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DEPARTMENT OF STATE

JUN 27 1980

TEXAS DOCUMENTS

# TEXAS REGISTER

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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, 22, 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. 2, May 80

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

# TEXAS REGISTER

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George W. Strake, Jr.  
Secretary of State

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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-359

Request from: E. D. Walker, chancellor, University of Texas System, Austin.

**Summary of Request:**

(1) Are proposals for the construction or acquisition of buildings or other permanent improvements for the use of the University of Texas at Austin and the University of Texas at El Paso financed in whole out of proceeds from bonds issued pursuant to Section 18 of Article VII of the constitution required to be submitted to the coordinating board for approval pursuant to Section 61.058, Texas Education Code?

(2) Are proposals for the construction or acquisition of buildings or other permanent improvements for the University of Texas at Austin and the University of Texas at El Paso financed partially out of other sources of revenue and partially from proceeds of bonds issued pursuant to Section 18 of Article VII of the constitution required to be submitted to the coordinating board for approval pursuant to Section 61.058, Texas Education Code?

Doc. No. 804721

### Summary of Request for Opinion RQ-360

Request from William C. Wright, county attorney, Orange County.

**Summary of Request:** May the county court at law judge adopt a sick leave policy for his employees which is at variance with the policy adopted by the commissioners court?

Doc. No. 804722

### Summary of Request for Opinion RQ-361

Request from: Bob Bullock, comptroller of public accounts, Austin.

**Summary of Request:** Does the statute establishing the Texas Prosecutors Coordinating Council, Article 32d, Vernon's Texas Civil Statutes, violate Article II, Section 1, of the constitution since five members of the council are selected by the Texas District and County Attorneys Association?

Doc. No. 804723

### Summary of Request for Opinion RQ-363

Request from: Jimmy Mankins, chairman, House Employment Practices Committee, House of representatives, Austin.

**Summary of Request:**

(1) Under Section 6, Article 8307, Vernon's Texas Civil Statutes, if a subcontractor obtains workers' compensation insurance for his employees but does not obtain coverage for himself, is the general contractor responsible for coverage of the subcontractor himself?

(2) If a subcontractor is a partnership of three persons with no employees and therefore ineligible to come under the workers' compensation law, is the general contractor required to obtain workers' compensation insurance for the subcontractor?

(3) If the general contractor does obtain workers' compensation coverage for a subcontractor and the subcontractor's employees, may the insurance company base the premium on the gross payment to the subcontractor from the general contractor (which may include profit, overhead, equipment, material, and other expenses in addition to salaries paid by the subcontractor)?

Doc. No. 804724

### Summary of Request for Opinion RQ-364

Request from: Kenneth Ashtworth, commissioner, Coordinating Board, Texas College and University System, Austin.

**Summary of Request:** May an annuity contract which provides for "incidental" death benefits (as defined by Internal Revenue Ruling 70-581, the 100 to 1 rule) qualify for the Optional Retirement Program as defined in Section 51.352(6) of the Texas Education Code?

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804725      C. Robert Heath  
Opinion Committee Chairman  
Attorney General's Office

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

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

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

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

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## NONCODIFIED

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### Texas Department of Human Resources

#### Medicaid Eligibility

The Department of Human Resources adopts, on an emergency basis, additions, repeals, and amendments to its Medicaid eligibility rules. As a result of the legislative intent expressed in Rider 49 of the fiscal year 1980-81 DHR Appropriation Act, the Texas Board of Human Resources has established special provisions to protect certain individuals who were recipients of Title XIX long-term care as of March 1, 1980, from adverse effects as a result of the discontinuance of the ICF-II program on March 1, 1980, while encouraging those individuals to return to the community whenever possible. These special provisions are available to individuals who were ICF-II recipients on or after March 1, 1980, including those individuals who were ICF-III or skilled recipients on that date and who were subsequently granted ICF-II level care due to improvement in their condition and the lack of suitable alternate care in their community. These provisions are:

(1) Recipients of the ICF-II nursing facility care on or after March 1, 1980, will continue to be entitled to ICF-II level care for as long as they continue to meet medical eligibility program requirements and the ICF-II level of care criteria.

(2) Recipients of ICF-II nursing facility care on or after March 1, 1980, who choose to leave the nursing facility to return to their community, may maintain entitlement to Medicaid benefits under the same criteria used to establish eligibility while in a nursing home setting.

Individuals who qualify for these special provisions are referred to as Rider 49 recipients. The rule changes are being adopted on an emergency basis to ensure the immediate health, safety, and well-being of such recipients.

The Medicaid eligibility rules have been revised to:

(1) Provide eligibility determination and budgeting procedures to be used for SSI-related Rider 49 recipients who return to community living arrangements. As a result of the Rider 49 provisions and related changes in the SSI program, policy regarding budgeting of couple cases has also been changed to require immediate separation of a couple case if one member of an eligible couple resides in a nursing facility and the spouse resides in the community.

(2) Provide eligibility determination and budgeting procedures to be used for TPO2 Rider 49 recipients who return to community living arrangements.

(3) Clarify Medicaid eligibility worker responsibilities for review of forms on preadmission applications and for information and referral to alternate care staff for individuals denied a preadmission level of care. Procedures are also established for annotation of the social evaluation of need for nursing facility care, to advise the long-term care unit of a recipient's Rider 49 status, when applicable.

(4) Explain the limitations on the availability of ICF-II level nursing care after March 1, 1980.

(5) Add detailed instructions on processing redeterminations for recipients entitled to the special Rider 49 provisions.

Several of the department's nursing home rules are also being amended on an emergency basis to reflect changes resulting from provisions of Rider 49. Those amendments and new rules are published in this issue of the *Texas Register*.

#### Eligible Recipients for Title XIX (Medicaid) 326.25.21

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

.001. *Categorically Needy*. The Medical Assistance Program, under the provision of Title XIX (Medicaid) of the Social Security Act, provides certain benefits to all individuals who meet the department's definition of categorically needy. The categorically needy are defined as:

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

(9) *Under Rider 49 provisions, individuals who were receiving Level II intermediate care in a Title XIX nursing facility on March 1, 1980, continue to be eligible for Title XIX medical benefits upon discharge from the facility, provided they:*

(A) *continue to meet the categorical and financial eligibility criteria last used to determine eligibility in the nursing facility, and*

(B) *continue to meet the criteria for Level II intermediate care, as determined by the long-term care units of the Texas Department of Health.*

*This provision is also available to individuals who were Medicaid eligible and receiving Level III immediate care or skilled nursing care in a Title XIX nursing facility on March 1, 1980, and are subsequently determined to need Level II intermediate care. Individuals qualifying for Medicaid benefits under these provisions are referred to*

as **Rider 49 recipients**. Department staff determine continuing eligibility using the criteria for **Type Program 02, 03, 14, or 51**, depending upon which criteria applied when the recipient last resided in a **Title XIX nursing facility**.

Doc. No. 804738

## Individuals for Whom SSI Eligibility Criteria Are Used 326.25.31

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

**.001. Types of Applicants.** The eligibility criteria of the Federal Supplemental Security Income (SSI) Program are used in determining Medicaid eligibility for the following categories of assistance:

(1) **SSI-related MAO (Type Program 14).** Individuals residing in approved Title XIX long-term care facilities, who would be eligible for SSI except for income, may qualify for assistance under Type Program 14. Countable income must fall in a range between the appropriate SSI payment amount and a maximum established by the department. **Eligibility under this type program may also be extended to Rider 49 recipients discharged from a Title XIX facility to the community.**

(2) **Rider 51 MAO (Type Program 51).** Individuals in long-term care facilities who became ineligible for SSI-related MAO on July 1, 1979, due solely to the July 1979 cost-of-living increase in RSDI benefits may continue eligibility for assistance under the provisions of Rider 51 of the Texas Department of Human Resources appropriation in the General Appropriations Act, 66th Legislature, Regular Session. To qualify, these individuals must continue to meet all SSI-related MAO eligibility requirements with an additional exclusion from income equal to the amount of the July 1979 RSDI cost-of-living increase. **Eligibility under this type program may also be extended to Rider 49 recipients discharged from a Title XIX facility to the community.**

(3)-(4) (No change.)

Doc. No. 804739

## Resources for Individuals Related to the SSI Program 326.25.33

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

**.004. Deeming of Resources.**

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

(f) **Deeming does not apply to Rider 49 recipients discharged to the community whose eligibility is determined under the Medical Assistance Only Program criteria which applied when the individual was residing in a nursing facility. In this situation, the individual's resources continue to be considered separate from those of the ineligible spouse as they were when the individual was institutionalized.**

Doc. No. 804740

## Income for Individuals Related to the SSI Program 326.25.34

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

**.003. Procedures for Deeming Income.**

(a) (No change.)

(b) An individual's income includes all of his or her own income in cash or in kind, both earned and unearned. It also includes all of the income of his or her eligible spouse. In addition, an individual's income is deemed to include:

(1) Certain income of his or her ineligible spouse who lives in the same household during any part of a calendar month (if the ineligible spouse is not a member of an AFDC group). In determining the amount of the ineligible spouse's income available to the individual, the following procedures apply:

(A)-(G) (No change.)

(H) **Deeming does not apply to Rider 49 recipients discharged to the community whose eligibility is determined under the medical assistance only criteria which applied when the individual was residing in a nursing facility. In this situation, even though the recipient lives in the same household with the ineligible spouse, the ineligible spouse's own income is completely excluded in determining continued eligibility for the Rider 49 recipient.**

(2) (No change.)

**.004. Support and Maintenance (Nonvendor Situations Only).**

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

(e) The 1/3 reduction does not apply in situations which:

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

(5) **The individual (or eligible couple) residing in the household of another is a Rider 49 recipient(s) whose eligibility is continued under an institutional medical assistance only type program; that is, one of the institutional income limits is being used to determine eligibility. In this instance, the value of the in-kind support and maintenance must be determined as in paragraph (2) above, and considered as unearned income of the eligible individual(s).**

Doc. No. 804741

## Budgeting for Individuals Related to the SSI Program 326.25.35.004, .010

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

**.004. Definitions of Budgeting in Nonvendor Living Arrangements.**

(a) (No change.)

(b) An individual budget is constructed when the client is a single person, that is, never married, widowed, or divorced, or is a married individual who is living apart from his or her spouse. Living apart means physically living in separate places of residency and is not necessarily a legal separation. An individual and spouse are considered to be living apart when:

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

**(4) one member of an eligible couple enters and is eligible for vendor payment in a Title XIX nursing facility, or**

**(5)(4)** when one member of an eligible couple is living as husband or wife with a person other than the legal spouse.

In an individual budget, only the needs and income of the individual are considered.

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

(e) A couple budget is also constructed when an individual is no longer residing with his or her eligible spouse if:

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

In a couple budget, the needs and income of both spouses are included. ***If only one member of an eligible couple enters a Title XIX nursing facility and is entitled to vendor payment, the case may no longer be budgeted as a couple case. In this situation, eligibility for each member of the couple must be redetermined on an individual basis.***

*.010. Definitions of Budgeting in Vendor Living Arrangements.*

(a)-(c) (No change.)

(d) A couple budget is constructed when an individual and his or her eligible spouse are both MAO applicants/recipients with the same type program and reside in the same room in a Title XIX nursing care facility. If one member of an eligible couple moves into a different room or a different Title XIX facility, they continue to be budgeted as a couple until they have been separated for six months. In this situation, the needs and income of both individuals are included. ***If one member of an eligible couple is discharged from the nursing care facility (other than for hospitalization or a therapeutic home visit) and the spouse remains in the facility, the case may no longer be budgeted as a couple case. Eligibility must immediately be redetermined on an individual basis for each member of the couple. Applied income for the member of the couple remaining in the facility must also be adjusted to reflect the appropriate individual vendor budget effective with the day of the spouse's discharge from the facility.***

(e) (No change.)

Doc. No. 804742

### 326.25.35.007

(Editor's note: The text of the following rule being repealed on an emergency basis will not be published. The rule may be examined in the offices of the Texas Department of Human Resources, 706 Banister, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

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

*.007. Couples, One of Whom is in a Long-Term Care Facility (Type Program 03).*

Doc. No. 804743

### 326.25.35.018

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

*.018. Special Provisions for Rider 49 Recipients.*

(a) Under Rider 49 provisions, individuals are entitled to continued eligibility under vendor budgeting criteria while residing in a nonvendor living arrangement. In order to qualify for these provisions, the recipient must meet the following criteria:

(1) the individual must have received ICF-II-level care in a Title XIX nursing facility on or after March 1, 1980; and

(2) the individual must have maintained continuous Medicaid eligibility since March 1, 1980 (or since the date approved ICF II level care began, if subsequent to March 1, 1980); and

(3) the individual must have never been denied an ICF-II level of care by a Long Term Care Unit of the Texas Department of Health since March 1, 1980.

(b) If a recipient who meets the above criteria chooses to leave the nursing facility to reside in a nonvendor living arrangement, a determination should first be made as to whether the recipient would qualify for SSI benefits in the new living arrangement. If so, the recipient is referred to SSI for application services. The medical assistance only case for the recipient is denied when eligibility for SSI is established on the DHR computer files.

(c) If, however, the recipient has income in excess of the appropriate SSI eligibility standard, Medicaid eligibility should be extended in the new living arrangement as long as the recipient continues to meet the budgeting criteria which was last used to determine the recipient's eligibility in the vendor living arrangement. Since the individual is no longer residing in a vendor living arrangement, it will not be necessary to budget applied income in addition to determining eligibility.

(d) As long as the Rider 49 recipient continues to meet the appropriate income eligibility limits, as well as all other categorical requirements, eligibility for Medicaid benefits will be continued in the nonvendor living arrangement. If, at the time of review, the recipient's income exceeds appropriate limits or other categorical requirements are not met, eligibility under these special provisions must be denied. A denial resulting in a break in Medicaid coverage will result in the loss of Rider 49 status and entitlement to this special provision.

Doc. No. 804744

### Budgeting for Type Program 02

#### 326.25.45.002-.004

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

*.002. Definitions.*

(a) All individuals certified for Type Program 02 must reside in vendor living arrangements, ***with the exception of Rider 49 recipients whose eligibility in a nonvendor living arrangement is based on TP02 criteria.***

(b) (No change.)

.003. *Individual Budget.* An individual budget is constructed when the recipient has no spouse, or when the spouse is receiving assistance under another type program (Type Program 01, 03, 12, 13, 14, or 15). In this situation, only the needs and income of the individual are considered.

.004. *Companion Budget (Individual with Ineligible Spouse).* A companion budget is constructed when the recipient has an ineligible spouse who is not estranged from the recipient. In this situation, only the needs of the individual are included **but the income of the spouse must also be considered in determining eligibility.**

Doc. No. 804745

## 326.25.45.010

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

### .010. *Special Provisions for Rider 49 Recipients.*

(a) If a Type Program 02 recipient with Rider 49 status chooses to leave the Title XIX nursing facility to reside in a nonvendor living arrangement, a determination must first be made as to whether the recipient will be entitled to SSI benefits in the new living arrangement. If so, the recipient is referred to SSI for application services. The Type Program 02 case for the recipient is denied when eligibility for SSI is established on the DHR computer files.

(b) If, however, the Rider 49 recipient does not meet the criteria for SSI eligibility, Medicaid eligibility should be extended in the nonvendor living arrangement as long as the individual continues to meet all eligibility criteria for Type Program 02. Since the recipient is no longer residing in a vendor living arrangement, it will not be necessary to budget applied income in addition to determining eligibility.

(c) If, at the time of a review, the recipient fails to meet Type Program 02 eligibility requirements, eligibility must be denied. Since the individual is not residing in a Title XIX nursing facility, eligibility cannot be redetermined under Type Program 14. However, eligibility for Type Program 03 based on the exclusion of the October 1972 RSDI increase and SSI income standards should be explored. Eligibility may be continued under Type Program 03, if appropriate. If denial of Type Program 02 assistance results in a break in Medicaid coverage, the recipient loses Rider 49 status and the entitlement to eligibility under the special Rider 49 provisions.

Doc. No. 804746

## Vendor Payments in Title XIX Long-Term Care Facilities 326.25.55

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

### .002. *Evaluation of Alternate Care.*

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

(e) Nonrecipient procedures.

(1) For an applicant (nonrecipient), the Medicaid eligibility worker requests an application be completed when:

(A) Initial contact is made with the Medicaid eligibility unit by an individual who is not a **current Medicaid** recipient. [of SSI, or]

(B) (No change.)

(2) (No change.)

