

500.6  
263  
151 c.3

# TEXAS REGISTER

## In This Issue...

Secretary of State's Office proposes a new rule concerning absentee voting by persons whose voter registration becomes effective on the day of an election; proposed date of adoption—August 8 . . . . . 2692

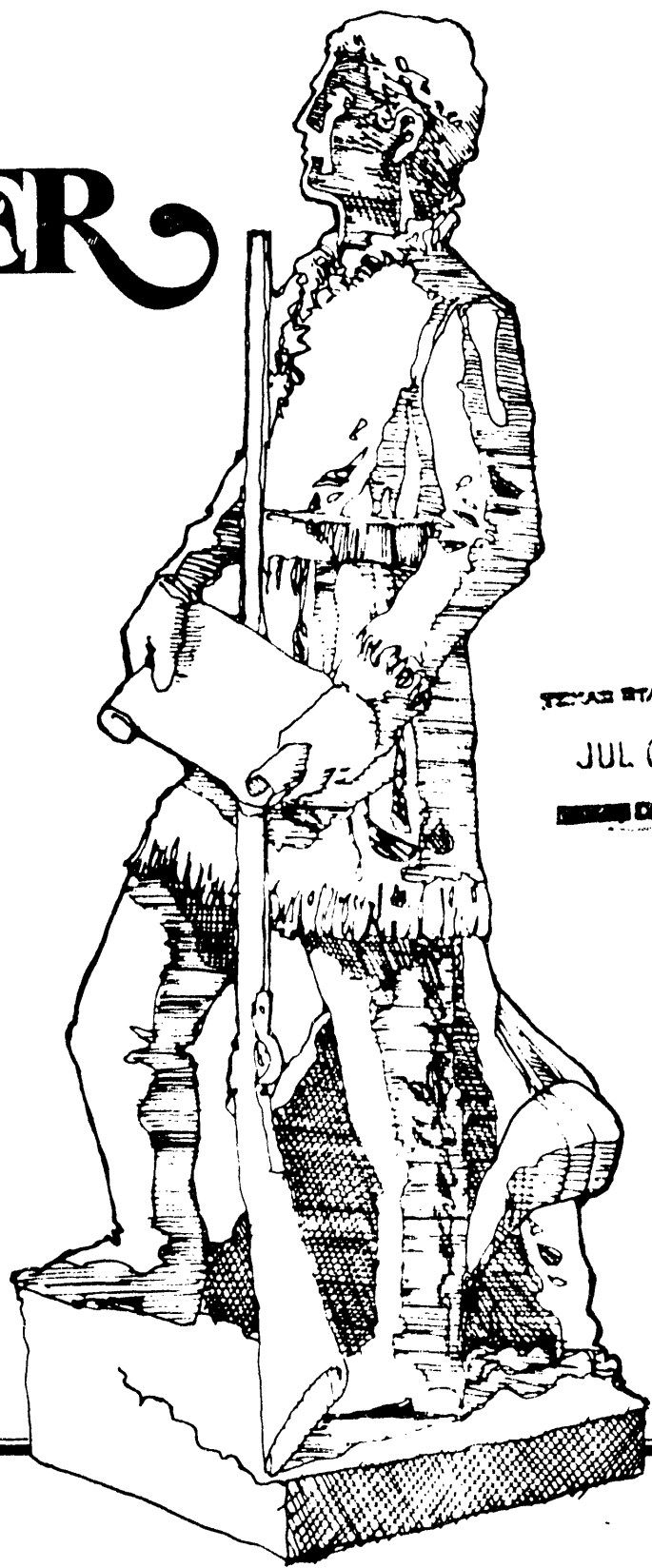
Department of Agriculture proposes amendments to regulations pertaining to the Texas Seed Law; proposed date of adoption—August 8 . . . . . 2692

Texas Department of Human Resources proposes the repeal of various family services rules and concurrent adoption of new rules concerning child development programs; proposed date of adoption—August 8 . . . . . 2698

State Purchasing and General Services Commission adopts amendments to its parking rules and purchasing rules; effective date—July 22 . . . . . 2721

Texas Department of Human Resources adopts amendments to its civil rights and legal services rules; effective date—June 1 . . . . . 2724

Statewide Health Coordinating Council adopts in final form its subject manual for review of health systems agencies; effective date—July 22 . . . . . 2732



TEXAS STATE LIBRARY  
JUL 08 1980  
DALLAS, TEXAS

Office of the Secretary of State

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

Titles 1, 4, 7, 10, 13, 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)

---

Latest Texas Code Reporter  
(Master Transmittal Sheet): No. 2, May 80

---

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

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

# TEXAS REGISTER

The *Texas Register* (ISSN 0362-4781) is published twice weekly, at least 100 times a year, except January 4, May 30, September 5, December 2, and December 30, by the Texas Register Division, Office of the Secretary of State, 201 East 14th Street, P.O. Box 13824, Austin, Texas 78711, telephone (512) 475-7886. The *Register* contains executive orders of the governor, summaries of attorney general's opinions and summaries of requests for opinions, emergency rules, proposed rules and adopted rules of state agencies, notices of open meetings, and miscellaneous notices of general interest to the public of Texas. Subscriptions are \$40 for units of Texas state government and for-profit schools and libraries in Texas, and \$60 for all others. Six months subscriptions are also available for \$40 and \$45, respectively. Back issues, when available, are \$1.50 each.

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



George W. Strake, Jr.  
Secretary of State

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

*Texas Register* Division  
Charlotte Scroggins, Director

Linda Camp  
Gail Myrick  
Lindy Whitinger

Karrie Key  
Lynna Lawrence  
Dee Wright  
Sally Guadalupe

Teresa Cage  
Debbie Swift  
Jill Karppe

## The Governor

### Appointments

- 2686 *Education Commission of the States*
- 2686 *Texas Board of Health*
- 2686 *131st Judicial District of Texas*

## Emergency Rules

### Texas Animal Health Commission

- 2687 *Brucellosis*

### Texas State Board of Public Accountancy

- 2688 *Rulemaking Procedures*
- 2688 *Certification as CPA*
- 2688 *Registration*
- 2688 *Practice and Procedure*

### Texas Education Agency

- 2688 *Comprehensive Instruction*

## Proposed Rules

### Office of the Secretary of State

- 2692 *Elections*

### Texas Department of Agriculture

- 2692 *Seed Division*

### Credit Union Department

- 2693 *Credit Union Regulations*

### Texas State Library and Archives Commission

- 2694 *Library Development*

### Texas State Board of Pharmacy

- 2695 *Out-of-State Applicants*
- 2695 *Pharmacist Extern, Intern, Preceptor, and Pharmacy Preceptor*

### Texas Adult Probation Commission

- 2695 *Standards*
- 2695 *Fund Distribution*

### Anatomical Board of the State of Texas

- 2696 *Officers*
- 2696 *Distribution of Bodies*
- 2697 *Facilities: Standards and Inspections*

### Texas Education Agency

- 2698 *Comprehensive Instruction*

### Texas Department of Human Resources

- 2698 *Family Services*
- 2700 *Child Development Programs*

### State Board of Insurance

- 2719 *Rating and Policy Forms*

### Texas Motor Vehicle Commission

- 2719 *General*

## Adopted Rules

### State Purchasing and General Services Commission

- 2721 *Executive Administration Division*
- 2722 *Central Purchasing Division*

### Texas Department of Public Safety

- 2723 *Vehicle Inspection*

### Texas Adult Probation Commission

- 2723 *Standards*

### Texas Department of Human Resources

- 2724 *Civil Rights*
- 2725 *Legal Services*

### Texas Department of Labor and Standards

- 2726 *Boiler Inspection Division*

### Texas Motor Vehicle Commission

- 2732 *General*

### Statewide Health Coordinating Council

- 2732 *Health Planning and Resource Development*

## Open Meetings

### 2738 *Texas Adult Probation Commission*

### 2738 *Texas Department of Agriculture*

### 2738 *Texas Air Control Board*

### 2738 *Department of Banking*

### 2738 *Texas Cosmetology Commission*

### 2739 *Employees Retirement System of Texas*

### 2739 *State Board of Registration for Professional Engineers*

### 2739 *Finance Commission of Texas*

### 2739 *Firemen's Training School Advisory Board*

### 2739 *Texas Health Facilities Commission*

### 2740 *Texas Historical Commission*

### 2740 *University of Houston*

### 2740 *Texas Department of Human Resources*

### 2741 *State Board of Insurance*

### 2741 *Texas Advisory Commission on Intergovernmental Relations*

### 2742 *Board for the Lease of State-Owned Lands*

### 2742 *Board for Lease of University Lands*

### 2742 *Texas State Library and Archives Commission*

### 2742 *Board of Pardons and Paroles*

### 2743 *Texas State Board of Pharmacy*

### 2743 *Public Utility Commission of Texas*

### 2743 *Railroad Commission of Texas*

### 2744 *Texas Real Estate Commission*

### 2744 *Texas Sesquicentennial Commission*

### 2744 *University System of South Texas*

### 2745 *Texas A & M University*

### 2745 *Veterans Land Board*

### 2745 *Texas Water Commission*

### 2745 *Water Well Drillers Board*

### 2745 *Regional Agencies*

## In Addition

### Texas Air Control Board

- 2747 *Applications for Construction Permits*

### State Banking Department

- 2747 *Applications to Purchase Control of State Banks*

### Texas Department of Community Affairs

- 2747 *Public Notice*

### Texas Health Facilities Commission

- 2747 *Applications for Exemption Certificate, Declaratory Ruling, and Transfer and Amendment of Certificate Accepted*

### Texas Housing Agency

- 2748 *Consultant Contract Award*

### Texas Department of Human Resources

- 2749 *Public Meeting*
- 2749 *Public Hearing*

## Index

- 2750 *TAC Titles Affected in This Issue (Conversion Table)*
- 2750 *Table of TAC Titles*

## Appointments

### Education Commission of the States

*For a term at the pleasure of the Governor:*

Dr. John E. Gray  
 President Emeritus  
 Lamar University  
 Lamar University Station  
 P.O. Box 10067  
 Beaumont, Texas 77710

Dr. Gray is being reappointed.

### Texas Board of Health

*For a term to expire February 1, 1981:*

Barbara T. Slover  
 4448 Overton Crest  
 Fort Worth, Texas 76109 (representing pharmacists)

Ms. Slover will be filling the unexpired term of William J. Edwards of Galveston, Galveston County, who resigned.

## 131st Judicial District of Texas

*To be judge, Bexar County, until the next general election and until his successor shall be duly elected and qualified:*

Jack B. Sims  
 P.O. Box 14177  
 San Antonio, Texas 78214

Mr. Sims will be replacing Judge Fred Shannon of San Antonio, Bexar County, who vacated this position to become judge of the Federal District Court for the Western District of Texas.

Issued in Austin, Texas, on June 26, 1980.

Doc. No. 805007 & William P. Clements, Jr.  
 805031 Governor of Texas

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

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

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

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

---

---

## CODIFIED

---

---

### TITLE 4. AGRICULTURE

#### Part II. Texas Animal Health Commission

##### Chapter 35. Brucellosis

###### Cattle

The Texas Animal Health Commission adopts on an emergency basis the following amendments to §§35.2(e) and (f) (177.03.01.021(e) and (f)), 35.4(b) (.023(b)), and 35.5(b) (.024(b)).

The Texas Animal Health Commission finds that the amendments are substantive and should require a public hearing; and further finds that an imminent peril to the public health, safety and welfare will result if the amendments to the Brucellosis Eradication Program do not become effective on July 1, 1980, when other portions of the regulation are implemented.

These sections are amended under authority of Article 7014f-1, Vernon's Texas Civil Statutes.

§35.2 (177.03.01.021). *General Requirements.*

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

(e) Requirements of a market test or "S" brand. All nonexempt cattle 18 months of age and older (age determined by the loss of the central pair of temporary incisors) in each consignment to the market shall all be tested unless all such cattle are "S" branded. ***Such tested animals shall be identified by eartag and/or backtag, except cattle going back to the country shall be identified by an official metal eartag, or other permanent identification.*** All cattle from the same herd shall be considered as one consignment.

(f) Requirements of a Slaughter Test. All cattle 18 months of age or older (age determined by the loss of the

central pair of temporary incisors) except cattle from quarantined feedlots, finished fed heifers up to 24 months of age, cattle from certified free herds, cattle tested within 30 days, and steers and spayed heifers destined for slaughter to be slaughtered in Texas plants operating under provisions of the state or federal Meat Inspection Act, shall be tested prior to slaughter by approved personnel by collecting their blood and submitting the samples to a state-federal laboratory. The identification of the cattle shall be maintained so as to allow tracing of reactors or suspects to their herd of origin, including but not limited to packer's lot number, seller's name and address and number of animals.

***Slaughter plants will be exempt from the requirement of testing cattle prior to slaughter if they choose to sign an agreement with the Texas Animal Health Commission agreeing to the following provisions:***

(1) ***Identify all test eligible cattle to the person or firm from whom they were secured (complete name and address).***

(2) ***Arrange for blood collection from carcass of all cows and bulls 18 months of age or older, (except feedlot fed heifers up to 24 months of age).***

(3) ***See that all man-made identification, such as backtags, eartags, and bangle tags are put with blood samples and promptly submitted to the appropriate state-federal laboratory for brucellosis tests.***

(4) ***Submit daily kill sheets to the laboratory with identification of each animal to the person or firm from which the cattle were secured (full name and address).***

(g)-(w) (No change.)

§35.4 (177.03.01.023). *Class "A" Brucellosis Control Area.*

(a) (No change.)

(b) Area to include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, ***Clay***, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, ***Coryell***, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Eastland, Ector, Edwards, El Paso, ***Erath***, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hamilton, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Howard, Hudspeth, Hutchinson, Irion, ***Jack***, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, Kinney, King, Knox, Lamp, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, McCulloch, Martin, Mason, Maverick, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, ***Palo Pinto***, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Schackelford, Sherman, Sterling, Stephens, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Winkler, Yoakum, Young and Zavala.

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

§35.5 (177.03.01.024). *Class "B" Brucellosis Control Area.*

(a) (No change.)

(b) Area to include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, [Clay], Collin, Colorado, Cooke, [Coryell], Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Ellis, [Erath], Falls,

Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, [Jack], Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kenedy, Kleberg, Lamar, LaSalle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, McLennan, McMullen, Madison, Marion, Matagorda, Medina, Milam, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, [Palo Pinto], Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Starr, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wise, Wood, and Zapata.

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

Issued in Austin, Texas, on June 30, 1980.

Doc. No. 805024      John W. Holcombe, D.V.M.  
Executive Director  
Texas Animal Health Commission

Effective Date: July 1, 1980  
Expiration Date: October 28, 1980  
For further information, please call (512) 475-4111.

## TITLE 22. EXAMINING BOARDS

### Part XXII. Texas State Board of Public Accountancy

#### Chapter 509. Rulemaking Procedures

The Texas State Board of Public Accountancy renews the effectiveness of the emergency adoption of new §§509.1-509.5 (401.44.00.100, .200, .300, .400, and .500) for a 60-day period, effective June 27, 1980. The texts of the sections were originally published in the March 7, 1980, issue of the *Texas Register* (5 TexReg 841).

Doc. No. 804973

#### Chapter 511. Certification as CPA

The Texas State Board of Public Accountancy renews the effectiveness of the emergency adoption of new §511.1 (401.45.01.100), §§511.21-511.27 (401.45.02.100, .200, .300, .400, .500, .600, and .700), §§511.51-511.53 (401.45.03.100, .200, and .300), §§511.55-511.59 (.500, .600, .700, .800, and .900), §§511.81-511.96 (401.45.04.100, .200, .201, .300, .400, .500, .600, .601, .602, .700, .701, .800, .801, .802, .803, and .900), §§511.121-511.123 (401.45.05.100, .200, and .300), §§511.141-511.143 (401.45.06.100, .200, and .300), and §§511.161-511.164 (401.45.07.100, .200, .300, and .400) for a 60-day period, effective June 27, 1980. The texts of the sections were originally published in the March 7, 1980, issue of the *Texas Register* (5 TexReg 841).

Doc. Nos. 804974-804980

#### Chapter 513. Registration

The Texas State Board of Public Accountancy renews the effectiveness of the emergency adoption of new §§513.1-513.6 (401.46.01.100, .200, .300, .400, .500, and .600),

§§513.21-513.27 (401.46.02.100, .200, .300, .301, .400, .500, and .600), §§513.41-513.45 (401.46.03.100, .200, .300, .400, and .500), and §§513.61-513.64 (401.46.04.100, .200, .300, and .400) for a 60-day period, effective June 27, 1980. The texts of the sections were originally published in the March 7, 1980, issue of the *Texas Register* (5 TexReg 846).

Doc. Nos. 804981-804984

### Chapter 519. Practice and Procedure

The Texas State Board of Public Accountancy renews the effectiveness of the emergency adoption of new §§519.1-519.25 (401.50.00.101, .102, .103, .104, .105, .106, .107, .108, .109, .110, .111, .112, .113, .114, .115, .116, .117, .118, .119, .120, .121, .122, .123, .124, and .125) for a 60-day period, effective June 27, 1980. The texts of the sections were originally published in the March 7, 1980, issue of the *Texas Register* (5 TexReg 847).

Issued in Austin, Texas, on June 27, 1980.

Doc. No. 804985      Joe H. Holleman  
Enforcement Coordinator  
Texas State Board of Public  
Accountancy

Effective Date: June 27, 1980  
Expiration Date: August 26, 1980  
For further information, please call (512) 451-0241.

---



---

## NONCODIFIED

---



---

## Texas Education Agency

### Comprehensive Instruction

#### Allocation of Vocational Teacher Units 226.32.33

The Texas Education Agency has adopted amended Rule 226.32.33.020 concerning the allocation of vocational teacher units on an emergency basis. The amendment adds a table showing the minimum number of students and classes, and the number of months for the allocation of vocational teacher units in the various vocational education programs. The amendment also adds paragraphs (11)-(17) to subsection (b) of the rule. These paragraphs provide additional information on requirements set out in the table.

The table, Requirements and Standards of New Vocational Teacher Units, was previously contained in the State Plan for Vocational Education. There is one substantive change in the table from the requirements previously in effect. The proposed rule would permit shop and pre-employment laboratory units to be allocated on a 10- or 11-month basis. Previously such units were allocated only for 10 months.

This rule is amended on an emergency basis in order to permit the allocation of units for the 1980-81 school year in a timely fashion.

This rule is promulgated under the authority of Sections 11.24 and 16.103, Texas Education Code.

*.020. Eligibility for a Vocational Teacher Unit.*

(a) Policy.

(1) Each school district having a four-year accredited high school shall be eligible under policies and procedures of this series for two vocational teacher units to conduct one or more vocational programs provided there is a need thereof, and provided the program(s) are on the current list of courses certified by the associate commissioner for occupational education and technology.

(2) In addition to these teacher units, other units may be allotted according to the needs determined by the job opportunities in the area served by the schools approved by the commissioner of education.

(3) A district having an accredited high school which qualifies, under policies and administrative procedures of this policy, for less than one vocational teacher unit may be allotted a fractional part of a unit which entitles the district to employ a part-time vocational teacher.

(b) Administrative procedure.

(1) Program standards. To establish eligibility for a vocational unit, or fractional part of a unit, the applying school agrees to meet and maintain the standards of the current State Plan for Vocational Education and policies of the State Board of Education. The unit is used for conducting vocational subjects only, except as otherwise provided in program standards.

(2) Supervision, coordination, and follow-up. The school schedules time for supervision, planning, organizing, conducting, and coordinating the program by vocational teachers of vocational students in their required supervised farming programs, supervised work experiences, home experience programs, or part-time employment and on-the-job training in cooperative part-time programs. The school agrees to maintain a follow-up record of vocational students completing the program or graduating. In addition, the school maintains an inventory of equipment and tools which were purchased with the financial assistance of the Texas Education Agency.

(3) Accreditation requirement. To be eligible for a whole or fractional vocational teacher unit, a district must operate a four-year accredited high school, or be certified as a four-year accredited high school during the current school year by the commissioner of education.

(4) Justification of existing units. Before a four-year accredited high school is eligible for consideration for a new or additional vocational teacher unit, or fractional part of a unit, it justifies reallocation of approved existing units in the same vocational field under Rule 226.32.33.070, Reallocation of Vocational Teacher Units, and is eligible for an additional or fractional part of an additional unit under the formula in Rule 226.32.33.090, Maximum Eligibility for Vocational Teacher Units. In addition to the eligibility requirements, a school desiring to expand vocational programs submits, by May 1 each year to the Department of Occupational Education and Technology, in their annual program plan, a request for new, additional, or redirected units.

(5) Diversification of programs. The Texas Education Agency desires to assist districts in providing instruction in each of the several occupational programs for which there is a need. Accordingly, consideration is given to applying schools having no vocational teacher unit in one or more of

the programs, provided there is a need for such program or programs, before consideration is given to requests for additional or fractional units in the same vocational fields.

(6) Annual school district program plans. Requests for vocational units or fraction thereof are a part of the annual program plan for vocational education of the school district. Applications are considered in the light of: the number of eligible students having a desire to enroll in the program; needs of the students and the community for the program; facilities the school will provide for the program; and evidence of a five-year plan for vocational education. In addition, the school must give assurances that instructional material and equipment will be provided for effective operation of the program.

(7) Evaluations. Continuing need for programs conducted by a school is determined upon the basis of evaluations of the quality and effectiveness of programs, as well as the ability of the school to justify reallocation of vocational teacher units. In programs of homemaking education, preparing high school students to become homemakers, annual evaluations of the quality and effectiveness of the programs are required to be made by the school district, utilizing evaluation instruments approved by the Texas Education Agency.

(8) Approved courses. Courses to prepare students for occupations, as identified in the certified list of courses for in-school students, published annually by the associate commissioner for occupational education and technology, are eligible for approval when justified. When courses to prepare students for other occupations are contemplated, prior approval must be made by the Department of Occupational Education and Technology. Each proposal must be submitted by the superintendent of schools for review by the associate commissioner of occupational education and technology, working with the staff of the Division of Public School Occupational Education and the Division of School Accreditation. After completion of the review, the applying school will be notified as to acceptability of this proposal in relation to program accreditation and approval. When an occupation other than those listed in each of the program standards is contemplated to be included in a program, prior approval must be obtained from the Department of Occupational Education and Technology. Each proposal must be submitted by the superintendent of schools for review by the associate commissioner for occupational education and technology, working with the staff and directors of vocational programs.

(9) Assignment of units to campuses. Assignment of an approved vocational teacher unit to a certain campus of a school district must be made only on the basis of need of students enrolled in the school for the vocational course and the ability of the campus unit to provide adequate instructional facilities.

(10) The minimum requirements and standards for the approval of new vocational units by programs and by type of class are set forth in *the table below* [II, Bulletin 754, Guide for Public Schools in Planning Programs of Occupational Education for In-School Students (226.32.93.090)].

**Paragraphs (11)-(17) provide additional information on requirements set out in the table.**

## REQUIREMENTS AND STANDARDS OF NEW VOCATIONAL TEACHER UNITS

Programs	Number of Units	Minimum Number of Students	Minimum Number of Classes	Number of Months
<u>Agriculture</u> (see paragraph 11)	1/2**	15	1	12
Production	3/4	22	2	12
Combination Courses:	1	30	2	12
Production and Cooperative (see paragraph 15) (one class each minimum)	2*	72	2 each unit	12
Production and Pre-employment Laboratory (one class each minimum)	3 or more*	40 each unit	2 each unit	12
<u>Homemaking</u> (see paragraph 12)	1/2***	15	2	10****
Homemaking Education (Useful)	3/4	22	2	10****
Combination Courses: (Maximum of one unit in each course per school campus) (see paragraph 17)	1	30	3	11
Homemaking and Cooperative (see paragraph 15)	2	88	3 each unit	11
Homemaking and Pre-employ. Lab.	3 or more	56 each unit	3 each unit	11
<u>Shop and Pre-employment Laboratory</u> (Two and three hour classes)	1/2	15	1	10*****
Agriculture, Distributive, Home-making, Industrial, Office, Health, Coordinated Vocational Academic Education, and Handicapped	1	30	2	11
	2*	72	2 each unit	11
	3 or more*	40 each unit	2 each unit	11
<u>Cooperative Part-time</u> (see paragraph 15)	1/2	15	1	10****
Agriculture, Distributive, Home-making, Industrial, Office, Health, Coordinated Vocational Academic Education, and Handicapped	3/4	22	2	10****
	1	30	2	11
	2*	72	2 each unit	11
	3 or more*	40 each unit	2 each unit	11
<u>Combination Cooperative and Pre-Employment Laboratory</u> (Minimum one class each) (see paragraphs 15 and 16)	3/4	22	2	10
Agriculture, Distributive, Homemaking, Office	1	30	2	11
	When multiple units are requested for a single campus, a description of their intended use shall be included with the request.			



- \* When located on the same school campus for multiple units in the same course.
- \*\* For Production Agriculture only.
- \*\*\* For Useful Homemaking only.
- \*\*\*\* See paragraph 13.
- \*\*\*\*\* See paragraph 14.

(11) *Agriculture.* A unit shall be operated on a 12-month basis. A 3/4- or 1/2 unit shall operate on the same basis as a full unit, with the school agreeing to pay the portion of salary not allowed from the foundation school program fund and assigning the teacher full time in vocational agriculture. A vocational agriculture teacher in either a full unit or fractional part of a unit may be assigned one study hall period each school day provided he or she is teaching no more than three class hours of vocational agriculture per day, if with one study hall assignment he or she will have sufficient time to carry out the full scope of the program. This precludes the assignment of nonvocational agriculture subjects, bus driving, coaching, physical education, principalships, or part-time principalships. Vocational agriculture teachers may not be assigned extracurricular activities that exceed the amount assigned other teachers who are carrying a full teaching load.

(12) *Homemaking.* A full unit shall be allocated for 11 consecutive school months. Upon special request from the superintendent, a full unit may be allocated for 10 months. In each full unit allocated, a minimum of two class periods per school day shall be scheduled for each teacher for organization and supervision of the required home experience programs of students, providing programs of instruction for young and adult homemakers, sponsoring the Future Homemakers of America and Young Homemakers of Texas organizations in the school, securing and preparing instructional materials, compiling reports, and performing other necessary duties related to this program. A teacher employed in a full unit, or in a fractional part of a unit approved for 11 months with the school paying the portion of salary not allowed from the Foundation School Program Fund, may be assigned one study hall period each day, or one vocational homemaking class for eighth grade students, or one class period for counseling with students and school personnel on nutrition, provided he or she is teaching no more than three 55-minute classes of vocational homemaking education composed of high school students, if with one of these assignments he or she will have sufficient time to carry out the full scope of the program for which the unit or fractional unit is allocated or reallocated. This precludes assignment of a teacher to nonvocational homemaking subjects, management or operation of food service in the school lunch program, coaching, or physical education. Vocational homemaking teachers may not be assigned extra-curricular activities that exceed the amount assigned other teachers who are carrying a full teaching load.

(13) Application may be considered for allocation of a 3/4- or a 1/2 unit on an 11-month basis, with the applying school agreeing to pay the portion of salary not allowed from the Foundation School Program Fund, and assigning the teacher full time in this program.

(14) *Shop and pre-employment laboratory.* A unit with the teacher assigned full time in the program is allocated on a 10- or 11-month basis. A unit may be operated for 10- or 11-months at the option of the teacher occupying the unit. A 1/2 unit is allocated on a 10-month basis with the teacher assigned for 1/2 time each school day in conducting at least the minimum number of classes required, and in planning, organizing and supervising the vocational projects of students enrolled in the program, organizing instructional materials, and performing other necessary duties related to this program.

(15) *Cooperative part-time and combination units.* A unit shall be operated for 210 days (11 consecutive months) beginning 20 working days in advance of the date all 10-month teachers report for duty prior to the beginning of the school term for the district, and ending not later than the last day all 10-month teachers in the district are on duty for the school year. A teacher employed in a full unit, or in a fractional part of a unit approved for 11 months with the school paying the portion of salary not allowed from the Foundation School Program Fund, may be assigned one study hall period each school day provided he or she is teaching no more than two classes in this program. This study hall assignment must not be scheduled at a time that interferes with the coordination responsibilities of the teacher.

(16) *Combination cooperative and pre-employment laboratory.* A unit in this combined program shall be allocated on an 11-month basis. A 3/4 unit is allocated on a 10-month basis. When at least 1/2 of the program is in cooperative part-time training, an application may be considered for allocation of a 3/4 unit on an 11-month basis with the applying school agreeing to pay the remaining portion of salary and assigning the teacher full time in this program.

(17) Classes in each type of combined program must be conducted separately.

Issued in Austin, Texas, on June 30, 1980.

Doc. No. 805028      A. O. Bowen  
Commissioner of Education

Effective Date: June 30, 1980

Expiration Date: October 28, 1980

For further information, please call (512) 475-7077.

# PROPOSED RULES

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.

---



---

## CODIFIED

---



---

### TITLE 1. ADMINISTRATION

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

##### Chapter 81. Elections

###### Suffrage

The Secretary of State proposes to adopt §81.85 (004.30.05.505), which provides that when a person's voter registration becomes effective on the day of an election, thereby qualifying that person to vote, he may vote absentee either by personal appearance or by mail in that election.

The section will have no fiscal impact on state government and units of local government.

Public comment on the proposed adoption of §81.85 (004.30.05.505) is invited. Comments may be submitted by telephoning the Elections Division, Office of the Secretary of State, at (512) 475-3091 or 800-252-9602, or by writing the Secretary of State, Elections Division, P.O. Box 12887, Austin, Texas 78711.

This section is proposed under the authority of Article 1.03, Vernon's Texas Election Code.

*§81.85 (004.30.05.505). Voting Absentee by Persons Whose Voter Registrations Become Effective on the Day of an Election.* A person whose voter's registration is effective on the day of an election may vote absentee in that election,

whether or not his registration is effective on the date he actually casts his absentee ballot. No person, however, may cast a ballot before his 18th birthday.

Issued in Austin, Texas, on July 1, 1980.

Doc. No. 805054      George W. Strake, Jr.  
Secretary of State

Proposed Date of Adoption: August 8, 1980

For further information, please call (512) 475-3091.

### TITLE 4. AGRICULTURE

#### Part I. Texas Department of Agriculture

##### Chapter 19. Seed Division

###### Rules and Regulations Pertaining to the Texas Seed Law

The Texas Department of Agriculture is proposing to amend subsection (b) of §19.3 (176.80.10.003), Noxious Weed Seed, and subsection (a) of §19.4 (176.80.10.004), Service Testing. The proposed amendment to subsection (b) of §19.3 (.003) pertaining to restricted noxious weed seeds will eliminate Ball Mustard (*Neslia paniculata*) from the list and add Common Giant Mustard (*Rapistrum rugosum*). We are proposing to drop Ball Mustard from the restricted noxious weed seed list because the weed is not causing any problems in the seed industry. Common Giant Mustard is being added to the restricted noxious weed seed list because it is felt that the weed is becoming a problem for the seed industry in Texas.

The proposed amendment to subsection (a) of §19.4 (.004) pertaining to fee increases will be the first increase since 1953 for farmers and dealers requesting seed tests. The fee increase is necessary to encourage their submitting quality samples which are representative of the seed lot being evaluated. The proposed increase will defray a larger portion of the expense incurred in providing seed testing service and to bring the fees more in line with fees charged by other seed testing laboratories in the United States although the proposed fee schedule will be much lower than fees charged by most other seed laboratories.

The proposed changes herein described will not require additional equipment, personnel, or operating expenses. There are no fiscal implications to units of local government. Estimated revenue to the state for the next five-year period is based on the experience of the director of the Seed Division, his staff, and seedsmen knowledgeable in the field of seed testing. Revenue is estimated to be twice the amount over the next five years as that presently generated.

Fiscal year	Revenue	
	State	Total
1981	\$133,714	\$133,714
1982	\$134,014	\$134,014
1983	\$134,314	\$134,314
1984	\$134,614	\$134,614
1985	\$134,914	\$134,914

Public comment on the proposed amendments is invited. Comments may be submitted by telephoning office of Don Ator, director, Seed Division, Texas Department of Agriculture (512) 475-2038, or by writing the Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711.

These amendments are proposed under the authority of Article 93b, Texas Civil Statutes.

§19.3 (176.80.10.003). *Noxious Weed Seeds.* It shall be unlawful to sell, to offer for sale, or expose for sale, any agricultural or vegetable seed for planting purposes within this state containing noxious weed seed in excess of the following limitations per pound:

- (1) (No change.)
- (2) Restricted noxious weed seeds and limitations per pound are:

Common Name	Scientific Name	Limitation Per Pound
[Ball Mustard]	[ <i>Neslia paniculata</i> (L.)]	[300]
Bermudagrass	<i>Cynodon spp.</i>	Name and Number
Blessed Milk Thistle	<i>Silybum marianum</i> (L.)	20
Blessed Thistle	<i>Cnicus benedictus</i>	100
Blueweed	<i>Helianthus ciliaris</i>	100
Bracted Plantain and Buckhorn Plantain	<i>Plantago aristata</i> <i>Plantago lanceolata</i>	300
Canada Thistle	<i>Cirsium arvense</i>	100
Cheat or Chess	<i>Bromus secalinus</i> and <i>Bromus Commutatus</i>	300
<b>Common Giant Mustard</b>	<b><i>Rapistrum rugosum</i></b>	<b>300</b>
Corncockle	<i>Agrostemma githago</i>	300
Darnel and/or Persian Ryegrass	<i>Lolium temulentum</i> <i>Lolium perenne</i>	300
Dock and Sorrel	<i>Rumex spp.</i>	300
Dodder	<i>Cuscuta spp.</i>	100
Giant Foxtail	<i>Setaria faberi</i>	100
Goatgrass	<i>Aegilops spp.</i>	20
Horsenettle and Purple Nightshade	<i>Solanum carolinense</i> <i>Solanum elaeagnifolium</i>	300
Johnsongrass	<i>Sorghum halepense</i>	Name and Number
Morning Glory	<i>Ipomoea spp.</i>	Name and Number
Puncturevine	<i>Tribulus terrestris</i>	300
Quackgrass	<i>Agropyron repens</i>	100
Red Rice	<i>Oryza sativa var.</i>	1
Russian Knapweed	<i>Centaurea pteris</i>	100
Wild Carrot	<i>Daucus carota</i>	300
Wild Mustards and Wild Turnips	<i>Barbarea spp.</i>	300
Wild Oat and/or Feral oat	<i>Avena fatua</i> (L.) and <i>Avena spp.</i> (Feral oat)	40
Wild Onion and/or Wild Garlic	<i>Allium spp.</i>	100
Wild Radish	<i>Raphanus raphanistrum</i>	100

- (3)-(5) (No change.)

