); and the director's report.

Additional information may be obtained from J. Randel (Jerry) Hill, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1176.

Filed: May 16, 1980, 11:31 a.m.  
Doc. No. 803764

**Tuesday, May 27, 1980, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's transportation regulatory jurisdiction.

Additional information may be obtained from Owen T. Kinney, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1330.

Filed: May 16, 1980, 11:31 a.m.  
Doc. No. 803765



## Texas Water Commission

**Tuesday, May 27, 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 for bond approval; change of plans; use of surplus funds; conversion into a municipal utility district; water quality permits, amendments, and renewals; claim dismissals; applications for water use permits and/or amendments; contractual permits; and extensions of time.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 15, 1980, 3:29 p.m.  
Doc. No. 803698

**Thursday, June 12, 1980, 9 a.m.** The Texas Water Commission will conduct a hearing in Room 119 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by Springwoods Corporation for a water quality permit to authorize disposal by irrigation of 72,000 gallons per day of treated domestic sewage effluent. The plan will be located approximately 3,600 feet east and the irrigation site 4,900 feet east of the intersection of Anderson Mill Road and old U.S. Highway 183 in Williamson County.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: May 16, 1980, 3:14 p.m.  
Doc. No. 803784

**Thursday, June 12, 1980, 9 a.m.** The Texas Water Commission will conduct a hearing in Room 119 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider an application by RJS Development, Inc. (Inwood Park Apartments) for a permit to authorize discharge of 90,000 gallons per day of treated domestic sewage. The plant is to be located 530 square feet east of the intersection of Maple Hill Drive and Antoine Drive, northwest Houston, Harris County.

Additional information may be obtained from John Sutton, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-1468.

Filed: May 16, 1980, 3:15 p.m.  
Doc. No. 803785

**Tuesday, June 24, 1980, 10 a.m.** The Texas Water Commission will conduct a hearing in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin, regarding field recirculation test by Wyoming Mineral Corporation at a potential in situ uranium mine site located 12 miles northeast of Three Rivers in Live Oak and Bee Counties.

Additional information may be obtained from Paul A. Seals, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-7841.

Filed: May 16, 1980, 3:15 p.m.  
Doc. No. 803786

**Thursday, June 26, 1980, 10 a.m.** The Texas Water Commission will conduct a rescheduled hearing in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will consider Application 3283A of Westwood Shores, Inc., for an amendment to Permit 2987 to authorize diversion of 150 acre-feet from an unnamed tributary of White Rock Creek Arm of Lake Livingston, Trinity River, Trinity River Basin, for irrigation purposes in Trinity County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 16, 1980, 3:15 p.m.  
Doc. No. 803787

**Friday, June 27, 1980, 10 a.m.** The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 4044 of Katharine Louise Gaylord Myers for a permit to maintain a dam and reservoir on an unnamed tributary of Village Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, for recreational and irrigation purposes in Tarrant County.

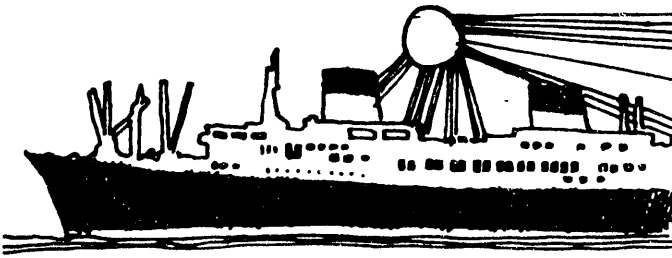
Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 15, 1980, 3:31 p.m.  
Doc. No. 803700

**Friday, June 27, 1980, 10 a.m.** The Texas Water Commission will meet in Room 618, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will conduct a hearing on Application 3333A of Walnut Creek Management Corporation, doing business as Walnut Creek Country Club, for an amendment to Permit 3058 to authorize two additional off-channel reservoirs and six reservoirs on unnamed tributaries of Hogpen Branch, tributary of Walnut Creek, tributary of Mountain Creek, tributary West Fork Trinity River, tributary Trinity River, Trinity River Basin, for recreational purposes in Tarrant County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: May 15, 1980, 3:29 p.m.  
Doc. No. 803699



## Texas Water Development Board

**Tuesday, May 20, 1980, 8:30 a.m.** The Texas Water Development Board made an emergency addition to the agenda of a meeting held in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. The added item concerned the possible sale of Texas water development fund bonds authorized pursuant to Article III, Sections 49(c) and 49(d), of the Texas Constitution and retaining a financial advisor in connection with the sale of these bonds. The fact that market conditions are changing rapidly and that the sale of water development fund bonds are imminent (which will necessitate employment of a financial advisor at the earliest possible opportunity) required the board's consideration of this item at the May 20, 1980, meeting.