(3) The covering letter for the Medical-Nursing Care Evaluation must indicate that the form must be completed and signed by the client's treating physician and returned to the Medicaid eligibility worker. If the Application for Assistance and the Medical-Nursing Care Evaluation are not returned to the worker within 10 days, the worker will contact the applicant to advise him or her of the necessity of returning both forms. **When the Medical-Nursing Care Evaluation is received from the attending physician, the eligibility worker will determine that the form contains all the required items. If it does not, the worker should try to obtain the additional information prior to submitting the form to the LTCU.**

(4)-(9) (No change.)

(10) **In situations where a level of care is denied by the LTCU, the Medicaid eligibility staff will advise the individual of the denial of the application. The medical assistance denial notice must be annotated to advise the individual that if they are now interested in exploring alternate care services, they should contact the local alternate care staff. The telephone number for such a contact must also be provided in the denial notice.**

(11) **If the individual advises the Medicaid eligibility staff of his interest in pursuing alternate care services, the eligibility staff will immediately refer the individual to the alternate care staff via Case Information form. If the individual has been previously referred to the alternate care staff, a Case Information form would again be provided to advise of the change in the individual's status.**

(f) Recipient procedures.

(1) When preadmission requests for care in a nursing facility are received from an individual who is a **current Medicaid** recipient [of SSI], the following circumstances may occur:

(A) (No change.)

(B) A referral from CCABD can occur when a recipient of SSI who is currently receiving CCABD services wishes care in a nursing facility; or when an assessment by the CCABD worker results in such a request. [The alternate care assessment must be completed with 30 days.]

(C) An initial contact is made with LTCU staff by a recipient [of SSI] who is not currently in a nursing facility. LTCU staff gathers identifying information from the individual and forwards this information to the Medicaid eligibility unit.

(D) In cases where the initial contact is made with a Medicaid eligibility unit by a **Medicaid** [an SSI] recipient requesting placement in a nursing facility, the following steps are taken:

(i) Within five working days of receipt of a request for care in a nursing facility, a contact is made with the client and/or family to determine the functional capacity of the client, as well as the social components surrounding the request for nursing home placement and the possibility of alternative arrangements for care. The alternate care assessment is completed and the worker will inform the recipient and/or family of the possible alternatives to nursing facility care. **In the process of completing the Social**



**Evaluation of Need for Nursing Facility Care, the worker must also determine whether the recipient currently has Rider 49 status. If so, the notation "grandfathered ICF-II recipient" must be added to the upper right hand corner of the form. If the recipient continues to pursue nursing home placement, this notation will advise the LTCU that an ICF-II level of care may be considered for this recipient.**

(ii)-(iv) (No change.)

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

**.003. Level of Care.**

(a) To qualify for vendor payments in Title XIX nursing facilities and state schools, it must be determined that an individual is in need of ICF-II, ICF-III, or skilled nursing care or that an individual would benefit from ICF-MR treatment, that is, intermediate care for the mentally retarded. **After March 1, 1980, ICF-II level nursing care is only available to those individuals who have continued Rider 49 status. As long as Rider 49 status is continued, the recipient has a right to have current ICF-II level care sustained and to have ICF-II level care reinstated if he or she no longer qualifies for a higher level of care or if he or she re-enters a nursing facility from the community.**

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

Doc. No. 804747

## Intrastate Requests for Assistance 326.25.56

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

**.011. Special Provisions for Rider 49 Recipients.** Rider 49 of the 1980-81 DHR Appropriation Act authorized the discontinuance of the program for Level II intermediate care (ICF-II) in Title XIX long-term care facilities effective March 1, 1980. The rider also provided for continued entitlement for ICF-II care for certain individuals who were eligible and residing in Title XIX facilities on March 1, 1980, and who subsequently met or continued to meet ICF-II criteria. In addition, special provisions were established to permit these individuals to continue Medicaid coverage after discharge from a long-term care facility under the same criteria used to determine eligibility while in the facility.

**.012. Definition of a Rider 49 Recipient.**

(a) In order to qualify for the special provisions established by Rider 49, a recipient must have met and continue to meet the following requirements:

(1) The recipient must have been eligible for Medicaid prior to March 1, 1980, and maintained continuous eligibility after that date. (Individuals who applied for and became eligible after March 1, 1980, with an approved ICF-II level of care in effect are considered to have met this requirement initially.)

(2) The recipient must have been residing in an approved Title XIX long-term care facility on and at least one day prior to March 1, 1980. (Individuals who on March 1, 1980, were temporarily absent from the facility due to hospitalization or a therapeutic home visit, and individuals who entered long-term care facilities after March 1, 1980, with an approved level of care in effect are considered to have met this requirement.)

(3) The recipient must have been approved for ICF-II level care on or after March 1, 1980, by the Long-Term Care Unit (LTCU) of the Texas Department of Health, and have never received a subsequent denial of ICF-II level care from the LTCU, or the recipient must have been approved for and receiving Title XIX ICF-III or skilled-level care on March 1, 1980, and subsequently be granted ICF-II level care. Such individuals may be entitled to ICF-II level care if they fail to meet the higher level of care criteria, have continuously resided in a Title XIX long-term care facility since March 1, 1980, meet the ICF-II level of care criteria, and no suitable alternate care is available at the time ICF-III level care is discontinued.

(b) Individuals who initially met and continue to meet these requirements are referred to as Rider 49 recipients. Rider 49 status, and entitlement to the related special provisions, is discontinued if, at any time, eligibility for Medicaid or for an ICF-II level of care is denied.

**.013. Redetermination for Rider 49 Recipients.**

(a) As long as a Rider 49 recipient continues to reside in a long-term care facility, eligibility and budgeting are determined under the criteria of the appropriate type program, following the same procedures which apply to other recipients in long-term care.

(b) If, however, the Rider 49 recipient chooses to leave the long-term care facility to reside in a nonvendor living arrangement (the recipient's own home, the home of a relative or friend, a room and board arrangement, etc.), continued eligibility under the special Rider 49 provisions must be explored.

(c) As soon as the eligibility worker learns of a Rider 49 recipient's discharge from the long-term care facility, a determination must be made as to whether the recipient is potentially eligible for supplemental security income (SSI) benefits in the new living arrangement. If so, the individual is referred to the Social Security Administration for application services. The recipient's medical assistance only (MAO) case is sustained until the recipient's eligibility for SSI is reflected on the DHR computer files. When this occurs, the MAO case is denied and the recipient's continued eligibility for Medicaid and Rider 49 status will be dependent upon his or her continued eligibility for SSI benefits.

(d) If the Rider 49 recipient is not entitled to SSI benefits in the new living arrangement, continued eligibility for MAO will be determined using the eligibility criteria and budgeting steps last used to determine eligibility for the individual while in the long-term care facility. As long as the Rider 49 recipient continues to meet these criteria, the MAO case is sustained under the appropriate type program. However, the base plan and budget entries on input document are changed to reflect the new nonvendor living arrangement.

(e) One of the requirements for eligibility for this special Rider 49 provision is the recipient's continuous eligibility for Medicaid since March 1980. Therefore, new applications should never be processed for eligibility under these special provisions. The only time an input document may be processed indicating eligibility under these special provisions is when an active Rider 49 recipient has been denied in error.

Doc. No. 804748

The Department of Human Resources adopts, on an emergency basis, rules and amendments to the nursing home agency rules concerning the continuation of eligibility for nursing home care for ICF-III and skilled recipients whose conditions improve to the extent that they no longer meet the criteria for ICF care. These rules and amendments are more comprehensive in scope and therefore are replacing emergency Rule 326.30.04.009, which was published in the May 27, 1980, *Texas Register*. This revised policy permits payment for all Medicaid services (i.e., vendor drugs, hospital care, physician services, ICF-II nursing home care, etc.) from state funds for persons who had an ICF-III or skilled level of care on March 1, 1980, who meet ICF-II criteria but not ICF criteria, and for whom no alternate care arrangements are available.

It is the intent of the legislature that persons needing nursing home care receive the highest quality care available. Pursuant to the provisions of Riders 49 and 56 of the General Appropriations Act, the department is adopting the rules and amendments on an emergency basis to ensure the continued health, safety, and well-being of such nursing home residents. Changes to the department's Medicaid eligibility rules are being adopted on an emergency basis in this issue of the *Texas Register* as a result of the provisions of Rider 49.

## Intermediate Care II Facility

### Admission Policies 326.30.04

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

#### .009. Level of Care.

(a) ICF-II level of care determinations are limited to Title XIX recipient/patients who had an ICF-II, **ICF-III or skilled** level of care determination on [prior to] March 1, 1980.

(b) ICF-II level of care determinations are also available to persons who have filed an application for long-term care benefits with the department, and are residing in a long-term care facility on [prior to] March 1, 1980.

(c) ICF-II level of care determinations **will remain** [are also] available to persons who **had an ICF-II, ICF-III or skilled level of care on March 1, 1980, and** [qualify under (a) or (b)] who leave a nursing home for a hospital stay, therapeutic home visit, or other Title XIX or XX service, without a break in Medicaid eligibility, and then return to the same or another nursing home.

Doc. No. 804749

## Intermediate Care III Facility

### Admission Policies 326.31.04

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

#### .007. Level of Care.

(a) ICF-II level of care determinations are limited to Title XIX recipient/patients who had an ICF-II, ICF-III or skilled level of care determination on March 1, 1980.

(b) ICF-II level of care determinations are also available to persons who have filed an application for long-term care benefits with the department, and are residing in a long-term care facility on March 1, 1980.

(c) ICF-II level of care determinations will remain available to persons who had an ICF-II, ICF-III, or skilled level of care on March 1, 1980, and leave the nursing facility for a hospital stay, therapeutic home visit, or other Title XIX or XX service, without a break in Medicaid eligibility, and then return to the same or another nursing facility.

(d) An ICF or skilled Title XIX recipient/patient who qualifies under (a), (b), or (c) above for an ICF-II level of care determination after March 1, 1980, will be referred to the regional alternate care staff for emergency search for alternate care. Efforts will be made to locate a foster home or other living arrangements suitable to the individual if there are no relatives or no other home possibilities.

Doc. No. 804750

## Skilled Nursing Facility

### Admission Policies 326.32.04

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

#### .011. Level of Care.

(a) ICF-II level of care determinations are limited to Title XIX recipient/patients who had an ICF-II, ICF-III, or skilled level of care determination on March 1, 1980.

(b) ICF-II level of care determinations are also available to persons who have filed an application for long-term care benefits with the department, and are residing in a long-term care facility on March 1, 1980.

(c) ICF-II level of care determinations will remain available to persons who had an ICF-II, ICF-III, or skilled level of care on March 1, 1980, and leave the nursing facility for a hospital stay, therapeutic home visit, or other Title XIX or XX service, without a break in Medicaid eligibility, and then return to the same or another nursing facility.

(d) An ICF or skilled Title XIX recipient/patient who qualifies under (a), (b), or (c) above for an ICF-II level of care determination after March 1, 1980, will be referred to the regional alternate care staff for emergency search for alternate care. Efforts will be made to locate a foster home or other living arrangements suitable to the individual if there are no relatives or no other home possibilities.

Doc. No. 804751

## Utilization Review

### Long-Term Care Unit Procedures 326.44.08

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

#### .001. Preadmissions.

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

(f) Appeals procedure.

(1)-(11) (No change.)

(12) ICF-II level of care determinations are limited to Title XIX recipient/patients who had an ICF-II, **ICF-III, or SNF** level of care determination on March 1, 1980.

(A) (No change.)

(B) ICF-II level of care determinations will remain available to persons who had an ICF-II, **ICF-III, or skilled** level of care **on** (prior to) March 1, 1980, and leave the nursing home for a hospital stay, therapeutic home visit, or other Title XIX or XX service, without a break in Medicaid eligibility, and then return to the same or another nursing home.

(C) **An ICF or skilled Title XIX recipient/patient who qualifies under (12)(A) or (B) above for an ICF-II level of care determination after March 1, 1980, will be referred to the regional alternate care staff for emergency search for alternate care. Efforts will be made to locate a foster home or other living arrangements suitable to the individual if there are no relatives or no other home possibilities.**

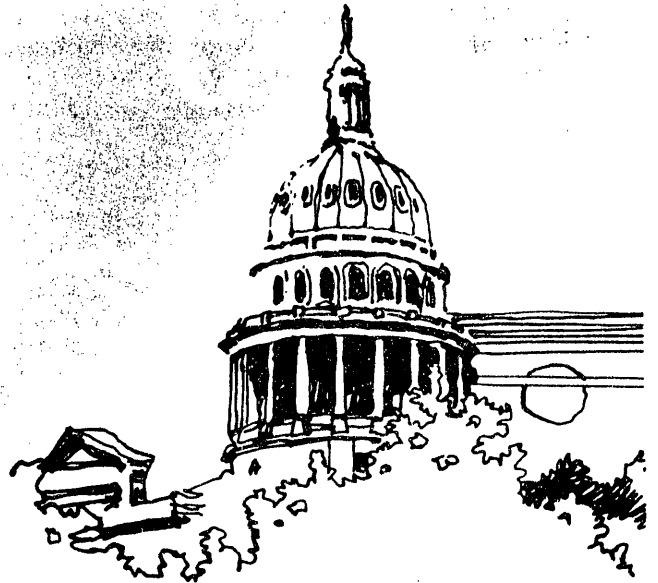
Issued in Austin, Texas, on June 20, 1980.

Doc. No. 804752      Jerome Chapman  
                                 Commissioner  
                                 Texas Department of Human Resources

Effective Date: June 20, 1980

Expiration Date: October 18, 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."

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

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## CODIFIED

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### TITLE 1. ADMINISTRATION

#### Part IV. Office of the Secretary of State Chapter 91. Texas Register

##### Publication Schedule

The Office of the Secretary of State proposes to amend §91.113 (004.65.08.003) which governs the deadlines for submission of documents for publication in the *Texas Register*. This proposal alters the days and times for submitting documents to facilitate the internal production process of the *Register*.

This proposed amendment has no fiscal implications for the state or units of local government.

Public comment on the proposed amendment is invited. Persons should send their comments in writing to Tex Lezar, P.O. Box 12887, Austin, Texas 78711.

This amendment is proposed under the authority of Texas Civil Statutes, Article 6252-13a.

##### §91.113 (004.65.08.003). Deadlines.

(a) For a Tuesday edition, all copy except notices of open meetings shall be received by **10 a.m.** [noon] the previous Wednesday. All notices of open meetings shall be received by **10 a.m.** [noon] the previous Thursday.

(b) For a Friday edition, all copy except notices of open meetings shall be received by **10 a.m.** [noon] the previous

**Monday** [Friday]. All notices of open meetings shall be received by **10 a.m.** [noon] the previous **Tuesday** [Monday].  
(c) (No change.)

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804703      George W. Sirake  
Secretary of State

Proposed Date of Adoption: July 28, 1980  
For further information, please call (512) 475-7886.

### TITLE 22. EXAMINING BOARDS

#### Part IX. Texas State Board of Medical Examiners

##### Chapter 173. Applications

The Texas State Board of Medical Examiners is proposing to amend §173.1 (386.07.00.001) regarding applications. The amendment is necessary to reflect the revision of the board's application form for annual renewal of a physician's permit to practice medicine. In addition to general streamlining, the revised application contains questions related to types of primary medical activities in which the physician is engaged and questions regarding professional liability claims and disciplinary action by a medical society or hospital staff.

The proposed amendment has been reviewed with the Texas State Board of Medical Examiners accounting office, and it has been determined that no fiscal implications are present for either the State of Texas or units of local government.

The proposed amendment may be commented upon by telephoning the board office at (512) 475-0741, or by writing to the board at 211 East 7th, Austin, Texas 78701.

The amendment to §173.1 (.001) is proposed under the authority of Article 4496 and Article 4509, Civil Statutes of Texas.

**§173.1 (386.07.00.001). Applications.** All information required on applications and instruction forms used by this board will conform to the Medical Practice Act and the rules promulgated by this board. The board hereby adopts by reference the following forms:

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

(9) Application for annual renewal of physician's permit as amended **October 1980** [November 1979].

These forms may be examined and copies may be obtained at the offices of the Texas State Board of Medical Examiners, Suite 900, 211 East 7th Street, Austin, Texas 78701.

Issued in Austin, Texas, on June 17, 1980.

Doc. No. 804679      A. Bryan Spires, Jr., M.D.  
Secretary-Treasurer  
Texas State Board of Medical Examiners

Proposed Date of Adoption: July 28, 1980  
For further information, please call (512) 475-0741.