§19.4 (176.80.10.004). *Service Testing.*

(a) A charge of **\$3.00** [\$1.00] will be made for a standard germination test only and **\$3.00** [\$1.50] for a purity test only or a standard noxious weed examination only of agricultural seed, vegetable seed, and flower seed. A charge of **\$5.00** [\$2.50] will be made for a complete test (purity and germination) except that a charge of **\$10** [\$5.00] will be made for a complete test, **\$6.00** for a germination test only, and **\$6.00** for [or] a purity test only for chaffy grasses, native grasses, mixtures, seed containing high inert matter, bermudagrasses and ryegrasses. A charge of **\$6.00** [\$3.00] will be made for all germination tests using the cold test method, tetrazolium tests, phenol tests, [moisture tests] and for each 10 pound sample of rice seed examined for presence of red rice. **A charge of \$3.00 will be made for moisture tests.**

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

Issued in Austin, Texas, on July 1, 1980.

Doc. No. 805058 Reagan V. Brown  
Commissioner  
Texas Department of Agriculture

Proposed Date of Adoption: August 8, 1980  
For further information, please call (512) 475-2038.

## TITLE 7. BANKING AND SECURITIES

### Part VI. Credit Union Department

#### Chapter 91. Credit Union Regulations

##### Regulatory Body

The Credit Union Department is proposing to amend §91.85 (058.01.11.005) which applies to the fees to be charged by the Credit Union Department for the examination of a state-chartered credit union. This amendment, when adopted, will more realistically align the costs of the examinations being conducted with the examination fee that is being charged. Under the current examination fee schedule, the cost of conducting the examination far exceeds the income derived from the examination fee.

The adoption of this proposed amendment will not produce any fiscal implications for either state or local governments as determined by the Credit Union Department staff.

Public comment on the proposed amendment to §91.85 (.005) should be submitted in writing to John P. Parsons, commissioner, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752.

The following amendment is proposed under the authority of the Texas Credit Union Act, Article 2461, Chapters 1 et seq., Vernon's Texas Civil Statutes.

§91.85 (058.01.11.005). *Examination Fees.*

(a) Effective September 1, 1980 [1979] the fee for examination of a state-chartered credit union shall be as follows:

(1) Credit unions with total assets of \$250,000 or more—**\$176** [\$144] per examiner day—(**\$22** [\$18] per examiner hour).

(2) Credit unions with total assets of \$100,000 to \$250,000—**\$128** [\$98] per examiner day—(**\$16** [\$12.25] per examiner hour).

(3) Credit unions with total assets under \$100,000—**\$100** [\$80] per examiner day—(**\$12.50** [\$10] per examiner hour).

- (4)-(6) (No change.)

(b) Method of application of examination fees.

- (1) (No change.)

(2) A minimum of two hours shall be charged for the preparation of each examination report by the home office on each examination, except those subject to subsections (a)(5) and (6) of this section. Where special problems exist requiring extensive extra preparation and typing, additional fees may be billed, with explanation, from the commissioner or deputy commissioner, but in no event shall report preparation fee assessment exceed a charge of four hours.

(3) The examiner in charge shall fully explain the time and charges for each examination to the president or the designated employee or official in charge of operations, except as noted in subsection (b)(2) above.

Issued in Austin, Texas, on July 1, 1980.

Doc. No. 805029      John P. Parsons  
                                  Commissioner  
                                  Credit Union Department

Proposed Date of Adoption: August 8, 1980  
 For further information, please call (512) 837-9236.

## TITLE 13. CULTURAL RESOURCES

### Part I. Texas State Library and Archives Commission

#### Chapter 1. Library Development

##### LSCA Annual Program and Long-Range Plan

The Texas State Library proposes to amend the 1980 LSCA Annual Program, §1.21 (351.20.02.001), which would add a new project to the Title III program. The new project would be called the Interlibrary Loan and Reference Referral Network.

The proposed amendment would allow the use of LSCA Title III funds to help defray cost of the 10 existing interlibrary loan referral centers in the state which are now totally funded by LSCA Title I funds. The amendment is proposed to comply with regulations in Subpart B, Part 130, Chapter I, Title 45, of the Code of Federal Regulations, which are applicable to the library program authorized by the Library Services and Construction Act, Public Law 84-597 as amended 95-123.

The proposed amendment will be considered at the meeting of the Texas State Library and Archives Commission on July 25, 1980, at 10 a.m. in the conference room of the Sam Houston Regional Library and Research Center, Farm Road 1011, Liberty.

The proposed amendment would have fiscal implications for units of local governments in that \$76,345 in federal funds would be granted to the 10 interlibrary loan referral centers in the state.

Public comment on the proposed amendment is invited and persons should submit their comments in writing to Raymond Hitt, P.O. Box 12927, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5436a, Vernon's Annotated Civil Statutes.

*§1.21 (351.20.02.001) Adoption by Reference.* The Texas State Library adopts by reference all rules contained in the LSCA Annual Program 1980, and Long-Range Plan 1980-1984, as amended in *July* [February] 1980. Copies may be obtained from the Library Development Department of the Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Doc. No. 805005

The Texas State Library proposes to amend §1.21 (351.20.02.001) which established the general criteria used in making application for grants, determining recipients for grants, and following up on the utilization of grants.

The proposed amendment would change the language of the section. The effect of the amendment is that a new annual program would be adopted to establish general criteria for federal fiscal year 1981. The amendment is proposed to comply with regulations in Subpart B, Part 130, Chapter I, Title 45, of the Code of Federal Regulations, which are applicable to the library program authorized by the Library Services and Construction Act, Public Law 84-597 as amended 95-123.

The proposed amendment will be considered at the meeting of the Texas State Library and Archives Commission on July 25, 1980, at 10 a.m. in the conference room of the Sam Houston Regional Library and Research Center, Farm Road 1011, Liberty.

The proposed amendment would have fiscal implications for units of local governments in that approximately \$3.4 million would be available to Texas' libraries, primarily public libraries, through grants.

Public comment on the proposed amendment is invited and persons should submit their comments in writing to Raymond Hitt, P.O. Box 12927, Austin, Texas 78711.

The amendment is proposed under the authority of Article 5436a, Vernon's Annotated Civil Statutes.

*§1.21 (351.20.02.001) Adoption by Reference.* The Texas State Library adopts by reference all rules contained in the LSCA Annual Program 1981 [1980], and Long-Range Plan 1981-1985 [1980-84], as amended in *October* [February] 1980. Copies may be obtained from the Library Development Department of the Texas State Library, P.O. Box 12927, Austin, Texas 78711.

Issued in Austin, Texas, on June 30, 1980.

Doc No 805006      William D. Gooch  
                                  Assistant State Librarian  
                                  Texas State Library

Proposed Date of Adoption: August 8, 1980  
 For further information, please call (512) 475-4119.



## TITLE 22. EXAMINING BOARDS

### Part XV. State Board of Pharmacy

#### Chapter 283. Out-of-State Applicants

(Editor's note: The text of the following rule proposed for repeal will not be published. The rule may be examined in the offices of the Texas State Board of Pharmacy, 211 East 7th Street, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas State Board of Pharmacy proposes to repeal §283.3 (393.02.00.003), relating to examinations of applicants. This section is being repealed because it has been replaced by §§309.1-309.19 (393.15.00.001-.019), Licensing Requirements for Pharmacists.

It has been determined by staff review that there are no fiscal implications for state or local governments in the repeal of this section.

Public comment on the proposed repeal may be submitted in writing to Fred S. Brinkley, Jr., executive director/secretary, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas 78701.

The repeal of this section is proposed pursuant to the authority of Article 4542a, Texas Revised Civil Statutes.

§283.3 (393.02.00.003). *Passing Grade.*

Doc. No. 804986

#### Chapter 299. Pharmacist Extern, Intern, Preceptor, and Pharmacy Preceptor

(Editor's note: The text of the following rules proposed for repeal will not be published. The rules may be examined in the offices of the Texas State Board of Pharmacy, 211 East 7th Street, Austin, or in the Texas Register Division offices, 503E Sam Houston Building, Austin.)

The Texas State Board of Pharmacy proposes to repeal §§299.1-299.9 (393.10.00.001-.009) relating to regulations governing pharmacist extern, pharmacist intern, pharmacist preceptor and pharmacy preceptor. These sections are being repealed because they have been replaced by §§309.1-309.19 (393.15.00.001-.019), Licensing Requirements for Pharmacists.

It has been determined by staff review that there are no fiscal implications for state or local governments in the repeal of these sections.

Public comment on the proposed repeal may be submitted in writing to Fred S. Brinkley, Jr., executive director/secretary, Southwest Tower, Suite 1121, 211 East 7th Street, Austin, Texas 78701.

The repeal of these sections is proposed pursuant to the authority of Article 4542a, Texas Revised Civil Statutes.

§299.1 (393.10.00.001). *Definitions.*

§299.2 (393.10.00.002). *Proof of Practical Experience.*

§299.3 (393.10.00.003). *Supervision of Practical Experience.*

§299.4 (393.10.00.004). *Practical Experience.*

§299.5 (393.10.00.005). *Certification of Pharmacists for Preceptorship Program.*

§299.6 (393.10.00.006). *Certification of Pharmacists as Preceptors.*

§299.7 (393.10.00.007). *Forms.*

§299.8 (393.10.00.008). *Completion of Practical Experience.*

§299.9 (393.10.00.009). *Examination Fee.*

Issued in Austin, Texas, on June 27, 1980.

Doc. No. 804987 Fred S. Brinkley, Jr.  
Executive Director/Secretary  
Texas State Board of Pharmacy

Proposed Date of Adoption: August 8, 1980

For further information, please call (512) 478-9827.

## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### Part X. Texas Adult Probation Commission

#### Chapter 321. Standards

The Texas Adult Probation Commission proposes to amend §321.1 (608.01.00.010). This amendment will give probation departments guidance in purchasing or leasing automobiles for department use.

There are no fiscal implications to these changes (source: Texas Adult Probation Commission staff).

Public comment is invited and should be directed in writing to Don R. Stiles, executive director, 812 San Antonio, Suite 400, Austin, Texas 78701.

This amendment is proposed under the authority of Article 42.12, Texas Code of Criminal Procedure.

§321.1 (608.01.00.010). *Administration.*

(a)-(s) (No change.)

(t) *Automobiles purchased or leased by judicial districts. Probation departments should insure that economical use of judicial district adult probation funds is considered if the judicial district purchases automobiles to be used by adult probation personnel. Automobiles with four or six cylinder engines and high EPA mileage estimates should be given strong consideration.*

Doc. No. 804989

#### Chapter 323. Fund Distribution

The Texas Adult Probation Commission proposes to amend §323.3 (608.02.00.030(a)). Amending this section will allow the Texas Adult Probation Commission to close out end of the year business more expeditiously.

There are no fiscal implications to these changes (source: Texas Adult Probation Commission staff).

Public comment is invited and should be directed in writing to Don R. Stiles, executive director, 812 San Antonio, Suite 400, Austin, Texas 78701.

This amendment is proposed under the authority of Article 42.12, Texas Code of Criminal Procedure.

**§323.3 (608.02.00.030) Apportionment of Judicial District Adult Probation Fund Surplus.**

(a) **Surplus Monies.** All monies deposited into the Adult Probation Fund of the judicial district will be considered in the apportionment of any surplus monies available after all financial payments have been completed. The fiscal officer designated by the judicial district will be allowed a period of **three** (six) months to complete payment of a prior year's financial commitments. The fiscal year will end August 31st.

Issued in Austin, Texas, on June 27, 1980.

Doc. No. 804990      Don R. Stiles  
Executive Director  
Texas Adult Probation Commission

Proposed Date of Adoption August 8, 1980  
For further information, please call (512) 475-1374.

---



---

## NONCODIFIED

---



---

### Anatomical Board of the State of Texas Officers 311.01.00

The Anatomical Board of the State of Texas is proposing to amend Chapter 311.01, Officers. The amendment is intended to provide for the orderly filling of vacancies in the offices of the board, currently not fully provided for.

The board has determined that the proposed amendment has no fiscal implications for the state or units of local government.

Public comment is invited on the following amendments. Persons should submit written comments to Dr. Glenn V. Russell, executive secretary of the Anatomical Board, Department of Anatomy, University of Texas Medical Branch, Galveston, Texas 77550.

This amendment is proposed under the authority of Article 4583, Vernon's Civil Texas Statutes.

**.001 President of the Board**

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

(c) **Vacancy.** *In the event that the presidency is vacated, the vice president shall succeed to that office for the remainder of the unexpired term, and a new vice president will be elected at the next meeting of the board for a term of three years.*

**.002 Vice President of the Board**

(a) (No change.)

(b) **Vacancy.** *In the event that the vice presidency is vacated, for reasons other than the succession of the vice president to the presidency (see Rule 311.01.00.001(c), above), a new vice president will be elected at the next meeting of the board to serve for the remainder of the unexpired term.* [Succession. In the event that the presidency is vacated, the vice president shall succeed to that office for the remainder of the unexpired term, and a new vice

president will be elected at the next meeting to serve for a term of three years.]

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

**.003 Secretary Treasurer of the Board.**

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

(f) **Vacancy.** *In the event that the office of secretary-treasurer is vacated, the Executive Committee shall appoint an individual to perform the duties of the secretary-treasurer until the next meeting of the board at which time a new secretary-treasurer shall be elected to serve for a term of three years.*

Doc No. 805025

### Distribution of Bodies 311.04.00

The Anatomical Board of the State of Texas is proposing to amend Chapter 311.04, entitled Distribution of Bodies. The amendment would serve to clarify Rule 311.04.00.002, entitled Institutional Requirements, and would add a new subsection (d) to Rule .004 which proscribes unauthorized removal of bodies, or parts thereof, from designated premises. These amendments are necessary to define more clearly what are authorized practices in the handling of human remains, and what are unauthorized practices.

The board has determined that the proposed amendments have no fiscal implications for the state, units of local governments, or for the institutions or individuals concerned.

Public comment is invited on the following amendments. Persons should submit their comments in writing to Dr. Glenn V. Russell, executive secretary of the Anatomical Board, Department of Anatomy, University of Texas Medical Branch, Galveston, Texas 77550.

These amendments are proposed under the authority of Articles 4583, 4585, 4585A, 4586, and 4587 Vernon's Civil Texas Statutes.

**.002 Institutional Requirements.**

(a) **Institutional accreditation.** Institutions applying to be authorized to receive **and hold** bodies, **or parts thereof**, must show evidence of accreditation by the accrediting board for that profession.

(b) **Approved facilities.** Institutions **or individuals** applying to be authorized to receive **and hold** bodies, **or parts thereof**, must have and maintain appropriate facilities for receiving, holding, and **disposing** (disposal) of bodies, **or parts thereof**, as are prescribed by the board.

(c) **Identified individuals.** Institutions **or individuals** authorized to receive, hold, and dispose of bodies, **or parts thereof**, must provide to the board the name(s) and degree(s) of the person(s) responsible for the cadaver program.

(d) (No change.)

**.004 Transportation of Bodies**

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

(d) **Proscription of local removal.** *Bodies, or parts thereof, shall not be removed or relocated from the designated premises of the institution or individual which have been authorized by this board to receive, hold, or dispose of bodies, or parts thereof, without the written permission of the identified individual. Violation of this proscription may be construed as "abuse of (a) corpse" (Penal Code §42.10).*

Doc No 805026

## Facilities: Standards and Inspections

### 311.05.00

The Anatomical Board of the State of Texas is proposing to adopt Rule 311.05.00.005 concerning the reporting of possible abuses of a corpse, the investigation of such incidents, confidentiality of the reports of such investigations, due process, and possible penalties for failure to conform to the requirements of this rule.

The board has determined that the adoption of the proposed rule would have no fiscal implications for the state or units of local government.

Public comment is invited on the proposed rule. Persons should submit their comments in writing to Glenn V. Russell, executive secretary of the Anatomical Board of the State of Texas, Department of Anatomy, University of Texas Medical Branch, Galveston, Texas 77550.

This rule is proposed under the authority of Articles 4583, 4585, and 4587 of Vernon's Civil Statutes of Texas).

#### 005. Abuse of a Corpse

(a) Definition. Abuse of a corpse is defined in §42.10 of the Texas Penal Code. Whereas dissection in an authorized institution by authorized persons is specifically exempted from this provision of the penal code, the board has determined that this exemption does not apply to an unauthorized or improper handling, relocation of, or removal of all, or a part or parts, of a human body.

(b) Reporting of incidents. Whenever and wherever an individual(s) or institution(s) authorized by this board to receive, hold, or dispose of a body, or parts thereof, becomes aware of the possible abuse of a corpse, the following actions shall be taken:

(1) Reporting. The executive secretary of the board shall be promptly advised, in confidence, of the possible violation.

(2) Investigation. A full and detailed confidential investigation of the possible violation shall be conducted.

(3) Final report. A full and detailed confidential final report of the investigation shall be filed with the executive secretary of the board. This report shall include the allegations made, the facts found, the conclusions reached and the disciplinary action recommended, if any.

#### (c) Committee of Inquiry.

(1) Composition of the committee. The Committee of Inquiry required by this rule shall be appointed by the executive secretary of the board after consultation with the Executive Committee of the board. The committee shall consist of a member of the board from an institution other than that concerned as chairman, an individual to be named by the chief executive officer of the institution concerned, and a third member selected by the first two members and agreeable to both. Expenses of the chairman and the third member will be defrayed by the Anatomical Board of the State of Texas.

(2) Duties of the committee. The Committee of Inquiry shall gather all of the facts relating to the possible violation of this rule, hear all witnesses who have knowledge of the possible violation, conclude whether a violation has occurred or has not occurred, and file with the executive secretary of the board a final report. If the committee finds that a violation has occurred, the committee shall further determine whether it is a violation of academic processes, of institutional discipline, and/or if it is possibly criminal in

nature; and shall make recommendations to be forwarded to the chief executive officer of the institution concerned of the disciplinary action, including possible criminal prosecution, deemed appropriate based on the facts found and the conclusions reached. A copy of the final report shall be forwarded to the chief executive officer of the institution concerned, and shall be reported to the full board by the executive secretary.

(3) Confidentiality and due process. In that disciplinary actions beyond those of institutional academic processes and/or criminal prosecution may result from the hearings required by this rule, it is essential that all individuals involved be accorded due process during any hearings, and that all actions taken under this rule be held in confidence.

(4) Duties of the chief executive officer of the institution concerned. In addition to the obligation of promptly appointing the second member of the Committee of Inquiry, the chief executive officer of the institution concerned is required to act on disciplinary recommendations contained in the final report within 15 days of receipt of the final report, unless within these 15 days the chief executive officer of the institution concerned shall fail to agree with the findings and recommendations, and shall so advise the executive secretary of the board together with his reasons for disagreeing. Shall there be disagreement, the executive secretary of the board shall promptly convene a meeting of the full board at the location of the institution concerned to review the final report and the recommendations contained therein, to hear the objections and recommendations of the chief executive officer of the institution concerned, and to render a judgement on the action that the full board propose that the chief executive officer of the institution concerned should take together with the reasons therefor. Failure of the chief executive officer of the institution concerned to take prompt action upon these recommendations may cause the Anatomical Board to invoke Rule .005(d), below.

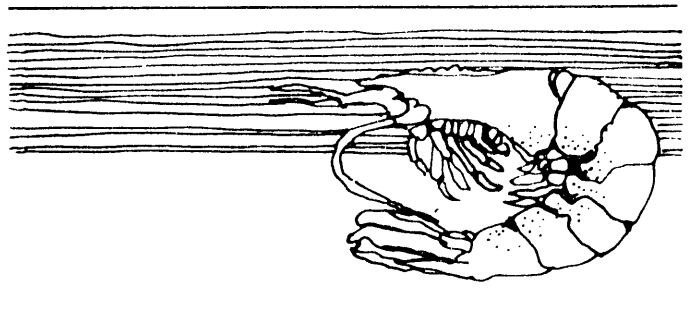
(d) Violation of this rule. Any person having duties imposed upon him by this rule, and who shall fail, refuse, or neglect to properly perform any such duty shall subject himself and/or the institution concerned with revocation of the authorization from this board to receive, hold, or dispose of human bodies, or parts thereof, said bodies or parts being under the control of this board, or to such lesser penalty as the full board shall determine.

Issued in Galveston, Texas, on June 27, 1980.

Doc. No. 805027 Glenn V. Russell, Ph.D.  
Executive Secretary of the Board  
Anatomical Board of the State  
of Texas

Proposed Date of Adoption By mail ballot taken after 30 days  
after publication

For further information, please call (713) 765-1146.



## Texas Education Agency

### Comprehensive Instruction

#### Allocation of Vocational Teacher Units 226.32.33

(Editor's note: The Texas Education Agency is proposing for permanent adoption the emergency amendment it adopts in this issue. The text of the rule appears in the Emergency Rules section.)

The Texas Education Agency proposes to amend Rule 226.32.33.020 concerning the allocation of vocational teacher units on an emergency basis. The proposed amendment adds a table showing the minimum number of students and classes, and the number of months for the allocation of vocational teacher units in the various vocational education programs. The amendment also adds paragraphs (11)-(17) to subsection (b) of the rule. These paragraphs provide additional information on requirements set out in the table. All sections in the rule have been numbered in accordance with current *Texas Register* requirements.

The table, Requirements and Standards of New Vocational Teacher Units, was previously contained in the State Plan for Vocational Education. There is one substantive change in the table from the requirements previously in effect. The proposed rule would permit shop and pre-employment laboratory units to be allocated on a 10- or 11-month basis. Previously such units were allocated only for 10 months.

The Texas Education Agency estimates that the proposed amendment to Rule .020 will cost approximately \$3,000,000 for the 1980-81 school year and approximately \$3.2 million for 1981-82 and thereafter. These costs will be shared by the state and by local school districts under the financing provision of the Foundation School Program, Chapter 16, Texas Education Code.

Public comment on the proposed amendment to Rule .020 is invited. Comments may be submitted by telephoning the office of Dr. J. B. Morgan, associate commissioner for policies and services, at (512) 475-7077, or by writing to him at 201 East 11th Street, Austin, Texas 78701. All requests for a public hearing on proposed rules submitted in accordance with the Administrative Procedure and Texas Register Act must be received by the commissioner of education not more than 15 calendar days after notice of a proposed change in rules has been published in the *Texas Register*.

This rule is proposed for amendment under the authority of Sections 11.24 and 16.103, Texas Education Code.

Issued in Austin, Texas, on July 2, 1980.

Doc. No. 805068      A. O. Bowen  
Commissioner of Education

Proposed Date of Adoption, September 13, 1980  
For further information, please call (512) 475-7077.

## Texas Department of Human Resources

(Editor's note: A proposal by the Texas Department of Human Resources, which includes the repeal of various existing family services rules and the proposed adoption of

new rules concerning child development programs, is being published serially beginning in this issue. The chapters, subchapters, and rules affected by the proposal are listed below. The proposed date of adoption for both the repeals and new rules is August 8, 1980. The repeal of the family services rules and the first four subchapters of rules concerning child development programs appear in this issue.)

#### Family Services

##### Day Care Services for Children

326.53.63.001, .002, .004, .005, .008-.023,  
.025-.032, .035-.043, .045-.050, .058-.066,  
.074

##### Child Care Consultation Services

326.53.70.001-.012

##### Support Documents

326.53.99.202, .203, .800

#### Child Development Programs

##### General Information

326.60.31.001-.009

##### Assisting Families to Make Day Care Arrangements

326.60.32.001-.020

##### Determination of Compliance with Day Care Service

Quality Requirements

326.60.33.001-.015

##### Training and Technical Assistance

326.60.34.001-.011

##### Basis of Payment to Day Care Providers

326.60.35.001-.021

##### Purchase of Service Contract Procedure—Day Care

326.60.36.001-.023

##### Provider Agreement Purchase Procedures

326.60.37.001-.012

The Department of Human Resources proposes new rules regarding its child development programs while it concurrently repeals rules regarding day care services for children and child care consultation services. In making these changes, the department is consolidating policy and procedural information into one body of rules for clarification purposes. In addition, new procedures are incorporated which will allow provider agreements to be used in obtaining day care for protective services related children and which will guide the provision of these services. These new rules also explain procedures for purchased Title XX training.

As determined by the department these proposed rule repeals and new rules will have no fiscal implications for the state or for local units of government. These rule changes are primarily for clarification and consolidation. No new staff or clients will be added although current clients will benefit through an expanded choice of providers.

Written comments are invited and may be sent to Susan L. Johnson, Division Administration, Handbook and Procedures Development Division—164, Department of Human Resources, P.O. Box 2960, Austin, Texas 78769, within 30 days of publication in this *Register*.



## Family Services

### Day Care Services for Children 326.53.63

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

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

- .001. *Child Development Programs.*
- .002. *The Child Development Program Division.*
- .004. *Federal Interagency Day Care Requirements (FIDCR)*
- .005. *Quality Child Care Requirements.*
- .008. *Types of Day Care Services Purchased for Children.*
- .009. *Day Care Purchase Procedures.*
- .010. *Units of Service—Out-Of-Home Day Care Service For Children 0 through 14 Years.*
- .011. *Delivery of Services*
- .012. *DHR Purchased Day Care Limitations.*
- .013. *Priorities for the Purchase of Day Care Services in Contract Agencies.*
- .014. *Day Care to Prevent or Remedy Abuse or Neglect of the Child.*
- .015. *Day Care Services to Allow Employment or Training.*
- .016. *Day Care Services for Development Opportunities.*
- .017. *Eligibility for Day Care Services Purchased Using State Funds—Participants in DHR VR Programs.*
- .018. *Participants in Work Incentive (WIN) Program.*
- .019. *Others Eligible for Day Care Services Purchased Using State Funds*
- .020. *Eligibility for Day Care Services Purchased Using Locally Donated Funds*
- .021. *Assistance with Day Care Arrangements.*
- .022. *Day Care Service Plan Guidelines.*
- .023. *Selection of Day Care Services*
- .025. *Responsibility to Report Substandard Care.*
- .026. *DHR Purchase of Service Contract Procedure—Day Care*
- .027. *Recruitment for Purchase of Service Contracts.*
- .028. *Application Process.*
- .029. *Planning Program Goals and Objectives.*
- .030. *Planning Child Care Program*
- .031. *Planning for Progressive Improvements.*
- .032. *Approval for Contracting*
- .035. *Maintenance of Operating Contract.*
- .036. *Evaluations—During the First 30 Days of the Contract's Operation and at Least Annually Thereafter*
- .037. *Monitoring*
- .038. *Contract Contents.*
- .039. *Enrollment Policies for Contract Providers and for Provider Agreements.*
- .040. *Maintaining Day Care Related Records.*
- .041. *Contract Renewal.*
- .042. *DHR Provider Agreement Purchase Procedures.*
- .043. *Recruitment*
- .045. *Maintenance of Agreement—Day Care Centers.*
- .046. *Application Process for Provider Agreement for Individual Day Homes.*
- .047. *Maintenance of Agreement—Individual Day Home.*

- .048. *Provider Agreement Payment Procedures.*
- .049. *Audits by DHR.*
- .050. *Renewal of Provider Agreement.*
- .058. *DHR Purchased Day Care Requirements Compliance.*
- .059. *Certification of Compliance.*
- .060. *Evaluation of Compliance*
- .061. *Procedures for Handling Noncompliance for Certification—Negotiation toward Compliance.*
- .062. *Notification of Possible QCCR Certification Withdrawal.*
- .063. *Notification of Certification Withdrawal.*
- .064. *Grants to Child Day Care Providers to Employ Welfare Recipients.*
- .065. *Grant Process.*
- .066. *Employment of AFDC Recipients.*
- .074. *Policies for Day Home System.*

Doc. No. 805042

### Child Care Consultation Services 326.53.70

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

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

- .001. *Statewide Operational Objectives*
- .002. *Definitions*
- .003. *Council and Committees.*
- .004. *Training and Consultation Needs Assessment for Day Care Services.*
- .005. *Regional Plan*
- .006. *Areas of Training and Consultation.*
- .007. *Training and Consultation Resources and Delivery Methods.*
- .008. *Delivery of Child Care Training and Consultation Services—24 Hour Care*
- .009. *Delivery of Child Care Training and Consultation Services—Education Day Care*
- .010. *Purchased Delivery of Training and Consultation Services*
- .011. *Documentation (Recognition) for Consultees and Trainees*
- .012. *Statistical Data.*

Doc. No. 805043

### Support Documents 326.53.99

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

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

- .202. *Method of Rate Determination for Contract Agencies*
- .203. *Method of Rate Determination and Maximum Rates for Provider Agreements.*
- .800. *Provider Agreement for Child Day Care.*

Doc. No. 805044

## Child Development Programs

### General Information 326.60.31

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

#### .001. *Priorities for Provision of DHR Purchased Day Care Services.*

(a) Purchased day care services should be provided to children (age 0 through 13 years, or through age 17 when mentally or physically handicapped) in the order of priorities shown below. The order is affected by both the eligibility of the client and the purpose for which the service is given.

(1) To prevent or remedy abuse or neglect of a child, including ensuring adequate care and supervision.

(2) To allow parents or caretakers to participate in the Work Incentive Program (WIN) or Department of Human Resources—Vocational Rehabilitation Program (DHR-VR). Participation in these programs includes the period during which parents or caretakers remain eligible after completing the WIN or DHR-VR Program.

(3) To allow aid to families with dependent children (AFDC), supplemental security income (SSI), or income eligible medical assistance only (MAO) recipients to participate in employment or training.

(4) To allow income-eligible persons to participate in employment or training.

(5) To offer needed growth opportunities related to physical, social, and mental functioning to handicapped children of AFDC, SSI, or income-eligible MAO recipients.

(6) To offer needed growth opportunities related to physical, social, or mental functioning to handicapped children of income-eligible persons.

(7) To offer needed growth opportunities related to physical, social, and mental functioning to children of incapacitated AFDC, SSI, or income-eligible MAO recipients.

(8) To offer needed growth opportunities related to physical, social, or mental functioning to children of incapacitated income-eligible persons.

(9) To allow AFDC, SSI, or income-eligible MAO recipients to actively seek employment for a maximum of 60 calendar days (not renewal without intervening employment).

(10) To allow income-eligible persons to seek employment for a maximum of 60 calendar days (not renewable without intervening employment).

(b) Priorities are used as guidelines for decision-making by both DHR staff and contract providers. Priorities must be used in selecting children from waiting lists for enrollment in care. This is the primary use of the priorities since most day care funds are encumbered by specific contracts. Application of the priorities to selection from waiting lists will be monitored by DHR regional staff.

(c) Children, both with and without handicaps, will be treated equally in determining applicable priorities except for subsection (a), numbers (5) and (6) of this rule which relate only to handicapped children. When a child's situation is covered under several priorities, he or she will be placed on the waiting list as the highest applicable priority. Children served according to any of the 10 priorities listed in these rules will be offered growth opportunities related to their physical, social, and mental functioning.

(d) In regions where there are a large number of high priority children on waiting lists, providers may be restricted through stipulations in their contracts to enrolling children only from the highest priority groups. Once enrolled, these children should be allowed to remain in the facility even though their family situation moves them to a lower priority.

#### .002. *Services to Abused and Neglected Children.*

(a) The highest priority for the use of DHR purchased day care is as a service to prevent or remedy the abuse or neglect of a child, including ensuring adequate care and supervision. This service is referred to as protective day care. For a child to receive day care service under this priority, the service must be authorized by a protective services worker who submits an Eligibility for Services Without Regard to Income form to the day care provider. Only children in open protective services caseloads are to be classified as priority number one as listed in this rule.

(b) When a worker has developed a service plan for the family which contains plans for day care services to the child, the child may be enrolled in any facility approved for protective or special protective day care by the CDP staff.

Service to children in this priority may be provided through both purchase of service contracts and provider agreements.

(c) Children in DHR foster care or adoption qualify under this priority only when the purpose of the day care is to ensure adequate care and supervision for the child. Preventing disruption of the placement or preventing movement that is not in the best interest of the child is included in this purpose. Day care needed for other purposes by these children, such as developmental care of handicapped foster children, is not included in this priority. However, these children may be eligible for day care services under other priorities.

#### .003. *Services to Children of DHR VR and WIN Participants.*

(a) Day care services are provided to Department of Human Resources—Vocational Rehabilitation (DHR-VR) or Work Incentive Program (WIN) related children through both contracts and provider agreements. These are children of DHR-VR and WIN clients determined to be eligible through use of the Application and Eligibility Certification for Social Services form. When a child of a DHR-VR or WIN client no longer meets DHR income eligibility criteria as a current AFDC, SSI, MAO income eligible, or income eligible, he is no longer eligible to receive DHR purchased day care even though his parents or guardian may still be active in the VR or WIN Program or in WIN working registrant status.

(b) eligible children of WIN clients may receive day care services under paragraph (2) of Rule .001 for the following time periods:

(1) Children of current participants in the WIN Program.

(A) From the time the request for certification for WIN participation is received until the time the client is certified and through the following WIN components: orientation, intensive manpower services, institutional training, work experience, on the job training (WIN/OJT), public service employment (WIN/PSE), suspense, and through 30, 60, or 90 calendar days (as appropriate for the specific WIN project) following entry into working registrant status.

(B) For 30 calendar days from the date certification was completed until entry into a component and up to 30 calendar days between participation in WIN components or between participation in a WIN component and entry into

working registrant status. Part-time employment and other WIN noncomponent activities are considered the same as if the recipient were in unassigned recipient status.

(2) Children of former participants in the WIN Program who have successfully completed 30, 60, or 90 calendar days of employment (as appropriate for the specific WIN project) after entry into working registrant status.

(A) For as long as the former WIN participant continues to receive an AFDC grant and is employed, or for a maximum of 60 calendar days while actively seeking employment.

(B) For up to one year after the date of grant denial if the former WIN participant remains employed, or for a maximum of 60 calendar days while actively seeking employment.

(c) When a WIN project closes, the participants in the project at the time of its closing may continue to receive DHR purchased day care services as if they had completed the program. These criteria also apply to clients who are joint participants in the WIN and CETA Programs.

(d) Day care services may be provided for children to enable their parent or caretaker to participate in the DHR-VR Program. Participation in the DHR-VR Program begins with the initiation of the social assessment by the DHR-VR worker. Children are eligible for DHR-VR day care services in day care centers or family day homes through purchase of service contracts and provider agreements when they meet the following criteria.

(1) Certified AFDC children of an active DHR-VR Program participant may receive day care during the entire period of their parent's participation in the DHR-VR Program.