Additional information may be obtained from Harvey Davis, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-3187.

Filed: May 15, 1980, 3:28 p.m.  
Doc. No. 803697

## Regional Agencies

### Meetings Filed May 15, 1980

**The Central Texas Manpower Consortium, Youth Advisory Council,** met at the Hele Mai Restaurant, River Forest Motel, Belton, on May 20, 1980, at 7 p.m. Further information may be obtained from Grace Rhodes, P.O. Box 706, Belton, Texas 76513, telephone (817) 939-1837.

**The Lower Colorado River Authority,** met at 3700 Lake Austin Boulevard, Austin, on May 22, 1980, at 9 a.m. Further information may be obtained from Charles Herring, P.O. Box 220, Austin, Texas 78767, telephone (512) 474-5931, ext. 330.

**The South Texas Development Council, Government Application Review Committee,** met in the conference room, 600 South Sandman, Laredo, on May 22, 1980, at 3 p.m. Further information may be obtained from Julie Saldana, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

**The West Central Texas Council of Governments, Manpower Advisory Committee,** met at 1025 E. N. 10th Street, Abilene, on May 22, 1980, at 10:30 a.m. Further information may be obtained from Brad Helbert, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544.

Doc. No. 803702

### Meetings Filed May 16, 1980

**The Austin-Travis County MHMR Center, Planning and Operations Committee of the Board of Trustees,** met in the board room, 1430 Collier Street, Austin, on May 22, 1980, at noon. Further information may be obtained from Becky Howard, 1430 Collier Street, Austin, Texas 78704, telephone (512) 447-4141.

**The Camino Real Health Systems Agency, Inc., Board of Directors,** met in the second floor conference room, Heritage Plaza, 410 South Main Street, San Antonio, on May 21, 1980, at 7 p.m. Further information may be obtained from Jose Antonio Contreras, 410 South Main, Suite 212, San Antonio, Texas 78212, telephone (512) 225-4426.

**The Central Texas Council of Governments, Executive Committee,** met at 302 East Central, Belton, on May 22, 1980, at 10:30 a.m. Further information may be obtained from Shelly Hotti, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

**The CETA Consortium, Region XI, McLennan County Non-urban Administrative Unit,** met at the Heart of Texas Council of Governments Building, 320 Franklin, Waco, on May 22, 1980, at 10 a.m. Further information may be obtained from Nancy Miller, 130 North 6th Street, Waco, Texas, telephone (817) 756-1851.

**The Lower Neches Valley Authority, Board of Directors,** met 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, telephone (713) 892-4011.

**The Texas Municipal Power Agency, Audit and Budget Committee,** met in the fourth floor conference room, Garland City Hall, 200 North Fifth Street, Garland, on May 21, 1980, at 9 a.m. Further information may be obtained from Joel T. Rodgers, 600 Arlington Downs Tower, Arlington, Texas 76011, telephone (817) 461-4400.

**The Panhandle Regional Planning Commission, Texas Employment and Training Advisory Council,** met in Room 216 of the Amarillo Building, 3rd and Polk, Amarillo, on May 20, 1980, at 2:30 p.m. Further information may be obtained from Ola Kidd, P.O. Box 9257, Amarillo, Texas, telephone (806) 372-3381.

**South Plains Health Systems, Inc., Executive Committee,** will meet in George M. Brewer Assembly Room, Methodist Hospital, 3515 19th Street, Lubbock, on May 29, 1980, at 7:30 p.m. Further information may be obtained from Ronald D. Warner, 1217 Avenue K, Lubbock, Texas 79401, telephone (806) 747-0181.

Doc. No. 803710

### Meetings Filed May 19, 1980

**The Central Texas Manpower Consortium, Board of Directors,** met at Bell County Courthouse, Belton, on May 22, 1980, at 2 p.m. Further information may be obtained from Billy Don Everett, 319 East Wallace, San Saba, Texas 76877, telephone (915) 372-5136.

Doc. No. 803800

## Texas Air Control Board

### Applications for Construction Permits

Notice is given by the Texas Air Control Board of applications for construction permits received during the period of May 5-9, 1980.