## Part XXI. Texas Board of Examiners of Psychologists

### Chapter 463. Applications

The Texas State Board of Examiners of Psychologists is proposing to amend §463.4 (400.02.00.004) which deals with the fee structures of the board. It was the determination of the board to add a charge for persons who have sent checks to the board which are returned for nonsufficient funds. This procedure is necessary because it takes approximately five hours of staff time to process the necessary paper work when this occurs. It was also determined to delete some dates and terms which are no longer relevant.

The members of the board have stated that this proposed amendment will have no fiscal implications for state or local government.

Public comment on the proposed amendment to §463.4 (.004) is invited. Persons should submit their comments in writing to Patti Bizzell, executive secretary, Texas State Board of Examiners of Psychologists, 5555 North Lamar, Building H, Suite 126, Austin, Texas 78751.

The amendment to §463.4 (.004) is proposed under the authority of Article 4512(c), Texas Civil Statutes.

**§463.4 (400.02.00.004). Fees.** Fees for applications for certification, licensure, and health service provider; renewal of certification, licensure, and health service provider; land examination, **and insufficient funds checks** are listed below. None of the fees is refundable.

(1) Psychologist.

(A) Application for certification—\$65 (effective January 1, 1978).

(B) Examination fee—\$60 (effective for April 1978 exam and all exams thereafter).

(C) Application for licensure—\$50.

(D) Annual renewal of certification—\$15.

(E) Annual renewal of licensure—\$50. (To renew licensure, certification must be renewed and current.)

(F) Original application for health service provider—\$20.

(G) Annual renewal of health service provider—\$10.

(2) Psychological associate.

(A) Application for certification—\$50.

(B) Annual renewal of certification—\$15.

(3) **Nonsufficient funds check charge—\$25.**

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

Doc. No. 804683 Patti Bizzell  
Executive Secretary  
Texas State Board of Examiners of Psychologists

Proposed Date of Adoption: July 28, 1980  
For further information, please call (512) 458-3295.

## NONCODIFIED

### State Board of Insurance

#### Rating and Policy Forms

##### Rating and Policy Forms 059.05.01

The State Board of Insurance proposes to amend, effective June 1, 1981, Rule 059.05.01.005, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements II (Texas Automobile Manual). The State Board of Insurance is proposing to amend:

General Rules Section:

- (1) paragraph A, Rule 11, page 2;
- (2) paragraph E, Rule 13, page 7;
- (3) Rule 17, pages 8, 9, and 10;
- (4) Rule 18, pages 10 and 11;
- (5) Rule 21, page 12;
- (6) Rule 25, pages 13 and 14;
- (7) paragraph E of Rule 28, page 18;
- (8) Rule 31, pages 19 and 20;

Private Passenger Section:

- (9) Rule 35, page 21;
- (10) Rule 36, page 21;
- (11) Rule 37, page 21;
- (12) Rule 38, pages 21, 22, 23, and 24;
- (13) Rule 39, pages 24, 25, 26, 27, and 28;
- (14) Rule 40, page 28;

Commercial Automobile Section:

- (15) Rule 49, page 29;

Public Automobile Section:

- (16) Rule 67, page 44;

Nonowned Automobile Section:

- (17) Rule 98, page 59;
- (18) Rule 100, pages 60 and 61;

Miscellaneous Section:

- (19) Rule 120, page 67;
- (20) Rule 125, page 70;
- (21) Rule 130, page 75;
- (22) Rule 131, pages 75 and 76.

The proposed changes to the rules listed above are primarily editorial in nature to amend references to the "family automobile policy" or "family automobile coverage" to "personal auto policy" or "personal auto coverage." In addition to editorial amendments, other minor rule changes are being proposed to track the "Texas personal auto policy" provisions being separately proposed for adoption.

Endorsement Supplement: Fifty-six endorsements will be withdrawn or repealed and 44 new endorsements will be adopted. The endorsements to be withdrawn or repealed are specifically listed by form number and title in the reference material. The new endorsements to be adopted are specifically listed by form number and title in the reference material. The changes in endorsement forms are a direct

result of the proposed adoption of the Texas personal auto policy to replace the present family automobile policy. All endorsements applicable to the Texas personal auto policy have been drafted using simplified language and with two exceptions will all carry a 500-series form number. Some of the present amendatory endorsements such as 158L, 158M, 158R, and 159 are to be repealed due to their incorporation in the Texas personal auto policy in simplified form.

The proposed amendments have no known fiscal effects for the state or for units of local government (source: State Board of Insurance staff).

Public comment on the proposed amendments are invited and may be submitted in writing to D. E. O'Brien, director, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These amendments are being proposed under the authority of Articles 5.01, 5.06, and 5.10, Texas Insurance Code.

*.005. Insuring of Automobiles and Standard Endorsements II.* The State Board of Insurance adopts by reference the rules contained in the insuring of automobile as amended June 1, 1981 (1980). This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West 6th Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

Doc. No. 804706

## Policy Forms and Endorsements 059.05.06

The State Board of Insurance proposes to adopt by reference Rule 059.05.06.003, which will be the standard provisions for automobile policies (June 1, 1981, edition). This rule is proposed to take effect June 1, 1981. A similar rule, also commonly known as the standard provisions for automobile policies written on and after April 1, 1955, will continue in effect partially and on a temporary basis.

Rule .003 contains the standard provisions for the Texas personal auto policy, which is to replace the present family automobile policy. The Texas personal auto policy has been specifically designed to be simpler and more readable. The Texas personal auto policy contains approximately 1/3 fewer words than the family automobile policy. In addition, sentences are generally shorter and, where possible, familiar words of one syllable are used. The Texas personal auto policy is more personalized than the family automobile policy. Throughout the policy, the words "you" or "your" are used instead of "the named insured" and "we" or "us" are used instead of "the company."

The policy will be printed in larger easy to read type and defined terms will be set out in boldfaced or italicized type. Definitions of words or phrases have been held to a minimum. A "quick reference" or index will be included in each policy for ease of locating particular sections of the policy.

In many instances, coverage has been broadened. Several outmoded or seldom used provisions such as "first aid" coverage under liability insurance have been eliminated. In general, a serious attempt has been made to balance additional or broadened coverage with reductions of coverage to temper adverse rate effects.

The differences between the Texas personal auto policy and the present family automobile policy are explained in more detail in a "comparison" memorandum, which is included on the front of the standard provisions. The "comparison" memorandum is only included for explanatory purposes and is not to be adopted as part of the standard provisions.

Rule .002, Standard Provisions for Automobile Policies Written on and after April 1, 1955, will be repealed in its entirety except for application to policies effective prior to June 1, 1981.

There are no known fiscal implications for the state or for units of local government (source: State Board of Insurance staff).

Public comment on the proposed adoption of Rule .003 is invited and may be submitted in writing to D. E. O'Brien, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This rule is proposed under the authority of Articles 5.06 and 5.10 of the Texas Insurance Code.

*.003. Standard Provisions for Automobile Policies (June 1, 1981, Edition).* The State Board of Insurance adopts by reference the attached Standard Provisions for Automobile Policies (June 1, 1981, edition) effective June 1, 1981. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West 6th Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

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

Doc. No. 804707      Pat Wagner  
    Chief Clerk  
    State Board of Insurance

Proposed Date of Adoption: July 28, 1980  
 For further information, please call (512) 475-3486.

## State Fire Marshal

### Basic Design, Construction, and Safety Features of Retail Fireworks Stands 059.41.92

The State Board of Insurance proposes to adopt Rules 059.41.92.590-.592, .595, .597, and .599 concerning the basic design, construction, and safety features of retail fireworks stands in the interest of safeguarding lives and property pursuant to Article 9205, Vernon's Texas Civil Statutes, as amended.

The proposed rules have no known fiscal effect for the state or for units of local government.

Public comment on the proposed adoption of the rules is invited. Persons should submit their comments in writing to Ernest A. Emerson, state fire marshal, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

These rules are proposed under the authority of Article 9205 of Vernon's Texas Civil Statutes.

*.590. Purpose.* The purpose of these rules and regulations is to safeguard lives and property by regulating the basic design, construction, and safety features of retail fireworks stands pursuant to Section 6 of Article 9205, Vernon's Texas Civil Statutes, as amended.

.591. *Definitions.* As used in these rules and regulations, the following terms have meaning as specified in this section:

(1) "Bare wiring" means any electric cable or cord, any part of which has the insulating cover broken or removed, exposing bare wire.

(2) "Buyer" means any person or group of persons offering an agreed upon sum of money or other considerations to a sales person for retail fireworks.

(3) "Class C fireworks" means those fireworks acceptable for sale in Texas as defined in Section 2 of Article 9205, Vernon's Texas Civil Statutes.

(4) "Generator" means any device, driven by an engine and powered by gasoline or other fuels to generate electricity for use in a retail fireworks stand.

(5) "Master electric switch" means a manually operated device designed to interrupt the electric supply to the fireworks stand.

(6) "Open flame" means any flame in a heating unit that is exposed to direct contact.

(7) "Retail fireworks stands" means the structure used to hold and from which Class C fireworks are sold.

(8) "Safety container" means a container especially designed and used to store small quantities of flammable liquids.

(9) "Sale" means sale or offering for sale of any Class C fireworks at retail, to the public or any person, for an agreed upon sum of money or other considerations.

(10) "Selling opening" means the open area at the front of the stand, including the counter, through which fireworks are dispensed, concluding a sale.

(11) "Supervisor" means a person 16 years or older who is responsible for the retail fireworks stand during operating hours.

(12) "Switching device" means a device used to interrupt the flow of electrical current.

(13) "Walk door" means an opening through which the stand attendants can freely move and which can be secured to keep the public from the interior of the stand.

.592. *Fireworks Stand Design and Construction.*

(a) The fireworks stand in which Class C fireworks are held for retail sale shall be constructed only of wood, metal, masonry, or concrete, or of combinations thereof. Each stand shall have a walk door and a selling opening, which will not permit the buyer to touch or handle fireworks on display. A minimum distance of six feet shall be maintained from the front of the counter to the back side of the stand. Stands measuring 16 feet or longer must have two walk doors, one in each end. A minimum of flammable material such as posters, signs, and decorations may be used on interior walls.

(b) Fireworks stands shall not be illuminated or heated by any device which requires open flame or exposed heating elements. Electric heaters shall be equipped with a switching device to stop the flow of current if the heater is tipped over.

(c) All electrical wiring, sockets, outlets, and switches shall be securely mounted to the structure. The use of unsecured drop cords, extension cords, and bare wiring within the stand is prohibited. Each fireworks stand utilizing electricity shall have a master electrical switch near the door. Wiring and electrical service shall be so installed and maintained that it does not create an electrical hazard to the general public. In stands where generator-created power is used, the generator shall be located in an area free from

grass, trash, and other flammable materials and at least 10 feet from the stand. Reserve fuel for the generator must be stored in an approved safety container.

(d) If the fireworks stand is used for the overnight storage of Class C fireworks, it must be equipped with suitable locking devices to prevent unauthorized entry.

.595. *Stand Location.* Retail fireworks stands shall be at least 100 feet from flammable liquid or flammable gas storage tanks or dispensing units. Also, stands shall be at least 600 feet from any nursing/convalescent home, hospital (not animal clinics), asylum, or school.

.597. *Safety Requirements.*

(a) Smoking shall not be permitted in the fireworks stands. The presence of lighted cigars, cigarettes, or pipes within 10 feet of the stand is prohibited. "Fireworks—No Smoking" in letters not less than four inches high shall be conspicuously posted.

(b) An area of at least 10 feet in width on all sides of a fireworks stand shall be kept clean. This includes the mowing of grass and removal of trash.

(c) Each fireworks stand shall conspicuously post a list of up-to-date pertinent pyrotechnic safety regulations. The current retail license must be available at the stand for presentation upon request of a qualified inspector.

.599. *Supervisor Required.* A supervisor, 16 years of age or older, shall be on duty at each stand during selling hours. It shall be the responsibility of the supervisor to comply with the rules and regulations set forth herein.

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

Doc. No. 804697      Pat Wagner  
    Chief Clerk  
    State Board of Insurance

Proposed Date of Adoption: October 1980

For further information, please call (512) 475-4203.

## Statewide Health Coordinating Council Health Planning and Resource Development State Health Plan 318.01.02

The Statewide Health Coordinating Council proposes to adopt by reference the document entitled "Medical Facilities Planning Annex to the Texas State Health Plan." The "Medical Facilities Planning Annex to the Texas State Health Plan" is the result of over 18 months of cooperative effort between the health systems agencies in the State of Texas and the Texas Department of Health conducted under the auspices of the Texas Statewide Health Coordinating Council. Its intent is to promote improvements in the institutional health care delivery system in a manner professionally acceptable to both consumers and providers. As a policy, this document is designed to provide a flexible framework for a facility planning process which seeks to project the achievement of equal access and freedom of choice to quality health care available at a reasonable cost. The major provisions of the annex cover: an overview of medical facilities planning; acute inpatient care services; long-term care and ambulatory care; national guidelines; and appendices.

The approximate cost of administering this program will be \$219,567 for each of the first five years (source: Budget Of-



Office and Bureau of Health Planning and Resource Development of the Texas Department of Health).

Public comments are invited and should be submitted in writing no later than 30 days after publication of this rule in the Register to: George R. Anderson, M.D., Chief, Bureau of State Health Planning and Resource Development, Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756. In addition, a public hearing on the proposed annex will be held on Tuesday, July 8, 1980, beginning at 7 p.m. in the first floor auditorium, Texas Department of Health, 1100 West 49th Street, Austin.

Copies of the annex are available for inspection at the following places: (1) the department's Bureau of State Health Planning and Resource Development, 1100 West 49th Street, Austin; and (2) the offices of the health systems agencies and public health regions located throughout the state. Dr. Anderson's office will supply any requestor with information concerning the locations of these offices.

The annex is being proposed for adoption by reference under the authority of Articles 4418a and 6252-13a, Texas Revised Civil Statutes, and Public Law 93-641, as amended.

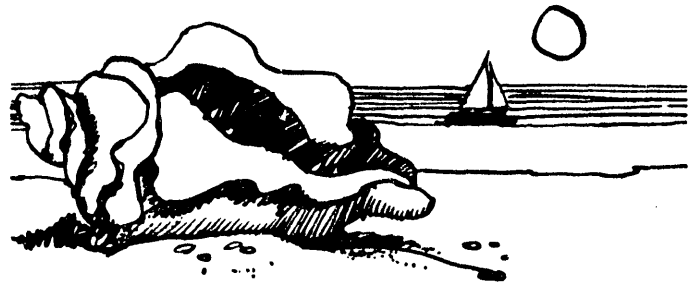
002. Medical Facilities Planning Annex to the Texas State Health Plan. The Statewide Health Coordinating Council

adopts by reference the document entitled "Medical Facilities Planning Annex to the Texas State Health Plan." This document has been published by the Statewide Health Planning and Resource Development, Texas Department of Health, 1100 West 49th Street, Austin.

Issued in Austin, Texas, on June 19, 1980.

Doc. No. 804720 A. M. Donnell, Jr., M.D.  
Deputy Commissioner of Health  
Texas Department of Health

Proposed Date of Adoption: August, 1980  
For further information, please call (512) 458-7261.





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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## CODIFIED

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### TITLE 22. EXAMINING BOARDS

#### Part V. Texas State Board of Dental Examiners

##### Chapter 109. Conduct

###### Advertising

The Texas State Board of Dental Examiners adopts §109.203 (382.19.20.003), which is promulgated under the authority of Article 4551d of the Revised Civil Statutes of Texas, as amended.

*§109.203 (382.19.20.003). Credit Notice.* Anything in these rules to the contrary, notwithstanding the use of the words "credit available," "Master Charge," "VISA," "American Express," "BankAmericard," or other time payment "plan(s)," is permissible in any announcement, advertisement, listing, or notice.

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804718      Carl C. Hardin, Jr.  
Executive Director  
Texas State Board of Dental Examiners

Effective Date: July 9, 1980

Proposal Publication Date: March 11, 1980

For further information, please call (512) 475-2443.

### Part IX. Texas State Board of Medical Examiners

#### Chapter 185. Physician's Assistants

Under the authority of Articles 4496 and 4509, Texas Civil Statutes, the Texas State Board of Medical Examiners has adopted §§185.10 and 185.11 (386.13.00.010 and .011) to read as follows:

*§185.10 (386.13.00.010). Permitted Tasks.* Providing the supervising physician has satisfied himself as to the ability and competence of the physician's assistant, and with due regard to the safety of the patient and in keeping with sound medical practice, the physician's assistant may perform such duties, which do not require the exercise of independent medical judgment, as assigned by his supervising physician who is responsible for the performance of such tasks and who retains direct control and supervision of the physician's assistant, provided that physician's assistants may perform such functions as are included within the scope of "standing delegation orders" as authorized by the rules of this board.