(2) Certified AFDC children of a person who has successfully completed vocational/rehabilitation services may continue to receive day care services as long as the parent remains employed or for 60 days while actively seeking employment.

(3) Uncertified children of an AFDC or SSI recipient or participating income eligible youth participating in the DHR-VR program may receive day care according to the time periods described in (1) and (2) above if the children qualify as income eligible persons.

(4) Children of a current DHR-VR participant whose AFDC or SSI grant has been denied during DHR-VR Program participation may continue to receive day care services for a period of up to one year from the date of grant denial if the children qualify as income eligible persons and the parent continues to participate in the DHR-VR Program.

(5) Children of a former DHR-VR participant who has successfully completed vocational/rehabilitation services may continue to receive day care services for a period up to one year from the date of the AFDC or SSI grant denial if the children qualify as income eligible persons and the parent remains employed or is actively seeking employment. Day care is limited to 60 calendar days while the parent is seeking employment.

(6) Children of an AFDC or SSI recipient whose grant has been denied due to fraud are no longer eligible for day care services.

(7) Children of a current or former DHR-VR participant whose AFDC or SSI grant has been denied and does not qualify as income eligible may not continue to receive day care services.

(e) The above criteria apply to clients eligible for DHR social services in the DHR-VR Program when such clients are receiving or have successfully completed services provided by the Texas Rehabilitation Commission, the State Commission for the Blind, CETA agencies, and other vocational/training agencies.

*.004. Services to Children of Parents Participating in Employment or Training.*

(a) Day care services under paragraphs (3) and (4) of Rule .001 are provided for current AFDC, SSI, income eligible MAO, and other income eligible children to enable their parents or caretakers to retain or train for employment. These children are to receive available services only after it has been determined that the specific space has not been requested, (child on waiting list) for a protective services, DHR-VR, or WIN related child (paragraphs (1) and (2) of Rule .001). When both current recipients and other income eligible children are requesting the use of an available day care space, the current recipient is to receive the space.

(b) Purchase of service contractors provide day care to children in all eligibility categories related to this priority. When a region has sufficient resources, current AFDC recipients may also receive day care services through provider agreements.

(c) For a child to be served to allow the parent or caretaker to retain or train for employment, the parent must participate in employment or training. The amount of care (full-day, half-day, or full-time) for which a child is enrolled is determined by the hours of care needed to support the parent's work or training. When the child lives in a two-parent household, both parents must participate in employment or training unless one is incapacitated. The parent's declaration of the hours of employment or training is sufficient evidence, unless there is a definite reason to suspect the evidence is in error. If hours are to be verified, the DHR worker or provider must secure a Collateral Contact Authorization form from the parent.

*.005. Services to Handicapped Children.*

(a) DHR purchases services to offer handicapped AFDC, SSI, income eligible MAO, and other income eligible children needed growth opportunities related to physical, social, and mental functioning. These priorities (paragraphs (5) and (6) of Rule .001) relate to services solely for developmental purposes. Handicapped children will be served equally with nonhandicapped children when the reason for care matches a higher priority (protection, WIN, DHR-VR, or working parent related priorities).

(b) Day care services offered under these priorities are provided only through purchase of service contracts. The handicapped child who only needs services for developmental purposes may be served in any available space if it is determined that the space has not been requested by a child with a higher priority rating. When both children of current recipients and other income eligible persons request the same space, the child of the current recipient is to receive the space.

*.006. Services to Children of Incapacitated Parents.*

(a) The department purchases day care services to offer AFDC, SSI, income eligible children of incapacitated parents and caretakers needed growth opportunities for physical, social, and mental functioning under paragraphs (7) and (8) in Rule .001. This service ensures that children

receive adequate care when their parents are unable to provide the care they need.

(b) These priorities relate to services provided solely to meet the developmental needs of the child. When the reasons these children need care match higher priorities (protection of child or allowing nonincapacitated parents to work) they will be served equally with other children needing care for those reasons.

(c) Day care services for developmental purposes are provided only through purchase of service contracts. A child served under paragraphs (7) and (8) of Rule .001 will receive care in any available space after it has been determined that the space has not been requested by a child in a higher priority. Children of current recipients are to be served before other income eligibles when both request the same space.

*.007. Services to Children of Parents Seeking Employment.*

(a) When space is available in facilities under a purchase of service contract, DHR purchases day care for AFDC, SSI, income-eligible MAO, and other income eligible children to allow their parents to actively seek employment for a maximum of 60 calendar days. When the parent or caretaker of an eligible child has secured employment, the child's care will qualify under paragraphs (3) or (4) of Rule .001. If the employment ends after the requirement for intervening employment has been satisfied, a new 60-day period may begin. The purpose of this service is to allow those parents who are sincerely interested in becoming self-supporting to seek and find employment.

(b) Children who need day care under paragraphs (9) and (10) of Rule .001 will be placed in available spaces after it has been determined that no child at any other priority has requested the space. When both current recipients and other income eligible parents request the same available space, the space is to be given to the current recipient's child.

*.008. Funding Sources.* Day care service funds (state and federal) are allocated to regions on an equitable basis. Regions must develop annual plans to allocate child day care services equitably to all counties/communities within the region according to memoranda of agreement.

(1) State funds. The state funds allocated for day care services may be used for matching federal monies to purchase day care through POS contracts and provider agreements. Since these funds are not sufficient to match all the federal funds allocated, the highest priorities for use of state funds is to serve children at risk of abuse or neglect or children of current AFDC, SSI, and income eligible MAO recipients who are employed, in training, or seeking employment.

(2) Local funds. Local funds include donated funds and certified public expenditures. These must be donated at rates specified by the department and are used to match federal monies. When local funds are used for matching federal monies, day care services may be provided by purchase of service contract to eligible children according to the priorities listed in Rule .001.

(3) Federal funds.

(A) Matched federal funds. Title XX funds requiring a matching ratio of 25% local or state funds to 75% federal funds are used to purchase day care through POS contracts and provider agreements. The purchased care may be provided to any eligible child and for any day care service priority.

(B) One hundred percent federal funds. When 100% federal funds (funds requiring no match) are available, they also may be used to purchase day care through POS contracts and provider agreements. Any eligible children in any service priority may be served with these funds.

*.009. Definitions—Child Development Program Related Terms.*

(a) Federal day care requirements. Federal day care requirements are applicable to all child day care programs and facilities funded in whole or in part through such federal appropriations as Titles XX, IVA or IVB. All sections of the federal day care requirements must be met by providers of the department's purchased day care services. These requirements have been incorporated into the Texas quality child care requirements.

(b) Quality child care requirements. The Texas quality child care requirements (QCCR) are applicable to all child day care services purchased by the department. These requirements consist of state licensing standards, federal day care requirements, and Title XX regulations (45 Code of Federal Regulations Section 228.42) as certified on the Texas Quality Child Care Requirements Certification form.

(c) Types of day care services purchased for children. Day care services are provided outside the child's own home in family day homes, group day homes, or day care centers. These facilities must comply with applicable state minimum standards and be licensed, certified, or registered, whichever is appropriate. All facilities from which the department purchases day care services must comply with the Texas quality child care requirements (QCCR) and are purchased according to their federal definitions.

(1) Family day home. A private home where six or fewer children under 14 years of age, including the provider's own children, are cared for during part of the 24-hour day.

(2) Group day care home. A facility which offers care for seven to 12 children under 14 years of age for part of the 24-hour day.

(3) Day care center. A facility which provides care for more than 12 children under 14 years of age for part of the 24-hour day.

(4) Day home system. Several family or group day care homes under the auspices of one agency. The agency may be either a child-placing agency (day care only) or an agency which subcontracts with licensed group day homes or registered family homes to make day care available through a grouping of homes.

(d) Day care purchase procedures. Day care services may be purchased for infants, preschool, and school-age children for half or full days of care. These services are purchased through the following procedures.

(1) Purchase of service contract. A procedure used to purchase services from public or private nonprofit agencies which provide day care services. Services may be purchased through this procedure for any group of eligible children and to meet any service priority.

(2) Provider agreement. A procedure which uses the provider agreement for Child Day Care form to purchase care for individual children from commercial and nonprofit day care centers and day homes. Children authorized to receive protective day care and DHR-VR and WIN related children may receive day care services purchased in this manner. When funds are available, current AFDC and SSI recipients whose parents are employed or in training may also be served through this type of agreement.

## (e) Day care purchase related terms.

(1) Audited rate. The audited allowable costs for all children divided by the audited enrollment days for all children, for the period covered by the audit.

(2) Caregiver. An individual who participates in the care of children while they are in a day care facility.

(3) Caretaker. An individual claiming to have responsibility for the daily care of a child and parental authority in regard to enrollment in day care and related functions.

(4) Cost adjustment (contract agency). The method that may be used by the department to adjust the maximum rates and/or audited rates. The formula used combines the effect of increases or decreases in the Consumer Price Index with the effect of increases in minimum wage. The rate will be reviewed at least annually regarding the feasibility of adjusting them. The maximum rate adjustments and the percentage will be published at least three months prior to the effective date of the change.

(5) Cost adjustment (provider agreement). The method that may be used by the department to adjust the standard and/or maximum rates. The formula used combines the effect of increases or decreases in the Consumer Price Index with the effect of increases in the minimum wage. The department reviews the rates at least annually regarding the feasibility of adjusting them. When changed, the rates will be published at least three months prior to the effective date.

(6) Employment. Work performed for monetary gain.

(7) Extra meal. A meal served in addition to the main meal of the day. Providers participating in the USDA child care food program (administered by DHR) or providers including the meal in their published rate may not charge DHR for this meal. A snack does not count as an extra meal.

(8) Handicapped. Defined by federal regulations as "Any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment."

(9) Handicapped child. A child age zero through 17 years who meets the above definition.

(10) Incapacitated parent. In the context of priorities for service, a person who is unable to provide the needed developmental opportunities for a child because of physical or mental impairment. The impairment may either be temporary or permanent.

(11) Intervening employment. A parent's employment for at least one day in a job which could reasonably be expected to offer continuous employment.

(12) Mainstreaming. A form of developmental programming that integrates children with special and non-special needs in regular programs and services.

(13) Major life activities. Defined by federal regulations as "Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, or other activities appropriate to the individual's age."

(14) Meal. Breakfast, lunch, dinner, or supper served to children during their attendance at a state licensed, certified, or registered child care facility. The food must meet the requirements set in state licensing regulations. When a facility participates in the Child Care Food Program, the food must also meet the requirements in USDA regulations.

(15) Nonsubsidized care. Care paid for by the parents or caretakers of a child. General contributions of cash and/or donations of goods and services for the facility's operation are not considered a subsidy. See also the definition of subsidized care.

(16) Physical or mental impairment. Defined by federal regulations as "Any physiological disorder or condition, or anatomical loss, or any mental or psychological disorder such as mental retardation or mental illness."

(17) Provider. An individual, partnership, or corporation from whom the department purchases child day care services.

(18) Public agencies. Local units of government, special districts, councils of government, state or community institutions of higher learning, and public school districts established and/or supported by legislated authority.

## (19) Rates.

(A) Unit rate. In the budgeting process, the rate which DHR agrees to pay for half or full-day child care services. The rate takes into consideration those allowable expenses which are not reimbursed from other sources such as DHR Child Care Food Program reimbursement or CETA. In the billing process, fees from eligible clients are deducted from the unit rate in determining the amount to be reimbursed by DHR.

(B) Current rate. The rate specified in the current contract or provider agreement. This may be either a published rate or the negotiated rate for contract agencies, or published rate or standard rate for provider agreements.

(C) Extra meal rate (provider agreement). Rate amounts for more than one meal determined by DHR Child Care Food program and published by the DHR child development program manager.

(D) Maximum rate. The highest rate the department pays for the applicable age group.

(E) Published rate. The weekly or monthly rate charged to the public for nonsubsidized children.

(F) Sliding rate scale. A rate schedule which uses family income and/or number of family children served as the basis for determining the charge for child care service.

(G) Standard rate (provider agreement). A statewide rate applied to provider agreements not qualified to use the published rate.

(20) Renegotiation period (contract agency). The period preceding the beginning date of a new contract. During this period the contract is negotiated by the contract manager/developer.

(21) Renegotiation period (provider agreement). The period preceding the beginning date of a new provider agreement. During this period, the agreement is negotiated by regional CDP staff.

(22) School-age. In the context of age groups for maximum rates, the age the child begins first grade (not a specific chronological age).

(23) Subsidized care (or scholarships). Care for which some or all of the cost of care for specific children or categories of children are paid for by sources other than the parent or caretaker.

## (24) Units of service.

(A) Units of service. Full days or half days of day care provided to enrolled children.

(B) Full day. At least four hours plus a meal, or six hours without a meal.

(C) Half day. Anything less than a full day.

(f) Purchased training related terms.

(1) Conferences. Meetings or a series of meetings in which a group of participants and resource people work together to plan and develop new ideas and share information.

(2) Course. A prescribed sequence of study leading to a specified goal.

(3) Expert individual contractor. An individual from whom DHR purchases allowable training services.

(4) Individual training and technical assistance. Assistance given on a one-to-one basis. It includes visits between individual facilities, or parents, care-givers, and DHR Child Development program staff or training contractors. The purpose is to help the provider gain new information and/or solve problems.

(5) Institutes. Meetings, usually one to three days in length, during which material is presented to the participants to provide information, stimulate study and action, or a combination of both.

(6) Post-secondary contractor. A college or university from whom DHR purchases training for providers.

(7) Resource centers. Central sites which offer a variety of services to support the delivery of child care training and technical assistance.

(8) Resource vans (sharemobiles). The mobile delivery of child care training and technical assistance.

(9) Title XX provider training contractor. A Title XX provider (day care service contractor) with a separate training contract, subcontract, or budget.

(10) Workshops. A series of educational meetings where participants focus on problem solving within a group and with consulting teachers.

(g) *Texas Child Care Quarterly*. The *Texas Child Care Quarterly* is a quarterly publication of the Texas Department of Human Resources. The *Quarterly* incorporates information related to all types of child care facilities in Texas and is available to all licensed and registered facilities and facilities certified as meeting licensing requirements in the state.

Doc No 805045

## Assisting Families To Make Day Care Arrangements 326.60.32

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

### .001. Responsibilities and Priorities.

(a) The person responsible for assisting the client to make the day care arrangement is determined by the origin of the client's request for service. Day care services are arranged for clients through SAU (WIN), DHR VR, family services or protective services staff, or the agencies under purchase of service contract.

(b) An eligibility determination must be made for each child who is to receive day care services and is determined by the child's status.

(c) The purchase of service contract provider is responsible for determining eligibility, except in protective services referrals. For facilities under provider agreements, eligibility is determined by the SAU staff for WIN participants, the DHR VR staff for DHR VR participants, and protective services staff for protective referrals. When current AFDC or SSI recipient children or children of current AFDC

or SSI recipient parents are served through provider agreements to allow the parents to participate in employment or training, DHR social services staff determine the eligibility and authorize the children's care.

(d) When space is limited in facilities from which DHR purchases day care services, the child with the highest priority is served first. Both the eligibility status of the child and the family situation are included in determining which priority is applicable. The criteria which apply to parents may also be applied to foster parents and other caretakers who have total responsibility for the child's daily care.

### .002. Day Care Resources.

(a) DHR social services staff (DHR-VR, WIN, protective services, family services) will mainly refer families needing day care services to those providers who have purchase of service contracts or provider agreements with DHR. However, social services workers may also refer clients to other day care services provided by community resources at no cost to the department. Sources of day care services include:

(1) Day care centers and day home systems that have a purchase of service contract with DHR to serve a child population designated by DHR.

(2) Day care centers and individual day homes that have entered into provider agreements with DHR to care for individual children designated by DHR as eligible for the services.

(3) MH/MR facilities which provide day care services.

(4) Other community resources which provide low cost day care services.

(b) When no facilities from which DHR purchases service are available, the client's eligibility for DHR-purchased care is terminating, and/or the parent is willing to pay for care, other licensed, certified, or registered facilities may be needed. The local DHR licensing office maintains a list of facilities, and facility names and addresses may be secured from this source. In helping families locate suitable day care, social services workers should contact providers directly regarding their costs, eligibility requirements, service priorities, and service suitability for the individual.

.003. *DHR Purchased Day Care Service List*. Each quarter, the Child Development program staff sends a list of both provider agreement and contract facilities to social services units that make day care referrals (DHR VR, SAU, and protective services). This list will contain the following information regarding each provider:

- (1) name of the facility;
- (2) contract number or comptroller's vendor number (provider agreement);
- (3) name of the owner or director;
- (4) address and telephone number of the facility (both site address and mailing address, if different);
- (5) quality child care requirements capacity;
- (6) ages served;
- (7) type (priorities) of eligible children served by the provider (all eligible WIN, DHR-VR, protective and special protective);
- (8) days and hours of operation;
- (9) effective date and termination date of the contract or provider agreement;
- (10) rate(s) of payment for days of care and extra meals and transportation (if applicable);

(11) the maximum number of children for whom DHR may purchase care (maximum number of Title XX children the provider may serve);

(12) any other information that is regionally appropriate.

#### .004. Day Care Service Plan Guidelines.

(a) In assisting a family to develop the day care service plan, the social services worker considers the child's needs first. A basic consideration is how well the child and the family will be able to accept, adjust to, and use day care.

(b) After day care has been determined to be appropriate, parents or caretakers frequently need help in selecting and arranging day care services for children. They may also need help with children's adjustment, other day care related problems, and understanding how the provider's services can be used for maximum benefits. The DHR worker or the person responsible for social services for the provider should perform these activities with the parent or caretaker:

(1) Explain the types of day care services, such as day homes or day care centers, and share information on what is available in the community with the family to help the family select appropriate care for the children.

(2) Help the parent select day care services which will nurture the growth of the child. Consider the child's age, developmental level, and individual needs. In some instances, a child cannot function at his optimal level without training supplementary to the home and above the custodial care level.

(3) Counsel the parent on considerations such as compatibility of care with their general philosophy, culture, and other things important to the family; the parent's personal feelings about care; and the accessibility of transportation from the home or work/training site to the place of care.

(4) Discuss how and by whom the day care participation requirements will be met. These include an up-to-date immunization record and a physical examination record for the child, emergency information, child's developmental data, the involvement of the parent or caretaker in the day care services, and an agreement on hours of pickup and delivery. During this discussion it should be made clear to the parents that DHR purchases a service delivered during the hours of the provider's normal operation and that parents are liable for extra costs (late charges) when their child's care exceeds these hours. When day home care is used, help the parents in selecting a day home and in completing the information and agreement for day home form, prior to enrolling the child.

(5) Assist the parent to orient the child to day care services. The orientation should include a pre-enrollment visit to the care site during which the parent and child get to know both provider and facility.

(6) Encourage the child's regular attendance. Explain the circumstances under which care will be terminated. Emphasize the value a child receives from a developmental program.

(7) Encourage periodic conferences between parents and day care provider to develop an awareness of the child's growth and development, needs, and problems. If necessary, accompany the parent for this activity.

(8) Help the parent resolve problems related to the day care service. Assess and evaluate with the client the nature and causes of any problem. Discuss alternative solutions and the anticipated consequences of each.

(9) Assist the parent to develop new day care plans if a change in day care arrangements is needed. Follow-up on the day care service plan is frequently needed to ensure that the services provided are used. Often the DHR social services worker and the provider need to share information about the family. Providers must be advised when circumstances may cause absences to occur and continued enrollment must be authorized when absences occur. Excessive absences of children for whom DHR purchases care may indicate that the provision of day care is inappropriate or that the family has other problems. This follow up is very important because children may be at home alone and unsupervised.

(c) When a child's absences are excessive, the DHR staff person responsible for effecting the service plan with the family must confer with the parent or caretaker. In the conference, the DHR staff person, responsible should:

(1) try to determine the cause of the recurring absences;

(2) offer assistance to the client in resolving the cause of the absences, such as referral of the child for medical treatment or arrangement of transportation;

(3) reiterate the benefits of regular attendance;

(4) determine if the parent wishes to continue the child's enrollment in the day care facility;

(5) decide whether continued day care services are appropriate.

Even when no problems are apparent, service plans need to be checked periodically (at least when eligibility is redetermined) because the need for the services may have changed. It is especially important to determine whether full days of care or extra cost items, such as transportation, are still needed.

.005. Selection of Day Care Services. When a child under two years of age needs care, a family day home or a day care center which has a special developmental program for this age range should be sought. When assisting the parent or caretaker in selecting day care services, including after school care, the social services worker should encourage the selection of a facility which:

(1) has staff who are warm, affectionate, and supportive to the children;

(2) has staff who respect the child as a person and encourage independence and self-expression;

(3) reflects quality through children who are happy, interested, cooperative, and who show signs of independence and self-discipline;

(4) provides a variety of indoor and outdoor play materials and equipment in good repair which are actively used by the children;

(5) allows children opportunities for quiet and active play;

(6) is orderly but allows children creative play activities which can be messy such as water play, painting, or digging in the sand or dirt;

(7) serves nutritious meals in a pressure free and enjoyable atmosphere;

(8) has staff who treat the parent in a patient, friendly, and courteous manner.

#### .006. Working with Providers

(a) It is very important to the providers that they receive documentation containing dates related to authorization to provide service. The essential items which must be documented are dates service is to begin or terminate.



authorization to continue service for absent children, and change in the child's status.

(b) Providers must know who to contact and how to do so when they need information about a client or billing, and when they have information about a client or billing, and when they have information to share with DHR.

(c) Pertinent information about the child, the family, and the service plan should be shared with providers.

(d) When day care is provided through provider agreements, DHR staff must also assist providers to secure payment for the services they deliver. Because of the limited funds available and federal regulations, DHR purchased day care services are subject to basic DHR payment criteria.

#### .007. *Assisting Families with Protective Day Care Services.*

(a) Protective day care services are provided for children to prevent or remedy abuse and neglect, including ensuring adequate care and supervision. Children in open protective services caseloads may receive these services.

(b) Protective day care services offer out-of-home child care for less than 24 hours per day and serve infants, preschool, and school-age children (ages zero through 13 years or through 17 years when handicapped). These services are available through purchase of service contracts and provider agreements and include both day homes and centers. Day care is a supportive service to children and families in situations where there is potential for change and improvement. The day care facilities are not day care treatment centers nor substitutes for foster care. Day care services are designed to help

(1) enable the child to remain in his or her own home while the child's parents seek rehabilitation;

(2) protect the child from situations that are or may be harmful;

(3) preserve the child's living situation or placement when being moved is not in the child's best interest;

(4) reduce the detrimental effects of abuse and/or neglect on the child.

(5) provide needed growth opportunities for the child;

(6) secure for the child and the child's family the other benefits that quality child care can give them.

(c) Special protective day care services are day care services using providers who are specially trained to serve abused and neglected children and their families and to cope with the stress situations that have resulted from this involvement. Family day homes will be developed to provide special protective day care services in the regions which offer this service. These services will be used for the following purposes:

(1) Immediate enrollment to help protect the child remaining in his or her own home

(2) Enrollment when the child's length of stay is undetermined or is to be less than 30 days.

(3) Provision of day care to siblings (when other spaces are not available to serve them as a group).

(4) Immediate enrollment to provide at least a few hours to plan for removal of the child from his or her home or other placement. Care must be taken in using day care for this purpose.

#### .008. *The Service Plan*

(a) The protective services case plan will document the need for day care and the benefits expected from day care for the child and the family. The department will pay for protec-

tive day care services which are purchased from day care facilities approved by the Child Development program staff and identified as available for this purpose.

(b) Important factors in selecting a day care provider are the needs of the child, the type of care given by the provider, the needs of the family, the provider's enrollment policies, and the availability of space. When the child's parents agree to a plan for enrolling their child in day care, department staff should help the family to implement that plan. This includes monitoring the family situation and the child's enrollment and attendance until the plan is no longer required to protect the child.

#### .009. *Assistance with Enrollment and Utilization.*

(a) After the service plan for providing day care has been developed, the department worker must complete the Eligibility for Services without Regard to Income form, to authorize DHR purchase of protective day care services. If a parent pays for care, the protective services worker may send this form to ensure service as paragraph (1) of Rule 326.60.31.001, but a statement must be added that says: the parent will pay for the service; the child is not to be registered on SSMS; and DHR is not to be billed for the child care. When the parents desire to arrange and pay for the day care services or the service is provided by volunteers, this is not necessary.

(b) In addition to the authorization of DHR payment for protective day care services, workers must ensure that families can meet the provider's enrollment requirements. This includes helping families to provide the necessary medical information, secure the required immunizations for children, and complete the enrollment forms and agreements. Providers may also need the protective services worker to make on-site visits and act as liaison between their facility and the child's parents. Handicapped children need special help with enrollment requirements. Transportation arrangements may also be needed to ensure regular attendance. The continuation of care may require conferences with the parent and the provider about the child's adjustment and/or about the child's absences from care. Authorizations to continue care when the child is absent may also be needed. (Eligibility must be recertified every six months, if care is to last longer than six months.) When provider agreement facilities are used, the protective services workers must assist the provider in billing for services.

#### .010. *Assisting Families with Day Care Services To Allow Employment or Training*

(a) Day care services to enable a child's parent or caretaker to actively seek, retain, or train for employment may be provided to any eligible client through facilities under purchase of service contract. WIN and DHR VR participants may be provided these day care services through purchase of service contracts and provider agreements. Day care services may also be purchased through provider agreements to allow parents to participate in employment or training when the parent or child is a current recipient. The use of provider agreements for this purpose depends on whether the region has sufficient funds and DHR social services workers are available. The DHR worker may perform the following activities relative to the provision of day care for children of recipients involved in employment or training.

(1) Locate and identify eligible recipients who need day care services to enable them to participate in employment or training.



(2) Assist the client in arranging the day care services.

(3) Explain to eligible clients seeking employment that day care is restricted to 60 days unless the parent has intervening employment.

(b) When a provider agreement is used, the separate administrative unit (SAU) responsible for the Work Incentive Program (WIN), Department of Human Resources-Vocational Rehabilitation (DHR VR) program staff or other social services workers must determine eligibility, see that certain requirements are met, follow special instructions, and prepare specific forms. These procedures are also applicable for joint participants in the WIN and Comprehensive Employment and Training Act (CETA) programs or DHR VR and CETA programs.

*011. Assisting Participants in the Work Incentive (WIN) Program.* The following procedures apply to WIN related children who receive DHR purchased day care services:

(1) Current WIN program participants

(A) Child day care services purchased through provider agreements. The separate administrative unit certifies the eligibility for the children of these clients and refers them to the provider using the appropriate DHR form.

(B) Child day care services purchased through purchase of service contract. The separate administrative unit refers the client's children to the provider using the appropriate form. The provider is responsible for certifying the eligibility of the child although the SAU staff may certify eligibility initially.

(2) Former WIN program participants.

(A) Day care services purchased through provider agreements. The separate administrative unit certifies the eligibility for the children of these clients and refers them to the provider using the appropriate DHR form.

(B) Day care services purchased through purchase of service contract. The separate administrative unit refers the client's children to the provider using the appropriate form. The provider is responsible for certifying the eligibility of the child although the SAU staff may certify eligibility initially.

*012. Assisting Participants in DHR VR Program.* Day care payments for children of DHR VR participants should be authorized when the need for such services is identified by the social services worker. The following procedures apply for DHR VR related children to receive DHR purchased day care services:

(1) Current DHR VR recipients

(A) Day care services purchased through provider agreements. An Application and Eligibility Certification for Social Service form is completed by the DHR VR or other social services worker for the DHR VR participant's child(ren) to receive day care when the parent has requested the service. Based on the request, the DHR worker completes the Notification of Day Care Eligibility form and forwards it to the day care provider to authorize care of the child(ren). The DHR VR staff will supply the provider with a Purchase Voucher for Individual Provider form for billing. Each month, staff will assist the provider, as needed, in preparing this form, verify the service delivery, and authorize payment to the provider. They will then send this form to State Office, so that the provider may receive payment.

(B) Day care services purchased through a purchase of service contract. As in provider agreements, the

worker completes the Notification of Day Care Eligibility form which indicates to the provider that the child is DHR-VR related. Eligibility determination, as certified on the Application and Eligibility Certification for Social Services form for children of DHR-VR clients receiving services from these providers, will be made by the provider agency.

(2) Former DHR VR recipients. If a former DHR VR participant continues to receive AFDC or SSI, the participant's social services case record may be transferred to another social services unit. Upon receipt of the case in the other social services unit, the unit supervisor immediately checks the case record to see if day care services are in progress and are to be continued. If so, the case is flagged or assigned to a worker in the unit so that day care services continue without interruption according to the above procedures.

*013. Assisting Current AFDC Recipients in Provider Agreements.* The procedures for entering into agreements, referrals, authorizing service to clients, and billing, are the same as those for DHR VR participants. Those children for whom care has been authorized in a provider agreement facility, may continue to receive care in that facility for up to one year after grant denial if the child remains income eligible.

*014. Day Care Services of Handicapped Children.*

(a) Day care services may be purchased for eligible handicapped children from programs where handicapped children are mainstreamed into the regular day care program with nonhandicapped children or from programs that serve handicapped children exclusively.

(b) Children ages 0 through 13 years, who have handicapping conditions that would allow mainstreaming, may receive day care purchased from general Title XX contracts and or provider agreement facilities that serve nonhandicapped children. Purchased day care services may be extended to handicapped children from age 0 through 17 years when the services are provided in special programs for the handicapped.

(c) In determining the priority which relates to handicapped children, they are placed in the highest priority which matches the reason day care is sought. This means that a handicapped child on a protective services caseload would receive the highest priority for enrollment from a waiting list. However, if a handicapped child needs care solely for developmental reasons other protective and work related children would be enrolled first.

*015. Mainstreaming Handicapped Children.* Integration of handicapped children into programs with nonhandicapped children has Section 504 of the Rehabilitation Act of 1973 as its legal base. Section 504 does not require that a certain percentage of handicapped children are served, only that programs do not discriminate against handicapped children because of their handicap. The requirement is applicable to all programs from which DHR purchases day care.

*016. Enrollment.*

(a) Established department policies relating to chronological age (0 through 13 years), income of the parent or caretakers, and priority for service will be used when handicapped children are mainstreamed in purchased day care programs.

(b) When handicapped children are mainstreamed, a professional assessment and diagnosis of the child's condition is required for enrollment. The child must be diagnosed as

handicapped with the capability of successful mainstreaming, with or without special recommendations for care.

(c) A signed Screening/Assessment Information for Mainstreaming in Day Care Services form, from a physician, regarding the appropriateness of day care and any additional recommendations for care, must be submitted upon enrollment.

(d) The child's physician may make referrals to other qualified specialists for further assessment and diagnostic purposes. Recommendations from other specialists must be signed and dated. These become a part of the total assessment of the child. Physicians must be licensed to practice medicine in the State of Texas. When referrals are made, the other specialists must be appropriately licensed or certified to practice in the State of Texas. When a child is enrolled before it is determined that a handicapping condition exists which requires extra support services, the professional assessment and diagnosis must be performed before additional payment is requested.

(e) The physician's statement is filed in the child's folder and becomes a part of the child's day care record. This statement is verified by DHR child development staff and becomes the basis for additional program costs when appropriate.

#### .017 Referral of Handicapped Child to Other Service Facilities.

(a) Handicapped children diagnosed as unable to be successfully mainstreamed should be referred by providers to other appropriate facilities for services. Other facilities to which referrals are made must be accessible to the handicapped. The child development specialist will help providers secure information regarding the resources available.

(b) Children who can be mainstreamed but need services in addition to those available in the day care facility may be referred to resources such as school districts for these services.

#### .018 DHR Staff Responsibilities

(a) Regional social services worker's responsibilities. The regional DHR VR, WIN, protective services, or other social services workers referring a handicapped child to a day care provider have responsibilities to the child, family, and provider regarding the referral.

(b) As appropriate, DHR social services staff or contract provider staff will inform parents that they are essential to the service that their child receives. Parents are needed to:

(1) Authorize the physician to release to the provider and DHR pertinent medical information regarding the child.

(2) Be involved with the provider and physician, as appropriate, in the professional assessment of the child.

(3) Be involved in ongoing assessment of the child's adjustment to day care environment. The parents may be involved with both the day care provider and the child's physician-specialist.

(c) Responsibilities of regional purchased social services staff. Purchase of service staff (contract managers and/or eligibility workers when appropriate) in addition to other contract responsibilities will be responsible for:

(1) Informing day care contractors of the legal mandate and requirements for compliance.

(2) Adjusting the unit rate, registering the contract to reflect this rate, and otherwise assisting providers in securing payment for serving handicapped children.

(3) Monitoring enrollment of handicapped children based on priorities for service.

(d) Regional child development program staff responsibilities. When a handicapped child is being served through DHR-purchased care, regional child development specialists will, in addition to their regular duties, be responsible for:

(1) Informing provider agreement providers of the legal mandate and program services required to comply with the mandate.

(2) Monitoring/assessing the quality of service delivered to determine that providers fulfill their responsibilities to:

(A) Obtain a physician's statement for the handicapped child.

(B) Review and assess care requirements in the physician's statement and write individual plans for caring for the handicapped child (individual developmental plans).

(C) Inform child development specialists and/or contract managers of the need to verify additional costs for service.

(D) Offer the required services to the child by providing adequate/appropriate equipment.

(E) Coordinate and arrange screening or assessment services from appropriate therapists or service facilities for the child.

(F) Continue assessment of program services to ensure the child's special needs are met.

(G) Make adjustments and modifications of the facility as appropriate.

(H) Refer handicapped children to other facilities for services when appropriate.

(I) Inform parents of their responsibilities in the provision of day care services to the handicapped child.

(3) Verifying the need for extra program costs based on the physician's statement by:

(A) Verification that the handicapped child being served has a physician's statement on file in the facility.

(B) Review of documentation in the facility file that indicates a handicapped child or children are receiving services at additional costs.

(C) Notification to the contract manager or DHR social services worker of the need for a different rate of reimbursement for the child.

(4) Assisting providers with written developmental plans for handicapped children in care.

(5) Providing training and technical assistance to providers to help them make the necessary modifications to their programs.

#### .019 Day Care Services Exclusively for the Handicapped.

(1) Day care services may be purchased in contracts exclusively for eligible handicapped children ages 0 through 17 years (chronological age). Contracts of this nature are negotiated based on a needs assessment for care and availability of funds in regional allocations for day care.

(2) Established procedures for contracting are followed in negotiating and developing contracts exclusively for handicapped children. Individual developmental plans are written, maintained, and updated at least annually for each handicapped child. The child development specialist (CDS) may assist providers with writing developmental plans. The CDS will assess whether the plan includes all areas as required by QCCR Children's Programs Requirements. The financial base for the program is determined by

using the ceiling rate established in Group VI of the Unit Rate Payment System.