Information relative to these applications, including projected emissions and the opportunity to comment or to request a hearing, may be obtained by contacting the office of the executive director at the Central Office of the Texas Air Control Board, 6330 Highway 290 East, Austin, Texas 78723.

A copy of all material submitted by the applicant is available for public inspection at the Central Office of the Texas Air Control Board at the address stated above and at the regional office for the air quality control region within which the proposed facility will be located.

Listed are the name of the applicant and the city in which the facility is located; type of facility; location of the facility (if available); permit number; and type of application—new source or modification.

#### Week Ending May 9, 1980

Cooper and Woodruff, Inc., Hale Center; asphalt plant; 1249N; new source

Tran Western Equipment Company, Glen Rose; rock crushing and screening plant; U.S. Highway 67; 3722E; new source

Cooper and Woodruff, Inc., Hale Center; asphalt plant; 6241-C; new source

DMW Corporation, Houston; air curtain destructor trench burner; Intercontinental Airport; 7114A; new source (change in ownership)

Gulf Oil Chemicals Company, Mont Belvieu; normal alpha olefin unit; Interstate Highway 10; 8364; new source

Radcliffe Materials, Inc., Houston; lime unloading, handling, and truck loadout; 922 Mayo Shell Road; 8365; new source

Oasis Pipe Line Company; pipeline compressor station (natural gas); 10 miles south-southwest of Giddings. Winchester compressor; new source

Farmer's Cooperative Gin Company, Snyder; cotton gin; U.S. 180 Highway 180; 8367; new source

#### Week Ending May 12, 1980

Farmers' Cooperative Society No. 1, Paducah; cotton ginning plant; 9th and Bohner Streets; 8368; new source

Gulf Oil Company—U.S., Port Arthur; amine treating unit; West Seventh Street; 8369; new source

C. E. Vetco Services, Odessa; internal plastic pipe-coating process; 8370; new source

South-Tex Concrete Company, Brownsville; concrete batching plant; Old Port Isabel Road; 8371; new source

Monsanto Company, Alvin; methionine hydroxy analog manufacturing; Chocolate Bayou Plant; 8372; new source

Northern Natural Gas Company, Canadian; natural-gas compressor station; 8374; new source

Kohler Company, Brownwood; leisure products facility; 8375; new source

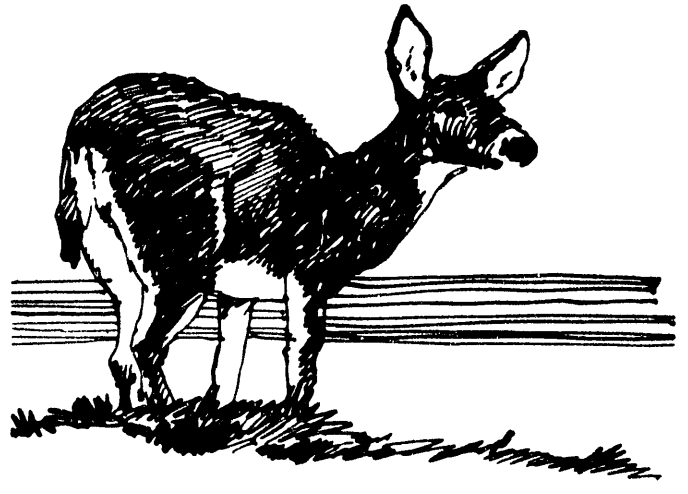
Shell Oil Company, Deer Park; Tank J-314; Deer Park manufacturing complex; 8376; new source

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

Doc. No. 803663      Ramon Dasch  
Hearing Examiner  
Texas Air Control Board

Filed: May 14, 1980, 10:14 a.m.

For further information, please call (512) 451-5711, ext. 401.



## Texas Department of Community Affairs

### Requests for Proposals

**Notice of Invitation for Program Proposal.** The Texas Department of Community Affairs (TDCA), under the authority of its enabling act, Article 4413 (201) Texas Revised Civil Statutes Annotated, and the Texas Controlled Substances Act, Section 5.11 of Article 4776-15 Texas Revised Civil Statutes Annotated, announces a request for proposals (RFP) for the delivery of drug abuse treatment services in a location within Webb County.

The anticipated period of performance for successful offerors shall begin October 1, 1980, and shall not extend beyond June 30, 1981.