*§185.11 (386.13.00.011). Limitations of Physician's Assistants.* The supervising physician shall not allow a physician's assistant to:

- (1) perform any task or function without the supervising physician being either physically present or immediately available to provide further guidance except in life threatening emergencies;
- (2) make a final or definitive diagnosis of a disease or ailment or the absence thereof independent of the supervising physician;
- (3) independently prescribe any treatment or a regimen thereof;
- (4) prescribe, order, or dispense medication, or sign prescriptions on behalf of the supervising physician, or have prescription blanks available that have been presigned or stamped by the physician, or order the refilling of a prescription except as authorized by the provisions of Section 2(g), Article 4476-14, Vernon's Annotated Civil Statutes;
- (5) replace the supervising physician in making visits in the hospital, clinic, nursing home, emergency room, or home;
- (6) independently initiate or change any orders on a patient's chart in hospitals, clinics, nursing homes, or other places where patient charts are used;
- (7) initiate therapeutics on any patient before the physician has seen the patient and ordered the method of treatment, except in life threatening emergencies, or when care is rendered under "standing delegation orders" as are authorized under the rules of the board;
- (8) maintain an office separate from the supervising physician;
- (9) perform acupuncture in any form;
- (10) independently delegate a task assigned to him by the supervising physician;
- (11) perform endoscopic examinations and/or procedures;
- (12) bill patients for his services;
- (13) perform spinal punctures;
- (14) list his name in any telephone directory or other directory intended for public use, utilizing the title "physi-

cian's assistant," "P.A.," or any other term that would indicate he is a physician's assistant.

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

Doc. No. 804680      A. Bryan Spires, Jr., M.D.  
 Secretary-Treasurer  
 Texas State Board of Medical Examiners

Effective Date: July 8, 1980

Proposal Publication Date: April 4, 1980

For further information, please call (512) 475-0741.

## Part XXI. Texas State Board of Examiners of Psychologists

### Chapter 461. General

The Texas State Board of Examiners of Psychologists has amended §461.2 (400.01.00.002) which deals with references by current board members for applicants before the board. It was the determination of the board to change the section to include all types of applications rather than to limit the requirement to applications for certification and/or licensure.

The amendment to §461.2 (.002) is adopted under the authority of Article 4512(c), Texas Civil Statutes.

*§461.2 (400.01.00.002). References by Board Members.* Current members of the board may not be used as references by an applicant for any applications made to the board.

Doc. No. 804681

The Texas State Board of Examiners of Psychologists has amended §461.9 (400.01.00.010) which deals with contents of the certificate and license issued by the board. The board has computerized its renewal process; instead of having seals and cards sent by office personnel, the computer generates preprinted renewal forms and renewal notices. Board rule of practice §461.15 (.016) states the requirements for the display of the license and renewal notice. Since the board no longer uses self-adhering seals and cards for the renewal process, it was decided that the last two sentences of this section should be deleted. The last word in the second sentence should be changed from "card" to "notice" to reflect the above procedure.

The amendment to §461.9 (.010) is adopted under the authority of Article 4512(c), Texas Civil Statutes.

*§461.9 (400.01.00.010). Contents of Certificate and License.* The certificate and license will show the highest relevant degree held at the time of certificate or licensure. Later relevant degrees may be shown on renewal notices.

Doc. No. 804682

### Chapter 463. Applications

The Texas State Board of Examiners of Psychologists has amended §463.10 (400.02.00.010), which deals with certification of psychological associates. It was the determination of the board to correct the wording of the section to avoid a misinterpretation of this use. It was the board's intent to set an

arbitrary date of August 31, 1980, when one set of requirements would no longer be in effect and a new set of requirements would exist. The phrase at the beginning of the section "for a degree conferred before" could possibly have been interpreted to mean a degree conferred by that date when the board actually meant degree conferred and application submitted to the board by that date.

The amendment to §463.10 (.010) is adopted under the authority of Article 4512(c), Texas Civil Statutes.

*§463.10 (400.02.00.010). Subdoctoral Certification.*

(a) Until September 1, 1980, the board requires a master's degree which is primarily psychological in nature of at least 30 semester credit hours for subdoctoral certification, at least 24 graduate-level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit may be counted toward these 24 semester credit hours, if the thesis is in psychology. No hours obtained after the degree was conferred may be counted. Three hundred clock hours of practicum or experience in psychology, supervised by a licensed psychologist, must be completed before the written examination may be taken.

(b) After August 31, 1980, the board will require a master's degree which is primarily psychological in nature of at least 42 semester credit hours for subdoctoral certification, at least 27 graduate-level semester credit hours of which (exclusive of practicum) must have been in psychology. Six semester credit hours of thesis credit in a department of psychology may be counted toward these 27 semester credit hours. No hours obtained after the master's degree was conferred may be counted. Four hundred and fifty clock hours of practicum or experience in psychology, supervised by a licensed psychologist, or in the case of exempt agencies, by a supervisor who is eligible for licensure, must be completed before the written examination may be taken.

Doc. No. 804684

### Chapter 465. Practice

The Texas State Board of Examiners of Psychologists has amended §465.7 (400.03.00.007) which deals with the employment of persons by psychologists. It was the determination of the board to combine this section and §465.8 (.008) to state all employment situations in one section. This combination would address all employment situations for psychologists, i.e., for certified and/or licensed psychologists, and all other persons who might be employed.

The amendment to §465.7 is adopted under the authority of Article 4512(c), Texas Civil Statutes.

*§465.7 (400.03.00.007). Employment.* Where a psychologist employs a person to perform psychological functions, the contract between the psychologist and the employee must be on file with the board for each situation. A certified psychologist may perform psychological services as the employee of a licensed psychologist or within the confines of an organization or corporation only if an approved contract of

employment, specifying the nature and extent of supervision by a licensed psychologist, is on file with the board.

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

Doc. No. 804685      Patti Bizzell  
Executive Secretary  
Texas State Board of Examiners of  
Psychologists

Effective Date: July 8, 1980  
Proposal Publication Date: April 25, 1980  
For further information, please call (512) 458-3295.

The Texas State Board of Examiners of Psychologists has repealed §465.8 (400.03.00.008), which deals with the psychological services by employees. This section was combined with §465.7 (.007) to state all employment situations, in one section, for psychologists, i.e., certified and/or licensed, and all other persons who might be employed.

The repeal of §465.8 (.008) is adopted under the authority of Article 4512(c), Texas Civil Statutes.

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

Doc. No. 804686      Patti Bizzell  
Executive Secretary  
Texas State Board of Examiners of  
Psychologists

Effective Date: July 8, 1980  
Proposal Publication Date: May 6, 1980  
For further information, please call (512) 458-3295.

The Texas State Board of Examiners of Psychologists has amended §465.12 (400.03.00.012) which deals with the applicability of the Act and rules of the board. It was the determination of the board to include the words "psychological associate" after the first and second time the word "psychologist" is used to clarify the meaning intended by the board and to make the first part of the sentence consistent with the last part. It was also decided to include both genders of the personal pronouns he and she to consider the entire population.

The amendment to §465.12 (.012) is adopted under the authority of Article 4512(c), Texas Civil Statutes.

*§465.12 (400.03.00.012). Applicability of the Act and Rules of the Board.* Irrespective of any training other than that which is primarily psychological which the psychologist or psychological associate may have completed, or any other certification or licensure which the psychologist or psychological associate may possess, or any other professional title or label he or she may claim, anyone certified as a psychologist or psychological associate is bound by the provisions of the Act and the rules of the board in rendering psychological services for compensation.

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

Doc. No. 804687      Patti Bizzell  
Executive Secretary  
Texas State Board of Examiners  
of Psychologists

Effective Date: July 8, 1980  
Proposal Publication Date: April 25, 1980  
For further information, please call (512) 458-3295.

## TITLE 31. NATURAL RESOURCES and CONSERVATION

### Part VI. Texas Conservation Foundation

#### Chapter 221. Procedures of the Board

The Texas Conservation Foundation adopts the following amendments under authority of Title 8, Section 181.052, Texas Natural Resources Code.

##### *§221.1 (138.01.00.001). Board of Directors.*

(a) A vice chairman shall be elected from the membership of the Board of Directors, and he shall serve concurrently with the chairman. The vice chairman shall assume the duties of the chairman in the event of the absence, death, or disability of that officer.

(b) The Board of Directors shall hold its annual meeting during the first month of each fiscal year. Other meetings necessary for the conduct of business shall be held at the call of the chairman, or upon the written request of not less than four members of the Board of Directors, at a time and place to be designated in the call.

(c) The chairman may appoint such general and special committees as he may deem necessary to achieve the purposes of the foundation.

(d) Resignation of any member of the board shall be effective upon receipt by the chairman or vice chairman of written notice from the member.

##### *§221.2 (138.01.00.002). Operations.*

(a) The Board of Directors of the foundation may employ an executive director, whose function shall be to carry out the directives of the board, and to manage the day-to-day activities of the foundation. The executive director shall have the authority to hire and fire any employees necessary to carry out his functions in accordance with the provisions of the biennial appropriations bill. The executive director and any employees with financial or property management responsibilities shall be bonded in conformance with the State Employees Bonding Act.

(b) All checks and vouchers issued by the foundation shall be signed by the executive director.

(c) Donations of real property, cash, or personal property requiring performance by the foundation as a condition of gift, shall be placed in a suspense account until officially accepted by the vote of the board of the foundation.

(d) The Texas Conservation Foundation expressly retains the right to patent any product, process, or idea which results from research sponsored by the foundation. The income from the exercise of such patents shall be used by the foundation for the purposes established in law.

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

Doc. No. 804677      John Hamilton  
Executive Director  
Texas Conservation Foundation

Effective Date: July 8, 1980  
Proposal Publication Date: May 16, 1980  
For further information, please call (512) 475-4941.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part V. Board of Pardons and Paroles

#### Chapter 141. General Provisions

##### Board of Pardons and Paroles

The Texas Board of Pardons and Paroles has adopted an amendment to §141.3 (205.01.01.003), first adopted by the agency on December 30, 1975. This section deals with selection of the agency chairman and the amendment would delete language reflecting the policy that the board rotate the chairmanship so that each member occupies that position during the last two years of his or her term.

This amendment is adopted pursuant to the authority of Article 42.12, Sections 1, 12, and 13, Texas Code of Criminal Procedure.

*§141.3 (205.01.01.003). Chairmanship.* The chairmanship is decided by majority vote of the members and is for a term of two years and until his or her successor is qualified (Code of Criminal Procedure, Article 42.12, Section 13). The chairman acts as spokesman for the board after obtaining the views and collaboration of his or her colleagues whenever possible and practicable. A majority of the board may elect a temporary chairman in the event the chairman is incapacitated or for any reason fails to serve a full term.

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804735      Connie L. Jackson  
Chairman  
Texas Board of Pardons and Paroles

Effective Date: July 11, 1980

Proposal Publication Date: May 2, 1980

For further information, please call (512) 475-3675.

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### NONCODIFIED

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## Texas Department of Human Resources

### AFDC

#### Residence 326.10.23

The Department of Human Resources adopts the amendments to its rule concerning the criteria to determine residence requirements for eligibility in the Aid to Families with Dependent Children (AFDC) Program. These amendments were published in the March 21, 1980 issue of the *Texas Register* (5 TexReg 1068). Federal regulations have been amended to expand the definition of a resident to include anyone who is living in the state, anyone entering the state with a job commitment or to seek employment, and who is not receiving AFDC benefits from another state. Federal regula-

tions require this amendment to ensure that migrants and itinerant workers are not excluded from Medicaid coverage.

Several comments were received on the proposed rule. Subsection (e) was changed as a result of comments to clarify the policy about pending certification of persons currently receiving assistance from another state until notification of the effective date of denial is received from that state.

One comment was in opposition to Subsection (f) which states that if a recipient leaves the state and has not declared his intention to return, his case is denied immediately. This policy is in the existing AFDC rules and was not proposed for change by the amendments. The commentor contended that a visit out of state is not a reportable event. This requirement does not apply to temporary visits out of state; it is in reference to a move out of the state. Clarification has been added, however, to avoid further misinterpretation of the policy, and a sentence added reminding staff of the denied-in-error procedures. If a recipient returns and it is discovered that an error has been made, the case will be reinstated with retroactive benefits immediately.

In addition, as a result of comments, it is necessary to clarify the policy in Subsection (a) which defines a resident in order for this section to conform to the new language added to Subsection (d) about residence criteria including migratory and itinerant workers.

This amendment is adopted under the authority of the Human Resources Code, Title 2, with the approval of the Texas Board of Human Resources.

#### .001. Definition.

(a) No durational residence within the state is required of any applicant in determining eligibility. A resident is one who is living voluntarily in the state with the intention of making a home here and whose stay is not for temporary purposes, other than for migrant or itinerant work. Children and caretakers requesting assistance must be residing in the state. New residents in the state who declare intent to remain in Texas are granted assistance if other eligibility requirements are met.

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

(d) In addition, in order to ensure that migratory and itinerant workers receive Medicaid coverage, the residence criteria also includes those persons who, at the time of application, are living in the state, are not receiving assistance from another state, and who enter the state with a job commitment or to seek employment in the state. This requirement applies whether or not the applicant is currently employed. The child(ren) is a resident of the state in which the caretaker is resident.

(e) When an applicant indicates that he or she is currently receiving assistance from another state, the worker notifies that state's welfare agency that public assistance is being granted in Texas. Verification of the effective date of denial from the other state will be obtained by the workers. Duplicate payments will not be made. If the applicant states he or she is no longer receiving assistance, certification should not be held pending, but the worker should ensure that notice of denial from the other state is received.

(f) When a recipient moves to another state with the intention of remaining there, the grant is denied. If a recipient leaves the state and has not declared the intention to return, the case is denied immediately. If a recipient returns within 90 days and states that his or her stay in the other state was

not intended to be permanent, a reinstatement using the denied-in-error procedure may be processed immediately with retroactive benefits if appropriate.

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804719 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: July 9, 1980

Proposal Publication Date: March 21, 1980

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

## Intermediate Care II Facility

### Admission Policies 326.30.04

The Texas Department of Human Resources withdraws the emergency effectiveness of an amendment to Rule 326.30.04.009 concerning level of care. The text of Rule .009 as amended was published in the Emergency Rules section of the May 27, 1980, *Texas Register* (5 TexReg 2048).

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804737 Susan L. Johnson, Assistant Chief  
Systems and Procedures Bureau  
Texas Department of Human Resources

Filed: June 20, 1980, 11:29 a.m.

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

## State Board of Insurance

### Rating and Policy Forms

#### Fixing Rate of Automobile Insurance 059.05.01

The State Board of Insurance has amended, effective August 1, 1980, Rule 059.05.01.005, which adopted by reference the Rules and Rates Governing the Insuring of Automobiles and Standard Endorsements II. The State Board of Insurance has amended Rule 19, Personal Injury Protection Coverage, on page 11 of the Texas Automobile Manual to read as follows:

19. Personal Injury Protection Coverage  
(Not applicable to excess indemnity policy or a policy affording coverage excess over a primary policy).

(A) In accordance with the provisions of Article 5.06-3 of the Texas Insurance Code, personal injury protection coverage shall be afforded under any automobile liability policy providing bodily injury liability coverage, including policies obtained through the Texas Automobile Insurance Plan, which insures the owner of a motor vehicle principally garaged in the State of Texas, unless the insured named in the policy rejects the coverage in writing, and the coverage shall be provided in or supplemental to a renewal policy unless it is rejected in writing by the insured named in the policy.

(1) Rates. See rate sheet.

(2) Limits. The minimum limit of liability is \$2,500 per person, per accident. Additional limits set out in the rate sheets may be granted on an optional basis.

An insurer may not, as a condition of providing coverage, require any limit of liability not desired by the insured named in the policy.

(B) Personal Injury Protection Coverage for Non-owners. If a named nonowner policy is extended to afford personal injury protection coverage, the premium for such extension of coverage shall be computed in accordance with the named nonowner policy rule.

(C) Each policy, premium notice or bill shall clearly and separately set forth the premium charges for personal injury protection coverage, if provided, and said policy, premium notice, or bill shall also include a statement that such coverage is optional with the insured named in the policy. The foregoing procedure will not be applicable to any renewal automobile insurance policy where the insured had previously accepted personal injury protection.

The rule amendment was adopted as originally proposed with one minor editorial correction. The last sentence of paragraph C of Rule 19 originally read as follows: "The foregoing procedure will not be applicable to any renewal automobile insurance policy where the insured had previously accepted personal injury protection. [or had rejected that coverage when initially offered and the rejection also applied to renewals.]" To track the deletion of the second paragraph of paragraph A of Rule 19, the words in brackets have been deleted and a period (.) placed after the word "protection."