*.020. Responsibility to Report Substandard Care.* All department staff who have occasion to visit day care facilities from which the department purchases services have the responsibility to be alert to anything that threatens children's well-being, and to report these things to the child development specialist and/or licensing representative responsible for monitoring the facility. The social services worker should report promptly to the child development program staff and/or licensing representative the following:

- (1) Environmental hazards such as poisonous plants and broken play equipment.
- (2) Harsh and other inappropriate treatment of children.
- (3) Children's needs not being met as evidenced by an ill child in a group, a distressed child ignored, children with nothing to do, or children left unsupervised.
- (4) Complaints from parents and others regarding the children's care.

Doc. No 805046

### Determination of Compliance with Day Care Service Quality Requirements 326.60.33

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

#### *.001. General Information*

(a) All day care services purchased by the department must comply with Texas quality child care requirements (QCCR) which include the federal interagency day care requirements (FIDCR), the staff child ratio stated in the Title XX regulations, and state licensing standards. Child Development Program (CDP) and purchase of social services staff will seek providers who comply with QCCR, wherever other social services staff indicate there is a need for day care services. The CDP staff is responsible for certifying that facilities providing DHR purchased day care services are in compliance with QCCR. This staff will assess each facility's compliance with these requirements at least annually and make quarterly visits to observe the maintenance of this compliance.

(b) A potential provider may be accepted for contracting when

- (1) The facility has been licensed or certified as meeting state licensing standards, or has been registered as a family home.
- (2) The facility has received no notification of non-compliance with state standards from the Licensing Branch that have not been resolved satisfactorily with the Licensing Branch.
- (3) The facility has no complaints which have not been cleared by the Licensing Branch.
- (4) The facility has an approved plan for providing purchased day care services.
- (5) The facility agrees to comply with QCCR and to demonstrate this compliance within the first 30 days of the contract operation for DHR assessment.
- (6) A new facility (not yet providing day care) may be accepted for contracting when the facility agrees to a start-

up policy of meeting minimum standards to receive a license within 30 days of the effective date of contract and prior to providing child care.

(7) The new facility has an approved plan for providing purchased day care services.

(8) The new facility agrees to comply with QCCR and to demonstrate this compliance within 60 days after the contract effective date. DHR will assess compliance during the first 30 days of child care.

(c) When a facility is not sufficiently operational to demonstrate QCCR compliance, a provisional approval for 30 days or 60 days of the Texas Quality Child Care Requirements Certification form is used, showing the appropriate expiration date. This provisional approval is based on the provider's plan for providing services and the Day Care Services Improvement Agreement form which stipulates that the provider will demonstrate QCCR compliance by a date prior to the expiration date of the certification.

*.002. Waivers.* Waivers discussed below refer only to QCCR standards. Any requests for waivers of licensing standards must be referred to the Licensing Branch.

(1) Regionally approved waivers.

(A) When spaces which comply with the QCCR are unavailable, the child development specialist may waive the QCCR (federal) staffing requirements for day care centers and, if centers are not available, for group day homes. The centers and group day homes in which these have been waived are limited to facilities where services are purchased through the Provider Agreement for Child Day Care form and in which

(i) The number of children receiving DHR purchased day care services does not exceed 10 children or 20% of licensed capacity (whichever is less); or

(ii) More children than in (i) above are served, if the facility had a provider agreement in force continuously before July 1, 1980. The facility must comply with the staff ratios in the licensing standards for that facility. Facilities which began agreements between January 1, 1977, and July 1, 1980, may not serve more than 20% of their licensed capacity.

(B) The child development specialist may waive the QCCR staffing requirements only after notification by social services workers that approved day care is not available in an area to the children of DHR VR or WIN participants, children in protective services caseloads, or AFDC or SSI children of parents who are employed or in training. Social services staff must base this notification on client requests for day care services. Before requesting approval of additional facilities, social services staff must check the list of purchase of service contracts and provider agreement facilities with QCCR certification in the region (available from the CDP staff) and determine that either

(i) one of these facilities does not exist in the area where a client lives, or

(ii) qualified facilities in the area do not have space to serve this group of children. Social services staff should maintain a list of clients for whom they were unable to find day care.

(2) State Office approved waivers. Waivers may be granted to allow flexibility in providing for the needs of children and families who receive DHR purchased day care services. Reasonableness and conformity to federal guidelines are the basis for considering waiver requests. Waivers of QCCR may be granted in areas that are an

biguous, unclear, or create a question of professional efficacy. This includes waivers when the requirements are contrary to the level of quality or sensitivity to needs of children intended by the federal day care requirements. Waivers that are in clear violation of FIDCR or other federal regulations will not be granted. Reasonable alternatives for meeting the specific requirements must be explored jointly by DHR staff and the provider before request for waiver is forwarded to State Office.

(3) Criteria for waiver request. A request for waiver may be made by any provider of DHR purchased day care who needs to provide a service differently than the QCCR specifies. However, approvals are more likely to be given to the following:

(A) Providers whose percentage of Title XX related children is extremely small compared to the total served.

(B) Programs that will be of very short duration.

(C) Innovative designs for small groups of children which have a specific time frame and evaluation design.

(4) Waiver request procedure. The provider requests a waiver from the regional Child Development Program staff. The request must include the following:

(A) name and address of the provider and provider's facilities covered in the request;

(B) child care capacity of each facility (license and QCCR);

(C) number of children for whom DHR will be purchasing day care;

(D) span of time for which the waiver is requested;

(E) the cost or inconvenience to day care families that would result from waiving the requirements;

(F) any offsetting benefits day care families will receive;

(G) any preferences expressed by parents of the day care children involved;

(H) the cost or inconvenience compliance would cause this provider;

(I) the effect the waiver would have on services offered by other providers;

(J) alternatives to using this provider's service.

Waiver requests must be accompanied by the regional staff's recommendations regarding whether or not the waiver(s) should be granted and under what conditions. A written response will be sent to the regional staff. Most approvals will set time limits or other conditions related to the continuation of the waiver.

### 003 Contract Centers and Agencies

(a) Service plan for purchase of service contractors.

(1) The regional staff designated in the regional plan for contracts administration verifies the need and guides the contractor through the processes of application, planning, development related to the administrative organization, budget, and other general considerations.

(2) The potential provider can receive advice from the Child Development Program staff regarding state and federal requirements specific to providing day care services. Copies of documents required to meet Texas quality child care requirements will be provided.

(b) Planning the child care program. Child Development Program staff provide technical assistance, consultation, and training related to the provision of services to the provider and, as needed, to the contract manager/developer. Technical assistance includes the following:

(1) Assistance in planning for supplies and equipment for the children's program and advice regarding budget needs in these areas.

(2) As needed, assistance in developing job descriptions which clearly describe the lines of authority, staff responsibilities, duties, and qualifications. Appropriateness of these to program needs and the QCCR must be emphasized.

(3) As necessary, assistance to child placing agencies (day care only) in including QCCR specifications and other program related information in contractual agreements for use with agency home operators.

(4) Guidance to the provider in planning compliance with QCCR, including a check of age groupings and staff/child ratio to determine potential compliance and a discussion of findings with the provider. The provider's plans regarding special arrangements and training for serving handicapped and protective services related children should be discussed.

(A) Assistance to child placing agencies (day care only) in developing techniques of QCCR certification of each agency home.

(B) Providing to agency sample certificate, Texas Quality Child Care Requirements Certification—Agency Day Homes form.

(5) Verification of each facility's status relative to state license, or verification of each agency home's status relative to state licensing certification as performed by the child placing agency (day care only).

(6) Discussion with the provider regarding the plan for health services, parent involvement, and social services. Referrals to resources which may help in developing quality programs in these areas should be made whenever possible.

(7) Guidance to the provider in outlining staff training plans and in securing resources to achieve the plan.

(8) Assistance to the provider regarding self evaluation.

(9) Assistance to providers in using accurate methods of record keeping and understanding the importance of these to day care services.

(10) Determination of the program's compliance with QCCR. During the application process, it is appropriate for the purchase of service team to plan a time frame with the provider for future improvements.

(c) Planning to mainstream handicapped children. Providers must be advised of their responsibilities to serve eligible handicapped children. In mainstreaming handicapped children much of the planning will be done according to the needs of the individual child. Although this can only be done after a child enrolls, some initial planning should be done. The initial planning will vary according to the provider's stage of operation.

(d) Planning programs exclusively for handicapped children. The service plans for programs of this nature are generally developed with input from individuals who are specially trained in working with handicapped children. Child Development Program staff will also provide technical assistance in developing a service plan that complies with QCCR. The way in which the program complies with QCCR Section 1D, may differ from QCCR specifications when QCCR Section 1B, requirements are met. All program components must comply with the intent of QCCR and differences should be to provide quality levels above QCCR compliance.

*004. Assessment of QCCR Compliance (POS Contractors).*

During the first 30 days of contract operation and at least annually thereafter, an evaluation will be performed in which:

(1) The child development specialist (CDS) will review information regarding the status of the facility's compliance with state licensing standards, including the use of the request for information on a Day Care Facility form.

(2) The CDS will check the provider's plan, facility, and operation and verify QCCR compliance using the Assessment of Quality Child Care Requirements form as follows:

(A) Study the written plans for child care for centers and/or for agency homes.

(B) Observe daily activities and food service in the facility.

(C) Observe child groupings and staff/child ratios.

(D) Study parent involvement by attending parent meetings, board meetings, reading minutes of meetings, and/or observing the arrival and departure of children at the facility.

(E) Study health services and social services by observing related activities at the facility, reviewing provider's documentation, and/or by accompanying the staff person responsible for these services on home or agency visits.

(F) Verify that the administrative and record keeping procedures are appropriate based on the contract manager's review.

(G) Review with the contract manager, documentation regarding training, staff's qualifications in relation to job descriptions, and the self-evaluation being performed.

(H) Negotiate time-frame improvements on areas where they are needed and complete the Day Care Services Improvement Agreement form on each of these areas with the provider.

(3) The CDS will assess the developmental plans for handicapped children in accordance with QCCR Section 1B.1 a, b, and c (when such services have been provided) to determine that

(A) An individual developmental plan has been written for each handicapped child.

(B) The plan for each child incorporates the assessment results and care requirements stipulated by the physician or specialist.

(C) The environment, equipment, planned activities, and special staff involvement and assistance are provided.

(D) The plan has been updated at least annually with needed modifications being made.

(4) The CDS will determine the status of QCCR and complete the applicable activities as follows:

(A) designate which staffing requirements apply to the facility.

(B) handle noncompliance as appropriate;

(C) issue the annual certification.

*005. Monitoring the QCCR Compliance of POS Contracts.*

Monitoring, which is conducted by the child development specialist throughout the contractor's operation, shall include

(1) A visit to each facility at least every three months. Agencies operating family day home systems are included. At least three homes per quarter or a 10% sampling per year of agency homes, whichever is greater, within a system should be visited. The sampling should be composed of different homes for each quarter. The file on the facility

should be reviewed prior to each visit. Areas needing attention are selected for particular focus.

(A) When visiting a center:

(i) Observe services, such as child care activities, social services, use of the developmental plan for handicapped children, or staff training.

(ii) Review the facility's own documentation on QCCR compliance.

(iii) Record direct observations and reviews of documentation in narrative, on Day Care Contract/visit Report, and/or assessment forms.

(iv) Complete the Day Care Services Improvement Agreement form if needed.

(B) When visiting a child placing agency (day care only):

(i) Observe services such as social and health services and maintenance of related records, staff training plans, methods of supervision of services to handicapped children, or parent involvement.

(ii) Review agency's own documentation on QCCR compliance.

(iii) Review agency's supervision and monitoring of QCCR compliance in agency homes and timeliness of QCCR certification for home.

(iv) Record observations and review of documentation in narrative, on the Day Care Contact/Visit Report form and other assessment forms.

(v) Complete Day Care Services Improvement Agreement form, if needed. Service improvement needs observed in agency homes should be negotiated with child-placing agency (day care only) staff.

(C) When visiting agency homes:

(i) Observe such areas as child care activities, emergency or health information on children, care giving requirements, food services, and environment. The specific area may differ from one agency to another, depending on the contract arrangement.

(ii) Assess training needs of agency home operators.

(iii) Record direct observation in narrative on the Day Care Contact/Visit Report and/or assessment form. Communicate observations to child placing agency (day care only) staff.

(iv) If needed, complete the Day Care Services Improvement Agreement form but negotiate any improvements with administrative agency staff. All communication to agency home operators in this area is conducted by appropriate child placing agency staff.

(2) Follow-up on plans made with the provider for improvement.

(A) Maintain a dated suspense file, calendar, or other control mechanism as a reminder of the projected service improvement agreement completion dates. Include dates for completion of intermediate steps.

(B) Check with provider at intervals set in the service improvement agreement to assess progress toward agreed upon improvements. For simple improvements, this may be the completion date.

(C) Verify completion of the improvements.

(D) Acknowledge completion of any improvement to the facility and encourage continued improvement.

(3) Notify the program director for purchased social services and the program director for child development regarding the status of the facility.

(4) Write the Licensing Branch about any suspected noncompliance with state standards or immediately notify protective services staff of any suspected child abuse or neglect.

(5) Encourage and assist the provider in planning and implementing service improvements.

**006. Maintaining QCCR Records for POS Contractors.** A file is maintained by the Child Development Program staff for each provider agency with whom DHR has a purchase of service contract. The files pertain to the provider's quality of service and compliance with the FIDCR and/or QCCR and contain the documentation upon which the evaluations of these have been or will be made. The file maintained for each provider agency under purchase of service contract shall contain copies of the forms described below, and prior forms which served the same purpose.

- (1) Day Care Information Sheet.
- (2) Narrative recording with entries dated and signed;
- (3) Referral of Potential Provider, including correspondence;
- (4) Plan for Providing Services, or Short-Term Plan for Providing Services;
- (5) Assessment of Texas Quality Child Care Requirements;
- (6) Texas Quality Child Care Requirements Certification;
- (7) Day Care Contract Visit.
- (8) Copies sent and/or replies of Requests for Information Regarding a Day Care Facility;
- (9) Day Care Services Improvement Agreement;
- (10) Day Care Training Attendance or a compilation of information from them and other available information on training received by staff.
- (11) a summary sheet Provider of Day Care Service for Children, if a multifacility contract.
- (12) a copy of the purchase of service contract.

In addition to the above items the file may contain any correspondence related to the provider and other support documents that the regional CDP staff determine to be necessary to document service quality and QCCR compliance.

**007. Provider Agreement - Day Care Center**

(a) Screening provider agreement centers. When the need for the day care services which a center provides has been determined, CDP staff verifies with the Licensing Branch that the center is licensed or certified and there is no current violation of state standards. When this has been verified, Child Development Program staff begin evaluating with the legally responsible person (provider) the center's potential for meeting Texas quality child care requirements (QCCR). Included in this activity is furnishing the center copies of the QCCR appropriate forms and discussing their implications. For centers in which the department purchases day care services for few children, QCCR staffing requirements may be waived. These centers must comply with applicable licensing standards, including staff/child ratios.

(b) Service plan for provider agreement centers.

(1) Providers who indicate that they have sufficient interest, ability, and resources to meet the department's requirements will receive assistance from the Child Development Program staff in planning and developing their center's program.

(2) Each provider must submit either the Plan for Providing Services form or the Short Term Plan for Providing Services form (depending on the amount of planning needed) which becomes the plan for the center's compliance with QCCR. Since the provider may offer core services, the Child Development Program staff must help determine how supportive services to meet Texas quality child care requirements will be provided in centers where non DHR related clients provide these services for themselves. Staff will confer with SAU, DHR VR, and/or protective services staff and the provider to determine how the children and their families will receive required health and social services. A summary should be placed in the CDP file for the center which indicates what the center will provide and what the department and the families will assume responsibility for securing.

(3) The provider and CDP staff will also confer and plan for direct child care, staff training, self evaluation by the facility, and a recording system which will comply with the Texas Quality Child Care Requirements (QCCR). This process will be very similar to the process followed for planning and developing the child program for purchase of service contracts.

(c) Assessment of QCCR compliance (provider agreement center)

(1) A QCCR certification must be made at least annually. If there have been instances of noncompliance during the period of the agreement, QCCR assessment should be done prior to entering another agreement. QCCR assessment should be done prior to entering another agreement (renewal) with that center. This means that for new providers and for ones with a record of noncompliance on substantial items certifications will be done every six months.

(2) The CDP staff will assess the center, plan, and operation to determine whether they comply with QCCR. The centers may limit their services to the core services of QCCR. When only core services are provided, health services, social services, parent involvement, and staff training will be considered in terms of services from DHR and other sources as well as those of the center. Upon completion of the assessment, Child Development Program staff will certify or not certify the facility for QCCR compliance.

(d) Monitoring provider agreement centers. Service quality and compliance with QCCR is monitored by the child development specialist (CDS) through visits to the center. Improvements are planned with the provider and there is systematic follow up on the plans. CDP staff also continue to provide consultation (as needed) and resources for training of the day care staff.

(e) Maintenance of related records for provider agreement centers. The files maintained for each provider agreement center shall contain the following forms and documents:

- (1) Day Care Facility Information Sheet.
- (2) Narrative recording with entries dated and signed.
- (3) Correspondence including the Referral of Potential Day Care Providers form.
- (4) Short Term Plan for Providing Services form, or Plan for Providing Day Care Services form.
- (5) Assessment of Texas Quality Child Care Requirements.
- (6) Texas Quality Child Care Requirements Certification.

(7) Copies of Request for Information on a Day Care Facility. (The carbon of the request sent may be discarded when a reply is received.)

(8) Day Care Services Improvement Agreement, if any.

(9) Existing copies of day care staff training registrations or a compilation of the information from them and other available information regarding the training received by staff

(10) A copy of the Provider Agreement for Child Day Care.

*008. Provider Agreement—Day Home*

(a) Through provider agreements, the department may purchase day care services from licensed family day homes, group day care homes, or registered family homes. These day homes are defined as follows:

(1) Licensed family day home. A child care facility which provides care for no more than six children under 14 years of age for less than 24 hours a day, not in the caregiver's own residence nor in the residence of one or more of such children.

(2) Group day care home. A child care facility which provides care for seven to 12 children under 14 years of age for less than 24 hours a day.

(3) Registered family home. A child care facility which regularly provides care in the caregiver's own residence for not more than six children under 14 years of age, excluding the caregiver's own children, and which provides care after school hours for not more than six additional elementary school siblings of the other children given care, provided that the total number of children, including the caregiver's own, never exceeds 12.

(b) When day homes are to be used for special protective day care services or by handicapped children, special selection techniques and assistance to operators will be necessary. The day home operator must understand what is involved in offering these special services, be willing to cope with the situations which may arise, and be willing to participate in specialized training arranged by the CDS. Additionally, some previous experience caring for handicapped or protective services children and certain personal traits are desirable.

*009. Screening Provider Agreement Day Homes.* When an individual indicates interest in operating a day home to provide day care services for DHR purchase, a preliminary screening is conducted by CDP staff to determine whether the individual has the basic characteristics to become a satisfactory provider. This may be accomplished in stages. Several home visits and interviews may be required. Applicants will be screened to determine their potential for compliance with QCCR. The procedure includes the following steps:

(1) Securing a signed application to provide services from a potential day home provider.

(2) Screening the potential provider with respect to basic requirements for becoming a day home provider.

(A) Verification of the potential provider's status with the Licensing Branch.

(B) Review of the home for suitability for child care.

(C) Evaluate floor plan of home for space available for day care purposes.

(D) Verify that the home has received an approved fire inspection report. When fire inspections are not available through local agencies, CDP staff will verify that the Fire Prevention Checklist for Family Homes form has been completed by the day home provider. CDP staff will verify the accuracy of this checklist by making an inspection of the home.

(E) Verify that the home has received an approved environmental health inspection. When environmental health inspections are not available through local agencies, CDP staff will verify that the Sanitation and Safety Checklist form has been completed by the day home provider. An inspection of the home by Child Development Program staff is required for verification that the home's environment is acceptable and safe.

(F) Written verification as to character, ability and experience from at least three character references. Character references may be received by telephone and followed up in writing, whenever possible. Telephone references must be documented in the facility file.

(G) Evaluation of the provider's potential for providing direct child care as specified on the Day Home Description and Agreement form.

(H) Accepting the potential provider's application if licensing status and the home environment are acceptable and reference check results are suitable. When one of these areas is found unacceptable, the application may be denied until such time as acceptable status is obtained. Applications may be denied applicants who receive unacceptable responses to reference checks, and must be denied if the applicant has a validated record of child abuse. Applications may be temporarily denied or delayed if the applicant does not exhibit the potential for providing child care.

(I) Continue conferring and exploring provision of services when licensing status is acceptable, character references are verified as acceptable, and the individual exhibits good potential for compliance.

(A) Discuss methods of complying with such requirements as record keeping, daily attendance/enrollment records, extra meals served, transportation, billing, and children's medical and developmental records.

(B) Explain requirement of mandatory compliance with federal staff/child ratios for day homes and group homes. No waiver of federal staff/child ratios are allowed for day homes.

(C) Explain DHR enrollment policies, method of rate determination, rates for extra services, and payment procedures.

(D) Discuss contact with various DHR staff. Emphasize the different responsibilities that DHR VR, WIN, Licensing, and protective services staff have for children and the need for coordination with these DHR staff persons. Discuss DHR staff responsibilities for obtaining medical and social services for children. Explain that the day home provider must be responsible for assessing a child's adjustment to the day home program. Day home providers are also responsible for informing DHR staff of the need to update children's medical information.

(E) Explain self evaluation.

(5) Maintaining an inquiry file on all potential providers who indicate interest (by telephone or letters). An active inquiry file may be kept for individuals whose competence is not clearly defined or who need additional time for compliance.

*.010. Service Plan for Provider Agreement Day Homes.* Potential providers who are screened and found acceptable will be assisted by the Child Development Program staff in developing their plan for providing services. CDP staff may provide assistance in developing the service plan by reviewing appropriate forms, clarifying questions, supplying sample forms, providing technical assistance in the development of policies, and identifying training resources. The service plan should consist of:

- (1) A written schedule of daily activities that comply with items on the Day Home Service Description and Agreement form.
- (2) Written uniform policies relating to the operation of the day home. This policy statement is to be provided to parents upon enrollment of their child.
- (3) The policies of the day home that are shared with parents.
- (4) A plan for collection of anecdotally noted records or methods of collection of child developmental records for children enrolled. This is to be shared with parents during a scheduled conference to assess the child's adjustment to the day home.
- (5) A plan for involving the parents in the day home program.
- (6) Arrangement for a substitute caregiver for the children in case of illness, absence, or emergency situation involving the day home provider.
- (7) A written training plan jointly developed by the provider and the child development specialist. The plan should specify
  - (A) The total number of training hours the provider has previously acquired.
  - (B) The total number needed for QCCR compliance.
  - (C) The topic areas to be covered in training.
  - (D) When and through what method the provider will receive training.
  - (E) The name(s) of substitute(s) and transportation if participation in training is to be during regular day care hours.

The provider must submit a completed and signed Day Home Service Description and Agreement form before QCCR certification is completed. The Day Home Service Description and Agreement, with the attachment of the service plan, becomes the plan of operation for the day home.

*.011 QCCR Certification for Provider Agreement Day Homes*

- (a) Upon completion of the day home provider's service plan and acceptance of the agreement, the Child Development Program staff will evaluate the day home plan to determine its compliance with QCCR. Initial QCCR certification is issued based upon this plan and agreement. QCCR certification is issued for one year contingent upon actual compliance when DHR subsidized children are enrolled.
- (b) During the first 30 days that children are in care, CDP staff will visit, observe, and evaluate the day home relative to QCCR compliance as agreed on the Day Home Service Description and Agreement form. Documentation of compliance is necessary both in the facility file and to the day home provider. It may be accomplished by letter or on the Day Care Contact Visit Report form.
- (c) The Provider Agreement for Child Day Care form is signed by the provider for a six month period. At the end of

the six-month period, if continued QCCR compliance is evidenced, a new Provider Agreement for Child Day Care form may be signed. The Self Evaluation/Assessment of Day Home form is completed before renewal of the provider agreement. QCCR certification is issued annually. Provisional certification for shorter periods of time may be issued at the discretion of the child development specialist.

*.012. Monitoring Provider Agreement Day Homes.* Child Development program staff responsibilities as related to day homes include:

- (1) Regular visits to day home to monitor service quality and QCCR compliance.
- (2) Planning for improvement of services (planned jointly with provider) by:
  - (A) Providing onsite technical assistance in areas of minimal compliance or noncompliance with QCCR.
  - (B) Encouraging providers to devote a few minutes a day to the development of self-evaluation techniques and implementation of improvements as identified from self-evaluation.
  - (C) Negotiations of program improvements using the Day Care Services Improvement Agreement form and setting a time limit for QCCR compliance when other methods fail.
  - (3) Assisting provider to meet training needs
    - (A) Conferring with the provider regarding participation and training.
    - (B) Ongoing assessment of original training plan and revisions and additions to plan as necessary.
    - (C) Reviewing the training plan and provider's participation in training to determine if the provider is carrying out plans.
    - (D) Providing ongoing in service training.
  - (4) Assessment of continued QCCR compliance at six month intervals.
  - (5) Completion of Self Evaluation Assessment of Day Home form before renewal of provider agreement.
  - (6) Annual recertification of QCCR compliance.

*.013 Maintenance of Related Records for Provider Agreement Day Homes.* A file for each provider agreement day home shall be maintained, containing:

- (1) individual Day Home Face Sheet.
- (2) narrative recordings dated and signed by CDP staff.
- (3) documentation of approved fire and health inspection reports with annual follow up.
- (4) correspondence including the Referral of Potential Day Care Provider form.
- (5) the individual Day Home Provider Applications form with completed floor plan sketch.
- (6) the Screening of the Day Home form.
- (7) the day Home Service Description and Agreement form.
- (8) copies of the Request for Information on a Day Care Facility form sent and or replies.
- (9) written report of at least three character references.
- (10) copies of day care staff training registration or a compilation of information from them and other training information.
- (11) documentation of previous training, experience, and qualifications of the provider.



- (12) copy of each Quality Child Care Requirement Certification;
- (13) Self-Evaluation/Assessment of Day Home form;
- (14) copy of each Provider Agreement for Child Day Care form.

*.014. Procedures for Handling Noncompliance.*

(a) Negotiation toward compliance.

(1) The negotiation toward compliance is performed by the child development specialist (CDS) for provider agreements and jointly by the CDS and contract manager for contracts. In either case, the provider will be assisted in establishing a plan and time frame for improvement, and a service improvement agreement will be negotiated as needed. When normal negotiations do not alleviate noncompliance, CDP staff (in conjunction with the contract manager for contracts) will send the provider a letter which includes:

- (A) specific facts used to determine that a problem exists;
- (B) specific requirements of the department regarding the problem area;
- (C) appointed date, time, and place when the provider, a Child Development Program staff member, and the contract manager can meet to work out a plan to remedy the problem.

(2) During the period preceding this appointment, CDP staff shall consult other department resources to determine if there are alternatives, other than those already discussed with the provider, for solving the problem. This consultation will form the basis for the second attempt to negotiate a service improvement agreement. The child development specialist may request that other department staff or involved persons participate in the meeting to negotiate the service improvement agreement. When the agreement is negotiated, the child development specialist will follow up on its progress and verify its completion. When delays or other problems occur with contract providers, the contract manager is notified and involved in additional actions as necessary.

(b) Notification of possible certification withdrawal.

(1) At those times when the negotiation processes and negotiated agreements fail to effect compliance with QCCR, providers of day care services must be notified in writing that QCCR certification will be withdrawn and that this will result in suspension or termination of the contract or provider agreement. This will occur when any of these conditions exists:

- (A) Notification by the Licensing Branch that the facility is not meeting state standards;
- (B) Noncompliance with other QCCR requirements and unwillingness to enter into a service improvement agreement for correcting the noncompliance within a specific time limit;
- (C) Not meeting the time limit and conditions set forth in a service improvement agreement.

(2) When CDP staff or the contract manager find that there is cause for notification of possible withdrawal of certification, CDP staff shall write a letter notifying the facility that this condition is interpreted as noncompliance with QCCR. The requirement which is not being met must be stated with specific facts upon which the noncompliance determination was made.

(3) The letter should indicate that if the condition continues, the certification will be withdrawn, and that withdrawal of certification will ultimately result in suspension or termination of the contract or provider agreement. A reasonable time limit, not to exceed 60 days, should be given for the correction of the condition. The procedure will be individualized for contracts and provider agreements as follows:

(A) Contract. Confer with the child development program director (CDPD) and program director for purchased social services (PD PSS) prior to sending the notification letter. The CDPD or PD PSS may be able to negotiate an immediate remedy for the problem which would remove the need for the notification. On other occasions, if the conditions are not immediately corrected, the process of suspension or termination of contract will begin concurrently with the letter of notification.

(B) Provider agreement. CDP staff will send the notification letter to the provider with carbon copies to the SAU (WIN), DHR VR, protective services, and/or other social services supervisors whose staff are referring families to the facility. These social services supervisors will be kept informed of the progress toward correction of the condition or withdrawal of the certification.

(c) Finalization of certification withdrawal. A provider who has not complied with QCCR within the assigned time limit will be notified that the contract will be suspended or terminated due to withdrawal or QCCR certification. This notification will be made according to the terms of the contract. Notification by the Licensing Branch of suspension or revocation of the state license automatically leads to the notice of certification withdrawal and the immediate action to terminate or suspend purchase of day care services.

*.015. Quarterly Reports.* At the end of each quarter, each region is to report on the number of day care facilities, spaces available and used, and the status of these.

Doc No 805047

## Training and Technical Assistance 326.60.34

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

*001. General Characteristics.*

(a) Recipients of the services. The Child Development Program provides training and technical assistance for all Title XX day care providers, including providers with either a purchase of service contract or a provider agreement. The training and technical assistance is primarily intended to assist persons who work directly with children to become more knowledgeable and competent so that children are given care in facilities that provide the best possible growth environment.

(b) Provider of the service.

(1) Some training and technical assistance services are provided directly by department Child Development Program staff, supplemented by the efforts of the providers and volunteers. A considerable amount is provided through contracts with local agencies and institutions selected on a competitive basis using department purchase specifications. Administrative training for a provider facility is only available directly from DHR staff.

(2) CDP staff deliver to Title XX day care providers the child care training and technical assistance services that are provided directly by the department. They also arrange for purchase contracts with other agencies and institutions.

(3) Training services are available in many communities from state agencies, public or private associations, and other groups. To avoid duplication of effort, responsible planning requires knowledge and use of services provided by other agencies. Such coordination is essential if service gaps are to be filled while minimizing training service costs. Local groups may be developed to assist the child care training effort.

*002 CDP Resource Materials.* Resource materials are purchased and distributed to regional Child Development Program offices at varying intervals. These materials are classified by the department as work tools necessary to deliver technical assistance to Title XX providers.

*003 Planning the Service*

(a) Goals of training and technical assistance.

(1) The goals of offering training and technical assistance are to help providers:

(A) achieve programs of excellence related to care of children served;

(B) provide excellent service efficiently.

(2) To accomplish these goals, State Office and regional CDP staff need to

(A) be knowledgeable about and sensitive to the needs of children and their parents, including the special needs of abused or neglected and handicapped children and their families;

(B) respond to the needs of child care providers and personalize the services that they receive, especially for those serving children and families with special needs;

(C) serve as an identifiable community source of help concerning child care questions and issues;

(D) promote an understanding and implementation of quality child care concepts by presenting these concepts in ways which respond to the child care facilities and parents' recognized needs.

(b) Statewide operational objectives:

(1) to involve Title XX providers in assessing their basic training needs;

(2) to develop the plans for delivery of child care training based on needs;

(3) to demonstrate practical, basic, easy to understand child care methods, techniques, and equipment;

(4) to deliver training and technical assistance through a variety of methods, designed to facilitate understanding and use of quality child care concepts;

(5) to assist home-based child care providers in offering a wide variety of experiences to the children in their care;

(6) to offer opportunities that encourage independent growth of child care providers;

(7) to ensure that the training provided is consistent with DHR purchased day care requirements.

(c) Delivery focus:

(1) In order to promote programs of excellence for children, services must be developed which

(A) make opportunities available for providers and users to increase their understanding of child growth and development and develop more skills in providing care for children;

(B) nurture pride in child care and support the aspirations of providers for quality child care;

(C) increase provider's and user's understanding of their community and its resources.

(2) Child care providers who have already achieved or who are independently working toward programs of excellence must be recognized, supported, and included in a leadership role in the training effort.

(d) Assessment of training needs. The Child Development Program staff are responsible for assessing the needs of Title XX day care providers. To assess these needs, they will

(1) Identify the Title XX providers in the region. Information on providers includes

(A) type of facilities;

(B) number of staff;

(C) number of facilities;

(D) number of children;

(E) ages of children served;

(F) abilities to serve handicapped children;

(G) abilities to serve abused and neglected children;

(H) geographical locations and how the facilities cluster.

(2) Determine the training and technical assistance needs of the providers.

(A) Review QCCR assessments, contact/visit reports, and service improvements to identify problems providers are experiencing

(B) Obtain input from child care providers regarding which methods of training are most acceptable and useful.

(C) Confer with protective services and other social services staff regarding training needs related to the provision of services to the families they refer for day care services.

(3) Review patterns of participation in training services to determine most accepted presentation methods.

(e) Development of a plan for regional training and technical assistance. Each region must have a plan for its Title XX day care providers' training and technical assistance. This plan includes

(1) Regional objectives for day care services.

(2) Regional organization structure in which the training and technical assistance will be delivered.

(3) Training needs assessment

(4) Survey of resources for meeting training needs

(A) Department resources. Include those available through other branches and divisions

(B) Resources available from providers.

(C) Cooperative resources available at no cost

(D) Other resources available for purchasing

(5) Determination of priorities. Priorities should be based on the training needs and survey of resources. They should consider the following

(A) severity of problems and needs in terms of frequency of occurrence and of effects on children

(B) Regionally specific elements, such as levels of experience of providers, number, age, and developmental level of children, resources of providers, proximity of providers to other providers, and the needs of users of service

(C) Groups to be served.

(D) Resources in the community which are

(i) already meeting or attempting to meet certain training needs or are beginning to plan to meet certain needs;

(ii) open to involvement in meeting certain training needs, either cooperatively at no cost or through a Title XX training contract;

(iii) nonexistent or unavailable to Title XX providers.