**Qualifications Desired by TDCA.** To be eligible, offerors must be able to document previous experience in the delivery of human services and evidence the capability to accomplish the services being requested through this RFP. Proposals must include specific items and documents as described in the proposal preparation instructions. Prior to awarding of a contract, successful offerors will be required to establish

legal authority to contract with TDCA. This shall be accomplished by completing and submitting certification of eligibility documents as specified in the proposal preparation package.

**Deadline for Submission of Proposals in Response to This RFP.** Proposals submitted in response to this RFP will not be accepted after 5 p.m. Friday, June 13, 1980, unless they are postmarked on or before June 11, 1980.

The only submissions which will be accepted after June 13, 1980, are letters documenting community support for the services proposed by the offeror. Such letters of support will be accepted only if postmarked on or before June 1, 1980. Three copies of the proposal should be sent by certified mail to the contracts officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711. Proposals may also be hand delivered up to the deadline to the Drug Abuse Prevention Division, second floor, TDCA Building, 210 Barton Springs Road, Austin, on any state workday between 8 a.m. and 5 p.m.

**Duration of Program and Amount of Funding.** Programs should be proposed for a period of not less than nine months and shall not extend beyond June 30, 1981. Funding for successful proposals will be made available under Section 410 of the Drug Abuse Office and Treatment Act of 1972 through TDCA and the National Institute on Drug Abuse (NIDA) of the United States Department of Health and Human Services. In addition to other factors specified in the proposal preparation package, TDCA/DAPD utilizes the concept of "treatment slots" to determine the amount of the award for its treatment contractors. A treatment slot is the capacity to provide treatment to one active client for one year. The maximum slot costs, as established by NIDA, that can be awarded any contractor are: residential, \$5,840/slot; day care, \$2,620/slot; and outpatient, \$2,000/slot.

Offerors not currently receiving drug abuse treatment funds from TDCA/DAPD will be required to provide a minimum of 40% of the total proposed cost at match.

**General Information.** TDCA reserves the right to accept or reject any or all proposals submitted under this RFP and to negotiate modifications to improve the quality of cost effectiveness of any proposal. TDCA is under no legal requirement to execute a resulting contract, if any, on the basis of this advertisement, and intends the material provided herein only as a means of identifying the services desired by TDCA and the amount of funding available. TDCA will base its selection on factors such as capacity of the offeror to manage and deliver the services, availability of contractor match, and availability of federal funds. Other factors upon which selection will be based are specified in the proposal preparation package. In addition, proposals are subject to review by the appropriate health systems agency or agencies, as required by the National Health Planning and Resources Development Act (Public Law 93-641).

This request for proposals does not commit TDCA to pay for any costs incurred prior to the execution of a contract and is subject to the availability of appropriate funds. Issuance of this material in no way obligates TDCA to award a contract.

**Contact.** For the purposes of obtaining a proposal preparation package, contact: contracts officer, Drug Abuse Prevention Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6351.

Issued in Austin, Texas, on May 14, 1980.

Doc. No. 803686      Jeanne Marcus  
Director, Legal Division  
Texas Department of Community Affairs

Filed: May 15, 1980, 9:43 a.m.

For further information, please call (512) 475-6351

**Notice of Invitation for Program Proposal.** The Texas Department of Community Affairs (TDCA), under the authority of its enabling act, Article 4413 (201) Texas Revised Civil Statutes Annotated, and its grant award, number DE-FG46-79R610491, from the United States Department of Energy under the program title "Weatherization Assistance for Low-Income Persons," announces a request for proposals (RFP) for the development and delivery of a comprehensive program of training and technical assistance to TDCA's contractors for its Weatherization Assistance for Low-Income Persons program, and to its consumers, in the State of Texas.

The anticipated period of performance for the successful offeror shall begin June 15, 1980, and shall not extend beyond November 30, 1980.

**Qualifications Desired by TDCA.** Offerors must be any unit of general state or local government or any public agency or nonprofit or private organization which has been in existence for at least one year and must evidence the capability to accomplish the services being requested through this RFP. Proposals must include specific items and documents as described in the proposal preparation instructions. Prior to awarding a contract, the successful offeror will be required to establish legal authority to contract with TDCA. This shall be accomplished by completing and submitting certification of eligibility documents as specified in the proposal preparation package.

**Deadline for Submission of Proposals in Response to This RFP.** Proposals submitted in response to this RFP will not be accepted after 5 p.m. Friday, June 6, 1980, unless they are postmarked on or before June 5, 1980.