This amendment is adopted under the authority of Articles 5.01, 5.06, and 5.06-3 of the Texas Insurance Code.

.005. *Insuring of Automobiles and Standard Endorsements II.* The State Board of Insurance adopts by reference the rules contained in the insuring of Automobiles and Standard Endorsements II as amended August 1, 1980. This document is published by and available from the Texas Automobile Insurance Service Office, Suite 350, American Bank Tower, 221 West 6th Street, Austin, Texas 78701, or the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

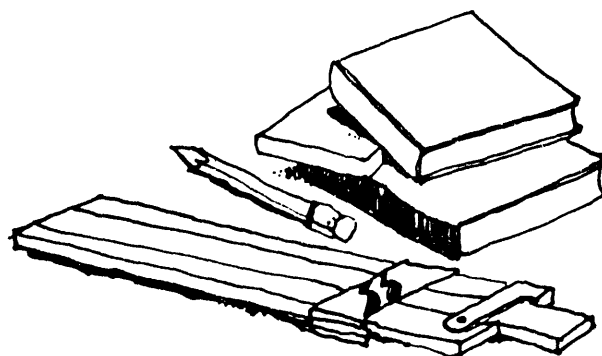
Issued in Austin, Texas, on June 17, 1980.

Doc. No. 804705 Pat Wagner  
Chief Clerk  
State Board of Insurance

Effective Date: August 1, 1980

Proposal Publication Date: May 13, 1980

For further information, please call (512) 475-3486.



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 Commission on the Arts

**Friday, June 27, 1980, 10 a.m.** The Texas Commission on the Arts will meet at 1801 Lavaca, Austin. According to the agenda, the commission will consider minutes of the April 11, 1980, meeting; reports from the chairman and treasurer; hold public discussion; and hear reports from the following committees: Executive, Administrative, Business Involvement, Governor's Mansion, Assistance Review, and Liaison. The commission will also discuss adoption of changes in Texas Arts Plan (Rule 353.03.00.01) and Guide to Assistance for Arts Programs, Policies and Procedures (Rules 353.04.02.001-002); TCA education position statement; 1982-83 appropriations request; executive director's report; report of Advisory Panel Nominating Committee and appointment of panel members; and report of Officers Nominating Committee and election of officers.

Additional information may be obtained from Pat McCabe Leclerc, P.O. Box 13406, Austin, Texas 78711, telephone (512) 475-6593.

Filed: June 18, 1980, 4:02 p.m.  
Doc. No. 804708

## State Board of Barber Examiners

**Tuesday, July 8, 1980, 8 a.m.** The members of the State Board of Barber Examiners will meet in H-111, 5555 North Lamar, Austin. According to the agenda, the members will consider minutes of the previous meeting; sign teachers' licenses, school permits; interview out-of-state applicants; adopt amended Rules 378.01.03.003 and 378.01.03.033; read letters to the board; discuss reports to the board 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: June 20, 1980, 3:01 p.m.  
Doc. No. 804772

**Tuesday, July 8, 1980, 1 p.m.** The members of the State Board of Barber Examiners will meet in H-111, 5555 North Lamar, Austin, to conduct a hearing on a complaint against HairBerdasher Barber College, Waco.

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

Filed: June 20, 1980, 3:01 p.m.  
Doc. No. 804782

## Texas State Board of Dental Examiners

**Saturday, June 21, 10 a.m. (may be recessed from day-to-day).** The Texas State Board of Dental Examiners made emergency additions to a meeting held in the Medical Center at the University of Texas Dental School in Houston. The emergency additions were: (1) approval of honorary retired dentists; (2) request for lifting of probation; (3) third office location request; and (4) request of applicant for review of failing grade. The emergency status of the above items was warranted because items (1) and (2) were not available for inclusion in the original meeting notice and the board did not have time to discuss items (3) and (4) at its June 14, 1980, meeting.

Additional information may be obtained from Carl C. Hardin, 718 South West Tower, 7th and Brazos, Austin, Texas 78701, telephone (512) 475-2443.

Filed: June 18, 1980, 3:48 p.m.  
Doc. No. 804712

## Texas Guaranteed Student Loan Corporation

**Friday, June 27, 1980, 9 a.m.** The Board of Directors of the Texas Guaranteed Student Loan Corporation will meet in emergency session in the comptroller's office (Room 114), LBJ Building, Austin. According to the agenda, the board will approve minutes and hear reports from the chairman, executive director, and committees. Urgent public necessity warrants this meeting to be held on less than seven days' notice because the items to be discussed need immediate attention.

Additional information may be obtained from Joe L. McCormick, Champion Tower, Suite 510, 400 East Anderson Lane, Austin, Texas 78752, telephone (512) 835-1260.

Filed: June 20, 1980, 9:46 a.m.  
Doc. No. 804730

## Texas Department of Health

**Saturday, June 28, 1980, 9:30 a.m.** The Texas Medical Disclosure Panel of the Texas Department of Health will meet in Room G107 at 1100 West 49th Street in Austin. According to the agenda summary, the meeting includes the following: review of all pertinent letters concerning obstetrics-gynecology specialty; receive expert testimony from obstetrics-gynecology representative; review the work done by the committee on administrative details of implementing

use of the Disclosure and Consent form; complete deliberation of general surgery and orthopedic surgery procedures; and set next meeting date.

Additional information may be obtained from E. P. Tottenham, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7528.

Filed: June 18, 1980, 4:03 p.m.  
Doc. No. 804711

**Saturday, June 28, 1980, 10 a.m.** The Dental Advisory Committee of the Texas Department of Health will meet at the Baylor College of Dentistry at 3302 Gaston Avenue in Dallas. According to the agenda summary, the meeting includes the following: introduction of regional dental directors; update on previous minutes and motions; naming a member of our committee to serve as interpreter of Senate Bill 1222; discussion of the need for an executive committee to make immediate decisions; developing a policy for communicating with the following: the governor, Texas Board of Health, Texas Dental Association, Gulf States Dental Association, Texas Dental Hygienists Association, Texas Dental Assistants Association, and Texas Public Health Association; developing a list of priorities; discussing the situation of regional dental positions; discussing future budget; discussion concerning task force to study Dental Practice Act.

Additional information may be obtained from Carlos Lozano, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7523.

Filed: June 18, 1980, 4:03 p.m.  
Doc. No. 804710



## State Board of Insurance

**Tuesday, July 1, 1980, 9 a.m.** The State Board of Insurance will conduct a public hearing in Room 408 at 1110 San Jacinto in Austin. The public hearing concerns the application of Early American Insurance Company for approval of a dealer warranty protection performance bond under Chapter 5, Subchapter B, of the Texas Insurance Code.

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 23, 1980, 9:40 a.m.  
Doc. No. 804796

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates to discuss the commissioner's report and to conduct an executive session on personnel matters.

**Tuesday, July 1, 1980, 2 p.m.**  
**Tuesday, July 8, 1980, 2 p.m.**  
**Tuesday, July 15, 1980, 2 p.m.**  
**Tuesday, July 22, 1980, 2 p.m.**  
**Tuesday, July 29, 1980, 2 p.m.**

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 23, 1980, 9:37 a.m.  
Doc. Nos. 804797, 804799, 804801, 804803, & 804805

The State Board of Insurance will meet in Room 408, 1110 San Jacinto, Austin, on the following dates to discuss the fire marshal's report.

**Wednesday, July 2, 1980, 2 p.m.**  
**Wednesday, July 9, 1980, 2 p.m.**  
**Wednesday, July 16, 1980, 2 p.m.**  
**Wednesday, July 23, 1980, 2 p.m.**  
**Wednesday, July 30, 1980, 2 p.m.**

Additional information may be obtained from Pat Wagner, 1110 San Jacinto, Austin, Texas 78786, telephone (512) 475-2950.

Filed: June 23, 1980, 9:38 a.m.  
Doc. Nos. 804798, 804800, 804802, 804804, & 804806

## Lamar University

**Friday, June 27, 1980, 9:30 a.m.** The Board of Regents of Lamar University will meet in the board room at the Plummer Administration Building on the main campus in Beaumont. According to the agenda, the meeting concerns the following: president's reports; review of bids for construction and capital improvement projects; consideration of small class report; consider review of minimal bid review requirements. The board will also meet in executive session.

Additional information may be obtained from Andrew J. Johnson, P.O. Box 10014, Beaumont, Texas 77710, telephone (713) 838-7533.

Filed: June 20, 1980, 2:17 p.m.  
Doc. No. 804770

## Legislative Budget Board

**Friday, July 25, 1980, 10 a.m.** The Legislative Budget Board has changed the time of a meeting to be held in Room 301 of the State Capitol to 10 a.m. The board will consider appropriations requirements for the 1982-83 biennium, approve the operating budget for fiscal year 1981, and other subjects that come before the board.

Additional information may be obtained from Thomas M. Keel, Room 207-A, State Capitol, Austin, Texas, telephone (512) 475-3426.

Filed: June 16, 1980, 3:47 p.m.  
Doc. No. 804652

## Texas Legislative Council

**Friday, July 25, 1980, 9:15 a.m.** The Texas Legislative Council will conduct its quarterly meeting in the Senate Finance Committee Room (Room 301), State Capitol. According to the agenda, the council will approve or correct minutes of previous meeting; consider communications, introduce and refer to committees new proposals; hear reports from committees and the executive director; consider disposition of final reports and proposals of bills; and discuss resolutions.

Additional information may be obtained from Robert I. Kelly, P.O. Box 12128, Austin, Texas 78711, telephone (512) 475 2736.

Filed: June 20, 1980, 3:09 p.m.  
Doc. No. 804771

## Merit System Council

**Thursday and Friday, June 26 and 27, 1980, 9 a.m.** The Merit System Council conducted appeal hearings yesterday (which continue today) at 507 Brown Building, 8th and Colorado Streets, Austin.

Additional information may be obtained from Leo F. Brockman, P.O. Box 1389, Austin, Texas 78767, telephone (512) 477 9665.

Filed: June 18, 1980, 2:06 p.m.  
Doc. No. 804698

## Pan American University

**Tuesday, July 1, 1980, 8:30 a.m.** The Board of Regents of the Pan American University will meet in the conference room of the Administration Building, Edinburg. According to the agenda, the board will meet in a workshop session to consider the proposed budget for 1980-81.

Additional information may be obtained from Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: June 20, 1980, 2:21 p.m.  
Doc. No. 804765

**Tuesday, July 1, 1980, 11 a.m.** The Academic and Developmental Affairs Committee of the Pan American University Board of Regents will meet in the conference room of the Administration Building, Edinburg, for a personnel hearing.

Additional information may be obtained from Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: June 20, 1980, 2:21 p.m.  
Doc. No. 804766

**Tuesday, July 1, 1980, 12:30 p.m.** The Academic and Developmental Affairs Committee of the Pan American University Board of Regents will meet in the faculty lounge of the University Center, Edinburg. According to the agenda, the committee will meet in executive session (as authorized by Article 6252-17, Section 2g, Vernon's Annotated Texas Statutes), to consider employment of personnel.

Additional information may be obtained from Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381 2101.

Filed: June 20, 1980, 2:20 p.m.  
Doc. No. 804767

**Tuesday, July 1, 1980, 2 p.m.** The Buildings and Grounds Committee of the Pan American University Board of Regents will meet in the conference room of the Administration Building, Edinburg, to consider the following: renovation of the natatorium; construction of a new outdoor swimming pool, and employment of a clerk-of-the-works.

Additional information may be obtained from Ralph F. Schilling, Pan American University, Edinburg, Texas 78539, telephone (512) 381-2101.

Filed: June 20, 1980, 2:20 p.m.  
Doc. No. 804768

**Tuesday, July 1, 1980, 3 p.m.** The Board of Regents of the Pan American University will meet in the conference room of the Administration Building, Edinburg. According to the agenda, the board will consider minutes of previous meeting; reports of Buildings and Grounds Committee and Academic and Developmental Affairs Committee; leaves of absence; authorization of signature; budget changes; and 1980-81 budget.

Additional information may be obtained from Ralph F. Schilling, Pan American University, Edinburg, Texas 78539.

Filed: June 20, 1980, 2:20 p.m.  
Doc. No. 804769

## Board of Pardons and Paroles

**Monday-Friday, July 7-11, 1980, 9 a.m. daily.** The Board of Pardons and Paroles will meet in Room 711, Stephen F. Austin Building, Austin. According to the agenda, the board will review cases of inmates for parole consideration; act on emergency reprieve requests and other acts of executive clemency; review reports regarding persons on parole; review



procedures affecting the day-to-day operation of support staff; review and initiate needed rule changes relating to general operation, executive clemency, parole, and all hearings conducted by this agency; and take action upon gubernatorial directives.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: June 18, 1980, 4:44 p.m.  
Doc. No. 804716

**Wednesday, July 9, 1980, 9 a.m.** The Board of Pardons and Paroles will meet in the Diagnostic Unit, Texas Department of Corrections, Huntsville. According to the agenda, a parole panel consisting of members of the Board of Pardons and Paroles and members of the Texas Parole Commission will conduct parole violation hearings.

Additional information may be obtained from Ken Casner, 711 Stephen F. Austin Building, Austin, Texas, telephone (512) 475-3363.

Filed: June 18, 1980, 4:44 p.m.  
Doc. No. 804717

## Texas Parks and Wildlife Department

**Tuesday, July 8, 1980, 2 p.m.** The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. According to the agenda summary, the meeting will concern the application of J & J Sand and Gravel for a permit to remove approximately 1,000 cubic yards of sand and gravel per month for commercial use from the North Sulphur River by means of a front-end loader at three locations. Site 1 is located approximately nine miles north of Cooper at the Mt. Joy Community road on the south side of the river. Site 2 is located approximately two miles west of Highway 24 on the south side of the river. Site 3 is located approximately two miles east of Highway 24 on the north side of the river.

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

Filed: June 17, 1980, 2:07 p.m.  
Doc. No. 804671

**Tuesday, July 8, 1980, 3 p.m.** The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. According to the agenda, the division will consider the application of L. J. Voss, doing business as Voss Gravel Company, for an amendment to Sand and Gravel Permit 76-073 to authorize removal of approximately 10,000 cubic yards of sand per month from the Brazos River by means of a front-end loader for commercial use. The work site would be located approximately six miles east of Richmond in Fort Bend County adjacent to the property of the Ransom Ranch on the south side of the river. Property owner on the north side of the river is the Clayton Foundation.

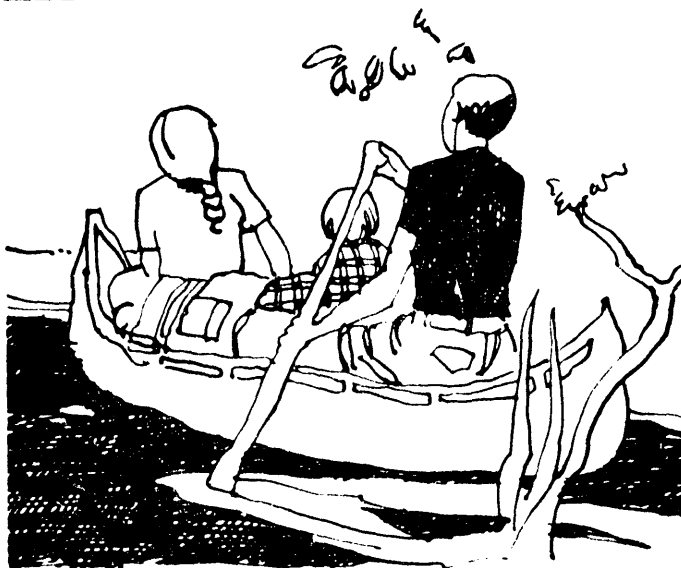
Additional information may be obtained from Chester Harris, 4200 Smith School Road, Austin, Texas 78744, telephone (512) 475-4831.

Filed: June 17, 1980, 2:08 p.m.  
Doc. No. 804672

**Tuesday, July 15, 1980, 2 p.m.** The Fisheries Division/Resource Protection Branch of the Texas Parks and Wildlife Department will meet in Room A-200, 4200 Smith School Road, Austin. According to the agenda, the division will consider the application of Raymond G. Schindler for a permit to remove approximately 5,000 cubic yards of sand and gravel per month from the Brazos River by means of dragline for commercial use. The work site would be located approximately three and a half miles south of DeWalt in Fort Bend County, starting at an extension of the Thompson's ferry Road and extending south for 1,000 feet on the north side of the river adjacent to the property of Raymond G. Schindler, trustee.