(6) Regional strategies for delivery of these services. Based on the priorities, strategies must be developed for the delivery of training and technical assistance services. The strategies should include but are not limited to the following:

(A) coordination and cooperation among DHR branches and divisions;

(B) integration of contracted services with direct delivery;

(C) community resources that will be involved.

*004. Delivery of Training and Technical Assistance by Child Development Specialists*

(a) Determination of appropriate delivery methods. Training must be tailored to the provider's expressed needs and expectations as well as their method of child care and level of operation.

(b) Individual training and technical assistance. Individual assistance may be provided in a group setting, such as a workshop, or in a one-to-one setting at the provider's work site. Telephone consultation may also be considered as individual training and technical assistance.

(c) Group training. The style and presentation techniques may range from sophisticated seminars on child care philosophies for experienced providers, to how to do it workshops for less experienced providers or providers wanting new ideas.

(d) Supplementary methods. Either group or individual training and technical assistance may be supplemented by the several methods describe below:

- (1) tours and visits to other facilities;
- (2) leaflets and other printed materials;
- (3) visual aids.

*005. Involving Others in Delivery of Training and Technical Assistance.* Child development specialists should be aware of all available resources to avoid duplication of services and to ensure that all available services are used to their fullest. Local government officials may provide information regarding local ordinances and requirements which affect providers, as well as lending endorsement and support to the program. Resources within and outside the department are the following:

- (1) child care providers
- (2) other DHR divisions and branches.
- (3) other agencies and organizations.

*006. Purchased Training.* Training is purchased from postsecondary institutions, experts, and day care providers to meet needs not met by the training activities of DHR staff. Both Title XX training funds and day care service funds may be used for this purpose.

*007. Cost Allocation*

(a) The costs of training staff in centers serving both Title XX eligible and noneligible children must be allocated. Allocation of costs chargeable to Title XX is made on the basis of the ratio of eligible children to total children served. If eligible trainees work exclusively in the Title XX funded

day care program, 100% of allowable costs may be charged to Title XX.

(b) In allocating training costs of eligible trainees, the following rules will apply in addition to any other allocation required by generally accepted accounting procedures.

(1) Amounts of Title XX training under a certain dollar amount per year are not charged to training.

(2) Training costs must be allocated, with Title XX training being used only for Title XX's share of costs. The basis of allocation will be the contracted ratio of Title XX eligibles to total children served.

(c) Other types of needed training which may be necessary to the operation of the Title XX day care center may be purchased as administrative support activities under 45 Code of Federal Regulations 228.90(b)(7). The costs for such training are charged against the region's allocation for services usually under the Title XX service ceiling.

*008. Who May Be Trained*

(a) Training under Subpart H regulations

(1) Subpart H of the Title XX regulations establishes rules and specifications of who may be trained using federal matching funds outside the ceiling of the Title XX allocations to the state for services.

(2) When the training is directly related to the provision of day care services paid for under Title XX training funds, direct caregivers and eligibility determination staff are eligible to be trained. To be considered a direct caregiver, the individual must give direct, full attention to the care and supervision of eligible children as a part of their responsibility (job description).

(3) Family day home caregivers who are currently serving Title XX eligibles or who will provide service to Title XX eligibles may be trained in group settings, as well as by means of the resource vans.

(4) Administrative management training or consultation are not reimbursable as training expenditures under Subpart H. Costs of training volunteers of the contractor may not be charged to Title XX training funds.

(b) Training purchased with service funds. Other kinds of staff, such as directors, supervisors, social workers, cooks, and fiscal staff, may be trained in areas directly related to the operation of the day care center using regional funds for day care services. Individual on site training for day home caregivers can be purchased with these funds. Training for these kinds of staff is authorized under 45 CFR 228.90(b)(7).

*009. Types of Purchase.* The funding used in each of the following types of purchase depends upon the type of trainee:

(1) Contracts with accredited postsecondary educational institutions. Contracts may be developed that allow eligible provider staff to attend training provided by accredited colleges and universities. The training may consist of regular course offerings of the institution and may be available to trainees on the basis of:

(A) credit courses that count toward a degree in a child development field.

(B) credit courses for special students that do not count toward a degree.

(C) courses that may be audited, and

(D) continuing education courses that provide continuing education credit.

Only those courses directly related to direct caregiver responsibilities may be taken for credit. Basic degree requirements

such as English, math, and history are not purchasable. This method is used when the eligible training needed is available from an educational institution as a part of its normal course offering. No substantial curriculum development activity should be a part of this type of purchase. The training may be provided on campus or off campus. Allowable costs in this type of purchased training are limited to tuition, required student books, and student supplies. Tuition may include student fees that are mandatory for all students of the kind being trained. If there is a differential public fee for all off-campus as opposed to on-campus courses, this off-campus rate is allowable if the training is conducted off campus.

(2) Contracts with accredited postsecondary educational institutions—sharemobile. Contracts may be developed to use the sharemobile resource. Needed training is made available to eligible trainees on site. The training may take the form of normal course offerings or special training. No substantial curriculum development should be a part of this type of purchase. Allowable costs are salaries, fringe benefits, and travel and per diem of instructors. Up to two full-time equivalent instructor operators may be budgeted for each van under such a contract. Per diem for instructor operators is allowable only for travel outside their home community. Maintenance and operation of the sharemobile may be budgeted on a per-mile basis in lieu of travel for instructor operators. The budgeted cost per mile is based upon a projection of actual operating expense. Some indirect costs are also allowable depending upon the type of funding.

(3) Contracts for curriculum development. When an identified training need exists for which no existing course is available, a contract may be awarded to an expert or an accredited college or university for the purpose of developing a curriculum to meet the training need. Allowable costs in this instance are limited to salaries, fringe benefits, travel, and per diem of the individual(s) engaged to develop the curriculum. In all contracts that include curriculum development, the contractor must provide the department with a master copy of that curriculum.

(4) Contracts with accredited postsecondary colleges and universities—resource libraries. Part of the approach taken by the Child Development Program to expand and improve training for provider agencies may be the development of child development resource libraries. These libraries serve as resource centers for improving the delivery of day care for children by making available staff development and teaching materials and/or equipment for use by day care providers. Contracts of this type are awarded to accredited postsecondary educational institutions. Allowable costs are limited to salary, fringe benefits, travel, and per diem of the resource librarian(s), salary and fringe benefits of reasonable and necessary clerical support, teaching materials and equipment such as books and audio-visual aids, and indirect costs not to exceed 10% of direct salaries.

(5) Combinations of training. The above four kinds of purchased provider training may be put together in various combinations to meet identified training needs of day care staff. The general category under which all four types and the various possible combinations fall is provider training contracts.

#### 010 Training Purchased from Day Care Services Providers for Provider's Staff

(a) The final method of purchasing training for provider staff is by means of a training component within the

service contract. In order to provide training in this manner, there must be a separate training program description and budget. This budget will be cost-reimbursement based. The unit rate for day care service as well as the cost of the training component must be assessed together to determine whether the total cost of the service is reasonable and necessary.

(b) Allowable costs in training components of service contracts are:

(1) travel and educational costs for eligible trainees in full-time training with no assigned work duties for a period of at least one academic quarter (one semester if the college is on a semester calendar);

(2) per diem (if training is located outside the home community of the trainee or the community in which the provider agency is located), travel, and education costs for eligible trainees in full-time training outside the provider agency with no assigned work duties for more than one week and less than eight consecutive work weeks;

(3) educational costs for eligible trainees attending training part time (part of a work day, mornings, evenings, weekends);

(4) salaries, fringe benefits, including reasonable clerical support, travel, and per diem for provider agency staff development personnel engaged in providing training directly related to the provision of day care for eligible employees paid by funds;

(5) salaries, fringe benefits, travel, and per diem for experts outside the provider agency engaged to conduct special programs for which expertise is not available from DHR or from within the provider agency;

(6) teaching supplies, teaching equipment, and teaching materials for provider agency training activities in areas directly related to the provision of day care services.

(c) Indirect costs and administrative costs of provider training activities are not allowable under Subpart H. Costs that are reasonable and necessary are included in the service contract.

(d) In addition to direct training and related curriculum development, costs of experts or provider staff development personnel who perform planning, needs assessment, monitoring, and evaluation of training may be included, if such functions are not the responsibility of DHR staff.

(e) In cases where provider staff development personnel or experts engaged in direct training activities spend less than full-time in eligible activities, costs must be allocated on the percentage of time spent in activities reimbursable under Subpart H. Generally, it is not reasonable nor efficient to allocate positions spending less than 30% or at least three hours per day, on the average, on these eligible activities.

(f) These guidelines also apply in training contracts funded with Title XX training funds.

#### 011 Reporting and Record Keeping

(a) Reporting. In conjunction with the reporting maintained by Child Development Program staff as part of the monitoring, evaluation, and support for day care services, there are reports which relate to training and technical assistance. The reports are department forms and are used to collect statistical data, summarize major occurrences, and help assess the delivery of training and consultation services.

(b) Quarterly reports. Each quarter the regions must submit a report which details the regional status of day care

This report is used to meet federal reporting guidelines and help project the next legislative appropriation request. A portion of the report is used to detail regional training efforts and training contracts.

(c) Statistical data. Training and technical assistance to child care facility staff and intradepartmental conferences are recorded on the Child Development Service Delivery Log; the Title XX Training Delivery Report, or some other system that collects equivalent information. These provide mechanisms for DHR staff and contractors to register service to recipients through the resource center and van, institutes, conferences, workshops, courses, and individual training and consultations. The forms provide information on the type of child care facility represented, its location, the date served, service method, training and consultation area, and hours of service.

(d) Documentation (recognition) for trainees. Trainees may want to keep track of the training services they have received for future reference and documentation purposes. Child Development Program staff should provide a means of recognizing participation in training services.

Issued in Austin, Texas, on July 1, 1980

Doc No 805048 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Proposed Date of Adoption August 8, 1980  
For further information please call (512) 441-3355

## State Board of Insurance

### Rating and Policy Forms

#### Workers' Compensation Rates 059.05.55

The State Board of Insurance proposes to amend effective September 1, 1980, Rule 059.05.55.001, Texas Workers' Compensation and Employers' Liability Insurance Manual

The segment of the rule which is being amended appears on page G14 of the Texas Classification Underwriting Guide and which reads:

Television community coaxial cable companies	
Initial line construction	7601
Service connections to customer's premises	7600
Studio or exchange employees, including clerical	8901

is withdrawn in its entirety and is replaced by the following entry in the Classification Section on page C89:

Television community coaxial cable company or contractor	
Initial line installation and drivers	7602
Service connections and drivers	7600
Studio or exchange employees and clerical	8901

New Classification Code 7602 will have the same rate as present Classification Code 6325, Conduit Construction, and is to be applied to all new, renewal, and outstanding policies effective September 1, 1980. The amendment to the Texas Workers' Compensation and Employers' Liability Insurance Manual changing the rate for Initial Line Installation from Code 7601 to Code 7602 will remove the inequity which is alleged because of the rate of Code 7601 being redundant to the hazard presented by coaxial cable installation and substantially above the rates in neighboring states, placing Texas contractors doing this work at a serious competitive disadvantage to other contractors.

The proposed amendment has no known fiscal effect for the state or any units of local government as determined by the staff of the State Board of Insurance.

Public comment on this proposed amendment is invited and may be submitted in writing to Edward O. Kasper, Workers' Compensation Unit, State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786.

This amendment is proposed pursuant to Article 1.04, 5.55 and 5.62 of the Texas Insurance Code.

001 *Texas Workers' Compensation and Employers' Liability Insurance Manual*. The State Board of Insurance adopts by reference the attached Texas Workers' Compensation and Employers' Liability Insurance Manual as amended on **September 1, 1980** (May 1, 1980), which contains rules, classifications, rates and endorsement forms for workers' compensation and employers' liability insurance. This document is **published by and is available from the National Council on Compensation Insurance, One Penn Plaza, New York, New York 10119 or from the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, where it is available for inspection. Purchase price is \$15.75** (available for public inspection in the offices of the Workers' Compensation Unit of the State Board of Insurance, 1110 San Jacinto, Austin, Texas 78786, and can be purchased from the State Board of Insurance for \$15.75).

Issued in Austin, Texas, on June 25, 1980

Doc No 805069 Pat Wagner  
Chief Clerk  
State Board of Insurance

Proposed Date of Adoption August 8, 1980  
For further information, please call (512) 475-4509

## Texas Motor Vehicle Commission

### General 067.02.00

The Texas Motor Vehicle Commission is proposing the adoption of Rules 067.02.00.010-012 to implement a system whereby licenses issued by the commission will expire and be subject to renewal on various dates during the year.

Heretofore, all licenses issued by the commission have expired on November 30 of each year, as was prescribed by the Texas Motor Vehicle Commission Code. However, as a result of an amendment to the Code adopted by the 66th Legislature, the commission is required to implement a system under which licenses will expire, beginning in 1981, on various dates during the year. It is the purpose of the following rules to implement the staggered license renewal system as mandated by the aforesaid amendment to the Code.

The commission has determined that the proposed rules will have no fiscal implications for the state or for units of local government.

Public comment on the proposed rules is invited. Comments should be submitted in writing to the Texas Motor Vehicle Commission, P.O. Box 2293, Austin, Texas 78768.

These rules are proposed under the authority of Sections 3.02 and 4.01A of the Texas Motor Vehicle Commission Code, Article 4413.36, Vernon's Texas Civil Statutes.

*.010. Renewal of Dealer Licenses for Various Periods.* All new motor vehicle dealer licenses which have been issued by the commission and which expire on November 30, 1980, will be renewed, commencing on December 1, 1980, for various periods of from three months to 12 months in duration. The total number of dealer licenses outstanding as of November 30, 1980, will be allocated in such a manner in order that an approximately equal number of dealer licenses will expire during each of the 10 months from February through November 1981. Thereafter, each license will be issued for a period of one year from the date of issuance of the license.

*.011. Proration of License Fees.* The license fee for each license issued during 1981 for a period of less than one year shall be prorated and only that portion of the license fee allocable to the number of months for which the license is

issued, shall be payable by the licensee. The amount of such license fees will be rounded off to the nearest dollar.

*.012. Manufacturers', Distributors', and Representatives' Licenses.* All existing manufacturers', distributors', and representatives' licenses will continue to be renewable for one year periods commencing December 1 of each year. All new manufacturers', distributors', and representatives' licenses will be issued for a period of one year from the date of issuance of the license.

Issued in Austin, Texas, on June 26, 1980.

Doc. No. 805008      Russell Harding  
Executive Director  
Texas Motor Vehicle Commission

Proposed Date of Adoption: September 1, 1980  
For further information, please call (512) 476-3587.

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."

---

---

## CODIFIED

---

---

### TITLE 1. ADMINISTRATION

#### Part V. State Purchasing and General Services Commission

##### Chapter 111. Executive Administration Division

###### Parking

The State Purchasing and General Services Commission has adopted amendments to its parking rules, §§111.31 and 111.32 (028 11 03 030 and 031) and §§111.37-111.40 (036-039). These amendments were proposed in the *Texas Register* on May 27, 1980 (5 TexReg 2049) and were formally adopted without changes at the June 27, 1980, meeting of the commission.

Public comment was solicited, but those received did not request changes in the proposed amendments.

These amendments are adopted under the authority of Section 4.12 of Article 601b, Vernon's Texas Civil Statutes.

###### §111.31 (028 11 03 030) General

(a) (c) (No change.)

(d) State owned parking areas not to be administered in accord with the general purview of these parking rules.

(1) Except as otherwise set out in this paragraph, the parking rules in effect for the Capitol Complex area shall not apply to those parking areas abutting or associated with the following buildings in Austin, Texas:

(A) the State Office Building at 410 East 5th Street (the old Health Building);

(B) the Cosmetology Commission Building at 1111 Rio Grande;

(C) the old American Bank Building at 111 West 6th Street.

(2) The buildings listed in paragraph (1) above are currently occupied by state agencies and have related parking areas that are under the general jurisdiction of our security section. Utilization of these parking areas in each case is under circumstances unique to each building, and the parking areas cannot readily be administered in accord with our general parking rules.

(3) The following guidelines shall apply to the parking areas described in paragraph (1) above:

(A) Each occupying agency shall be responsible for the assignment of parking spaces in the parking area designated to it by the commission, and shall assign those spaces to its eligible employees on a basis appropriate to its needs.

(B) Each occupying agency will designate one of its employees to be the parking coordinator, and the commission will provide each coordinator with detailed instructions for the proper administration of these guidelines.

(C) No matter what basis of assignment is developed by the agency, qualified applicants for car pool and handicapped permits shall be assigned a reserved space within the appropriate parking area.

(D) Neither the occupying agency, nor the commission may collect a parking fee for any parking permit assigned under this paragraph.

(E) In accord with the instructions referred to in subparagraph B above, decals or placards will be assigned and affixed by Capitol security, and one or the other must be displayed on all vehicles authorized to utilize the parking area. In this connection, the provisions of §111.40 (039) will apply to all permits issued under this subparagraph, and violations will be handled by the commission under §111.42 (041).

(F) An occupying agency may request enforcement by Capitol security, but Capitol security may enforce the applicable provisions of these rules in the described parking areas of this subparagraph on its own volition.

(G) The offenses referred to in Section 4.12 of Article 601b, Vernon's Texas Civil Statutes, and provisions of §111.41 (040) and §111.43 (042) shall be enforced by Capitol security in the described parking areas.

(H) Sections 111.44 and 111.45 (043 and 044) shall also be applicable to the described parking areas.

###### §111.32 (028 11 03 031) Assignment to a Reserved Space or Facility

(a) The assignment to a reserved space or facility is considered a privilege which can be revoked at any time for nonpayment or noncompliance with the parking regulations. In addition, this privilege may be revoked to permit implementation of changes in the parking system or these sections as mandated by the commission. Revocation because of commission mandate will give the employee losing an assignment a priority for reassignment to a space or facility as near as possible to the employee work location. The acceptance and use of a parking assignment constitutes acceptance of all rules and regulations regarding such assignment. Subject to the priority of assignment established in Section 4.12(c) of Article 601b, Vernon's Texas Civil Statutes, and in §111.36 (035) of this title, employees of state agencies are eligible for assigned parking so long as they office four hours or more a day within the Capitol Complex. Assignments may be based on waiting lists maintained by the commission. Applications for parking assignments received after the effective date of these sections, if no assignments acceptable to the employee are available at the time of the application, shall be placed on

waiting lists applicable only to those lots or garages designated for use of the building where the applicant is employed. The commission shall designate lots or garages to the use of particular buildings in order to give better distribution to parking utilization. New applications, not immediately assignable, shall be date and time stamped as they are received by the commission, and placed on the respective lists in chronological order. Falsifying data on applications for parking assignments is a violation of these sections. Assignments from those lists will be made on a "first-on, first-off" basis, but see the exceptions for new lots or parking garages described in §111.33 (.032) of this title, or for car pools described in §111.39 (.038) of this title.

(b) (c) (No change.)

(d) Allocation of spaces available for assignment.

(1) (No change.)

(2) Twenty percent of all remaining spaces administered by the commission shall be reserved for individual assignment as follows:

(A) From this 20%, those spaces required to be set aside "in state parking lots proximately located to the Capitol" for the use of the legislature and its administrative staff shall be deleted.

(B) (No change.)

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

#### §111.37 (.028.11.03.036) Short Term Parking Authorizations

(a) Objective:

(1) to allow state employees who are ill, or who have been injured, or who are temporarily handicapped and have a doctor's certification indicating a specific parking need, to either receive a short term parking authorization if they have no existing permit, or receive a short term parking permit allowing them to relocate to a facility and space closer to their building, or

(2) to allow an eligible employee with a parking assignment to use an unregistered, alternate vehicle; or

(3) to allow Capitol security to meet parking needs arising from unusual circumstances.

(b) Types of short term parking permits:

(1) Temporary permits may be issued for two to five days.

(2) Emergency permits may be issued for one day only.

(c) Temporary permit:

(1) May be issued for a period of two to five days.

(2) If the need for a temporary permit continues to exist after five working days, a new temporary permit may be obtained.

(3) Procedure for obtaining a temporary permit:

(A) Submit a written request to the agency parking coordinator (APC).

(B) If the request is approved, the APC will forward the request to Capitol security for issuance of a temporary parking permit, and the permitted employee will display the permit so issued.

(d) Emergency permits:

(1) Emergency permits may be issued for one day only.

(2) Such permits may be obtained by calling the parking and traffic section of Capitol security.

(3) If the emergency exists beyond the first day, a temporary permit must be obtained pursuant to subsection (c) above.

#### §111.38 (.028.11.03.037) Sublease and Utilization.

(a) Subleasing an assignment shall not be permitted and is a violation of these sections. It is possible for an employee who pays for his or her individual space assignment to allow another state employee to use that assignment during vacations, absences due to illness, or official travel, provided the commission is notified in advance, but charging a fee for this favor is a violation of these sections.

(b) (No change.)

#### §111.39 (.028.11.03.038) Car Pools.

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

(d) A newly established car pool, meeting the requirements of this section as determined by the commission, shall be assigned a reserved space within a lot or garage designated in the pool's application for assignment, provided this would not result in the dislocation of any employee having a previously assigned reserved space.

(e)-(g) (No change.)

#### §111.40 (.028.11.03.039) Parking Permits.

(a) All vehicles utilizing the state parking must display a current parking permit. Permits will be issued only for a vehicle owned or leased by the employee, except that handicapped employees having a reserved space assignment may request that permits be issued for the space for a car not owned or leased by the employee. Short term parking authorization may be issued by the commission for specific periods of time to cover emergency situations. (See §111.37 (.036) of this title.) The absence of a permit, plainly visible, on a vehicle parked on state parking facilities is a violation of these sections. If a vehicle not authorized is to be used for any reason, the commission should be notified in advance. Parking any vehicle in any space or facility other than the one assigned as indicated by the permit is a violation of these sections. All permits other than short term authorization will expire and be renewed on a biennial basis. The new permit will be issued upon verification of the specific assignment. Permits can be issued either in the form of decals or placards.

(b) Only a current permit should appear on any registered vehicle. Displaying more than one permit, even if one or more is not current, shall be a violation of these sections. It is the intent of this section that all expired or replaced permits should be removed from a registered vehicle.

Doc No 805052

## Chapter 113. Central Purchasing Division Purchasing

The State Purchasing and General Services Commission has adopted amendments to its general rule on policy statements, §113.1 (.028.12.01.050). These amendments were proposed in the *Texas Register* on May 27, 1980 (5 TexReg 2051) and were formally adopted without changes at the June 27, 1980, meeting of the commission. Public comment had been solicited, but none was received.

These amendments are adopted under the authority of Article 601b, Vernon's Texas Civil Statutes.



**§113.1 (028.12.01.050) General.**

(a) (No change.)

(b) It shall be the policy of the commission to administer the provisions of Section 3.10 of Article 601b, Vernon's Texas Civil Statutes, to secure competitive bidding "whenever possible."

(c) In furtherance of this policy, and in accordance with the provisions of Section 3.09(a), the commission staff shall review the specifications and conditions of purchase of any supplies, materials, equipment, or services submitted by a using agency. If the commission staff finds that specifications and conditions of purchase of a purchase request are drawn so as to limit an item to the products of one vendor and no other vendor could offer an equivalent product which meets the specifications and conditions of purchase, then the purchase shall be processed under the provisions of Section 3.09(b) through (f).

(d) The staff shall maintain and present to the commission at regular monthly meetings records of purchase transactions which:

- (1) permit competition in bidding;
- (2) do not permit competition, but for which acceptable written justification was given; and
- (3) do not permit competition, and where the staff has taken exception to the written justification given.

Issued in Austin, Texas, on July 1, 1980.

Doc. No. 805053      Homer A. Foerster  
 Executive Director  
 State Purchasing and General Services  
 Commission

Effective Date: July 22, 1980

Proposal Publication Date: May 27, 1980

For further information, please call (512) 475-5966.



TEXAS  
DEPARTMENT  
PUBLIC SAFETY

**TITLE 37. PUBLIC SAFETY AND CORRECTIONS****Part I. Texas Department of Public Safety****Chapter 23. Vehicle Inspection****Vehicle Inspection Station Operation Instructions and Guidelines**

The Texas Department of Public Safety adopts the amendment to §23.78 (201.12.06.008) which adopts by reference the

manual "Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors" as amended in January 1980, with no changes from the text proposed in the May 27, 1980, issue of the *Texas Register* (5 TexReg 2058-2059).

The amendment is adopted pursuant to the authority of Vernon's Civil Statutes, 6701d, Article XV, Section 141, and Vernon's Civil Statutes, 6701d-2.

**§23.78 (201.12.16.008). Instructions and Guidelines.**

(a) The "Rules and Regulations Manual for Official Vehicle Inspection Stations and Certified Inspectors" will be the instruction manual and guidelines for the operation of all vehicle inspection stations and certified inspectors.

(b) The manual "Rules and Regulations for Official Vehicle Inspection Stations and Certified Inspectors" as amended in January 1980, is adopted by reference and contains the revised rules and regulations for official vehicle inspection stations and certified inspectors. This manual has been filed as required by Texas Civil Statutes, Article 6701d-2, in the county clerk's office of every county in the state.

(c) The rules and regulations established and published and filed with the county clerk's office of every county in the state as the "Rules and Regulations Manual for Official Vehicle Inspection Stations and Certified Inspectors" will serve as procedure for all vehicle inspection station operations and inspections performed.

(d) Any violation of these rules and regulations may result in the suspension of the certificate of appointment of the vehicle inspection station or certificate of the certified inspector.

Issued in Austin, Texas, on June 30, 1980.

Doc. No. 805032      James B. Adams  
 Director  
 Texas Department of Public Safety

Effective Date: July 22, 1980

Proposal Publication Date: May 27, 1980

For further information, please call (512) 452-0331.

**Part X. Texas Adult Probation Commission****Chapter 321. Standards**

The Texas Adult Probation Commission adopts amendments to §§321.1 (608.01.00.010), 321.4 (608.01.00.040), and 321.6-321.8 (608.01.00.060-.080).

These amendments are promulgated under the authority of Article 42.121, Texas Code of Criminal Procedure.

**§321.1 (608.01.00.010). Administration.**

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

(g) Automobile allowance (Article 42.12, Section 10(f), (i)). Probation departments should establish an automobile allowance for the use of personal automobiles on official business by authorized department personnel to be paid from judicial district funds. Personal automobile allowance should not be less than the state allowance per mile. Flat rate monthly payment based on approximate mileage computed at not less than the current state rate per mile is not prohibited. Departments paying flat rate monthly allowances should maintain written documentation within the probation

department of business mileage. This documentation should include the officer's name, month, and officer's signature. The form should also contain the date, beginning odometer reading, ending odometer reading, total miles driven, and purpose of trips for each business day. These forms should be available for review by TAPC auditors.

(h) Per diem (Article 42.12, Section 10(i)). Probation departments should establish per diem allowance for employee expenses at a rate not less than the rate allowed state employees.

(i)-(s) (No change.)

**§321.4 (608.01.00.040). Caseloads.**

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

(d) Caseload. A caseload average within a department should be calculated by dividing the number of cases under direct supervision by the number of officers within the department devoting 80% or more of their time to direct case supervision. The average caseload of a probation officer should not exceed 200 cases on January 1, 1979; 150 cases on June 1, 1979; 100 cases on January 1, 1982.

**§321.6 (608.01.00.060). Facilities.**

(a) Minimum facilities (Article 42.12, Section 10(g)). Each probation officer should be provided a private office, or, in the alternative, a private office should be available to the probation officer for interviewing and counseling. Each office should have the necessary lighting, air conditioning, telephone, furniture, equipment, privacy, and decor to provide and promote professional conduct and the establishment of good rapport with the probationer.

(b) Location (Article 42.12, Section 10(g)). Each probation office providing direct court services should be located in the courthouse or as near the courthouse as practically possible to promote prompt and efficient services to the court.

(c) Satellite offices (Article 42.12, Section 10(g)). Satellite probation offices should be established in the area of the judicial district to provide efficient services to the probationer as is practically possible.

(d) Correctional facilities (Article 42.12, Section 10(g)). Each probation department should promote the establishment of community-based correctional facilities other than jails and prisons.

**§321.7 (608.01.00.070). Equipment.**

(a) Minimum equipment (Article 42.12, Section 10(g)). Each probation officer should be furnished adequate furniture, telephone, recording and transcribing equipment, copy making equipment, and other equipment as necessary and consistent with efficient office operations.

(b) Identification (Article 42.12, Section 10(g)). Each probation officer should be furnished identification which clearly states his authority and is easily recognized by the public and other agencies.

**§321.8 (608.01.00.080). Fiscal.**

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

(d) Fee restrictions (Article 42.12, Section 10(g); Article 42.121, Section 4.03). No funds from state financial aid or probation fees should be used by the county to provide physical facilities, equipment, and utilities for probation departments as required by the statutes.

(e)-(f) (No change.)

(g) Fees for fiscal services (Article 42.12, Section 10(g); Article 42.121, Section 4.03). The judicial district may use up to 3.0% of the state funding received in the first quarter of the

state fiscal year (September) to contract annually with the county or counties providing services of auditing, bookkeeping, and those services set forth in the statutes and other services deemed necessary by the judicial district other than those services required to be provided by the county or counties in Article 42.12, Section 10(g).

(h) (No change.)

Issued in Austin, Texas, on June 27, 1980.

Doc. No. 804988      Don R. Stiles  
Executive Director  
Texas Adult Probation Commission

Effective Date: July 17, 1980

Proposal Publication Date: April 1, 1980

For further information, please call (512) 475-1374.

---



---

## NONCODIFIED

---



---

### Texas Department of Human Resources

The Department of Human Resources adopts amendments to its legal services and civil rights rules as a result of recent changes in federal regulations. The changes affect food stamp fraud determinations and collection action on these determinations. The amendments include allowing the department to initiate administrative hearings regardless of the current eligibility of the individual. Also, individuals found by a court or administrative hearing to have committed fraud must sign a repayment agreement before they can be recertified to participate.

#### Civil Rights

#### Administrative Fraud Disqualification Hearings 326.74.41

The following amendments are adopted under the authority of the Human Resources Code, Title II, pursuant to federal regulations (7 Code of Federal Regulations Parts 272 and 273), effective June 1, 1980.

*.002. Requirement for Administrative Fraud Hearing.*

(a) (No change.)

(b) Seven Code of Federal Regulations Section 273.16(d) provides that an administrative hearing will be initiated by the department whenever the department has documented evidence to substantiate that a currently certified household member has committed one or more acts of fraud as defined in these rules. An administrative fraud hearing may be initiated regardless of the current eligibility of the individual. Fraud hearings will not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35, or if the value of ineligible items that have been purchased with food stamps is under \$35.

Doc. No. 805039

## Hearing Procedure 326.74.42

The following amendments are adopted under the authority of the Human Resources Code, Title II, pursuant to federal regulations (7 Code of Federal Regulations, Parts 272 and 273), effective June 1, 1980.

### .010. *Effect of an Administrative Determination of Fraud.*

(a) After a household member has been found to have committed fraud by a department hearing officer, the household member will be disqualified for three months beginning with the first month which follows the date the household member has received the notice. The disqualification period for nonparticipants at the time of the final hearing decision shall be deferred until the individual applies for and is determined eligible for program benefits. The disqualification period will be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed.

(b) (No change.)

### .012. *Court Actions in Relation to Fraud Disqualification.*

(a) (No change.)

(b) The regulations also state that if the court fails to address or specify a disqualification period, the department will disqualify an individual found guilty of fraud for a six-month period unless contrary to court order. If disqualification is ordered but a date for initiating the disqualification period is not specified, the department will initiate the disqualification period with the first month the worker can effectuate the disqualification action. If the periods coincide, court-ordered disqualification may run concurrently with the three-month period of disqualification imposed as a result of an administrative fraud hearing. The department will not initiate or continue a court-imposed or administratively imposed fraud disqualification period contrary to a court order. If the individual is not eligible for the program at the time the disqualification period is to begin, the period shall be postponed until the individual applies and is determined eligible for benefits.

(c) (No change.)

(d) The worker will be notified of the investigator's decision. The worker completes the notice of court disqualification and sends the form to the household.

Doc. No. 805040

## Legal Services

### Fraud Involving Recipients 326.79.21

The following amendments are adopted under the authority of the Human Resources Code, Title II, pursuant to federal regulations (7 Code of Federal Regulations, Parts 272 and 273), effective June 1, 1980.

### .021. *Collection Action on Food Stamp Fraud Claims.*

(a) The investigative unit is responsible for filing claims, setting up repayment schedules, and collecting restitution in all cases determined as fraud through an administrative fraud hearing or by a court of law. The investigator shall send the individual determined to have committed fraud a repayment agreement. A personal visit shall be made if possible. The repayment agreement shall be sent even if the household has previously received a nonfraud demand letter.

(b) (No change.)

(c) In cases involving court conviction, the investigator shall request that the court consider the matter of restitution. The individual, or remaining household members, may begin making cash repayments before or during any period of disqualification imposed on the guilty person. However, benefits lost to the household because of disqualification do not constitute repayment. Collection action shall be suspended only on a documented determination that the person determined to have committed fraud cannot be located. Such claims shall be determined uncollectible after three years. Suspended fraud claims shall be used to offset restored benefits.

(d) The investigator shall send a notice of fraud non-compliance with a copy of the form to the person determined to have committed fraud one month before the end of the disqualification period if that individual has failed to respond to the agreement letter (a personal visit will be made if possible). A copy of this notice will advise the certification worker to continue the guilty person's disqualification period indefinitely. When a repayment agreement is reached, the investigator shall notify the worker by memorandum to end the disqualification period. The disqualified person cannot participate until a repayment agreement is made. Civil court action may be initiated to collect the claim.

(e) If the guilty person moves away, the investigator shall initiate collection action against that person's current household.

(f) Fraud claims shall be collected in one of the following ways:

(1) Cash repayment. The investigator shall attempt to collect the entire due amount in one lump sum payment. The household shall not be required to liquidate all of its resources to make a lump sum payment.

(2) Installment payments. If the household is unable to pay the claim in one payment, a schedule of regular month payments shall be established. Payments should be set at a level which will result in repayment as soon as possible but not to exceed three years.

(3) Reduction of food stamp allotment. Prior to such recoupment, the investigator must discuss with the household the amount of food stamps to be recouped. The recoupment amount shall equal the lesser of 25% of the household's monthly allotment, or the guilty person's pro rata share of the allotment.