Four copies of the proposal should be sent by certified mail to John A. Geistweidt, director (acting), Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711. Proposals may also be hand delivered up to the deadline to the Economic Opportunity Division, third floor, TDCA building, 210 Barton Springs Road, Austin, Texas, on any state workday between 8 a.m. and 5 p.m.

**Duration of Program and Amount of Funding.** Programs should be proposed for a period of not less than 5-1/2 months and shall not extend beyond November 30, 1980. Funding for the successful proposal will be made available under TDCA's grant for Weatherization Assistance for Low-Income Persons, Training and Technical Assistance, from the U.S. Department of Energy, under the authority of Public Law 94-385, Energy Conservation and Production Act, Part A. In no event will the funds awarded to the successful offeror exceed a maximum of \$54,000.

**General Information.** TDCA reserves the right to accept or reject any or all proposals submitted under this RFP and to negotiate modifications to improve the quality of cost-effectiveness of any proposal.

TDCA is under no legal requirement to execute a resulting contract, if any, on the basis of this advertisement, and intends the material provided herein only as a means of identifying the services desired by TDCA and the amount of funding available. TDCA will base its selection on factors such as the comprehensiveness of the proposed services, capacity of the offeror to manage and deliver the services, and continued availability of federal funds. Other factors upon which selection will be based are specified in the proposal preparation package.

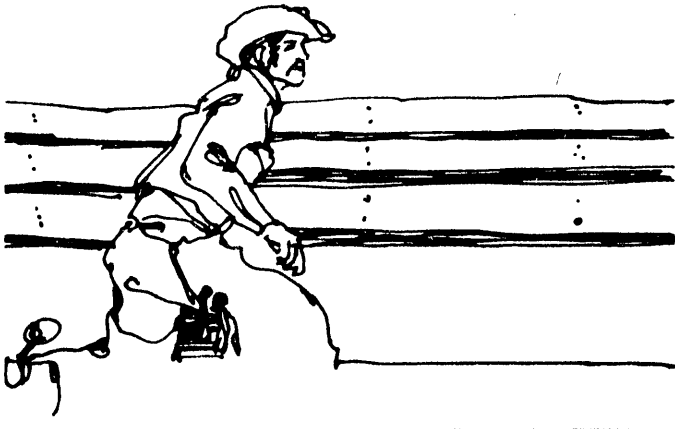
This request for proposals does not commit TDCA to pay for any costs incurred prior to the execution of a contract and is subject to the availability of appropriate funds. Issuance of this material in no way obligates TDCA to award a contract.

**Contact.** For the purposes of obtaining a proposal preparation package, contact: John A. Geistweidt, director (acting), Economic Opportunity Division, Texas Department of Community Affairs, P.O. Box 13166, Austin, Texas 78711, telephone (512) 475-6601.

Issued in Austin, Texas on May 14, 1980.

Doc. No. 803696      Jeanne Marcus  
Director, Legal Division  
Texas Department of Community Affairs

Filed: May 15, 1980, 2:39 p.m.  
For further information, please call (512) 475-6601.



## Office of the Governor

### Budget and Planning Office

#### Designation of the Alamo Area Council of Governments as a Municipal Solid Waste Planning and Implementation Agency

The Alamo Area Council of Governments is designated as the agency to develop a regional solid waste management plan and coordinate local municipal solid waste management planning and implementation in Municipal Solid Waste Planning Region 18 (State Planning Region 18). This designation is consistent with the policy that regional planning commis-

sions, as authorized under Article 1011m, Vernon's Annotated Civil Statutes, will be responsible for regional planning within their respective state planning regions.

This designation is made in accord with the requirements of Section 4006(b) of the federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, and supersedes any previous regional municipal solid waste planning agency designations made for Municipal Solid Waste Planning Region 18.

The Texas Department of Health will retain responsibility for municipal solid waste planning and implementation on a statewide basis.

Issued in Austin, Texas, on May 5, 1980.

Doc. No. 803714      Paul T. Wrotenbery  
Director  
Governor's Budget and Planning Office

Filed: May 16, 1980, 10:26 a.m.  
For further information, please call (512) 475-2673.

#### Financial Assistance Availability under Federal Coastal Energy Impact Program

This announcement of availability of financial assistance and invitation of applications is published by the Budget and Planning Office in accordance with the intrastate allocation procedures for the Federal Coastal Energy Impact Program (001.60.11), published in the *Texas Register* on May 16, 1978 (3 TexReg 1742) as amended.