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

Filed: June 17, 1980, 2:08 p.m.  
Doc. No. 804673



## Public Utility Commission of Texas

**Tuesday, July 1, 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, in Docket 2765—inquiry by Public Utility Commission of Texas into certain rates of Southwestern Bell Telephone Company concerning MCI Telecommunications Corporation.

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

Filed: June 18, 1980, 2:05 p.m.  
Doc. No. 804700

**Tuesday, July 1, 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 3258—commission inquiry into rates and practices of Bartlett Electric Cooperative, Inc.

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

Filed: June 20, 1980, 9:47 a.m.  
Doc. No. 804731

**Thursday, July 3, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a rescheduled hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on applications filed by Brazos Water Company for a rate increase within Hood County, and by Eastwood Water Company, Dockets 3105 and 3109 respectively. The hearing was originally set for June 23, 1980.

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

Filed: June 20, 1980, 3:01 p.m.  
Doc. No. 804773

**Monday, July 7, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a prehearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, in Docket 3298—petition of Gulf States Utilities Company for authority to change rates.

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

Filed: June 20, 1980, 9:47 a.m.  
Doc. No. 804732

**Tuesday, July 29, 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, on an application of Harris Creek Water Company for a rate increase within McLennan County—Docket 3204

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

Filed: June 18, 1980, 2:05 p.m.  
Doc. No. 804701

## Railroad Commission of Texas

**Monday, June 23, 1980, 10 a.m.** The Oil and Gas Division of the Railroad Commission made an emergency addition to the agenda of a meeting held in the auditorium, 1124 South IH 35, Austin. According to the agenda, the division considered review and approval of a maintenance contract submitted by General Electric Company, effective July 1, 1980, to June 30, 1981. This meeting is necessary on less than seven days

notice as a matter of urgent public necessity so that there will be no lapse in contract or maintenance on the commission's communication system.

Additional information may be obtained from Bill Upton, P.O. Box 12967, Austin, Texas 78711, telephone (512) 445-1100.

Filed: June 20, 1980, noon  
Doc. No. 804754

**Monday, June 30, 1980, 9 a.m.** The Automatic Data Processing Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 South IH 35, Austin, to consider acquiring a terminal controller, additional disk space, word processing matters, and a service agreement with Standard Register Company.

Additional information may be obtained from David Garlick, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1204.

Filed: June 20, 1980, 11:58 a.m.  
Doc. No. 804759

**Monday, June 30, 1980, 9 a.m.** The Gas Utilities Division of the Railroad Commission of Texas met in Room 107, 1124 South IH 35, Austin. According to the agenda summary, the division considered Gas Utilities Dockets 1913, 2560, 2663, 2664, 2665, 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: June 20, 1980, noon  
Doc. No. 804762

**Monday, June 30, 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: June 20, 1980, 11:58 a.m.  
Doc. No. 804761

**Monday, June 30, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda summary, the division will consider various matters falling within the Railroad Commission's oil and gas regulatory jurisdiction.

Additional information may be obtained from Jan Burris, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1307.

Filed: June 30, 1980, 12:01 p.m.  
Doc. No. 804763

**Monday, June 30, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made 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 division will consider 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: June 20, 1980, 11:59 a.m.  
Doc. No. 804756

**Monday, June 30, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas has made an addition to a meeting to be convened in the first floor auditorium, 1124 IH 35 South, Austin. According to the agenda, the division will consider the recommendation to the Federal Energy Regulatory Commission that Cotton Valley sandstone formation, Bossier shale formation, and Cotton Valley lime formation be designated as tight formations under Section 107 of the Natural Gas Policy Act of 1978.

Additional information may be obtained from Priscilla M. Hubenak, P.O. Drawer 12967, Austin, Texas, telephone (512) 445-1278.

Filed: June 20, 1980, 12:00 p.m.  
Doc. No. 804758

**Monday, June 30, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas has made an addition to a meeting to be held in the first floor auditorium, 1124 IH 35 South. The addition concerns the consideration of a motion for rehearing Docket F-04-012669, an application filed under 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: June 20, 1980, noon  
Doc. No. 804757

**Monday, June 30, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas made 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, the division will consider whether or not to publish a proposed amendment to Statewide Rule 53 (051.02.02.053) and a repeal of Statewide Rule 50 (051.02.02.050).

Additional information may be obtained from John G. Soule, P.O. Drawer 12967, Austin, Texas, telephone (512) 445-1285.

Filed: June 20, 1980, 1:15 p.m.  
Doc. No. 804755

**Monday, June 30, 1980, 9 a.m.** The Transportation Division of the Railroad Commission of Texas will meet in Room 107, 1124 South IH 35, Austin, to 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: June 20, 1980, 11:58 a.m.  
Doc. No. 804760

**Thursday, July 17, 1980, 9 a.m.** The Oil and Gas Division of the Railroad Commission of Texas will meet in the Hilton Inn, 6000 Middle Fiskville Road, Austin. According to the agenda summary, the division will consider statewide oil and gas hearing.

Additional information may be obtained from Don R. Jones, P.O. Drawer 12967, Austin, Texas 78711, telephone (512) 445-1296.

Filed: June 20, 1980, 12:01 p.m.  
Doc. No. 804764



## Statewide Health Coordinating Council

**Friday, June 27, 1980, 8:30 a.m.** The Texas Statewide Health Coordinating Council will meet in Salon F of the Marriott Hotel, 6121 IH 35 North at US 290, Austin. According to the agenda summary, the council will discuss and review the following applications: Texas Department of Health, Texas Hypertension Program 317(a)(1) grant application; and Texas Department of Health, health incentive grant application for Section 314(d) of the Public Health Service Act.

Additional information may be obtained from George R. Anderson, M. D., Texas Department of Health, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7261.

Filed: June 18, 1980, 4:02 p.m.  
Doc. No. 804709

**Tuesday, July 8, 1980, 7 p.m.** The Statewide Health Coordinating Council will meet in the first floor auditorium of the Texas Department of Health, 1100 West 49th Street in Austin. According to the agenda summary, the council will conduct a public hearing to consider the "medical facilities planning annex to the Texas State Health Plan."

Additional information may be obtained from George R. Anderson, 1100 West 49th Street, Austin, Texas 78756, telephone (512) 458-7261.

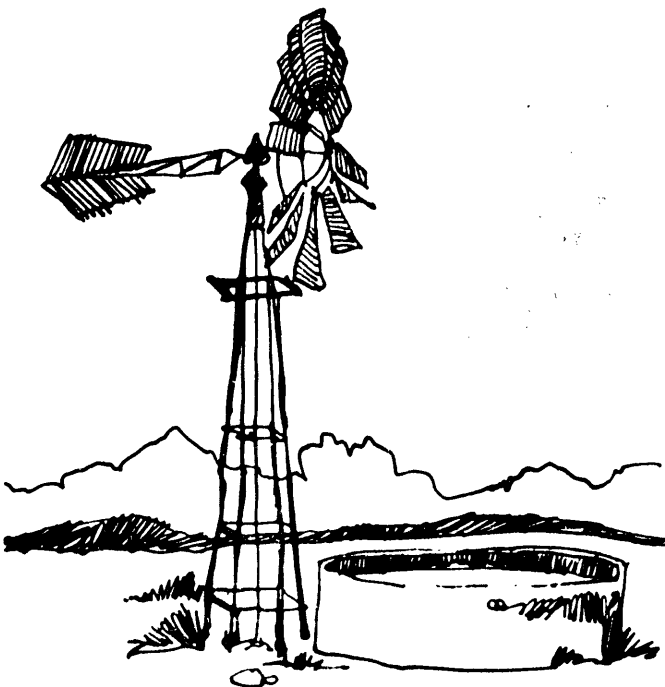
Filed: June 23, 1980, 9:39 a.m.  
Doc. No. 804807

## University of Texas

**Monday, June 23, 1980, 1 p.m.** The Athletics Council for Men of the University of Texas at Austin met in Room 240 of Belmont Hall at San Jacinto between 21st and 23rd Streets, Austin. According to the agenda, the council approved minutes of previous meeting, and lettering of baseball team; heard reports from committees on the following: post season activities, athletic facilities, varsity status; and considered basketball radio network rights, cheerleader budgets, NCAA regional basketball tournament in 1982, and budget adjustments. The council also considered waterproofing the dressing room at Disel Falk, alterations to stadium first-aid rooms, formation of licensing and sponsorship committee, basketball schedule, and met in executive session.

Additional information may be obtained from Haila Kauffman, P.O. Box 7399, Austin, Texas 78712, telephone (512) 471-7348.

Filed: June 18, 1980, 12:17 p.m.  
Doc. No. 804702



## Veterans Land Board

**Monday, June 30, 1980, 1:30 p.m.** The Veterans Land Board will meet at the Stephen F. Austin Building in Austin. The meeting concerns the following: approval of the June 10, 1980, meeting of the Veterans Land Board; report of the executive secretary; receive and open bids for the sale of Veterans Land Board bonds and award the sale of bonds and adoption of bond resolution; authorizing the issuance of the bonds and authorizing execution and delivery of official information statement; and discussion of board policy.

Additional information may be obtained from Richard Kealey, Stephen F. Austin Building, Room 738, Austin, Texas.

Filed: June 18, 1980, 4:21 p.m.  
Doc. No. 804713

## Texas Water Commission

**Monday, June 23, 1980, 10 a.m.** The Texas Water Commission 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. According to the agenda summary, the addition concerned resetting the hearing date for a petition for creation filed by Harris County Municipal Utility District 170. Because petitioner failed to have the notice timely published, it was necessary that the commission consider the petition for resetting the deadline so that the August election can be met.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 20, 1980, 3:32 p.m.  
Doc. No. 804774

**Monday, June 30, 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 applications for district bond issues, use of surplus funds, change in plans, water quality renewals and amendments to permits, approval of plans and specifications, voluntary withdrawal and dismissal of claims, and motions for rehearing on applications.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 20, 1980, 3:32 p.m.  
Doc. No. 804775

**Wednesday, July 16, 1980, 10 a.m.** The Texas Water Commission will meet in Room 118 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

petition for organization of Harris County Municipal Utility District 205 which contains 138,518 acres of land located in Harris County;

petition for organization of Harris County Municipal Utility District 175 which will contain 473.5267 acres of land located in Harris County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 18, 1980, 3:45 p.m.  
Doc. Nos. 804714-804715

**Thursday, July 31, 1980, 10 a.m.** The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application 4057 of the Western Company of North America for a permit to construct and maintain a dam creating a reservoir on an unnamed tributary of Big Fossil Creek, tributary of West Fork Trinity River, tributary of Trinity River, Trinity River Basin, and to impound not to exceed 69 acre-feet of water and to divert not to exceed 340 acre-feet of state water per annum from the reservoir for irrigation of 100 acres of land per year out of 234.75 acre-tract. Applicant also requests right to store ground water in said reservoir for subsequent diversion to irrigate land, and proposes to use impounded waters for training purposes to simulate off-shore oil and gas rig operations.

Application 4060 of Ethel Stephenson for permit to directly divert 595 acre-feet of water per annum from Mayhaw Bayou, tributary of South Fork Taylor Bayou, tributary of Taylor Bayou, tributary of Intracoastal Canal, Neches-Trinity Coastal Basin, to irrigate 140 acres of land out of 315.54 acres in Jefferson County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 20, 1980, 3:33 p.m.  
Doc. Nos. 804776-804777

**Friday, August 1, 1980, 10 a.m.** The Texas Water Commission will meet in Room 618 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the summarized agendas, the commission will conduct hearings on the following:

Application 4061 of William Woolley for a permit to directly divert five acre-feet of water per annum from Hog Creek, tributary South Bosque River, tributary Bosque River, tributary Brazos River, Brazos River Basin, to irrigate 10 acres of land in McLennan County;

Application 4059 of the U.S. Department of Interior, Fish and Wildlife Service for a permit to build and maintain off-channel dam and impound in reservoir created thereby not to exceed 90 acre-feet of water to be diverted from Bastrop Bayou, tributary Intracoastal Waterway, San Jacinto-Brazos Coastal Basin, for recreational purposes (fish and wildlife conservation) at the Brazoria National Wildlife Refuge, Brazoria County;

Application 4058, of the U.S. Department of Interior, Fish and Wildlife Service for a permit to build and maintain a

dam (salt lake weir-stop log structure) on an unnamed tributary Salt Bayou, tributary Intracoastal Waterway, San Jacinto-Brazos Coastal Basin, and impound not to exceed 750 acre-feet of water for recreational purposes (fish and wildlife conservation) in Brazoria County.

Additional information may be obtained from Mary Ann Hefner, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4514.

Filed: June 20, 1980, 3:33 p.m.  
Doc. Nos. 804778-804780

**Tuesday, July 1, 1980, 1:30 p.m.** The Texas Water Well Drillers Board will meet in the executive conference room (Room 513-E), fifth floor, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider whether to suspend or revoke the registration of Willie E. Neie, Orange, for drilling water wells within the State of Texas because of a complaint against Neie alleging his failure to supervise the drilling of water wells and to timely submit water well logs.

Additional information may be obtained from Jim Rourke, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-4338.

Filed: June 20, 1980, 4:26 p.m.  
Doc. No. 804795

## Texas Water Well Drillers Board

**Tuesday, July 1, 1980, 9:30 a.m.** The Texas Water Well Drillers Board will meet in the executive conference room (Room 513-E), fifth floor, Stephen F. Austin Building, Austin. According to the agenda summary, the board will consider minutes of the May 6, 1980, meeting; and hear the following complaints for formal public hearings before the board or for other legal action: Adams, James M. and Boldt, David M.; Class, Jimmy; Dyo, Robert and Farrow, Kenneth; Husband, Billy; Menard, Horace W.. The board will also consider the certification of applicants for registration; be briefed on water well drillers examinations held since the board's last meeting; be briefed on its investigator's activities, consider a request of Bobby Dozier to reinstate his application for registration as a water well driller and to allow him to obtain experience in water well drilling; and reconsider action taken against L. F. Huff and James Hull of Houston.

Additional information may be obtained from Fred Osborne, P.O. Box 13087, Austin, Texas 78711, telephone (512) 475-6176.

Filed: June 20, 1980, 4:27 p.m.  
Doc. No. 804794

## Texas Youth Council

**Thursday, June 26, 1980, 9 a.m.** The Board of Directors of the Texas Youth Council met at 8900 Shoal Creek Boulevard, Austin. According to the agenda summary, the board considered the following new business: Texas Research League; community assistance contracts; research proposal; long

range improvement plans for Texas Education Agency accreditation; and the following items concerning the fiscal report: 1982-83 biennial budget request; transfer between items of appropriation; oil and gas lease—Parrie Haynes Ranch; signature change authorization. The board also met in executive session to discuss litigation.

Additional information may be obtained from Ron Jackson, Texas Youth Council, P.O. Box 9999, Austin, Texas 78766, telephone (512) 452-8111.

Filed: June 18, 1980, 3:16 p.m.  
Doc No. 804704

## Regional Agencies

### Meetings Filed June 18, 1980

*The Child Study Clinic in Victoria*, will meet at Total's Restaurant, 2911 Houston Highway, Victoria, on June 30, 1980, at noon. Further information may be obtained from Eva Seger, M.D., 2008 North Navarro, Victoria, Texas 77901, telephone (512) 575-0681.

*The MH/MR Regional Center of East Texas*, Board of Trustees, met in the board room, 2323 West Front Street, Tyler, on June 26, 1980, at 4 p.m. Further information may be obtained from Richard J. DeSanto, 2323 West Front Street, Tyler, Texas 75701, telephone (214) 597-1351.

*The Tri-Region Health Systems Agency*, West Central Texas Cardiovascular Task Force, will meet at Tri-Region Health Systems Agency, 2642 Post Oak Road, Abilene, on July 1, 1980, at 7 p.m. Further information may be obtained from Linda Moody, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 804699

### Meetings Filed June 20, 1980

*The Amarillo MH/MR Regional Center*, Executive Committee of the Board of Trustees, met in the MH/MR conference room of the Psychiatric Pavillion, and the Board of Trustees met in the auditorium of the Psychiatric Pavillion, 7201 Evans Street, Amarillo, on June 26, 1980, at 12:30 p.m. and 1 p.m. respectively. Further information may be obtained from Claire Rigler, P.O. Box 3250, Amarillo, Texas 79106, telephone (806) 353-7235.

*The Austin-Travis County MH/MR Center*, Board of Trustees, met in the 1430 Collier Street Board Room, Austin, on June 26, 1980, at 7:30 p.m. Further information may be obtained from Becky Howard, 1430 Collier Street, Austin, Texas, telephone (512) 447-4141.