(g) If the guilty person fails to make an agreed cash repayment, or pays less than the agreed amount, the investigator shall send a notice of fraud noncompliance to the individual. If, within 15 days, the person fails to respond to this notice, the investigator shall notify the certification worker by memorandum to initiate forced recoupment. If the individual responds to the noncompliance notice, the investigator may permit the person determined to have committed fraud to resume the agreed-upon repayment schedule, or renegotiate the agreement and execute a new repayment agreement. If the individual requests renegotiation but the investigator can conclusively document that the household's circumstances have not changed enough to warrant, the investigator may, with concurrence of the investigative unit

supervisor, refuse the requested settlement and continue renegotiation or notify the worker to impose recoupment.

Issued in Austin, Texas, on July 1, 1980.

Doc. No. 805041 Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Effective Date: June 1, 1980

Proposal Publication Date: N/A

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

## Texas Department of Labor and Standards

### Boiler Inspection Division

#### Part A. Administration 063.33.02

The Boiler Inspection Division of the Texas Department of Labor and Standards is adopting these amended rules pursuant to the authority granted in Section 6 of Article 5221c, Texas Civil Statutes.

##### .102. Rules and Regulations Adopted by Board.

(a) The definitions, rules, and regulations formulated for new construction and installation shall follow generally accepted engineering standards, formulas, and practices pertaining to boiler and pressure vessel construction and safety. The board may, by resolution, adopt the ASME Code as part of the definitions, rules, and regulations.

(b) (No change.)

##### .103. Procedure for Modification of or Variation from Rules and Regulations.

(a) Any person aggrieved by a rule, regulation, or decision of the commissioner may notify the commissioner of the grievance, in writing, in accordance with Section 7 of the Boiler Inspection Law, Texas Revised Civil Statutes, Article 5221c.

(b) Upon failure of the commissioner to amend or repeal the fundamental rule, regulation, or decision, the aggrieved person may file an appeal pursuant to Section 12 of the APTRA or action for declaratory judgment to determine the validity or applicability of said rule, regulation, or decision of the commissioner within 30 days of the date of the hearing. The appeal or suit must be brought in the district court of Travis County, and not elsewhere.

(c) Any person or user may request a variation from a rule, regulation, or decision. The request for variation shall specify how the equivalent safety is to be maintained. The commissioner after investigation and such hearing as he may direct may, on his own motion, grant such variation from the terms of any rule, regulation, or decision.

(d) Decisions or grievances and variations shall become effective upon the dates the decisions are rendered but must be rendered in writing.

.104. Conditions Not Covered by These Rules. In any condition not covered by these rules, the ASME Code for new installations shall apply. Any owner or user of boilers or any deputy inspector, authorized inspector, or interested party may submit in writing an inquiry to the commissioner for an opinion or clarification.

.105. Registration. The procedure for an owner or user to follow in registering a boiler with the Department of Labor and Standards shall be:

(1) At time of purchase, identify the items which make up the completed boiler and establish who will be responsible for documenting data on the various Manufacturers' Data Report forms or the Master Data Report form, as applicable. An engineering-contractor with an "S" stamp can be the manufacturer.

(2) Upon receipt of the Manufacturers' Data Report forms, the owner or user shall notify the authorized inspection agency that the initial inspection and the time for assigning and stamping the state number is imminent.

(3) The owner or user shall apply to the Texas Department of Labor and Standards for registration prior to any boiler installation.

(4) If any of the two components making up a complete boiler have not been registered with the National Board, the owner or user shall apply to the commissioner for a variance, before the components are delivered to the job-site.

.106. Manufacturers' Data Reports. Manufacturers' Data Reports shall be filed by the manufacturer with the chief inspector and the National Board.

.107. Stamping and Numbers on Boilers. When the first inspection is made of any boiler, the inspector shall stamp, as near to the code stamping as practicable, the letters TX, underneath which shall be stamped the state serial number. State serial numbers shall be cut with steel dies (preferably low stress) 5/16-inch in height and shall be preceded and followed by a five-point star of the same height. The stars shall be placed near enough to the first and last numerals of each number assigned so that no additional numeral may be placed between, as shown by the following facsimile:

TX  
\*12345\*

A corrosion-resistant metal tag, properly stamped and securely affixed in the vicinity of the code stamping, may be substituted for the above on lined potable water heaters, cast iron sectional boilers, or other boilers that may be damaged by the application of the stamp. No person except the chief inspector, or deputy inspector shall deface or remove such numbers. The state serial number or other boiler identifying numbers shall not be concealed by lagging or paint and shall be exposed at all times. No other Texas state serial number shall be given that boiler. State serial numbers shall be stamped on all boilers regardless of other identifying numbers, such as National Board or manufacturers' serial numbers; however, all such numbers shall be given on the first internal inspection report.

##### .110. Fees.

(a) Certificate of operation.

(1) Authorized inspector. The owner or user or his agent shall forward to the chief inspector the certificate of operation fee required in Section 5 of the Act.

(2) Deputy inspector. The owner or user shall make a direct payment of the fee required in Rules 063.33.02.124.

(b) Special inspections. The fee for a special inspection is \$175 for four hours or less and \$250 for greater than four hours and including eight hours. In addition to the above

stated fees, travel and per diem in accordance with the current rate as established in the current Appropriations Act shall be paid.

*.111. Safety Appliances.*

(a) (No change.)

(b) When a boiler is dismantled or moved, all safety appliances must conform to the requirements governing new installations prior to a return to service.

*.112. Authority to Set and Seal Safety Appliances.* All safety valves and safety relief valves must be repaired, tested, set, and sealed by one of the following:

(1) Authorized safety valve and safety relief valve manufacturers or users who have been granted authorization by the commissioner. Such authorization shall be granted only upon proof of competency on a form to be furnished by the commissioner and signed by an officer of the organization requesting the authorization.

(b) Authorized safety valve repair shops that have been granted authorization by the commissioner. Such authorization shall be granted only upon implementation and demonstration of a written quality control system acceptable to the commissioner.

*.113. Examination for a Commission.*

(a) (No change.)

(b) Application for examination for a commission as an inspector shall be in writing upon a form to be furnished by the commissioner stating the education of the applicant, a list of employers, period of employment, and position(s) held with each employer.

(c) If the applicant's qualifications meet the approval of the commissioner, he shall be given a written examination dealing with the construction, installation, maintenance, repair, and inspection of boilers.

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

(h) Applicants for a commission shall submit a \$25 examination fee with their initial application. This examination fee must be received by the Texas Department of Labor and Standards before an applicant can take the examination. An applicant who repeats the examination because of an unsuccessful first attempt shall submit a \$25 examination fee for each time he repeats the examination.

(i) The examination fee cannot be refunded unless the applicant notifies the Texas Department of Labor and Standards that he will be unable to take the examination at least 10 days prior to the date thereof.

*.114. Commissions.*

(a) Upon the request of a boiler insurance company, authorized to do business in this state, a commission as an authorized inspector and an identifying commission card shall be issued by the commissioner to an inspector in the employ of such insurance company provided the inspector has successfully passed the examination as set forth in Rule

.113. Commissions issued to inspectors in the employ of insurance companies shall be held at the home office of the employing company. The commission and identifying commission card shall be returned to the commissioner when the inspector to whom the commission was issued is no longer in its employ. An inspector, commissioned as provided herein, shall be entitled to another commission upon leaving the employ of one insurance company authorized to insure boilers in this state and entering the employ of another such company without examination, provided the commissioner is

notified immediately of such re-employment and provided that a \$5.00 commission reissuance fee is submitted.

(b) An inspector's commission may be suspended or revoked by the commissioner after due investigation and hearing for the inspector's incompetence, untrustworthiness, or willful falsification in his application or in an inspection report made by him. Written notice of any hearing shall be given by the commissioner at least 10 days prior thereof to the inspector and his employer. A person whose commission is challenged is entitled to a hearing before the commissioner, and to be present in person at the administrative hearing and may be represented by counsel at the hearing. Each party to a hearing shall be afforded the full protection of all due process of law at the hearing and in any appeal. Each part of all hearings shall be held in compliance with the Administrative Procedures and Texas Register Act.

(c) A person whose commission has been suspended is entitled to apply for reinstatement after 90 days from the date of such suspension. Any commission that is revoked shall be treated as a new application for a commission and can be filed no sooner than one year after the effective date of revocation.

(d) If a commission is lost or destroyed, a new commission shall be issued in its place without another examination upon request and receipt of the \$5.00 fee.

(e) Renewal of a commission is required in December of each year, at which time a new identifying card will be issued. The annual renewal fee shall be \$5.00.

(f) In lieu of the examination provided for in Rule .113, a commission may be issued to an inspector holding a certificate of competency as an inspector of boilers and pressure vessels for a jurisdiction that has a standard written examination substantially equal to that of the State of Texas and/or a valid commission as an inspector of boilers and pressure vessels issued by the National Board. Requests for a commission as inspector that are based on the possession of a National Board commission shall be made on a form provided by the commissioner and shall be accompanied by a copy of the applicant's commission, current commission renewal card issued by the National Board, and the \$25 initial commission issuance fee.

*.116. Boiler Accidents.* In case of a serious accident, such as an explosion, notice shall be given immediately by telephone to the chief inspector and the authorized inspector; neither the boiler nor any of the parts thereof shall be removed or disturbed before an inspection has been made by the chief inspector or deputy inspector, and authorized inspector, except for the purpose of saving human life or preventing further damage.

*.117. Risks—New, Cancelled, or Suspended.*

(a) All insurance companies shall promptly notify the chief inspector, on Form NB-4, of all boiler risks written, as well as all boiler risks rejected, cancelled, not renewed, or suspended because of unsafe conditions.

(b) (No change.)

*.120. Condemned Boilers.* Any boiler having been inspected and declared unsafe by the chief inspector or deputy inspector shall be stamped by the inspector with an "X" on the star on either side of the Texas serial number, as shown

by the following facsimile, which will designate a condemned boiler:

TX  
X12345X

Any person, firm, partnership, or corporation using or offering for sale a condemned boiler for operation within this state shall be subject to the penalties provided in Section 13 of the Act.

**.121. Inspection Report Forms.** At the time of the first inspection of any boiler covered by the provisions of the Act, a complete report (including safety or relief valve name plate data) shall be submitted on Form NB-5, or other appropriate form, provided by the Texas Department of Labor and Standards. The reports shall be submitted within 30 days of the date of the inspection. External inspections shall be reported on Form NB-6, or other appropriate form, only when hazardous conditions affecting the safety of the boiler are found to exist.

**.124. Fees for Inspections.** The fees for inspection of boilers shall be as follows:

- (a) For all boilers other than heating boilers:
- (1) boilers with a heating surface of 50 square feet (4.65 square meters) or less..... \$30;
  - (2) boilers with a heating surface greater than 50 square feet (4.65 square meters) but not greater than 100 square feet (9.29 square meters) ..... \$50;
  - (3) boilers with a heating surface greater than 100 square feet (9.29 square meters) but not greater than 500 square feet (46.45 square meters)..... \$60;
  - (4) boilers with a heating surface greater than 500 square feet (46.45 square meters) but not greater than 1,500 square feet (139.35 square meters)..... \$70;
  - (5) boilers with a heating surface greater than 1,500 square feet (139.35 square meters)..... \$99.
- (b) For heating boilers:
- (1) boilers without a manhole..... \$40;
  - (2) boilers with a manhole..... \$65.
- (c) Such fees shall be paid in full before a certificate of operation will be issued.

Doc. No. 805061

## Part G. General Requirements—All Boilers 063.33.03

The Boiler Inspection Division of the Texas Department of Labor and Standards is adopting the amendments to these rules pursuant to the authority granted in Section 6 of Article 5221c, Texas Civil Statutes.

### **.101. Foundations and Levels.**

- (a) (No change.)
- (b) Boilers that are not level and do not have substantial foundations may be removed from service until such provisions are provided.

### **.103. Clearance.**

- (a) (No change.)
- (b) A minimum clearance of two feet shall be maintained on all sides of a boiler except portable boilers and potable water heaters. A minimum of four feet shall be maintained between top of a boiler and roof joist. A minimum of one foot shall be maintained between the bottom of Scotch-type boilers and the foundation or floor.

**.104. Location of Discharge Outlets.** The discharge of safety valves and safety relief valves, blowdown pipes, and other outlets shall be located to prevent injury to personnel.

### **.105. Low-Water Fuel Cutoffs and Water Feeding Devices.**

- (a)-(c) (No change.)
- (d) A design with float and float chamber shall have a valve located at the lowest point of the unit to permit test and draining of sediment.
- (e) An additional low-water cutoff device may be utilized on boilers. This additional device is commonly referred to as the probe type and/or flow valve type.
- (f) If a water feed device is utilized, it shall be constructed to prevent feedwater from entering the boiler through the float chamber.
- (g) For steam boilers, the lowest safe water line shall be the lowest visible part of the water gage glass.

### **.106. Electric Steam Generators.**

- (a)-(b) (No change.)
- (c) In electric boilers of the submerged-electrode type, the water gage glass shall be located to indicate the water levels both at start-up and under maximum load conditions as established by the manufacturer.
- (d) In electric boilers of the resistance-heating-element type, the lowest visible part of the water gage glass shall not be below the top of the electric resistance heating element. Each boiler of this type shall be equipped with an automatic low-water electric power cutoff to automatically disconnect the power supply before the surface of the water falls below the top of the electrical resistance heating elements.
- (e)-(f) (No change.)

**.107. Attendance on Boilers.** A boiler in operation shall be under the supervision of and checked at suitable intervals by a competent attendant, regardless of whether or not it is equipped with automatic feed water regulator, fuel and damper regulator, high-and-low-water alarm, or any other form of automatic control. A competent attendant shall be a person who is familiar with the operation of the boiler and who has been properly instructed in its safe operation.

### **.108. Care of Boiler Room.**

- (a) The boiler room shall be free from accumulation of rubbish and materials that obstruct access to the boiler, its setting, or firing equipment.
- (b)-(e) (No change.)

**.110. Conditions Not Covered by Rules and Regulations.** All conditions not specifically covered by these requirements shall be treated as new installations or be referred to the chief inspector for instruction.

### **.111. New Installations.**

- (a) No boiler, except reinstalled boilers and those exempted by the Act, shall be installed in this state unless it has been constructed, inspected, and stamped in conformity with the applicable section of the ASME Code and registered with the National Board of Boiler and Pressure Vessel In-



spectors, and is approved, registered, and inspected in accordance with the requirements of these rules and regulations. Cast iron sectional boilers need not be registered with the National Board.

(b) (No change.)

(c) New boilers including reinstalled boilers, shall be installed in accordance with the requirements of the latest revision of the applicable section of the ASME Code and these rules and regulations.

(d) (No change.)

#### .112. *Unfired Steam Boilers.*

(a) Some examples of the unfired steam boilers referred to in Definitions, Rule 063.33.01.107(d)(1) and (2), are shown in Exhibits 1A and 1B. The limits are defined as the first binding point, circumferential welded joint, threaded joint, or flanged joint in the piping connected to the vessel in which the water is converted into steam. The safety devices, gages, gage glasses, and similar devices attached to the vessel shall also be included within these limits.

(b) (No change.)

Doc. No. 805062

## Part P. Power Boilers 063.33.04

The Boiler Inspection Division of the Texas Department of Labor and Standards adopts these amendments pursuant to the authority granted in Section 6 of Article 5221c, Texas Civil Statutes.

#### .101. *Safety Valves and Safety Relief Valves.*

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

(c) The valve or valves shall be connected to the boiler, independent of any other steam connection, and attached as close as practicable to the boiler without unnecessary intervening pipe or fittings.

(d) No valves of any description shall be placed between the required safety valve or safety relief valve or valves and the boiler, nor on the discharge pipe between the safety valve or safety relief valve and the atmosphere. When a discharge pipe is used, it shall be at least full size of the safety-valve discharge and fitted with an open drain to prevent water lodging in the upper part of the safety valve or discharge pipe. When an elbow is placed on a safety valve discharge pipe, it shall be located close to the safety valve outlet. The discharge pipe shall be securely anchored and supported. All safety valve or safety relief valve discharges shall be located or piped to be carried to a safe point of discharge clear from walkways or platforms used for access to main stop valves of boiler or steam header.

(e) The safety valve capacity of each boiler must allow the safety valve or valves to discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6.0% above the highest pressure to which any valve is set, and to no more than 6.0% above the maximum allowable working pressure.

(f)-(i) (No change.)

#### .102. *Feedwater Supply.*

(a) (No change.)

(b) A boiler having more than 500 square feet of water heating surface shall have at least two means of feeding: one of which should be a pump, injector, or inspirator. A source of

feed directly from water mains at a pressure of at least 6.0% greater than the set pressure of the safety valve with the highest setting, may be considered as one of the means of feeding. Boilers fired by gaseous, liquid, or solid fuel in suspension may be equipped with a single means of feeding water provided means are furnished for the immediate shutoff of heat input if the feedwater is interrupted.

(c) Feedwater shall not be discharged close to riveted joints of shell or furnace sheets or directly against surfaces exposed to products of combustion or to direct radiation from the fire.

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

#### .103. *Water Level Indicators.*

(a) (No change.)

(b) Boilers not over 36 inches in diameter, in which the heating surface does not exceed 100 square feet, require two gage cocks. Electric boilers operating at pressures not exceeding 400 psi do not require gage cocks.

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

(e) The water column shall be fitted with a drain cock or drain valve of at least 3/4-inch pipe size. The water column blowdown pipe shall not be less than 3/4-inch pipe size and shall be piped to a safe point of discharge.

(f) (No change.)

#### .104. *Pressure Gages.*

(a) Each boiler shall have a pressure gage that is easily readable. The dial of the pressure gage shall be graduated to approximately double the pressure at which the safety valve is set, but in no case to less than 1-1/2 times this pressure. The pressure gage shall be connected to the steam space, to the water column, or its steam connection. A valve or cock shall be placed in the gage connection adjacent to the gage. An additional valve or cock may be located near the boiler providing it is locked or sealed in the open position. No other shutoff valves shall be located between the gage and the boiler. The pipe connection shall be of ample size and arranged so that it may be cleared by blowing down. For a steam boiler the gage or connection shall contain a siphon or equivalent device which will develop and maintain a water seal that will prevent steam from entering the gage tube.

(b) Each boiler must have a valved connection of at least 1/4-inch pipe size connected to the steam space for the exclusive purpose of attaching a test gage when the boiler is in service to test the accuracy of the pressure gage.

#### .105. *Stop Valves.*

(a) (No change.)

(b) When a stop valve is located that allows water to accumulate, ample drains shall be provided. The drain shall be piped to a safe location and shall not be discharged on the top of the boiler or its setting.

(c) When boilers provided with manholes are connected to a common steam main, the steam connection from each boiler shall be fitted with two stop valves with an ample drain between them. The discharge of the drain shall be visible to the operator while manipulating the valves and shall be piped clear of the boiler setting. The stop valves shall consist preferably of one automatic nonreturn valve (set next to the boiler) and a second valve of the outside-screw-and-yoke type.

#### .106. *Blowdown Connection.*

(a) The construction of the setting around each blowdown pipe shall permit free expansion and contraction.

These setting openings must be sealed without restricting the movement of the blowdown piping.

(b) All blowdown piping, when exposed to furnace heat, shall be protected by firebrick or other heat-resisting material, and constructed to allow the piping to be inspected readily or easily.

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

Doc. No. 805063

## Part H. Heating Boilers 063.33.05

These amendments are adopted pursuant to the authority granted in Section 6 of Article 5221c, Texas Civil Statutes.

### .102. Safety Relief Valves.

(a) Each hot water heating boiler shall have at least one officially rated pressure relief valve set to relieve at or below the maximum allowable working pressure of the boiler. Each hot water supply boiler or lined potable water heater shall have at least one officially rated relief valve or at least one officially rated pressure temperature relief valve of the automatic-reseating type set to relieve at or below the maximum allowable working pressure. When more than one relief valve is used on either hot water heating or hot water supply boilers, valve shall be officially rated.

(b) Relief valves shall be spring loaded without disk guides on the pressure side of the valve. Relief valves shall be arranged so that they cannot be reset to relieve at a higher pressure than the maximum permitted by Rule 063.33.05.102(a).

(c) (No change.)

(d) Seats and disks of relief valves shall be made of a suitable material to resist corrosion. No materials likely to fail due to deterioration or vulcanization, when subjected to saturated steam temperature corresponding to capacity test pressure, shall be used for any part.

(e) (No change.)

(f) When a pressure and temperature type safety relief valve is used the ASME BTU relieving capacity shall equal or exceed the BTU input rating of the heater.

### .104. Pressure Gages.

(a) Steam heating boilers.

(1) Each steam heating boiler shall have a pressure gage connected to the steam space, water column, or steam connection by a siphon or equivalent device exterior to the boiler. The gage shall be of sufficient capacity to keep the gage tube filled with water and arranged so that the gage cannot be shut off from the boiler except by a cock with tee or lever handle placed in a pipe near the gage. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

(2) (No change.)

(b) Hot water heating boilers.

(1) Each hot water heating boiler shall have a pressure or altitude gage connected to it or to its flow connection which cannot be shut off from the boiler except by a cock with tee or lever handle placed on the pipe near the gage. The handle of the cock shall be parallel to the pipe in which it is located when the cock is open.

(2)-(3) (No change.)

### .105. Water Gage Glasses.

(a) Each steam heating boiler shall have one or more water gage glasses attached to the water column or boiler by means of valved fittings. The lower fitting shall have a drain valve of the straightway type with opening not less than 1/4 inch diameter to facilitate cleaning. Gage glass replacement shall be possible under pressure.

(b) Transparent material, other than glass, may be used for the water gage provided that the material has proved suitable for the pressure, temperature, and corrosive conditions encountered in service.

### .106. Stop Valves.

(a) (No change.)

(b) For single hot water heating boilers.

(1) Stop valves shall be located at an accessible point in the supply and return pipe connections near the boiler nozzle of a single hot water heating boiler installation to permit draining the boiler without emptying the system.

(2) (No change.)

(c) (No change.)

(d) Type of stop valve. When stop valves over two inches in size are used, they shall be of the outside-screw-and-yoke rising stem type or of such other type as to indicate at a distance whether it is closed or open by the position of its stem or other operating mechanism. The wheel may be carried either on the yoke or attached to the stem. If the valve is of the plug cock type, it shall be fitted with a slow opening mechanism and an indicating device and the plug shall be held in place by a guard or gland.

(e) (No change.)

### .108. Bottom Blowdown or Drain Valve.

(a) Each boiler shall have a bottom blowdown or drain pipe connection fitted with a valve or cock connected to the lowest water space practicable. The minimum size of blowdown piping and valves shall be as shown in this table.

Size of Bottom Blowdown Piping and Valves

Minimum Required Safety or Safety Relief Valve Capacity Pounds of Steam Per Hour	Blowdown Valves Size, Inches
Up to 500	3/4
501 to 1,250	1
1,251 to 2,500	1-1/4
2,501 to 6,000	1-1/2
6,001 to Larger	2

(b) (No change.)

(c) The minimum pressure rating of blowdown and drain valves and/or cocks shall be equal to the pressure stamped on the boiler but in no case less than 30 psi (207 kPa). The temperature rating of such valves and/or cocks shall be not less than 250°F (121°C).

### .109. Provisions for Thermal Expansion.

(a) Hot water heating boiler. If the system is of closed type, an airtight tank or other suitable air cushion that is consistent with the volume and capacity of the system shall be installed, and it shall be suitably designed for a hydrostatic test pressure of 2-1/2 times the allowable working pressure of the system. Expansion tanks for systems designed to operate above 30 psi shall be constructed in accordance with Section VIII, Division I, of the ASME Code. Provision shall be made for draining the tank without emptying the system, except for pressurized tanks.



(b) Lined potable water heater. If a system is equipped with a check valve or pressure-reducing valve in the cold water inlet line, an airtight expansion tank or other suitable air cushion shall be considered. When an expansion tank is provided, it shall be constructed in accordance with Section VIII, Division I, of the ASME Code, for a maximum allowable working pressure equal to or greater than the water heater. Provision shall be made for pre-pressurized tanks.

.110. *General Safety.* If, in the judgment of the inspector, a heating boiler is unsafe for operation at the pressure previously approved, the pressure shall be reduced and proper repair made, or the boiler shall be removed from service.

.113. *Potable Water Heaters, Unique Requirements.*

(a) Safety relief valves may be connected to the top of the heaters or directly to a tapped or flanged opening in the heater by a fitting connected to the heater with a short nipple, a Y base or a valveless pipe between adjacent heaters, or a valveless header connecting water outlets on the same heater. Safety relief valves shall be installed vertical or horizontal. The centerline of the safety relief valve connection shall be no lower than four inches from the top of the shell. Safety relief valves shall not be connected either to an internal pipe in the heater, or to a cold water feed line connected to the heater.

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

(d) Each water heater shall have a thermometer located and connected at or near the outlet that is easily readable. The thermometer shall at all times indicate the temperatures of the water in the hot water heater.

(e) When the water supply to a water heater exceeds 75% of the design pressure of the heater, a pressure-reducing valve shall be required.

Doc. No. 805064

## Part I. Inspection 063.33.06

The Boiler Inspection Division of the Texas Department of Labor and Standards is adopting these amended rules pursuant to the authority granted in Section 6 of Article 5221c, Texas Civil Statutes.

.103. *Extension of Interval between Internal Inspections.* For the interval between internal inspection to be extended as provided for in Section 4a of the Act, the following procedure must be followed:

(1) Thirty days prior to the expiration date of the current certificate, the owner or user shall submit a request to the commissioner, in duplicate, stating the length of extension desired, with a statement that records are available showing compliance with the statutory requirements.

(2) Upon receipt of the owner or user's request and statement that records have been kept as required by Section 4a of the Act, the commissioner shall notify the inspection agency having jurisdiction. The inspection agency shall review all records, make an external inspection and submit to the commissioner, along with the external inspection report, a statement indicating the period of extension they will approve.

(3) Upon receipt of complete information from both the owner or user and the inspection agency, the request shall be referred to the commissioner for consideration. If approved, a new certificate of operation may be issued for the

extended period of the operation provided all fees have been paid as required by the act.

.104. *Notice to Owners or Users of Boilers.*

(a) All boilers, unless otherwise exempted by the Act, shall be prepared for regular inspections or hydrostatic tests, whenever necessary, by the owner or user when notified by the chief inspector, deputy inspector, or authorized inspector.

(b) The owner or user shall prepare each boiler for an internal inspection and shall prepare for and apply the hydrostatic tests whenever necessary on the date specified by the chief inspector, deputy inspector, or authorized inspector. This date shall not be less than seven days after the date of notification.

(c) No inspection shall be made by the chief inspector or any deputy inspector on a Saturday, Sunday, or legal holiday except in case of an accident or other emergency.

.105. *Preparation for Internal Inspection.* The owner or user shall prepare a boiler for internal inspection in the following manner:

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

(5) The pressure gage shall be removed for cleaning of the syphon and testing, if necessary.

(6) The low-water fuel cutoff device shall be dismantled, cleaned, and prepared for inspection.

(7) Before removing the manhole or handhole covers and entering any part of the boiler connected to a common header with other boilers any leakage of steam or hot water shall be eliminated. The nonreturn and stop valves must be closed, tagged, and preferably padlocked, and drain valves between the two valves opened. The feedwater valves must be closed, tagged, and preferably padlocked. After draining the boiler, the blowdown valves shall be closed and preferably padlocked. Blowdown lines, where practicable, shall be disconnected between pressure parts and valves. All vent and drain lines shall be opened.

.106. *Removal of Covering to Permit Inspection.* If the boiler is jacketed so that the seams of shells, drums, or domes cannot be seen, enough of the jacketing, setting wall, or other form of casing or housing shall be removed to permit inspection to determine the safety of the boiler. Provided such information cannot be determined by other means.

.107. *Boilers Improperly Prepared for Inspection or Test.* If a boiler has not been properly prepared for an internal inspection or a hydrostatic test as set forth in these rules, the inspector may decline to make the inspection or witness the test, and the certificate of operation shall be withheld until the owner or user complies with all requirements.

.108. *Defective Conditions Disclosed at Time of External Inspection.* If there is evidence of a leak or crack, the covering of the boiler shall be removed to satisfy the inspector as to the safety of the boiler. If the covering cannot be removed at that time, he may order the operation of the boiler discontinued until such time as the covering can be removed and proper examination made.

Doc. No. 805065

## Part R. Repairs and Alterations 063.33.07

The Boiler and Inspection Division of the Texas Department of Labor and Standards is adopting these amended rules pur-

suant to the authority granted in Section 6 of Article 5221C, Texas Civil Statutes.

.101. *Major Repairs and Alterations.* When a major repair or alteration is necessary, it shall be subject to the approval of the inspector. Repairs to all boilers and their appurtenances shall conform as nearly as practicable to the requirements of the National Board Inspection Code. It is not intended that any duplicate replacement, the addition of a duplicate reinforced nozzle, the addition of nozzles not requiring reinforcement, or changes to nonpressure-retaining components be considered an alteration. An "R" symbol is available to boiler repair facilities from the National Board of Boiler and Pressure Vessel Inspectors upon approval by the chief inspector. Use of this stamp should be considered for major repairs.

.102. *Repair or Piecing Tubes.* In re-ending or piecing tubes in fire tube or water tube boiler, the remaining thickness of the tube must not be reduced by more than 10% from that required by the ASME Code for pressure to be carried. In all cases, the requirements of Section IX of the ASME Code shall be met.

.103. *Lap Seam Cracks.* The shell or drum of a boiler in which a typical "lap seam crack" is discovered along a longitudinal riveted lap-type joint shall be immediately and permanently discontinued for use under pressure. A "lap seam crack" is the typical crack frequently found in lap seams, which extends parallel to the longitudinal joint and is located either between or adjacent to rivet holes.

.104. *Hydrostatic Tests.*

(a) When there is a question or doubt about the extent of a defect found in a boiler, the inspector may require a hydrostatic test.

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

(d) The minimum temperature of the water used to apply a hydrostatic test shall be 70° F, but the maximum temperature shall not exceed 120° F.

(e) When a hydrostatic test is to be applied after inspection, the pressure shall be as follows:

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

(3) The pressure applied for a hydrostatic test shall not exceed 1-1/2 times the maximum. In no case shall the test pressure be exceeded by more than 2.0%.

Doc. No. 805066



## Texas Motor Vehicle Commission General 067.02.00

The Texas Motor Vehicle Commission has withdrawn from consideration proposed Rules 067.02.00.010 and .011 concerning requirements for the disclosure by new motor vehicle dealers of certain information relating to warranties on new motor vehicles. The text of Rules .010 and .011 was published in the November 3, 1978, issue of the *Texas Register* (3 Tex-Reg 3824).

Issued in Austin, Texas, on June 30, 1980.

Doc. No. 805030      Russell Harding  
Executive Director  
Texas Motor Vehicle Commission

Filed: July 11, 1980, 9:54 a.m.

For further information, please call (512) 476-3587.

## Statewide Health Coordinating Council Health Planning and Resource Development Review Manual 318.01.03

The Statewide Health Coordinating Council has adopted in final form the subject review manual which was published as a proposed rule in the December 7, 1979, issue of the *Texas Register* (4 TexReg 4416). The purpose of the manual is to review annually the budget of health system agencies throughout the state; review applications submitted by these health system agencies for federal grants; and advise the Texas Department of Health generally of its functions under Public Law 93-641, "The National Health Planning and Resources Development Act of 1974," as amended.

The major parts of the review manual are: an introduction; legislative authorization; organizational structure for review; procedures; general criteria; and appendices.

No comments were received on the manual during the public comment period; therefore, no changes have been made to the review manual as proposed.

This adopted rule is being submitted under authority of Public Law 93-641, as amended, and Articles 4418a and 6252-13a, Texas Revised Civil Statutes.

.001. *Introduction.*

(a) The National Health Planning and Resources Development Act of 1974, Public Law 93-641, which amended the Public Health Service Act was enacted to increase the accessibility, acceptability, and quality of health care, and to contain the costs by preventing unnecessary duplication of health resources and services. Congress intended the legislation to "facilitate the development of recommendations for national health policy, to augment areawide and state planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy."

(b) As a vehicle to achieve these goals, a network of health planning and resources development entities was established, consisting of health systems agencies (HSAs), state health planning and development agencies (SHPDAs), and statewide health coordinating councils (SHCCs). These entities are mandated to prepare definitive, comprehensive

plans which will articulate their health policies, priorities, identify health problems within the area/state, define approaches to resolving such problems, and guide resources allocation for achieving equal access to quality health care at a reasonable cost.

(c) In concert with the responsibilities for these activities, these health planning entities are also vested with the authority to exercise regulatory control of health programs and projects within their jurisdictions. These regulatory measures include the review and approval/disapproval of proposed use of federal funds. For the SHCC, this review shall be to recommend approval or disapproval of proposed state plans and applications and modifications thereof submitted to the secretary of HHS as a condition for the receipt of any funds under allotments made to states under:

- (1) the Public Health Service Act;
- (2) the Community Mental Health Centers Act;
- (3) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970;
- (4) Section 409 of the Drug Abuse Office and Treatment Act of 1972.

(d) In addition, the SHCC has been specifically requested to review and comment on the following state program plans:

- (1) the State Plan for Drug Abuse Prevention;
- (2) the State Plan for Crippled Children's Services;
- (3) the State Plan for Maternal and Child Health Services.

(e) Finally, the SHCC is charged with reviewing and commenting to the secretary of health and human services on budgets of each HSA and on the applications submitted by each such HSA for grants under Sections 1516 and 1640 of Public Law 93-641.

(f) Public Law 93-641 imposes minimal requirements with regard to the manner in which these SHCC review functions are to be executed. The lack of statutory provisions for procedures and criteria creates an environment that is perceived as being both flexible and unstructured; flexible because it allows the SHCCs great latitude in developing and adopting policies, procedures, and criteria, but unstructured because there are few ground rules or guidelines to serve as a point of departure. The purpose of this document is to set forth the procedures and criteria to be employed by the SHCC in its reviews of state plans and applications and of HSA budgets and applications.

#### .002. Legislative Authorization.

##### (a) State plans and applications.

(1) The SHCC will review annually and recommend approval or disapproval of any state plans and any application for funds as authorized by Public Law 93-641, Section 1524(c)(6), as amended by Public Law 96-79.

(2) In accordance with the provisions of this section, the SHCC shall thus annually review and recommend for approval or disapproval state plans and applications prepared by the state program agencies (SPAs) for submission to federal funding agencies as a condition for the receipt of certain allotments, grants, or contracts under these federal health statutes. While other programs may be added later, the programs currently designated as subject to review are:

(A) alcohol formula grants (state plan application for allotment grants);

(B) state plan required by Section 237—Community Mental Health Centers Act;

(C) state plan required for maternal and child health services;

(D) state plan required for crippled children's services;

(E) comprehensive public health services—formula grants (state plan and application for allotment grants);

(F) state plan required for drug abuse prevention;

(G) Hypertension Program (state plan and application).