**Funding Availability.** Notice is hereby given that financial assistance is available under the Federal Coastal Energy Impact Program in the following amounts:

(1) Grants for environmental or recreational losses. For the purposes specified in Section 308(d)(4), Coastal Zone Management Act of 1972 as amended, \$5,400,000 is available.

(2) Planning grants. For the purposes specified in Section 308(c)(1), Coastal Zone Management Act of 1972 as amended, \$180,000 is available.

#### **Application Submittal and Review Procedures.**

(1) General. Eligible units of government seeking financial assistance must submit applications in accordance with Rules .003, .006, and .007 of the intrastate allocation procedures. In addition, Rule .008 requires the application to be submitted for A-95 review. Additional details of that process are described below.

(2) Review of applications. Federal Circular A-95, promulgated by the President's Office of Management and Budget, requires that eligible state agencies or local governments applying for any category of assistance under the Coastal Energy Impact Program must follow certain prescribed review and comment procedures. An application must be submitted to both the state clearinghouse and area-wide clearinghouse for the jurisdiction in which the project is to be located. Since the Budget and Planning Office is administering this program and is also the state clearinghouse, completed applications should be sent to this office at the same time they are submitted to the appropriate area-wide clearinghouse for review and comment. Applicants are urged to contact their clearinghouse, as listed below, for additional information to expedite the clearinghouse review:



**State Clearinghouse**

Governor's Budget and Planning Office  
411 West 13th Street  
Austin, Texas 78701  
telephone (512) 475-6156

**Area-Wide Clearinghouses**

Coastal Bend Council of Governments  
P.O. Box 9909  
Corpus Christi, Texas 78408  
telephone (512) 883-5743

Golden Crescent Council of Governments  
P.O. Box 2028  
Victoria, Texas 77901  
telephone (512) 578-1587

Houston-Galveston Area Council  
P.O. Box 22777  
3701 West Alabama  
Houston, Texas 77027  
telephone (713) 627-3200

Lower Rio Grande Valley Development Council  
First National Bank Building, Suite 207  
McAllen, Texas 78501  
telephone (512) 682-3481

South East Texas Regional Planning Commission  
P.O. Drawer 1387  
Nederland, Texas 77627  
telephone (713) 727-2384

**Target Amounts.**

(1) Environmental and recreational grants. No target amounts are established for environmental and recreational grants; however, any application for these purposes is not to exceed \$1,350,000. Applications for environmental and recreational grants are to be submitted on National Oceanic and Atmospheric Administration Form 36-26 for construction projects and National Oceanic and Atmospheric Administration Form 36-25 for nonconstruction projects.

(2) Planning grants. Since \$180,000 is available for planning purposes, the Budget and Planning Office has determined, in accordance with Rule .006(a)(2), that only a base amount of \$10,000 per county will be made available for each county containing a portion of the defined Texas coastal zone. Eligible counties are Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Harris, Jackson, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Orange, Refugio, San Patricio, Victoria, and Willacy.

As prescribed by Rule .006(a)(2)(A) of the intrastate allocation procedures, eligible applicants shall be county governments or designees of the county. Thus, the county judge or commissioners court of a coastal county should be contacted by potential applicants to obtain county designation status and to ascertain the portion of county's targeted planning funds which will be allocated to each proposed planning project within the county. If applications from one county exceed targeted amounts, county governments must recommend the priority of funding for each application. Applications for planning grants are to be submitted on National Oceanic and Atmospheric Administration Form 36-25.

**Receipt Deadlines.** To be eligible for consideration, each completed application, in two copies, must be received by the Budget and Planning Office not later than noon on the dates indicated below.

(1) For planning grants, the receipt deadline for applications is June 18, 1980.

(2) For environmental and recreational grants, the receipt deadline for applications is July 15, 1980.

**Notice of Recommendations for Funding.** Upon completion of priority ranking and evaluation prescribed in the intrastate allocation procedures, the Budget and Planning Office will publish a notice of allocation recommendations in the *Texas Register*.

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

Doc. No. 803713 Paul T. Wrotenbery  
Director  
Governor's Budget and Planning Office

Filed: May 16, 1980, 10:26 a.m.

For further information, please call (512) 475-6156.



## 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 14 and 15, 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.