*The Brazos Valley Development Council*, Board of Directors, met in the Aggieland Inn, 1502 South Texas Avenue, College Station, on June 26, 1980, at 7:30 p.m. The Board of Trustees met at 202 East 27th Street, Bryan, on the same date at 4:30 p.m. Further information concerning the Board of Directors meeting may be obtained from Glenn J. Cook, P.O. Drawer 4128, Bryan, Texas, telephone (713) 822-7421; and further information concerning the the Board of Trustees meeting may be obtained from Linda S. Davis, Ph.D., 202 East 27th Street, Bryan, Texas 77801, telephone (713) 770-2000.

*The Central Texas Council of Governments*, Executive Committee, met at 302 East Central, Belton, on June 26, 1980, at 10:30 a.m. Further information may be obtained from Shelley Hotti, P.O. Box 729, Belton, Texas 76513, telephone (817) 939-1801.

*The Coastal Bend Council of Governments*, Executive Board, will meet in the Petroleum Club, Petroleum Tower, Corpus Christi, on June 27, 1980, at noon. The membership will meet in the central jury room of the County Courthouse, 901 Leopard, Corpus Christi, on the same day at 2 p.m. Further information may be obtained from John P. Buckner, P.O. Box 9909, Corpus Christi, Texas, telephone (512) 883-5743.

*The Education Service Center, Region 20*, Board of Directors, met at 1550 North East Loop 410, San Antonio, on June 25, 1980, at 3 p.m. Further information may be obtained from Dwain M. Estes, 1550 North East Loop 410, San Antonio, Texas 78209, telephone (512) 828-3551.

*The Region XI CETA Consortium*, McLennan County Non-urban Administration Unit, met in the HOTCOG meeting room, 320 Franklin, Waco, on June 26, 1980, at 10 a.m. Further information may be obtained from Nancy Miller, 130 North 6th Street, Waco, Texas 76701, telephone (817) 756-1851.

Doc. No. 804729



Enterprise Products Company, Mount Belvieu; deisobutanizer Unit I and II; deisobutanizer Unit I and II; 8418; new source

Exxon Corporation, Gilmer; gas treating facility; Delrose Gas Treating Facility; 8420; new source

Lattimore Materials Company, Inc., Greenville; asphaltic concrete; Asphalt Concrete Plant 9000; 686F; new source

Holdenfels Construction Material, Inc., Corpus Christi; ready mix concrete; Holly Road Plant; 8421; new source

Southwestern Portland Cement Company, Odessa; coal storage and handling systems; 8422; new source

Southwestern Portland Cement Company, Amarillo; coal storage and handling systems; 8423; new source

Issued in Austin, Texas, on June 17, 1980.

Doc. No. 804728      Ramon Dasch  
Hearing Examiner  
Texas Air Control Board

Filed: June 10, 9:43 a.m.  
For further information, please call (512) 451-5711, ext. 401.

## 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 June 9-13, 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 June 13, 1980

Texaco, Inc., Port Arthur; sour crude processing expansion; Northeast Houston Avenue; 8404; new source

Carbonit Refinery (formerly Mid-Tex Refinery), Hearne; vacuum unit, crude unit expansion; carbonit refinery; 8417; new source

## Texas Department of Community Affairs

### Consultant Proposal Request

**Notice of Invitation for Program Proposals.** Pursuant to Article 6252.11c, Texas Revised Civil Statutes Annotated, the Texas Department of Community Affairs (TDCA), as administrator of Section 105 "Governor's Coordination and Special Services" funds, under the auspices of the Comprehensive Employment and Training Act (CETA), announces its request for proposals (RFP) under the negotiation method to deliver manpower services in accordance with United States Department of Labor regulations pertaining to such funds. TDCA is soliciting proposals to administer and deliver services according to the project format described below. If TDCA chooses to enter into and execute a contract for the services described herein, the period of performance of services shall begin on or about October 1, 1980, and shall extend through September 30, 1981, at the option of TDCA.

**Qualifications Desired by TDCA.** To be eligible, offerors must be a unit of state, county, or local government, or other public/private organization. Offerors must evidence the capability to accomplish the requested services. Proposals must include specific items and documents which attest to the applicant's capability to provide the desired services. Selected offerors will be expected to assume full responsibility for delivery of program services under the Governor's Coordination and Special Services Title II ABC and Title IV Youth Employment Training Program (YETP). Proposals must include documentation of applicant's legal authority to contract with TDCA to provide these services. This shall be accomplished by completing and submitting a contractor Cer-

tification of Eligibility form included in the RFP instructions. Every proposal shall include a list of all persons employed by or offered employment by the offeror who at the time the proposal is submitted has been an employee of TDCA within the six months prior to its submission.

**Deadline for Submission of RFPs.** The RFP will close as of 5 p.m. July 18, 1980, except for those proposals received postmarked on or before July 16, 1980.

**Provision for Obtaining RFP Instructions.** Offerors may obtain RFP instructions by contacting L. C. Harris III at (512) 475-6216 or (800) 252-9642.

**Project Format.** The project format which is the basis for this RFP is as follows:

Statewide Training Network for Prime Sponsors  
(maximum funds available—\$298,583).

**Purpose:** To provide a regional system for assisting, developing, and providing necessary CETA training and staff development to Texas prime sponsors and their subcontractors.

**Services to be provided:**

- (1) develop a strategy for assessing prime sponsor training needs on a regional basis for the State of Texas;
- (2) provide a response capability for developing or arranging appropriate training to meet these assessed needs;
- (3) build in the capability of coordinating on a regular basis with prime sponsors and their subcontractors and keeping training requirements up to date;
- (4) coordinate with DOL Training Division in all training provisions and development.

**General Information.** TDCA reserves the right to accept or reject any (or all) proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the material provided herein only as a means of identifying the various contractor alternatives and the general cost of the service desired by TDCA. TDCA intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that TDCA selects a contractor to provide the delivery of service provided herein, TDCA will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. The request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Labor for this procurement. Issuance of this material in no way obligates TDCA to award a contract or to pay any costs incurred in the preparation of a response hereto. TDCA specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where TDCA deems such variances to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

**Person to Contact.** For further information regarding this notice, please contact Pat Herron at (512) 476-6216.

Doc. No. 804733

## Request for Proposal

**Notice of Invitation for Program Proposals.** The Texas Department of Community Affairs (TDCA), as administrator of Section 105 "Governor's Coordination and Special Services" funds, under the auspices of the Comprehensive Employment and Training Act (CETA), announces its request for proposal (RFP) under the negotiation method to deliver manpower services in accordance with United States Department of Labor regulations pertaining to such funds. TDCA is soliciting proposals to administer and deliver services according to the project formats described below. If TDCA chooses to enter into and execute a contract for the services described herein, the period of performance of services shall begin on or about October 1, 1980, and shall extend through September 30, 1981, at the option of TDCA.

**Qualifications Desired by TDCA.** To be eligible, offerors must be a unit of state, county, or local government, or other public/private organization. Offerors must evidence the capability to accomplish the requested services. Proposals must include specific items and documents which attest to the applicant's capability to provide the desired services. Selected offerors will be expected to assume full responsibility for delivery of program services under the Governor's Coordination and Special Services Title II ABC and Title IV Youth Employment Training Program (YETP). Proposals must include documentation of applicants' legal authority to contract with TDCA to provide these services. This shall be accomplished by completing and submitting a contractor Certification of Eligibility form included in the RFP instructions. Every proposal shall include a list of all persons employed by, or offered employment by, the offeror who, at the time the proposal is submitted, has been an employee of TDCA within the six months prior to its submission.

**Deadline for Submission of RFPs.** The RFP will close as of 5 p.m. July 18, 1980, except for those proposals received postmarked on or before July 16, 1980.

**Provision for Obtaining RFP Instructions.** Offerors may obtain RFP instructions by contacting L. C. Harris III at (512) 475-6216 or (800) 252-9642.

**Project Format.** The project format which is the basis for this RFP is as follows:

(A) Career Information and Assessment for Rural Youth  
(maximum funds available—\$200,000).

**Purpose.** This project will be a demonstration project for developing and implementing a system for providing career and occupational information, counseling, and exploration to rural disadvantaged youth within selected counties of Texas. It is the intent of this project to establish close coordination with CETA prime sponsors and school districts within the target area giving particular attention to youth who may have qualified for CETA services, but have not been served or provided career guidance through the CETA system (Youth Employment and Training Program applicant pool). This project may also serve eligible youth not falling into the above category, provided that an adequate services delivery mechanism is developed. Proposed service areas represent areas scoring low in Texas Education Agency's youth career education assessment conducted in 1979.

**Target area.** Project may serve any or all of two regions consisting of the following counties: South Texas (Starr, Hidalgo, Webb, Brooks, Willacy, Cameron); East Texas



(Rains, Wood, Camp, Upshur, Marion, Harrison, Gregg, Smith, Van Zandt, Cherokee, Rusk, Panola, Anderson, Henderson).

**Services to be provided:**

(1) develop a system for providing transition services consisting of career exploration and assessment information to disadvantaged youth in nonmetropolitan areas of targeted counties;

(2) develop a system for coordinating this service with the CETA prime sponsors (for referral of youth) serving target counties and with affected school districts;

(3) develop provisions for mobility in order to service rural school systems;

(4) develop provisions for serving youth awaiting services in appropriate prime sponsors applicant pool;

(5) develop a measurement system for determining the success of such a program.

(B) Model Employment and Training Program for Older Workers (maximum funds available—\$200,000).

**Purpose.** To provide statewide or to selected area(s) CETA-eligible applicants 55 years and older with CETA services and activities, including part-time or full-time work experience, leading to unsubsidized employment.

**Services to be provided:**

(1) design and implement a CETA program flexible enough to meet the needs of older workers;

(2) coordinate with area manpower programs in providing full CETA services to older workers;

(3) contractor funded under this category will be required to produce a report(s) relating program results and/or techniques explored in a form suitable for distribution to prime sponsors at TDCA's discretion.

(C) Model Employment and Training Program for Displaced Homemakers (maximum funds available—\$350,000).

**Purpose.** To provide, statewide or to selected areas(s), CETA services and activities that will lead to increased employment opportunities for CETA-eligible displaced homemakers.

**Services to be provided.** To provide CETA activities and services (that do not duplicate available, existing area services) which will increase unsubsidized employment opportunities for displaced homemakers. Special emphasis on persons who have been out of the labor force for 10 years or more.

(D) Private sector Placement Project (maximum funds available—\$125,000).

**Purpose.** To provide assistance to CETA-eligible persons in obtaining employment opportunities, information, and referrals in the private sector statewide system of job fairs.

**Services to be provided:**

(1) This program should identify sites and approximate dates and provide a minimum of 10 job fairs for CETA-eligible persons during the contract period.

(2) CETA employment and training services including supportive services should be provided directly, by referral, or in coordination with the local CETA program operator.

(3) All job fair activities must be coordinated with local businesses, business organizations, and the local CETA program operator(s).

(4) A minimum of 1,500 CETA-eligible persons shall receive job fair services during the contract period.

(5) Contractor funded in this category must produce a report or reports, in a form suitable for distribution to other prime sponsors, relating program results and techniques used during program operation.

**General Information.** TDCA reserves the right to accept or reject any (or all) proposals submitted. TDCA is under no legal requirement to execute a resulting contract on the basis of this advertisement, and intends the material provided herein only as a means of identifying the various contractor alternatives and the general cost of the service desired by TDCA. TDCA intends to use responses hereto as a basis for further negotiation of specific project details with potential contractors. In the event that TDCA selects a contractor to provide the delivery of service provided herein, TDCA will base its choice on demonstrated competence and qualifications and the reasonableness of the fee for services. The request does not commit TDCA to pay for any costs incurred prior to execution of a contract and is subject to availability of funds from the United States Department of Labor for this procurement. Issuance of this material in no way obligates TDCA to award a contract or to pay any costs incurred in the preparation of a response hereto. TDCA specifically reserves the right to vary all provisions set forth herein at any time prior to execution of a contract where TDCA deems such variances to be in the best interest of the State of Texas, and to otherwise act as it determines in its sole discretion.

**Person to Contact.** For further information regarding this notice, please contact Pat Herron at (512) 476-6216.

Issued in Austin, Texas, on June 20, 1980.

Doc. No. 804734

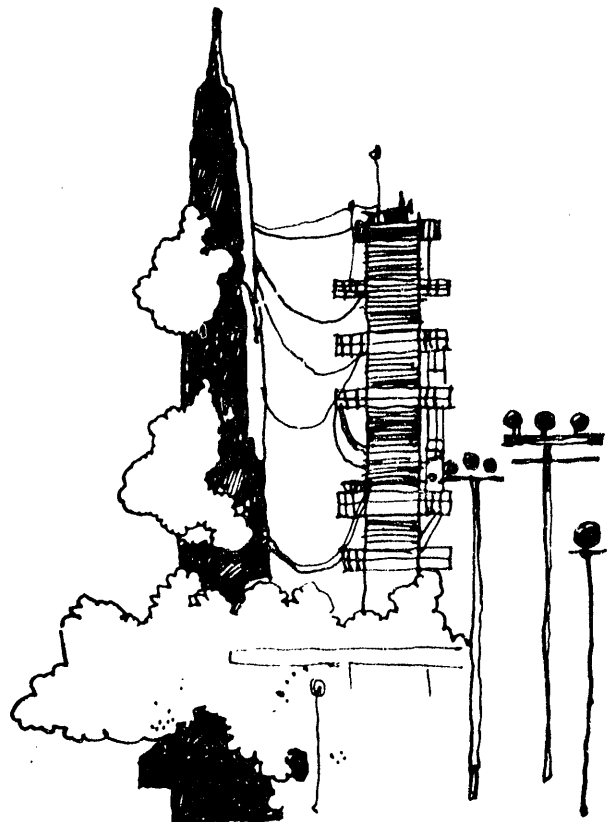
Jeanne Marcus, Director

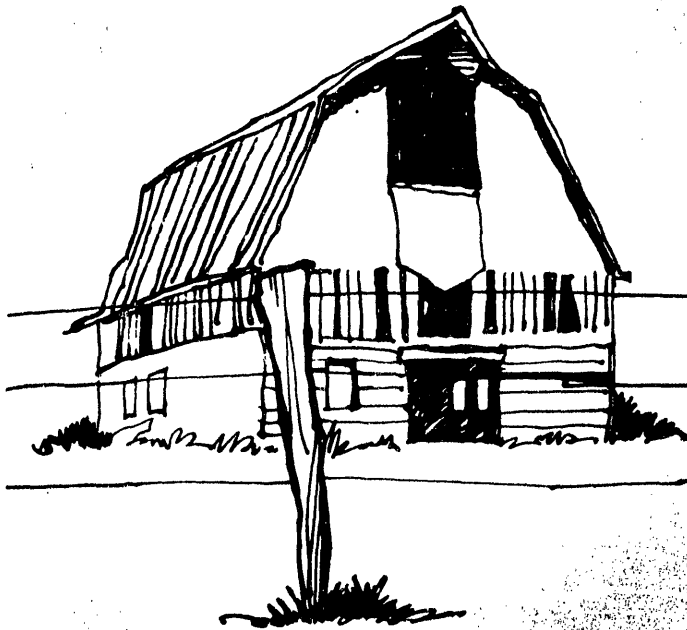
Legal Division

Texas Department of Community Affairs

Filed: June 20, 1980, 11:04 a.m.

For further information, please call (512) 475-6216.





## Comptroller of Public Accounts Correction of Error

An adopted rule concerning tax administration contained an error as published in the *Texas Register* dated June 17, 1980. The title of §3.291 (026.02.20.011) should read: "Contractors (Texas Taxation—General Annotated, Articles 20.01(T); 20.04(H), and (Y))."

## Executive and Legislative Budget Offices

### Joint Budget Hearing Schedule

The Executive and Legislative Budget Offices will jointly conduct the following budget hearings to consider appropriations requests for the 1982-83 biennium, for the period June 30 through July 4, 1980:

| Agency  | Date              | Place                                    |
|---|-------------------|--|
| Firemen's Pension Commissioner                                  | 1:30 p.m. June 30 | Room 503G, Sam Houston Building, Austin  |
| Commission on Fire Protection Personnel Standards and Education | 2:30 p.m. June 30 | Room 503G, Sam Houston Building, Austin  |
| Veterans Affairs Commission                                     | 9:30 a.m. July 1  | Senate Finance Room 301, State Capitol   |
| Board of Architectural Examiners                                | 10 a.m. July 1    | Senate Committee Room 213, State Capitol |
| State Board of Professional Engineers                           | 9:30 a.m. July 2  | Room F, Reagan Building, Austin          |

|                                  |                  |   |
|----------------------------------|------------------|---|
| Texas Coastal and Marine Council | 10 a.m. July 2   | Senate Finance Room 301, State Capitol      |
| Securities Board                 | 1:30 p.m. July 2 | Room F, Reagan Building, Austin             |
| Board of Pardons and Paroles     | 2:30 p.m. July 2 | Sergeants Committee Room 215, State Capitol |
| Nursing Home Administrators      | 9 a.m. July 3    | Senate Committee Room 213, State Capitol    |

Issued in Austin, Texas, on June 20, 1980.