(b) HSA budgets and applications. In accordance with the provisions of Sections 1524(c)(3 and 4) of Public Law 93-641, the SHCC is required to:

(1) review annually the budget of each such health systems agency and report to the secretary for purposes of his review under Section 1535(a) its comments on such budget;

(2) review applications submitted by such health systems agencies for grants under Sections 1516 and 1640 and report to the secretary its comments on such applications.

#### .003. Organizational Structure for Review.

(a) The SHCC is an advisory and decision making council all of whose members are appointed by the governor of the State of Texas in accordance with Public Law 93-641. The majority of its members must be consumers. The terms of council members are staggered so that the terms of not more than one-half of the members will expire in a single calendar year. The length of term for members may not exceed two years and consecutive terms may not exceed a total of six years' service. The officers of the council, no less than 50% of whom shall be consumers consist of a chair, a first vice-chair, a second vice-chair, and a secretary, who are elected by the council and serve one year terms. (Note: The governor may select the chair.)

(b) The council is organized into standing committees as set forth in the rules (Article 6) and special committees authorized by the council. All committee members and committee chairmen are appointed by the chair. The Application, Budget, and Project Review Committee, consisting of no more than nine members appointed by the chair for two-year terms is charged with reviewing and making recommendations to the SHCC regarding those state plans and applications for which the council is responsible for recommending approval/disapproval, and the budgets and applications of Texas HSAs. This committee is assisted in its review activities by the staff of the SHPDA.

#### .004. Procedures.

(a) The purpose of this section is to outline the procedures to be used by the SHCC in reviewing both the state plans and applications, and the budgets and applications of the HSAs. The procedures are based on the principles of open process and due process that underlie Public Law 93-641 and are intended to enhance the probability that all parties to the review will have a clear advanced understanding of the review process and basis for decision making.

(b) As in the case of review criteria, the SHCC will solicit the input of affected state agencies and HSAs in the continuing development and refinement of the procedures to be used in review of their plans and applications.

(c) For clarity, the procedures are presented in the manner that they would normally occur.

(1) Presubmission contract. Applicants are encouraged to contact the SHPDA staff serving the Application,

Budget, and Project Review Committee prior to actual submission of the plans/applications. This presubmission contact is intended to facilitate processing of applications through the review process. The potential applicant will be apprised of procedures and criteria outlined in the manual during the presubmission consultation.

(2) Submission of applications to SHCC. State plans/applications must be submitted to the SHCC through the SHCC through the SHPDA in sufficient time to permit the 60-day review process allotted to the SHCC. HSAs must submit their budgets and applications according to the review schedule determined by DHHS Regional Office and in sufficient time to permit the SHCC a 30-day review prior to submission of its comments to DHHS. Applicants should submit 12 copies of the applications to the SHPDA office in the manner and form prescribed by federal DHHS requirements.

(3) Receipt and review for completeness of applications. Upon receipt of plans/applications, SHPDA staff will establish all internal records and files necessary for the effective monitoring of each application throughout the review process. Staff will also review application to ensure that all necessary materials and supporting information are attached. If after review has begun, the SHCC requires additional information, the applicant will be provided 15 days to submit the information. Any information requested will be limited to only that information which is necessary to perform the SHCC review.

(4) Notification of review schedule. Within seven working days of the receipt of the plans/applications, the SHPDA staff will send a notice of review schedule to the applicant and place a notice in the *Texas Register*. This notification will include:

(A) the time, date, and location of the Application, Budget, and Project Review Committee public meeting; and

(B) the time, date, and location of the SHCC meeting at which a decision on the application will be considered.

(5) Preparation and submission of staff report. The SHPDA staff will review, using established SHCC criteria, the state plans/applications and HSA budgets/applications. Staff will prepare a report that will summarize the strengths and weaknesses and highlight any issues regarding the application. The staff report will be mailed or distributed to each member of the Application, Budget, and Project Review Committee at least five working days prior to the committee's meeting. At this time, the applicant will also be mailed a copy of the report. This procedure will be followed unless extraordinary circumstances prohibit this process.

(6) Format for project review committee meeting.

(A) The presiding officer for each public meeting held by the Application, Budget, and Project Review Committee shall be the chairperson of the committee or a member of the committee appointed by the SHCC chair to serve as presiding officer. The presiding officer will open such meeting with a statement of the purpose of the meeting, names of applications to be reviewed, and prospective dates of future actions regarding the plans/applications under consideration.

(B) Following the presiding officers opening statement, SHPDA staff will present the staff report on the plan/application under consideration. Committee members will then be given the opportunity to raise questions and to discuss the application. Board or staff members of the applicant agency will be given the opportunity to respond to any questions or issues raised in the review and to make a brief statement concerning the application. After committee

members and applicant representatives have been afforded an opportunity for raising and clarifying issues, other persons present will be given the opportunity to make brief statements and ask questions regarding the application. Prior to making the statements, persons must identify themselves, indicating any organizations they represent and interests related to the application.

(7) Formulation of Project Review Committee recommendations. At such time as the presiding officer determines that sufficient discussion has taken place, the presiding officer may request a motion on the plan/application under consideration. The committee recommendation will be by a majority vote of those members present. The proposed recommendation will be presented to the SHCC at the first meeting after the committee meeting.

(8) Submission of Project Review Committee recommendation to the SHCC. A summary of the Project Review Committee recommendations on each plan/application reviewed will be presented to the SHCC at its first meeting following the committee meeting at which the plan/application was reviewed.

(9) SHCC review and submission of decision.

(A) The SHCC, in public meeting, will take action on the plans/applications which are reported to it by the Application, Budget, and Project Review Committee. In the case of state plans/applications, this action will be in the form of a recommendation for approval or disapproval to the secretary. For HSA budgets/applications, the action will be comments and recommendations to the secretary. Written findings which state the basis for the final SHCC decision will be made as indicated above.

(B) The SHCC will have SHPDA staff prepare and submit copies of its actions on the plans/applications to the applicant and to the Department of Health and Human Services.

(10) Report of SHCC review actions. Findings and decisions of council reviews will be found in the Texas SHPDA's semi-annual reports to the secretary.

(11) Access to SHCC review files. The Texas SHPDA maintains the necessary application files to support SHCC review functions. Access by the general public to all applications and support materials is assured through the SHPDA State Administrative Program.

#### .005. Other Procedural Considerations:

(a) Quorum. A simple majority of the members of the Application, Budget, and Project Committee constitutes a quorum for the purpose of formulating and making recommendations to the SHCC. Likewise, a simple majority of the members of the SHCC constitutes a quorum for the transaction of business at any meeting.

(b) Conflict of interests. In all instances of conflict of interest questions at the committee or SHCC level, the issue will be resolved in the manner set forth in the SHCC bylaws. (See Rule .007.)

(c) Appeals process. In accordance with Section 1524(c) (6), if a SHCC recommends disapproval of a plan or application, the secretary, after making a finding that such plan or application is not in conformity with the state health plan, may not make federal funds available under such stat. plan or application. If the secretary makes such a finding, he shall notify the governor of his finding and the reasons therefor and advise him that he has 30 days in which to submit a revised state plan or application that conforms with the state health plan. If after reviewing a recommendation of a



SHCC to disapprove such state plan or application the secretary decides to make such funds available, the decision by the secretary to make such funds available shall be submitted to the SHCC and shall contain a detailed statement of the reasons for the decision.

#### 006. General Criteria.

##### (a) State plans and applications.

(1) In reviewing state plans/applications, the SHCC will use three types of general criteria areas:

(A) consistency with the state health plan;

(B) the criteria listed in Section 1532(c) of the Public Health Service Act, as appropriate;

(C) the criteria listed by the areawide A-95 Clearinghouse, as appropriate.

(2) Consistency with regard to the state health plan means that the proposed plan/application is generally supportive or reflective of the priorities, goals, objectives, and recommended actions contained in the state health plan.

(3) The criteria listed in Section 1532(c) are:

(A) the relationship of the health services being reviewed to the applicable HSP, AIP, and state health plan;

(B) the relationship of services reviewed to the long-range development plan (if any) of the person providing or proposing such services;

(C) the need that the population served or to be served by such services has for such services;

(D) the availability of alternatives, less costly, or more effective methods of providing such services;

(E) the relationship of services reviewed to the existing health care system of the area in which such services are provided or proposed to be provided;

(F) in the case of health services proposed to be provided:

(i) the availability of resources (including health manpower, management personnel, and funds for capital and operating needs) for the provision of such services;

(ii) the effect of the means proposed for the delivery of such services on the clinical needs of health professional training programs in the area in which such services are to be provided;

(iii) if such services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes;

(iv) the availability of alternative uses of such resources for the provision of other health services; and

(v) the extent to which such proposed services will be accessible to all the residents of the area to be served by such services;

(G) the special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas; such entities may include medical and other health professions schools, multidisciplinary clinics, specialty centers, and such other entities as the secretary may by regulation prescribe;

(H) the special needs and circumstances of health maintenance organizations;

(I) in the case of a construction project:

(i) the costs and methods of the proposed construction, including the costs and methods of energy provision; and

(ii) the probable impact of the construction project reviewed on the costs of providing health services by the person proposing such construction project and on the costs and charges to the public of providing health services by other persons;

(J) the special circumstances of health service institutions and the need for conserving energy;

(K) in accordance with Section 1502(b), the factors which affect the effect of competition on the supply of the health services being reviewed;

(L) improvements or innovations in the financing and delivery of health services which foster competition, in accordance with Section 1502(b), and serve to promote quality assurance and cost effectiveness;

(M) in the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(N) in the case of existing services or facilities, the quality of care provided by such services or facilities in the past.

(4) The criteria established by any health systems agency, state agency, or statewide Health Coordinating Council under paragraph (8) shall be consistent with the standards and procedures established by the secretary under Section 1306(c) of this Act.

(5) The criteria used by the State A-95 Clearinghouse (Governor's Budget and Planning Office) will be appended to this manual and used as appropriate as they are developed and submitted to SHCC. These will include criteria developed pursuant to House Bill 1172 and OMB Circular A-95. (See Rule .008.)

(6) The SHCC recognizes that not every criteria cited above will apply to each state plan/application submitted and will focus in its review process on those elements which are most appropriate for the plan under consideration.

(7) In addition, the SHCC, as it gains more experience and expertise, will also develop program or plan-specific criteria for use in its reviews. It will involve the affected state program agency, HSA(s) and SHPDA in the continuing development and refinement of the review criteria.

(b) Review of HSA budgets and applications. In reviewing the budgets and applications of the HSAs, the SHCC will use as its criteria:

(1) the criteria in the checklist for HSA application for review (see Rule .009);

(2) the criteria listed by the State A-95 Clearinghouse. These will include criteria developed pursuant to Article 4413(32a), Texas Revised Civil Statutes. (See Rule .010.)

#### 007. Conflict of Interest.

##### (a) Article VIII.

(1) Voting abstention. No council member may vote on any matter which would involve a conflict of interest. A conflict of interest shall generally be defined as a situation, either isolated, recurring, or continuous, in which a council member's decision on behalf of the council is subject to being affected by the member's own personal advantage or the advantage of an outside agency or other entity of which the member is a party.

(2) Announcing conflict of interest. Whenever a council member believes that a matter to be voted upon would involve a conflict of interest, the member must an-

nounce the conflict of interest and must abstain from voting on such matter.

(3) Possible conflict of interest.

(A) Whenever a council member believes that a matter to be voted upon would involve a possible conflict of interest, the member must announce such possible conflict of interest, and the question of whether an actual conflict exists must be decided by a majority vote of the council members present, excluding the council member announcing the possible conflict of interest and excluding any other council members present who have already been disqualified from voting on the issue because of their own conflict of interest.

(B) A council member is normally considered to be a fiduciary, which is an individual occupying a special position of trust and responsibility. This imposes upon the member a duty of loyalty to the council requiring complete fidelity to the council, avoiding conflicts of interest. Thus, a conflict of interest exists, or appears to exist, when the matter under discussion involves directly the prospect of personal financial gain to the council member or financial gain to an indirect provider of health care where the council member holds a fiduciary position with or has a fiduciary interest in such indirect provider of health care.

(4) Other members. Any other council member may raise the question of conflict of interest or possible conflict of interest with respect to any council member present. The question raised must be decided in the same manner as if the member had announced the conflict or possible conflict of interest.

(b) The remaining articles in the SHCC bylaws are not intended to be covered by these rules.

*.008. Office of Management and Budget Circular A-95 Review Information Checklist.*

(a) The extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the state, area, or locality.

(b) The extent to which the proposed project:

(1) duplicates, runs counter to, or needs to be coordinated with other projects or activities being carried out in or affecting the area; or

(2) might be revised to increase its effectiveness or efficiency in relationship to other state, area, or local programs and projects.

(c) The extent to which the project contributes to the achievement of state, areawide, and local objectives and priorities relating to natural and human resources and economic and community development as specified in Section 401 of the Intergovernmental Cooperation Act of 1968.

*.009. Checklist for HSA Application Review.*

(a) Were the time-phased goals set out in the previous application work program completed?

(b) Have procedures and criteria for self assessment of agency performance been established and results indicated?

(c) Does the work program constitute a plan for the orderly discharge of all the responsibilities and functions of a fully designated health system agency?

(d) Is governing body organized so as to handle its functions effectively?

(e) Are support procedures developed for the governing body, its committees, and task forces?

(f) Are procedures established for identifying and meeting the technical assistance needs of:

(1) staff?

(2) governing body?

(3) health-related community groups?

(g) Are there provisions made to obtain input and consultation from health-related entities during plan implementation and plan revision?

(h) Is there evidence that the agency budget was expended for the purposes set out in the previous application?

(i) Has the full staff compliment called for in the application been employed?

(j) Has applicant received input from the broad range of institutions, other planning entities, various constituencies, and the community-at-large in its plan development process and revision process?

(k) Has it coordinated its planning with:

(1) the SHPDA?

(2) regional and local offices of health-related state agencies?

(3) the A-95 clearinghouses? (COGS)

(4) contiguous HSAs?

(5) other planning entities?

(l) has the applicant clearly described the planning methodology and procedure to be used?

(m) Has the applicant described the procedures to be used in prioritizing goals and objectives?

(n) Has an evaluation protocol been developed to assess the impact of the HSP and AIP on the health system over time?

(o) Are there clearly described procedures for identifying and inputting plan implementation achievements into the plan revision process?

(p) Does the work program provide for the development of specific plans and projects to implement the HSP and AIP? Have such plans of previous applications been developed?

(q) Does the work program provide for technical assistance to implement the HSP, AIP, and other specific plans and projects?

(r) Does the work program provide for development of a system for identifying priorities and making recommendations for medical facilities modernization, construction, and conversion projects?

(s) Is a procedure established for making an inventory and updating the inventory of existing resource development activities within the area?

(t) Have staff and budget for resource development and plan implementation activities been designated?

(u) Have procedures and criteria for carrying out agency review under 1513 (e. and f.) been adopted and published and followed?

(v) Has applicant conducted review.:

(1) proposed uses of federal funds (1513 (e.))?

(2) new institutional health services (1513 (f.))?

(w) Is there evidence that the review recommendations have been sustained?

(x) has applicant identified specific information and data required for:

(1) plan development?

(2) plan implementation?

(3) project review?

(y) Have appropriate sources of information and data been identified?

(z) Have the availability, accessibility, reliability, and timeliness of the information and data needed been determined?

(aa) Are protocols for obtaining and utilizing information established?

(bb) Has applicant provided for common data sharing with A-95 agencies, PSRO, SHPDA, SHCC, and other HSAs (once established)?

(cc) Are there provisions for coordinating activities with:

- (1) the SHPDA?
- (2) the SHCC?
- (3) contiguous HSAs?
- (4) ISROs (once established)?
- (5) other planning bodies?

(dd) Has applicant entered into written coordination agreements with A-95 clearinghouses (COGS) and other necessary organizations?

(ee) Is there evidence of broad public involvement in the planning process?

(ff) Are there mechanisms for getting input from groups not represented on the governing body?

(gg) Is there evidence of endorsement or support from the community (both consumers and providers)?

.010. *State A-95 Clearinghouse Criteria for HSA Applications/Budgets.*

(a) To what extent is the applicant agency accountable to local elected officials?

(b) Does the applicant agency provide evidence of local support from organizations representing both providers and consumers of health services?

(c) Does the applicant evidence a capability for planning and implementing health services effectively and economically?

(d) Does the health systems plan (HSP) contain a detailed statement of long-range goals that are responsive to the unique needs and resources of the area?

(e) Does the annual implementation plan (AIP) show a strategy for improving the delivery of health care to the residents of the health service area?

(f) Is the annual implementation plan developed on a cost/benefit basis and fitted to the special needs of residents of the area?

(g) Do the objectives of the annual implementation plan clearly relate to the long-range goals and priorities of the health systems plan?

(h) Does the applicant show evidence of specific procedures for coordination of its plan with ongoing programs of state agencies which have health or health-related responsibilities?

(i) Does the applicant give recognition to the rising cost of health services and demonstrate a strategy for containing the growing costs of health services?

(j) Has the applicant adequately addressed those issues raised by review participants on previous applications?

Issued in Austin, Texas, on June 30, 1980.

Doc. No. 805055

A. M. Donnell, Jr., M.D.

Deputy Commissioner of Health

Texas Department of Health

Effective Date: July 22, 1980

Proposal Publication Date: December 7, 1980

For further information, please call (512) 458-7234.

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 Adult Probation Commission

**Friday, July 11, 1980, 9 a.m.** The Texas Adult Probation Commission will meet in Suite 400, 812 San Antonio, Austin. The commission will consider statistical reports; standards; supplemental funding; waiver of expenses; and a Harris County travel request.

Additional information may be obtained from Sharon Schunn, 812 San Antonio, Suite 400, Austin, Texas 78701, telephone (512) 475-1374.

Filed: July 3, 1980, 10:59 a.m.  
Doc. No. 805117

## Texas Department of Agriculture

**Tuesday, July 8, 1980, 10 a.m.** The Texas Grain Sorghum Producers Board of the Texas Department of Agriculture will meet in emergency session at the High Plains Research Center, Halfway. The board will consider reports on finance, research, collection and market development. Unforeseen market development expenses necessitated the emergency status of the meeting.

Additional information may be obtained from Elbert Harp, 1708-A 15th Street, Lubbock, Texas 79401, telephone (806) 763-4425.

Filed: July 2, 1980, 5:14 p.m.  
Doc. No. 805111

**Tuesday, July 22, 1980, 10 a.m.** The Seed Division of the Texas Department of Agriculture will meet in Room 1046, Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the division will discuss proposed changes to Rule 176.80.10.003(b), Noxious Weed Seed—proposing to eliminate one weed and add another; and Rule 176.10.004(a), Service Testing—proposing a fee increase. The division will also consider a proposed change in

the language printed on the face of the Texas Tested Seed Label and title change.

Additional information may be obtained from Don Ator, P.O. Box 12847, Austin, Texas, telephone (512) 475-2038.

Filed: July 1, 1980, 4:44 p.m.  
Doc. No. 805057



## Texas Air Control Board

**Thursday, July 10, 1980, 9:30 a.m.** The Ad Hoc Committee of the Texas Air Control Board will meet in Room 332 (Training Room), 6330 Highway 290 East, Austin. According to the agenda summary, the committee will hear opening remarks; consider reports on program status; hear TACB staff comments; and hold general discussion.

Additional information may be obtained from Ramon Dasch, 6330 Highway 290 East, Austin, Texas 78723, telephone (512) 451-5711, ext. 354.

Filed: July 2, 1980, 3:16 p.m.  
Doc. No. 805075

## Department of Banking

**Tuesday, July 8, 1980, 9 a.m.** The Hearing Officer of the Department of Banking will conduct a hearing at 2601 North Lamar, Austin, to consider denial of a license to sell prearranged or prepaid funeral contract to Glynn Hill.

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

Filed: June 30, 1980, 4:49 p.m.  
Doc. No. 805012

## Texas Cosmetology Commission

**Sunday, July 20, 1980, 10 a.m.** The Texas Cosmetology Commission will meet at commission offices, 111 Rio Grande, Austin. The commission will consider a plea bargain agreement of national beauty schools; discuss 1982-83 appropria-



tion request; hear Audie Nall speak on the transfer of hours between schools; consider a request by June Siekfas to be reinstated in Wichita Falls when recuperation is complete; and hear Carlton Hamric speak on dressing hair of the deceased.

Additional information may be obtained from Ron Resech, 1111 Rio Grande, Austin, Texas 78701, telephone (512) 475-3304.

Filed: July 2, 1980, 1:36 p.m.  
Doc. No. 805078

## Employees Retirement System of Texas

**Tuesday, July 15, 1980, 9:30 a.m.** The Board of Trustees of the Employees Retirement System of Texas will meet at 18th and Brazos Streets, Austin. After the meeting has been convened, an executive session will be held to consider personnel matters relating to the system, possible resolution of personnel matters, and other business.

Additional information may be obtained from Joseph N. Murphy, P.O. Box 13207, Austin, Texas 78711, telephone (512) 476-6431.

Filed: July 2, 1980, 3:41 p.m.  
Doc. No. 805083

## State Board of Registration for Professional Engineers

**Wednesday, July 16 and 17, 1980, 8:30 a.m.** The State Board of Registration for Professional Engineers will meet at 1917 IH 35 South, Austin, to receive reports from board members and staff, amend board rule, interview applicants, take action on applications for registration, and other business.

Additional information may be obtained from Donald C. Klein, 1917 IH 35 South, Austin, Texas, telephone (512) 475-3141.

Filed: July 2, 1980, 9:40 a.m.  
Doc. No. 805085

## Finance Commission of Texas

**Thursday, July 17, 1980, 10 a.m.** The Banking Section of the Finance Commission of Texas will meet at 2601 North Lamar, Austin. The commission will elect a chairman for July 1, 1980-June 30, 1981, term; consider amendment to 1980 budget of Department of Banking; hear report on department of banking activity; and discuss state banking statutes.

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

Filed: July 3, 1980, 10:57 a.m.  
Doc. No. 805121

**Thursday, July 17, 1980, 10 a.m.** The Savings and Loan Section of the Finance Commission of Texas will meet at the Savings and Loan commissioner's office, 1004 Lavaca Street, Austin. The section will elect a chairman, and adopt as permanent regulations rules which were previously adopted on an emergency basis.

Additional information may be obtained from L. Alvis Vandyriff, 1004 Lavaca Street, Austin, Texas, telephone (512) 475-7991.

Filed: June 30, 1980, 4:50 p.m.  
Doc. No. 805022

**July 17, 1980, 2 p.m.** The Finance Commission of Texas will meet at 2601 North Lamar in Austin. According to the agenda, the meeting includes the following: election of chairman for July 1, 1980, to June 30, 1981, term; consideration of an amendment to 1980 budget of Department of Banking; report on activities of Savings and Loan department, consumer credit commissioner and Department of Banking; and discussion of implications of Monetary Control Act of 1980.

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

Filed: July 3, 1980, 10:57 a.m.  
Doc. No. 805122

## Firemen's Training School Advisory Board

**Saturday, July 19, 1980, at 7 p.m.** The Firemen's Training School Advisory Board will meet at the Briarcrest Country Club, Bryan. The semiannual meeting of the advisory board (Fire Protection Training Division, Texas Engineering Extension Service, and Texas A&M University System) to review programs for the annual fire school will be held at Texas A&M University from July 20 to August 8, 1980.

Additional information may be obtained from Henry D. Smith, Texas A&M University, College Station, Texas 77843, telephone (713) 845-7641.

Filed: July 2, 1980, 1:36 p.m.  
Doc. No. 805077

## Texas Health Facilities Commission

**Friday, July 11, 1980, 9:30 a.m.** The Texas Health Facilities Commission will meet in Suite 305 of the Jefferson Building, 1600 West 38th Street, Austin. According to the agenda summary, the commission will consider the following applications:

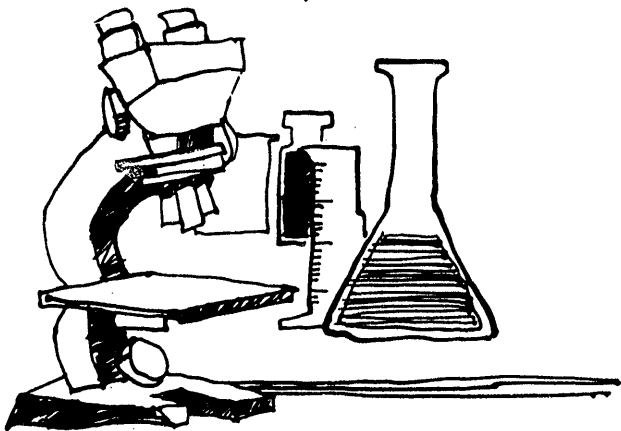
Certificate of Need  
Rosenberg Dialysis Facility, Rosenberg  
AS79-1218-014  
Starlite Village Hospital, Inc., Center Point  
AH80-0228-024

**Transfer of Exemption Certificate**  
Gaston Episcopal Hospital, Inc., Dallas  
AH77-0819-001T(052980)

**Reissuance of Certificate of Need**  
Sarah Roberts French Home, San Antonio  
AN79-0323-011R (052280)

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

Filed: July 2, 1980, 11:44 a.m.  
Doc. No. 805073



## Texas Historical Commission

**Friday, July 25, 1980, 10 a.m.** The Texas Board of Review of the Texas Historical Commission will meet at the Officers' Club of Fort Clark, Brackettville. According to the agenda summary, the board will approve minutes of the previous meeting, and review National Register nominations.

Additional information may be obtained from Joe Williams, 1511 Colorado, Austin, Texas, telephone (512) 475-3094.

Filed: July 1, 1980, 9:57 a.m.  
Doc. No. 805036

## University of Houston

**Monday, July 7, 1980** The following committees of the University of Houston System Board of Regents will meet in Room 220 of the E. Cullen Building, UH Central Campus, Houston. The times and agendas of the meetings are listed below.

**July 7, 1980, 8 a.m.** The Broadcasting, Public Affairs and Development Committee will consider report on the annual meeting of PBS and APB; relicensing; FCC Form 395 for 1980; PTFP grant request; new local programming; March membership campaign; Auction X; NPR and programming for KUHF-FM.

**July 7, 1980, 9:30 a.m.** The Facilities, Planning, and Building Committee will discuss and/or approve the

following items—UH-central campus: review of project budget, Cullen College of Engineering addition; award of fee contract to the construction management contractor; approval of program, Woodlands Institute; UH-Clear Lake City: approval of project program guide/photography—Arbor Building; approval of project program guide/ceramics—Arbor Building; UH—downtown campus: award of contract, major repair and rehabilitation, Phase I; all campuses: construction status report, May, 1980; financial status of construction projects, May, 1980. The committee will also meet in executive session.

**July 7, 1980, 2 p.m.** The Board of Regents will consider acknowledgement of receipt of fiscal year 1979 unaudited consolidated financial report; Broadcasting Committee Report; UH-Clear Lake City: deletion of program in urban and regional planning; personnel recommendations; reports of endowment of changes for March and April 1980; 1980-81 proposed annual operating budget; bank resolution; UH-Clear Lake City: increase in return check fee and increase in short-term charge; UH-downtown campus: increase in park and ride fee; grants; gifts; Building Committee report. The board will also meet in executive session.

Additional information may be obtained from Deborah Selden, 4800 Calhoun, Houston, Texas 77004, telephone (713) 749-7545.

Filed: July 2, 1980, 4:04 p.m.  
Doc. Nos. 805089-805091

## Texas Department of Human Resources

**Tuesday and Wednesday, July 15 and 16, 1980, 9 a.m. daily.** The Board of the Texas Department of Human Resources will meet in Room 1B1, 706 Banister Lane, Austin. According to the agenda summary, the board will consider purchased health services contract beginning September 1, 1980; fiscal year 1981 operating budget and legislative appropriations request for fiscal years 1982-83; adjustments to fiscal year 1980 operating budget; effect of increase in federal benefits on nursing home eligibility; vendor payment levels for fiscal year 1981; program policies on abortions pursuant to ruling of the U.S. Supreme Court; proposed policy revision in Child Support Enforcement Program and Aid to Families with Dependent Children Program; competitive procurement process for purchased social services; Food Stamp Program standards for child placing agencies; approval of emergency and final rules; technical amendments to program policies and procedures; and the commissioner's report. The board will also meet in executive session to consider personnel matters, pending litigation, and real property.

Additional information may be obtained from Bill Woods, P.O. Box 2960, Austin, Texas 78769, telephone (512) 441-3355.

Filed: July 2, 1980, 4:22 p.m.  
Doc. No. 805098

## State Board of Insurance

**Tuesday, July 1, 1980, 2 p.m.** The State Board of Insurance conducted an emergency session in Room 408, 1110 San Jacinto, Austin. According to the agenda, the meeting concerned the appeal of Indemnity Underwriters Insurance Company; Employers Risk Managers, Inc.; Employers Loss Consultants, Inc.; and Consulting Administrative Management Investment Services from Commissioner's Order 80-1823. (Article 21.28-A mandates that any appeal to the board from a decision or order of the commissioner sustaining the supervisor shall have precedence over all other business of a different nature pending before the board.)

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

Filed: June 30, 1980, 4:03 p.m.  
Doc. No. 805010

**Monday, July 7, 1980, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance filed an emergency addition regarding a public hearing to be held in Room 342, 1110 San Jacinto Street, Austin. The addition concerns Docket 6048—application for original charter of Houston United Life Insurance Company, Houston. In the original publishing, the word "United" was omitted from the name of the company. Therefore, it was a matter of public necessity that the hearing be scheduled on an emergency basis so it could be held on the date of the original posting.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 2, 1980, 3:43 p.m.  
Doc. No. 805084

**Tuesday, July 8, 1980, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider Docket 6067—application for admission by Northland Insurance Company, St. Paul, Minnesota.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 30, 1980, 4:20 p.m.  
Doc. No. 805011

**Wednesday, July 9, 1980, 9:30 a.m.** The Fire Marshal's Office of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider Docket FM-002—alleged violations of the Texas Insurance Code by Grayson Fire Extinguisher, Inc., (Denison and Texarkana, Texas locations).

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 30, 1980, 4:20 p.m.  
Doc. No. 805014

**Thursday, July 10, 1980, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider Docket 6035—application for admission of the Universe Life Insurance Company, Carson City, Nevada.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 30, 1980, 4:21 p.m.  
Doc. No. 805015

**Thursday, July 10, 1980, 2 p.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider Docket 6053—application for admission of Colonial Life Insurance Company, New Orleans, Louisiana.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 30, 1980, 4:21 p.m.  
Doc. No. 805016

**Friday, July 11, 1980, 10 a.m.** The Commissioner's Hearing Section of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider Docket 6027—whether First Texas Title Shares, Inc., Texarkana, doing business as Lawyers Title Agency, failed to remit premiums belonging to Pioneer National Title Insurance Company (continued from June 17, 1980).

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 30, 1980, 4:21 p.m.  
Doc. No. 805017

**Monday, July 14, 1980, 9:30 a.m.** The Fire Marshal's Office of the State Board of Insurance will conduct a public hearing in Room 342, 1110 San Jacinto Street, Austin, to consider Docket FM-003—alleged violations of the Texas Insurance Code by Jerry Williams, doing business as A-1 Fire and Safety, San Antonio.

Additional information may be obtained from J. C. Thomas, 1110 San Jacinto Street, Austin, Texas 78786, telephone (512) 475-4353.

Filed: June 30, 1980, 4:21 p.m.  
Doc. No. 805018

## Texas Advisory Commission on Intergovernmental Relations

**Friday, July 11, 1980, 8 a.m.** The Local Government Finance Committee of the Texas Advisory Commission on Intergovernmental Relations will meet in Conference Room 623B, Stephen F. Austin Building, 17th and Congress,

Austin, to discuss progress and preliminary findings by the staff on the Investment of Idle Funds by Local Governments Project.

Additional information may be obtained from Jay G. Stanford, 1700 North Congress Avenue, Austin, Texas, telephone (512) 475-3728.

Filed: July 2, 1980, 2:49 p.m.  
Doc. No. 805087

**Friday, July 11, 1980, 8 a.m.** The Committee on Operations and Funding of the Texas Advisory Commission on Intergovernmental Relations will meet in Room 119, Stephen F. Austin Building, 17th and Congress, Austin, to consider potential new projects and funding arrangements for future operation of the agency as well as a preliminary operating budget for fiscal year 1981.

Additional information may be obtained from Jay G. Stanford, 1700 North Congress Avenue, Austin, Texas, telephone (512) 475-3728.

Filed: July 2, 1980, 2:50 p.m.  
Doc. No. 805086

**Friday, July 11, 1980, 9:30 a.m.** The Texas Advisory Commission on Intergovernmental Relations will meet in the Room 118, Stephen F. Austin Building, 17th and Congress, Austin. According to the agenda, the commission will consider the following topics: executive director's report; report of the Special Committee on Operations and Funding; report on Idle Funds investment by local governments; Texas 2000 project presentation; sample manual of duties and slide show on county personnel; progress reports on Model Rules for Law Enforcement Officers; updating of the *Handbook of Governments in Texas*; new projects; and preliminary 1981 fiscal year operating budget.

Additional information may be obtained from Jay G. Stanford, 1700 North Congress Avenue, Austin, Texas, telephone (512) 475-3728.

Filed: July 2, 1980, 2:50 p.m.  
Doc. No. 805088

## Board for the Lease of State-Owned Lands

**Thursday, July 10, 1980, 4 p.m.** The Board for Lease of Texas Department of Mental Health and Mental Retardation of the Board for Lease of State-Owned Lands will meet in Conference Room 831 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda, the board will consider nominations, terms, conditions, and procedures for the October 7, 1980, oil, gas, and sulphur lease sale.

Additional information may be obtained from Linda Fisher, 1700 North Congress Avenue, Room 835, Stephen F. Austin Building, Austin, Texas 78701, telephone (512) 475-2071.

Filed: July 2, 1980, 3:22 p.m.  
Doc. No. 805074

## Board for Lease of University Lands

**Thursday, July 10, 1980, 3:30 p.m.** The Board for Lease of University Lands will meet in the Main Building, second floor hallway, Marine Science Institute, Port Aransas. According to the agenda summary, the board will consider settlement of gas royalty dispute involving Texas Oil and Gas Corporation.

Additional information may be obtained from Maxine R. Dean, 210 West 6th Street, Austin, Texas 78701, telephone (512) 471-5781.