Town Hall Estates, Hillsboro (5/14/80)  
AN79-0426-016A (051280)

AMD/CN—Request to extend the completion deadline by 12 months in Certificate of Need AN79-0426-016, which authorized the utilization of 9,000 square feet of unfinished basement area to be used for relocating various ancillary departments and the construction of a laundry

Presbyterian Hospital of Dallas, Dallas (5/14/80)  
AH80-0512-012

EC/DR—Renovation of six semiprivate rooms for use as a six-bed coronary care unit and minor remodeling of a treatment area for a separate nursing station

Tigua General Hospital, El Paso (5/14/80)  
AH80-0513-013

EC—Purchase a reconditioned Songograf ultrasound scanner with attached camera and ECG module for use in existing radiology department

Champ Traylor Memorial Hospital, Port Lavaca  
(5/14/80)

AH80-0514-004

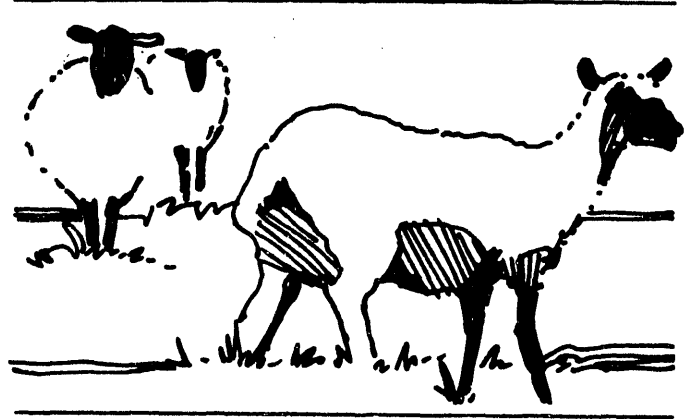
EC—To provide administrative services and manage an ambulance service from the hospital. (The cost of the ambulance will be borne by the Commissioners Court of Calhoun County.)

Issued in Austin, Texas, on May 16, 1980.

Doc. No. 803751      O. A. Cassity III  
Director of Hearings  
Texas Health Facilities Commission

Filed: May 16, 1980, 11:47 a.m.

For further information, please call (512) 475-6940.



## Texas Water Commission

### Applications for Waste Discharge Permits

Notice is given by the Texas Water Commission of public notices of waste discharge permit applications issued during the period of May 5-9, 1980.

No public hearing will be held on these applications unless an affected person who has received notice of the applications has requested a public hearing. Any such request for a public hearing shall be in writing and contain (1) the name, mailing address, and phone number of the person making the request; (2) a brief factual statement of the nature of the interest of the requester and an explanation of how that interest would be affected by the proposed action; and (3) the names and addresses of all persons whom the requester represents. If the commission determines that the request sets out legal or factual questions within the jurisdiction of the commission and relevant to the waste discharge permit decision, the commission shall conduct a public hearing, after the issuance of proper and timely notice of the hearing. If no sufficient request for hearing is received within 45 days of the date of publication of notice concerning the applications, the permit will be submitted to the commission for final decision on the application.

Information concerning any aspect of these applications may be obtained by writing Larry R. Soward, assistant chief hearings examiner, Texas Water Commission, P.O. Box 13087, Capitol Station, Austin, Texas 78711, telephone (512) 475-1311.

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

### Week Ending May 9, 1980

Right-Away Foods Corporation, San Carlos, Hidalgo County; freeze-dry food processing plant; 2,000 feet west and 1,000 feet north of the intersection of State Highway 107 with FM Road 1423; 01716; amendment  
Positive Feeds, Inc., Sealy, Austin County; livestock feed manufacturing facility; on the east side of State Highway 36; new permit

Continental Oil Company, Conquista Project (Martin Mine), Live Oak County; uranium surface mine; 8.5 miles east-northeast of the City of Three Rivers; new permit

Union Tank Car Company, Liberty County; tank care repair shop; five miles northeast of the City of Cleveland; new permit

Union Carbide Corporation (Chemicals and Plastics Division), Cameron County; industrial chemical plant; on the north side of State Highway 48; 00446; amendment

The United States Department of the Navy, Coryell and McLennan Counties; sewage treatment plant, southwest of the City of McGregor; new permit

Cherokee Resort Company, Granbury, Henderson County; sewage treatment plant; 0.3 mile south of FM Road 90; new permit

Lee County Fresh Water Supply District 1, Dime Box, Lee County; sewage treatment plant; 3,000 feet east-northeast of the FM Road 141 and Southern Pacific Railroad intersection; 12007; amendment

Whittaker Corporation, doing business as Fort Worth Pipe and Supply Company, Conroe, Montgomery County; API pipe couplings manufacturing plant; south side of and adjacent to AT&SF Railroad; 12106-01; amendment