Doc. No. 804727 Tom Keel  
Director  
Legislative Budget Board

Filed: June 20, 1980, 10:20 a.m.

For further information, please call (512) 475-3426.

## Texas Department of Health Corrections of Error

Adopted rules concerning athletic trainers contained an error as published in the *Texas Register* dated June 6, 1980. The first sentence of Rule 301.81.01.016(e)(2) (5 TexReg 2230) should read: "Applicants who have attended a college or university without a National Athletic Trainers Association-approved program must complete four academic years (fall-spring) of apprenticeship."

Proposed rules concerning the Hemophilia Assistance Program contained an error as published in the *Register* dated June 10, 1980. The first sentence of Rule 301.33.09.009(a) (5 TexReg 2265) should read: "All information as to personal facts and circumstances obtained by the program staff or the staff of cooperative agencies at the state, regional, or local level will constitute privileged communications, will be held confidential, and will not be divulged without the consent of the patient, parent, or guardian, except as may be necessary to provide services."

## 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 June 13-17, 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.

Pleasant Manor Nursing Home, Waxahachie  
(6/16/80)

AN78-0405-003A (061280)

AMD/CN—Request to change the completion deadline from December 29, 1979, to June 1, 1981, in Certificate of Need AN78-0405-003, which authorized the construction of an addition containing 5,030 square feet and addition of 20 ICF-III beds to existing 100-bed facility

Henderson Memorial Hospital, Henderson (6/16/80)  
AH80-0613-029

EC—Replace existing Picker radiographic/fluoroscopic unit in x-ray department with a new Phillips radiographic/fluoroscopic unit and modifications to department as necessary

Azle Hospital Authority, doing business as Eagle Mountain Area Suburban Hospital, Azle (6/16/80)  
AH80-0612-008

DR—That neither a certificate of need or exemption certificate is required prior to applicant's construction of a physician's office building which will be leased to private physicians

Valley Hemodialysis Center, Inc., Brownsville  
(6/16/80)

AS80-0613-033

EC—To lease additional 3,200 square feet of office space to be utilized for mechanical repair, storage, business office, waiting room and isolation area, and a doctor's office

Permian Basin Planned Parenthood, Inc., Seminole  
(6/16/80)

AS80-0616-006

EC—Relocation of the Seagraves clinic of Permian Basin Planned Parenthood, Inc., from 1206 Avenue F in Seagraves to a building located at 704 Hobbs Highway in Seminole

Park Place Hospital, Port Arthur (6/16/80)  
AH80-0613-037

EC—Purchase a new RSP hemodialysis machine and related equipment for the purpose of providing acute renal dialysis to patients too ill to be referred to St. Mary's Hospital in Port Arthur for dialysis

Hall County Hospital, Memphis (6/16/80)  
AH80-0603-009

EC—Provide ultrasound scans and EEG service to patients of Hall County Hospital by contracting with a mobile service

Issued in Austin, Texas, on June 18, 1980.

Doc. No. 804696

O. A. Cassity III

Director of Hearings

Texas Health Facilities Commission

Filed: June 18, 1980, 11:32 a.m.

For further information, please call (512) 475-6940.

## Texas Department of Human Resources

### Amendment of Request for Proposal

On June 3, 1980, the Department of Human Resources (DHR) announced in the *Texas Register* (5 TexReg 2208) a notice of request for proposals (RFP) from parties interested in contracting with the department to provide four new alternate care services on a demonstration basis: congregate care, emergency response service, and respite care and emergency care. The department also provided a technical information workshop to answer questions of clarification and explanation about the new services. Because of a delay in printing and mailing of the RFPs to prospective offerors, DHR is amending the announcement of June 3, 1980, in order to allow for an extension of the closing date to July 15, 1980.

Issued in Austin, Texas, on June 20, 1980.

Doc. No. 804736

## Railroad Commission of Texas

### Gas Utilities Division

#### Review of Commission Curtailment Policy— Public Hearing

In January of 1973, the commission issued an order in Gas Utilities Docket 489, relating to the approval by the commission of curtailment programs for natural gas transported and sold within the State of Texas. In this docket, the commission promulgated a curtailment priority schedule to control the flow of natural gas during times of shortage. Each gas utility within commission jurisdiction was additionally instructed to file a curtailment program for approval by the commission.

It was further provided that until the commission had specifically approved a utility's curtailment program, the priority schedule contained in Docket 489 would be observed. Subsequently, some utilities secured approval of specific curtailment programs for the operation of their systems.

In the intervening period from the time of implementation of the general and specific curtailment plans until the present, there have been curtailments varying in magnitude and duration. Curtailments in recent periods, in conjunction with developments in the applicable law and regulatory scheme and changes in customers' operational capabilities, suggest that existing curtailment plans may not be well suited to the demand and supply configuration of the energy market today. These considerations in part led to the commission's emergency amendment in Gas Utilities Docket 2336 on January 7, 1980, to all curtailment plans which placed certain interstate transactions at the lowest priority level. In Gas Utilities Docket 2336, the commission also sought comments on the existence and effectiveness of a system to voluntarily allocate and share natural gas among pipelines in times of emergency shortage. The general conclusion of the participants was that a voluntary allocation plan was effective and much preferred over a mandatory scheme although it could be made more efficient if studies were conducted to identify and eliminate obstacles, regulatory and otherwise, to a fully coordinated system.

In order to develop recommendations on modifying the overall curtailment policy or specific plans, it is necessary to provide a public forum for the presentations of opinions and information of all interested persons or agencies. It is contemplated that the public meeting convened by this notice would be in the nature of a legislative fact finding and would form the foundation of future proceedings, including rulemaking, where the implementation of specific proposals would be examined. To continue the inquiry begun in Docket 2336, the opportunity will be taken at this time to solicit nominees to be appointed to a committee which will study the problems of a voluntary gas allocation system and report to the commission on any remedial action necessary to a more responsive and comprehensive system.

The Railroad Commission of Texas has authority pursuant to Texas Revised Civil Statutes Annotated, Article 6053 (Vernon 1962), to regulate and apportion the supply of gas between towns, cities, and corporations. Further, Texas Revised Civil Statutes Annotated, Article 1446c (Vernon Supplement 1980), authorizes the Railroad Commission to regulate rates, operations, and services of utilities in order to protect the public interest by assuring adequate and efficient service.

It is therefore directed that a public hearing be held on July 9, 1980, at 10 a.m. in Room 107 of the commission offices at 1124 South IH 35, Austin, to allow all gas utilities, other public utilities using natural gas as a fuel, municipalities, and any other interested persons or agencies to appear and present information, the focus of which should be upon but need not be limited to the following subjects:

(1) Reasons for past curtailments. Where applicable, comments should address:

(A) any identifiable causes of curtailment in recent heating seasons;

(B) the probability of future curtailments from those identified causes;

(C) what remedial actions, if any, have been taken to avoid future curtailments;

(D) what remedial measures, and the cost thereof, could be taken to avoid future curtailments;

(E) the possibility of future curtailments from other causes and the cost of any measures to forestall these curtailments.

(2) Available supplies of natural gas. Comments should include information concerning:

(A) whether the Railroad Commission should require gas utilities to have available at all times immediately accessible reserves of natural gas stored in sufficient quantities to enable the utility to meet extraordinary demand peaks;

(B) whether the commission should require gas utilities to acquire and maintain sufficient reserves to provide adequate supplies of natural gas during seasons of peak consumption;

(C) whether the Railroad Commission should seek to establish market mechanisms to allocate the supply of gas during times of curtailment such as a market for the future rights to purchase gas for periods of short duration;

(D) costs which customers of all classes would incur if the commission should require the implementation of (A)-(C) above, or any other course of action designed to ensure that all utilities have adequate supplies of natural gas.

(3) Delivery capacity. Comments relating to the capacity of a utility to deliver natural gas during periods of peak demand should include information concerning:

(A) factors relating to the interplay of weather and economics which were considered in developing the transportation and distribution systems currently in use in Texas;

(B) whether the commission should require utilities in Texas to adjust their delivery capabilities in order to meet extraordinary demand peaks occasioned by severe weather, and if so, what demand peak should be used;

(C) costs associated with providing utility systems which are capable of meeting the referenced peak demand.

(4) Technical improvements. The commission is interested in technical improvements which can be made or procedures which can be adopted in order to ensure that a utility system operates at any given point in time as near as practicable to 100% of designed supply and capacity limits. Information presented should include data concerning:

(A) The design and installation of pipeline controls which would not be vulnerable to predictable weather extremes. In the alternative, the alteration of existing controls to make them impervious to weather conditions.

(B) Steps that can be taken to ensure that such controls are accessible to utility employees at all times. Particular attention should be devoted to:

(1) remote control devices; and

(2) the availability to gas utility employees of the equipment necessary to ensure access to controls at all times.

(C) The cost associated with implementing any technical improvements.

(5) Priority schedules. Assuming the commission should consider the establishment of new priority schedules, or the alteration of existing priority schedules, what specific changes must be made. Included should be information concerning:

(A) what classes of customers should be included in each priority classification and why;

(B) whether a priority schedule should result in total curtailment to a lower classification before any curtailments are initiated for the next higher classification;

(C) how the priority schedule will be operationally implemented during times of curtailment;

(D) the makeup and implementation of a comprehensive priority schedule which would be applied statewide to all gas utilities regulated by the Railroad Commission of Texas pursuant to either original or appellate jurisdiction;

(E) the effect that Texas Revised Civil Statutes Annotated, Article 6066f (Vernon Supplement 1980), would have on any priority schedule;

(F) the effect that the Natural Gas Policy Act of 1978 should have on any priority schedule;

(G) whether the commission should require the development of an entitlements program whereby customers in a curtailment plan may participate in intra-category or inter-category transfers of entitlements to natural gas in contemplation of curtailment. The objective of such a program would be to build in flexibility to a particular curtailment plan to make it more responsive to the economic decisions of a utility's customer while effecting an orderly reduction in deliveries.

It is further directed that any persons or agencies who intend to participate in this proceeding so indicate by filing with the acting director of the Gas Utilities Division of the Railroad Commission of Texas at P.O. Box 12967, Austin, Texas 78711, a statement of intent to participate along with a copy of the statement, testimony, and any supporting data which they will present orally at the hearing at least 10 days prior to the date of the hearing. This material need not be served on any other party, but will be available for inspection at the commission office.

It is further directed that all gas utilities shall serve a copy of this notice on all municipalities within which they serve or to whose city gate they deliver natural gas and on all industrial and agricultural customers, excluding other gas utilities to whom they provide natural gas service, by United States mail, postmarked no later than May 30, 1980.

It is further directed that all gas utilities shall file with the acting director of the Gas Utilities Division of the Railroad Commission of Texas a list of all municipalities, persons, or agencies on whom it has served notice no later than June 6, 1980.

It is further directed that, in the event that neither the commission nor any of its members is present to preside over and hold said hearing, the acting director or a hearings examiner of the Gas Utilities Division is hereby authorized and empowered to hold the same and to perform any act as provided in Texas Revised Civil Statutes Annotated, Article 6519a (Vernon Supplement 1980).

It is further directed that interested persons or agencies wishing to participate in the selection of members of a committee to be appointed by the division to study the operation of the voluntary gas allocation system should submit the nominee's name, affiliation, and professional credentials to the division no later than June 9, 1980. The Gas Utilities Division staff will select a committee from the nominees to meet independently and report to the commission what measures could be adopted to make the system more efficient.

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

Doc. No. 804753      John W. Camp, Acting Director  
Gas Utilities Division  
Railroad Commission of Texas

Filed: June 20, 1980, 11:58 a.m.

For further information, please call (512) 445-1126.



## July and August Publication Schedule for the *Texas Register*

Listed below are the deadline dates for the July and August issues of the *Texas Register*. Because of printing schedules, material received after the deadline for an issue cannot be published until the next issue. Generally, deadlines for a Tuesday edition of the *Register* are Wednesday and Thursday of the week preceding publication, and deadlines for a Friday edition are Friday of the preceding week and Monday of the week of publication. An asterisk beside a publication date indicates that the deadlines have been moved because of state holidays. Please note that issue published on July 29 will be an index; no other material will be published in this issue.

| FOR ISSUE PUBLISHED ON: | ALL COPY EXCEPT NOTICES OF OPEN MEETINGS BY NOON ON: | ALL NOTICES OF OPEN MEETINGS BY NOON ON: |
|-------------------------|--|--|
| Tuesday, July 1         | Wednesday, June 25                                   | Thursday, June 26                        |
| Friday, July 4          | Friday, June 27                                      | Monday, June 30                          |
| Tuesday, July 8         | Wednesday, July 2                                    | Thursday, July 3                         |
| *Friday, July 11        | Thursday, July 3                                     | Monday, July 7                           |
| Tuesday, July 15        | Wednesday, July 9                                    | Thursday, July 10                        |
| Friday, July 18         | Friday, July 11                                      | Monday, July 14                          |
| Tuesday, July 22        | Wednesday, July 16                                   | Thursday, July 17                        |
| Friday, July 25         | Friday, July 18                                      | Monday, July 21                          |
| Tuesday, July 29        |  |  |
|                         | <b>2ND QUARTERLY INDEX</b>                           |  |
| Friday, August 1        | Friday, July 25                                      | Monday, July 28                          |
| Tuesday, August 5       | Wednesday, July 30                                   | Thursday, July 31                        |
| Friday, August 8        | Friday, August 1                                     | Monday, August 4                         |
| Tuesday, August 12      | Wednesday, August 6                                  | Thursday, August 7                       |
| Friday, August 15       | Friday, August 8                                     | Monday, August 11                        |
| Tuesday, August 19      | Wednesday, August 13                                 | Thursday, August 14                      |
| Friday, August 22       | Friday, August 15                                    | Monday, August 18                        |
| Tuesday, August 26      | Wednesday, August 20                                 | Thursday, August 21                      |
| Friday, August 29       | Friday, August 22                                    | Monday, August 25                        |

The following state holidays fall within the period of this publication schedule:

Friday, July 4 ..... Independence Day  
 Wednesday, August 27 ..... LBJ's Birthday

The *Texas Register* Division will, as all other state agencies, observe these holidays and will not process or file notices of meetings or other documents.

### Notice of Schedule Variation

In view of the state observance of Independence Day on Friday, July 4, deadlines for submission of documents for publication in the issue of the *Texas Register* dated July 11, 1980, have been changed. As previously scheduled, deadlines for submission of documents for publication in the July 11 issue are noon Thursday, July 3 (all copy except notices of open meetings), and noon Monday, July 7 (open meeting notices). The regular deadline schedule for submission of documents for publication will resume with the July 15, 1980, issue of the *Register*.

## 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 1. ADMINISTRATION

#### Part IV. Office of the Secretary of State

1 TAC §91.113 (004.65.08.003) ..... 2562

### TITLE 22. EXAMINING BOARDS

#### Part V. Texas State Board of Dental Examiners

22 TAC §109.203 (382.19.20.003) ..... 2567

#### Part IX. Texas State Board of Medical Examiners

22 TAC §173.1 (386.07.00.001) ..... 2562

22 TAC §§185.10, 185.11 (386.13.00.010, .011) .... 2567

#### Part XXI. Texas State Board of Examiners of Psychologists

22 TAC §461.2 (400.01.00.002) ..... 2568

22 TAC §461.9 (400.01.00.010) ..... 2568

22 TAC §463.4 (400.02.00.004) ..... 2563

22 TAC §463.10 (400.02.00.010) ..... 2568

22 TAC §465.7 (400.03.00.007) ..... 2568

22 TAC §465.8 (400.03.00.008) ..... 2569

22 TAC §465.12 (400.03.00.012) ..... 2569

### TITLE 25. HEALTH SERVICES

#### Part V. Statewide Health Coordinating Council

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### TITLE 28. INSURANCE

#### Part I. State Board of Insurance

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### TITLE 31. NATURAL RESOURCES AND CONSERVATION

#### Part VI. Texas Conservation Foundation

31 TAC §§221.1, 221.2 (138.01.00.001, .002) ..... 2569

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