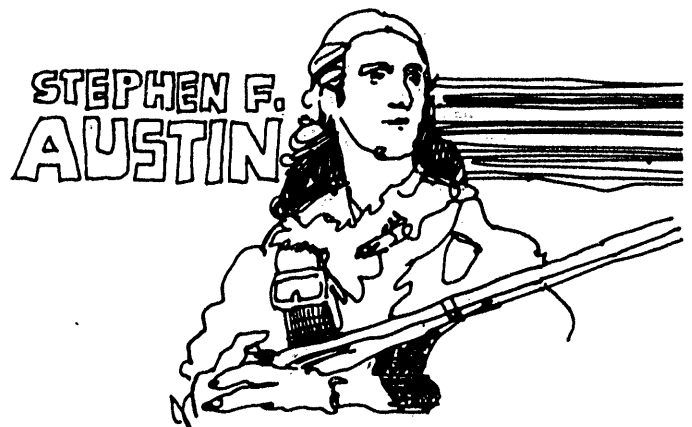
Filed: June 30, 1980, 2:25 p.m.  
Doc. No. 805019

## Texas State Library and Archives Commission

**Friday, July 25, 1980, 10 a.m.** The Texas State Library and Archives Commission will meet in the conference room, Sam Houston Regional Library and Research Center, Farm Road 1011, Liberty. According to the agenda, the commission will consider and approve the 1981 annual plan and the 1981-1985 long-range plan under the federal Library Services and Construction Act; approve the Library and Services Construction Act, Title III grant recipients; consider staff reports from the Archives Division of the state library; and tour the Sam Houston Regional Library and Research Center.

Additional information may be obtained from Dornian H. Winfrey, P.O. Box 12927, Austin, Texas 78711, telephone (512) 475-2166.

Filed: June 30, 1980, 1:38 p.m.  
Doc. No. 805004



## Board of Pardons and Paroles

**Monday-Friday, July 14-18, 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: July 1, 1980, 11 a.m.  
Doc. No. 805037

## Texas State Board of Pharmacy

**Wednesday-Friday, July 9-11, 1980, 1 p.m.-5 p.m., 8:30 a.m.-4:15 p.m., and 8:30 a.m.-5 p.m., respectively.** The Texas State Board of Pharmacy will meet in La Mansion Del Norte at 37 NE Loop 410 at McCullough in San Antonio. According to the agenda, the board will meet to discuss status of current fiscal year (FY 80) objectives; proposed objectives for fiscal year 81; approval of ACPE accredited colleges of pharmacy, budget, and revenue status for fiscal year 80; proposed detailed budget and revenue projections for fiscal year 81; approval of objectives, budget and revenue plan for fiscal year 82; review of Texas Pharmacy Act, Dangerous Drug Law and Controlled Substances Act; election of officers for fiscal year 81; and old and new business. The board will also meet in executive session to discuss personnel matters.

Additional information may be obtained from Priscilla Jarvis, Suite 1121, 211 East 7th Street, Austin, Texas, telephone (512) 478-9827.

Filed: July 2, 1980, 9:41 a.m.  
Doc. No. 805081

## Public Utility Commission of Texas

**Thursday, July 17, 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 3320—application of Houston Light and Power 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: July 3, 1980, 9:13 a.m.  
Doc. No. 805112

**Tuesday, July 22, 1980, 9:30 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, on an application of South Plains Electric Cooperative, Inc., to amend its certificated service area boundaries within Lubbock County—Docket 2644.

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

Filed: June 30, 1980, 4:48 p.m.  
Doc. No. 805023

**Wednesday, July 23, 1980, 9 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, on an application of Nitsch and Son for a sewer rate increase within Harris County—Docket 3314.

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

Filed: July 2, 1980, 1:35 p.m.  
Doc. No. 805079

**Monday, August 4, 1980, 9 a.m.** The Hearings Division of the Public Utility Commission of Texas will conduct a hearing in Suite 450N, 7800 Shoal Creek Boulevard, Austin, on an application of Chandler Water Company for a rate increase within Henderson County—Docket 3244.

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

Filed: July 2, 1980, 1:35 p.m.  
Doc. No. 805080

**Tuesday, August 5, 1980, 9 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, on an application of Lubbock Radio Paging Service, Inc., to amend certificate within Hockley County—Docket 3290.

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

Filed: July 3, 1980, 9:13 a.m.  
Doc. No. 805113

**Tuesday, August 19, 1980, 9:30 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 Lamb County Electric Cooperative, Inc., for authority to increase rates within Bailey, Castro, Cochran, Hale, Hockley, and Lamb Counties—Docket 3270.

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

Filed: July 1, 1980, 9:56 a.m.  
Doc. No. 805035

## Railroad Commission of Texas

**Thursday, July 3, 1980, 9 a.m.** The Railroad Commission of Texas met in emergency session in the commissioners' third floor conference room, 1124 South IH 35, Austin. According to the agenda, the commission considered a request that it be designated the jurisdictional agency under the Crude Oil Windfall Profit Tax Act of 1980, §101. Consideration of this matter on less than seven days' was required because of the impending deadline for the designation.

Additional information may be obtained from Brian R. Sullivan, 1124 South IH 35, Austin, Texas 78704, telephone (512) 445-1281.

Filed: July 1, 1980, 10:26 a.m.  
Doc. No. 805034

**Thursday, July 3, 1980, 9 a.m.** The Railroad Commission of Texas made an emergency addition to an executive session held in the commissioner's third floor conference room, 1124 South IH 35, Austin. According to the agenda, the meeting concerned personnel actions pursuant to Section 2g of the Act. This was deemed a matter of urgent public necessity because of the departure of certain commission personnel and the need to maintain adequate functioning.

Additional information may be obtained from Carla S. Doyne, 1124 South IH 35, Austin, Texas 78704, telephone (512) 445-1281.

Filed: July 1, 1980, 10:26 a.m.  
Doc. No. 805033

## Texas Real Estate Commission

**Monday, July 14, 1980, 9 a.m.** The Texas Real Estate Commission will meet in Room 119 of the Stephen F. Austin Building, 1700 North Congress Avenue, Austin. According to the agenda summary, the commission will study its rules; consider final action on proposed amendment to Rule 402.03.15.005; and set the date and place of next meeting.

Additional information may be obtained from Camilla S. Shannon, P.O. Box 12188, Austin, Texas 78711, telephone (512) 475-4250.

Filed: July 2, 1980, 9:41 a.m.  
Doc. No. 805082

## Texas Sesquicentennial Commission

**Wednesday, July 16, 1980, 10 a.m.** The Texas Sesquicentennial Commission will meet in Room 202, Texas State Archives and Library Commission Building, Austin. According to the agenda summary, the commission will consider reports on rules, budget, personnel, program; and hear from a guest speaker.

Additional information may be obtained from Randy M. Lee, P.O. Box 19860, Southeast Station, Austin, Texas 78760, telephone (512) 475-1986.

Filed: July 3, 1980, 11:41 a.m.  
Doc. No. 805123

## University System of South Texas

**Wednesday, July 9, 1980, 2:30 p.m.** The Building Committee of the Board of Directors, University System of South Texas, will meet in the College Hall conference room, Texas A&I University, Kingsville. According to the agenda, the

committee will tour the A&I University Campus and discuss future construction projects for system.

Additional information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: July 3, 1980, 11:02 a.m.  
Doc. No. 805118

**Thursday, July 10, 1980, 8:30 a.m.** The Finance and Development Committee of the Board of Directors, University System of South Texas, will meet in Room 219A of the student union, Texas A&I University, Kingsville. According to the agenda, the committee will consider the financing of new construction at Corpus Christi State University.

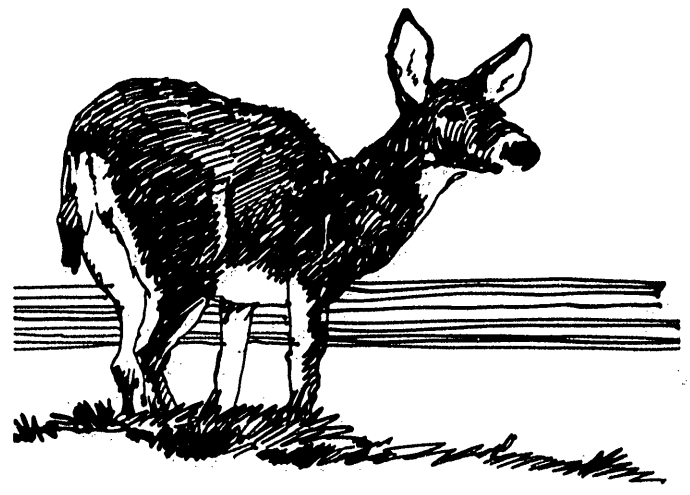
Additional information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: July 3, 1980, 11:10 a.m.  
Doc. No. 805119

**Thursday, July 10, 1980, 9 a.m.** The Board of Directors of the University System of South Texas will meet in the Century Room of the Student Union Building, Texas A&I University, Kingsville. According to the agenda, the board will consider the minutes of the May 8 meeting; gifts and donations; budget changes; small class reports for first summer term, 1980; in-state and out-of-state travel; laboratory fee increase for Laredo State University; uniform return check charge; president's tuition scholarship; personnel matters; acquisition of real estate and legal matters; personnel action; appropriations requests for 1982-83 biennium; time and place of next meeting; reports of presidents, chancellor, and standing committees.

Additional information may be obtained from William C. English, P.O. Box 1238, Kingsville, Texas 78363, telephone (512) 595-2208.

Filed: July 3, 1980, 11:00 a.m.  
Doc. No. 805120



## Texas A&M University

**Wednesday and Thursday, July 9 and 10, 1980.** At the MSC Annex, Texas A&M University, College Station, the following committees of the Texas A&M University System Board of Regents will meet to consider the items listed below.

**July 9, 1980, 8:30 a.m.** The Planning and Building Committee will consider matters relating to construction of facilities for parts of the Texas A&M University System.

**July 9, 1980, 11:30 a.m.** The Committee for Service Units will discuss a resolution; fee schedule for forage tests; TAEX; and lease of lands for TFS.

**July 9, 1980, 2 p.m.** The Committee for Academic Campuses will consider gift of land; establishment of field studies fees; demolition of selected apartment buildings; fee increases for traffic violations and motor vehicle registration; appropriation of funds for furniture and equipment (related to academic institutions of the system).

**July 9, 1980, 3 p.m.** The Executive Committee will consider a special meeting of the board in August; Permanent University Funds bonds; biennium legislative budget request; depository banks; oil, gas, and sulphur lease on land in Brazos County; appointment to outside position; conferring of special title; employment beyond mandatory retirement age; confirmation of appointments; promotions; terminations; acceptance of gifts.

**July 10, 1980, 8:30 a.m.** The Board of Regents will consider matters affecting the system, as follows: construction; special meeting of the board; Permanent University Fund bonds; legislative budget request; depository banks; leases for TAMU and TFS; approval of outside appointment; conferring of special title; employment beyond mandatory retirement age; confirmation of appointments, promotions, terminations; acceptance of gifts; establishment of field studies fees; amendment of student service fee; demolition of selected buildings; increase of fees for traffic violations and motor vehicle registration; appropriation of funds for equipment; resolution; authorization of fees for forage tests; naming of buildings; and appointment of personnel.

Further information may be obtained from Robert G. Cherry, Texas A&M University System, College Station, Texas 77843, telephone (713) 845-4334.

Filed: July 2, 1980, 4:03 p.m.  
Doc. Nos. 805092-805096

## Veterans Land Board

**Friday, July 11, 1980, 10 a.m.** The Veterans Land Board will meet in the Stephen F. Austin Building, Austin, to approve minutes of the June 30, 1980, meeting; hear report of executive secretary; and discuss board policy concerning recent bond sale.

Additional information may be obtained from Richard Keahey, Room 738, Stephen F. Austin Building, 1700 North Congress Avenue, Austin, Texas 78701.

Filed: July 1, 1980, 2:29 p.m.  
Doc. No. 805059

## Texas Water Commission

**Monday, October 6, 1980, 2 p.m.** The Texas Water Commission will meet in the civic center auditorium, 2407 Market Street, Baytown. According to the agenda summary, the commission will consider adjudication of all claims of water rights in the Trinity-San Jacinto Coastal Basin, and notice of the requirement for the filing and commencement of hearings of water right claims under Section 11.307, Texas Water Code.

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

Filed: June 30, 1980, 4:03 p.m.  
Doc. No. 805009

## Texas Water Well Drillers Board

**Tuesday, July 1, 1980, 9:30 a.m.** The Texas Water Well Drillers Board met in emergency session in Room 513E, Stephen F. Austin Building, 1700 North Congress, Austin. According to the agenda, the board considered whether to make a request for emergency funds from the governor's office to be used to cover the board's travel expenses for the remainder of the 1980 fiscal year. The board also recessed into executive session to discuss contemplated litigation. The emergency status of the meeting was warranted due to circumstances which have recently arisen and which materially affect litigation.

Additional information may be obtained from Jim Dyess, Stephen F. Austin Building, Austin, Texas, telephone (512) 475-6176.

Filed: June 30, 1980, 4:25 p.m.  
Doc. No. 805020

## Regional Agencies

### Meetings Filed June 30, 1980

**The Ark-Tex Council of Governments, Executive Committee,** will meet at the Cattlemen's State House, 4018 State Line Avenue, Texarkana, Arkansas, on July 10, 1980, at 5:30 p.m. The Board of Directors will meet in the Municipal Building, 3rd and Walnut Streets, Texarkana, Arkansas, on the same evening, July 10, 1980, at 7 p.m. Further information may be obtained from ATCOG, P.O. Box 5307, Texarkana, Texas 75501, telephone (214) 794-3481.

**The Brazos Valley MH/MR Center, Board of Trustees,** will meet at 202 East 27th Street, Bryan, on July 9, 1980, at 4 p.m. Further information may be obtained from Linda S. Davis, 202 East 27th Street, Bryan, Texas 77801, telephone (713) 779-2000.

**The Canadian River Municipal Water Authority, Board of Directors,** will meet at CRMWA Headquarters Building, Sanford Dam, near Sandford, on July 9, 1980, at 11 a.m. Further information may be obtained from John C. Williams, P.O. Box 99, Sanford, Texas 79078, telephone (806) 865-3325.



**The Colorado River Municipal Water District**, Board of Directors, will meet at 400 East 24th Street, Big Spring, on July 8, 1980, at 2 p.m. Further information may be obtained from O. H. Ivie, P.O. Box 869, Big Spring, Texas 79720, telephone (915) 267-6341.

**The East Texas Council of Governments**, Executive Committee, met at 3800 Stone Road, Stoneridge Plaza Office Building, Kilgore, on July 3, 1980, at 7 p.m. Further information may be obtained from Kent A. Myers, 3800 Stone Road, Kilgore, Texas 75662, telephone (214) 984-8641.

**The Education Service Center, Region XVII**, Board of Directors, will meet in Room 606, Texas Commerce Bank Building, Lubbock, on July 22, 1980, at 10 a.m. Further information may be obtained from Ray Lanier, 700 Texas Commerce Bank Building, Lubbock, Texas, telephone (806) 763-4127.

**The Edwards Underground Water District**, Executive Committee, will meet in the conference room, 1200 Tower Life Building, San Antonio, on July 8, 1980, at 9 a.m. Further information may be obtained from Thomas P. Fox, 1200 Tower Life Building, San Antonio, Texas 78205, telephone (512) 222-2204.

**The South Texas Health Systems Agency**, Nominating Committee of the Coastal Bend Subarea Health Advisory Council, will meet at Greenwood Senior Community Center, 4040 Greenwood Road, Corpus Christi, on July 8, 1980, at 6 p.m. The Coastal Bend Subarea Health Systems Advisory Council, will meet at the same location, following the committee meeting, at 7 p.m. Further information may be obtained from Helen Camps Fisher, Station 1, P.O. Box 2378, Kingsville, Texas 78363, telephone (512) 595-5545.

**The Tri-Region Health Systems Agency**, West Central Texas Subarea Advisory Council, will meet at 1025 North 10th Street, Abilene, on July 10, 1980, at 7 p.m. Further information may be obtained from Bob Caras, 2642 Post Oak Road, Abilene, Texas 79605, telephone (915) 698-9481.

Doc. No. 805013

### Meetings Filed July 1, 1980

**The Metropolitan Hospital Authority**, Board of Directors, will meet at Room 5-E South, Dallas City Hall, Dallas, on July 10, 1980, at noon. Further information may be obtained from Thomas C. Unis, 1200 One Main Place, Dallas, Texas 75250, telephone (214) 658-1600

Doc. No. 805060

### Meetings Filed July 2, 1980

**The South Texas Development Council**, Board of Directors, met at the Zapata Community Center, Zapata, on July 7, 1980, at 2 p.m. The Area Agency on Aging Advisory Committee, will meet in the conference room, 600 South Sandman, LAFB, Laredo, on July 16, 1980, at 2 p.m. Further information may be obtained from Amando Graza, Jr., and Adriana Rodriguez, respectively, P.O. Box 2187, Laredo, Texas 78041, telephone (512) 722-3995.

Doc. No. 805076

### Meetings Filed July 3, 1980

**The Bexar-Medina-Atascosa Counties Water Control and Improvement District 1**, Board of Directors, met at the district office, Natalia, on July 7, 1980, at 8 a.m. Further information may be obtained from Clifford Mueller, P.O. Box 180, Natalia, Texas 78059, telephone (512) 663-2132.

**The Central Texas Council of Governments**, Criminal Justice Advisory Committee, will meet at 100 South 5th Street, Temple, on July 10, 1980, at 10 a.m. Further information may be obtained from Lindell R. Bishop, Box 729, Belton, Texas 76513, telephone (817) 939-1801.

**The Deep East Texas Council of Governments Area Agency on Aging**, Aging Advisory Council, will meet at Angelina College, Science Building, Room 209, Lufkin, on July 11, 1980, at 10 a.m. and 1:30 p.m. Further information may be obtained from Martha Jones, 272 East Lamar Street, P.O. Drawer 1170, Jasper, Texas 75951, telephone (713) 384-5704.

**The High Plains Underground Water Conservation District 1**, Board of Directors, will meet at 2930 Avenue Q, Lubbock, on July 8, 1980, at 10 a.m. Further information may be obtained from A. Wayne Wyatt, 2930 Avenue Q, Lubbock, Texas 79405, telephone (806) 762-0181.

**The West Central Texas Council Of Governments**, Manpower Advisory Committee, will meet at 1025 E. N. 10th Street, Abilene, on July 9, 1980, at 10:30 a.m. The Private Industry Council will meet at the same location on July 11, 1980, at 10:30 a.m. Further information may be obtained from Brad E. Helbert, P.O. Box 3195, Abilene, Texas 79604, telephone (915) 672-8544

Doc. No. 805124





## 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 23-27, 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 27, 1980

Southwestern Portland Cement Company, Amarillo; No. 1 rotary kiln—fuel conversion; 8432; modification

Ellison Furnace, San Antonio; aluminum melting furnace; Lonestar Scrapyard; 8433; new source

Chemicals Lime, Inc., Clifton; lime plant—addition of Kiln 3; 8434; new source

Amoco Production Company, Wink; inlet gas compressor; Monahans Gas Plant; 8435; new source

Issued in Austin, Texas, on June 30, 1980.

Doc. No. 805056      Ramon Dasch  
                                 Hearing Examiner  
                                 Texas Air Control Board

Filed: July 1, 1980, 1:56 p.m.

For further information, please call (512) 451-5711, ext. 401.

## State Banking Department

### Applications to Purchase Control of State Banks

Article 342-401a, Vernon's Texas Civil Statutes, requires any person who intends to buy control of a state bank to file an application with the banking commissioner for the commissioner's approval to purchase control of a particular bank. A hearing may be held if the application is denied by the commissioner.

On June 27, 1980, the banking commissioner received an application to acquire control of First Comanche Bank, Comanche, by Jim Cochran, Garry Davis, Hubert L. Dollins, Roy Hufstutler, Gyale C. Pirkle, Jerry A. Steward, Keith Woodley, and Sid Carney, Jr., all of Comanche; Sidney W. Sers, Brownwood; Robert G. Sparkman, May; and Clyde Williams, Granbury.

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

Issued in Austin, Texas, on June 27, 1980.

Doc. No. 805021      Robert E. Stewart  
                                 Banking Commissioner

Filed: June 30, 1980, 4:54 p.m.

For further information, please call (512) 475-4451.

## Texas Department of Community Affairs

### Public Notice

#### Amendment to Request for Proposal

In the June 10, 1980, issue of the *Texas Register* (5 TexReg 2331) the Texas Department of Community Affairs announced its request for proposal (RFP) to solicit deliverers to operate private sector initiative programs under Title VII of the Comprehensive Employment and Training Act. The notice stated that the RFP would close as of 5 p.m., July 11, 1980, except for those proposals received postmarked on or before July 8, 1980. The project formats included in this RFP were:

- (A) Minority Management Internship Program;
- (B) Model Employment and Training Program;
- (C) job fairs.

This amendment changes the closing date for receipt of proposals submitted only for the Minority Management Internship Program. The closing date for Minority Management Internship Program proposals is changed to 5 p.m., July 18, 1980, except for those proposals received postmarked on or before July 16, 1980. Proposals submitted on the Model Employment and Training Program and job fairs will remain 5 p.m., July 11, 1980, except for those received postmarked July 8, 1980.

For further information concerning this notice, please contact Pat Herron, Manpower Services Division, at (512) 475-6216.

Issued in Austin, Texas, on June 27, 1980.

Doc. No. 805070      Jeanne Marcus, Director  
                                 Legal Division  
                                 Texas Department of Community Affairs

Filed: July 2, 1980, 10:48 a.m.

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

## 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 26-30, 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.

Memorial City General Hospital, Houston (6/30/80)  
AH80-0627-014  
EC—To acquire one hemodialysis machine

Dallas County MH/MR Center—Extended Living  
Residence IV, Dallas (6/30/80)  
AA80-0627-023  
EC—To relocate an existing group home located in Dallas County to a location in South Garland in order to pursue ICF-MR-I certification

Dallas County MH/MR Center—Extended Living  
Residence III, Dallas (6/30/80)  
AA80-0627-025  
EC—To relocate an existing group home located in Dallas County to a location in South Garland in order to pursue ICF-MR-I certification

Dallas County MH/MR Center—Extended Living  
Residence II, Dallas (6/30/80)  
AA80-0627-027  
EC—To relocate an existing group home located in Dallas County to a location in South Dallas County in order to pursue ICF-MR-I certification

Dallas County MH/MR Center—Extended Living  
Residence I, Dallas (6/30/80)  
AA80-0627-029

EC—To relocate an existing group home located in Dallas County to a location in South Dallas County in order to pursue ICF-MR-I certification

Ranger General Hospital, Ranger (6/30/80)  
AH80-0618-014

DR—Request for declaratory ruling that no commission action is required prior to contracting with NuMed, Inc., for the provision of mobile nuclear medicine and ultrasound procedures

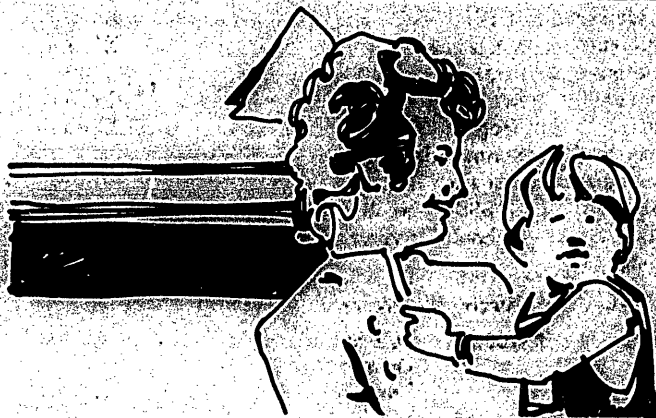
Barrio Comprehensive Family Health Care Center,  
San Antonio (6/30/80)  
AO80-0627-019

DR—Request for a declaratory ruling that no commission action is required prior to extending existing services of early periodic screening diagnostic treatment to recipients of Title XIX payments

Issued in Austin, Texas, on July 2, 1980.

Doc. No. 805072 O. A. Cassity III  
Director of Hearings  
Texas Health Facilities Commission

Filed: July 2, 1980 11:44 a.m.  
For further information, please call (512) 475-6940.



## Texas Housing Agency Consultant Contract Award

Pursuant to Texas Revised Civil Statutes Annotated, Article 6252-11c, Section 6(b), the Texas Housing Agency announces that First Southwest Company has been selected as the agency's financial advisor for the proposed sale of home mortgage revenue bonds. It is anticipated First Southwest Company will provide financial advisor services through the first issuance of the bonds. First Southwest Company is located at the Mercantile Bank Building in Dallas.

The total cost of the financial advisor services and the ending date of the contract are contingent upon the successful sale and delivery of the bonds. For the first \$150 million par value of bonds sold, the fee will be \$1.00 per \$1,000 par value of bonds sold, issued, and delivered.

First Southwest Company shall perform the following:

- (1) coordinate the overall financing program of the agency;
- (2) assess and advise as to current bond market conditions, forthcoming bond issues, and other general information and economic data;
- (3) prepare a plan for the issuance of the bonds;
- (4) assist in the preparation of required legal documents;
- (5) assist in the selection of a managing underwriter;
- (6) aid in the registration of a favorable interest rate on the bonds; and
- (7) direct and coordinate the authorization, sale, issuance, and delivery of the bonds.

There will be no reports required to be provided to the Texas Housing Agency by a specific date.

Issued in Austin, Texas, on July 2, 1980.

Doc. No. 805071      Sid Wieser, Chairman  
Board of Directors  
Texas Housing Agency

Filed: July 2, 1980, 10:47 a.m.

For further information, please call (512) 475-2431.

## Texas Department of Human Resources

### Public Meeting

The Department of Human Resources proposed amendments to its rule which adopts by reference the Title XX Comprehensive Annual Services Program Plan (CASPP) for the next service year in the June 13, 1980, issue of the *Texas Register* (5 TexReg 2349). A meeting to accept public comments and recommendations on the proposed CASPP has been requested for the Corpus Christi area. The meeting will be held July 18, 1980, from 10 a.m. until 3 p.m. at the Corpus Christi State School Pavilion, 902 Airport Road, Corpus Christi.

Issued in Austin, Texas, on July 2, 1980.

Doc. No. 805087      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Filed: July 2, 1980, 9:40 a.m.

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

### Public Hearing

A hearing to accept public comment on the Texas Department of Human Resources proposal to limit the number of contracted Title XIX ICF-MR beds will be held on Friday, July 11, 1980, at 1:30 p.m. in the DHR board room, 706 Banister Lane, Austin. The department proposed the policy in Rule 326.35.03.004, Conditions for Participation, in the June 6, 1980, issue of the *Texas Register* (5 TexReg 2221).

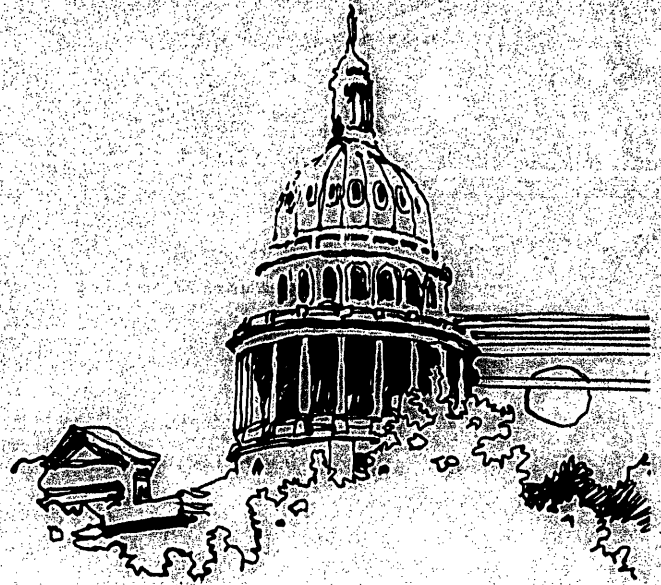
The hearing was requested under Section 5(c), Vernon's Annotated Civil Statutes, Article 6252-13a, by the chairperson of the Texas Planning Council for Developmental Disabilities.

Issued in Austin, Texas, on July 1, 1980.

Doc. No. 805038      Jerome Chapman  
Commissioner  
Texas Department of Human Resources

Filed: July 1, 1980, 2:55 p.m.

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





## 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 §81.85 (004.30.05.505)..... 2692

#### Part V. State Purchasing and General Services Commission

1 TAC §§111.31, 111.32, 111.37-111.40  
(028.11.03.030, .031, .036-.039) ..... 2721  
1 TAC §113.1 (028.12.01.050)..... 2722

### TITLE 4. AGRICULTURE

#### Part I. Texas Department of Agriculture

4 TAC §§19.3, 19.4 (176.80.10.003, .004)..... 2692

#### Part II. Texas Animal Health Commission

4 TAC §§35.2, 35.4, 35.5 (177.03.01.021,  
.023, .024) ..... 2687

### TITLE 7. BANKING AND SECURITIES

#### Part VI. Credit Union Department

7 TAC §91.85 (058.01.11.005)..... 2693

### TITLE 13. CULTURAL RESOURCES

#### Part I. Texas State Library and Archives Commission

13 TAC §1.21 (351.20.02.001)..... 2694

### TITLE 16. ECONOMIC REGULATION

#### Part IV. Texas Department of Labor and Standards

Noncodified (063.33.02.102-.107, .110-.114, .116,  
.117, .120, .121, .124)..... 2726  
Noncodified (063.33.03.101, .103-.108, .110-.112) .. 2728  
Noncodified (063.33.04.101-.106)..... 2729  
Noncodified (063.33.05.102, .104-.106, .108-.110,  
.113) ..... 2730  
Noncodified (063.33.06.103-.108)..... 2731  
Noncodified (063.33.07.101-.104) ..... 2731

#### Part VI. Texas Motor Vehicle Commission

Noncodified (067.02.00.010, .011) ..... 2719, 2732

### TITLE 19. EDUCATION

#### Part II. Texas Education Agency

Noncodified (226.32.33.020)..... 2688, 2698

### TITLE 22. EXAMINING BOARDS

#### Part XV. State Board of Pharmacy

22 TAC §283.3 (393.02.00.003) ..... 2695  
22 TAC §§299.1-299.9 (393.10.00.001-.009) ..... 2695

### Part XXII. Texas State Board of Public Accountancy

22 TAC §§509.1-509.5 (401.44.00.100, .200, .300,  
.400, .500) ..... 2688  
22 TAC §§511.1 (401.45.01.100) ..... 2688  
22 TAC §§511.21-511.27 (401.45.02.100, .200, .300,  
.400, .500, .600, .700) ..... 2688  
22 TAC §§511.51-511.53, 511.55-511.59  
(401.45.03.100, .200, .300, .500, .600,  
.700, .800, .900) ..... 2688  
22 TAC §§511.81-511.96 (401.45.04.100, .200, .201,  
.300, .400, .500, .600, .601, .602, .700,  
.701, .800, .801, .802, .803, .900) ..... 2688  
22 TAC §§511.121-511.123 (401.45.05.100,  
.200, .300) ..... 2688  
22 TAC §§511.141-511.143 (401.45.06.100,  
.200, .300) ..... 2688  
22 TAC §§511.161-511.164 (401.45.07.100,  
.200, .300, .400, .500, .600) ..... 2688  
22 TAC §§513.1-513.6 (401.46.01.100, .200,  
.300, .400, .500, .600) ..... 2688  
22 TAC §§513.21-513.27 (401.46.02.100, .200,  
.300, .301, .400, .500, .600) ..... 2688  
22 TAC §§513.41-513.45 (401.46.03.100, .200,  
.300, .400, .500) ..... 2688  
22 TAC §§513.61-513.64 (401.46.04.100, .200,  
.300, .400) ..... 2688  
22 TAC §§519.1-519.25 (401.50.00.101, .102, .103,  
.104, .105, .106, .107, .108, .109, .110,  
.111, .112, .113, .114, .115, .116, .117,  
.118, .119, .120, .121, .122, .123, .124,  
.125) ..... 2688

### TITLE 25. HEALTH SERVICES

#### Part IV. Anatomical Board of the State of Texas

Noncodified (311.01.00.001-.003)..... 2696  
Noncodified (311.04.00.002, .004) ..... 2696  
Noncodified (311.05.00.005) ..... 2697

#### Part VI. Statewide Health Coordinating Council

Noncodified (318.01.03.001-.010)..... 2732

### TITLE 28. INSURANCE

#### Part I. State Board of Insurance

Noncodified (059.05.55.001) ..... 2719

### TITLE 37. PUBLIC SAFETY AND CORRECTIONS

#### Part I. Texas Department of Public Safety

37 TAC §23.78 (201.12.06.008) ..... 2723

#### Part X. Texas Adult Probation Commission

37 TAC §321.1 (608.01.00.010) ..... 2692  
37 TAC §§321.1, 321.4, 321.6, 321.7,  
321.8 (608.01.00.010, .060, .070, .080) ..... 2723  
37 TAC §323.3 (608.02.00.030) ..... 2695

---

**TITLE 40. SOCIAL SERVICES AND ASSISTANCE**  
**Part I. Texas Department of Human Resources**

Noncodified (326.53.63.001, .002, .004, .005, .008-.023, .025-.032, .035, .043, .045-.050, .058-.066, .074) .....	2699
Noncodified (326.53.70.001-.012) .....	2699
Noncodified (326.53.99.202, .203, .800) .....	2699
Noncodified (326.60.31.001-.009) .....	2699
Noncodified (326.60.32.001-.020) .....	2704
Noncodified (326.60.33.001-.015) .....	2709
Noncodified (326.60.34.001-.011) .....	2715
Noncodified (326.74.41.002) .....	2724
Noncodified (326.74.42.010, .012) .....	2725
Noncodified (326.79.21.021) .....	2725

---

**Table of TAC Titles**

TITLE 1. ADMINISTRATION
TITLE 4. AGRICULTURE
TITLE 7. BANKING AND SECURITIES
TITLE 10. COMMUNITY DEVELOPMENT
TITLE 13. CULTURAL RESOURCES
TITLE 16. ECONOMIC REGULATION
TITLE 19. EDUCATION
TITLE 22. EXAMINING BOARDS
TITLE 25. HEALTH SERVICES
TITLE 28. INSURANCE
TITLE 31. NATURAL RESOURCES AND CONSERVATION
TITLE 34. PUBLIC FINANCE
TITLE 37. PUBLIC SAFETY AND CORRECTIONS
TITLE 40. SOCIAL SERVICES AND ASSISTANCE
TITLE 43. TRANSPORTATION

---