City of East Tawakoni, Rains County; sewage treatment plant; on the northeast side of Lake Tawakoni; 11428; renewal

City of Orange (Jackson Street Plant), Orange County; sewage treatment plant; between Jackson Street and Polk Avenue; 10626-01; renewal

Little Cypress-Mauriceville Consolidated ISD, Orange County; sewage treatment plant; 1 1/2 miles north of Orange; 11094-01; renewal

City of Port Arthur (El Vista Plant), Jefferson County; sewage treatment plant; north of the intersection of 50th Street and Anderson ; 10364-03; renewal

Velsicol Chemical Corporation, Beaumont, Jefferson County; waste disposal well; eight miles south of the Beaumont plant; WDW-155; amendment

Velsicol Chemical Corporation, Jefferson County; waste disposal well; eight miles south of Beaumont; WDW-125; amendment

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

Doc. No. 803592      Mary Ann Heimer  
                                  Chief Clerk  
                                  Texas Water Commission

Filed: May 9, 1980, 3:58 p.m.  
 For further information, please call (512) 475-1311.

beginning at 10 a.m. on July 17, 1980, in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin.

The hearing concerns the proposed federal fiscal year 1981 project priority list for the Municipal Facilities Construction Grant Program. The project priority list is a listing of sewerage system projects in priority rank order which will be considered for funding through the Federal Construction Grant Program. The proposed project priority list has been prepared pursuant to rules for the State Project Priority System adopted by the Texas Water Development Board on behalf of the Texas Department of Water Resources, specifically, Subchapter .05 of Chapter .15.

Interested persons are encouraged to attend the hearing and to present relevant and material comments concerning the proposed ranking of various projects throughout the state. In addition, persons may participate in the hearing by mailing written comments before July 17, 1980, to James K. Rourke, attorney, general counsel's office, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas 78711. Copies of the proposed 1981 project priority list will be sent to all entities and their consulting engineers which have projects on the list as of June 18, 1980. Additional copies will be available in Room 1134 of the Stephen F. Austin Building or may be obtained from the Construction Grants and Water Quality Planning Division, Texas Department of Water Resources, P.O. Box 13087, Capitol Station, Austin, Texas 78711.

The hearing is being conducted pursuant to Sections 5.131 and 5.132 of the Texas Water Code, as amended, and Chapters .01 and .15 of the rules of the Texas Water Development Board.

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

Doc. No. 803676      James K. Rourke  
                                  General Counsel's Office  
                                  Texas Water Development Board

Filed: May 14, 1980, 2:53 p.m.  
 For further information, please call (512) 475-4338.

## Texas Water Development Board Public Hearing

An attorney in the general counsel's office of the Texas Department of Water Resources will conduct a public hearing



## 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 16. ECONOMIC REGULATIONS

#### Part I. Railroad Commission of Texas

Noncodified (051.02.03.003) ..... 2027

### TITLE 22. EXAMINING BOARDS

#### Part XI. State Board of Nurse Examiners

Noncodified (388.02.00.001-.057) ..... 2019

Noncodified (388.02.00.058-.071) ..... 2019

Noncodified (388.03.00.001-.020) ..... 2022

Noncodified (388.03.00.021-.042) ..... 2022

### TITLE 28. INSURANCE

#### Part I. State Board of Insurance

Noncodified (059.05.25.003) ..... 2015

Noncodified (059.05.36.001) ..... 2016

Noncodified (059.05.36.002) ..... 2017

Noncodified (059.05.36.003) ..... 2017

Noncodified (059.05.81.001) ..... 2017

### TITLE 40. SOCIAL SERVICES AND ASSISTANCE

#### Part I. Texas Department of Human Resources

Noncodified (326.25.33.010) ..... 2019

Noncodified (326.25.34.021, .022) ..... 1996

Noncodified (326.90.06.008-.015) ..... 1999

Noncodified (326.92.11.001, .002) ..... 1999

Noncodified (326.92.12.001, .002) ..... 1999

Noncodified (326.92.13.001-.004) ..... 1999

Noncodified (326.92.14.001, .002) ..... 1999

Noncodified (326.92.15.001, .002) ..... 2000

Noncodified (326.92.15.003, .004) ..... 2000

Noncodified (326.92.16.001) ..... 2001

Noncodified (326.92.21.001-.038) ..... 2001

Noncodified (326.92.21.039-.104) ..... 2001

## Table of TAC Titles

TITLE 1. ADMINISTRATION
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TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION